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**“The evaluation of the impact of the EU  
instruments affecting children’s rights with a view  
to assessing the level of protection and promotion of  
children’s rights in the EU”**

**FINAL REPORT**

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## LIST OF ACRONYMS

AIDS	Acquired immune deficiency syndrome
ANED	Academic Network for European Disability
CDB	City Development Board
CoE	Council of Europe
CSC	Children’s Services Committee
DCI	Development Cooperation Instrument
DG	Directorate General
EC	European Commission
ECJ	European Court of Justice
EIDHR	European Instrument for Democracy and Human Rights
EKCYP	European Knowledge Centre for Youth Policy
EU	European Union
EUCFR	European Charter of Fundamental Rights
EUYOUPART	Political Participation of Young People in Europe
FRA	European Union Agency for Fundamental Rights
HIV	Human immunodeficiency virus
iP	“Investing in People” Programme
ILO	International Labour Organisation
ISG	Technical Subgroup on indicators of the Social Protection Committee
LIVEAS	Basic Levels of Social Services
NGO	Non-Governmental Organisation
OECD	Organisation for Economic Co-operation and Development
OMC	Open Method of Co-ordination
SCR	The United Nations Security Council Resolution
Social OMC	A Single Integrated Open Method of Coordination for Social Protection and Social Inclusion (since 2006)
SPC	Social Protection Committee
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNHCR	The Office of the United Nations High Commissioner for Refugees, also known as The UN Refugee Agency
UNICEF	United Nations International Children's Emergency Fund (shortened United Nations Children’s Fund)
WHO	World Health Organisation

## EXECUTIVE SUMMARY

The period under evaluation extends until the year 2009 and does not take into account more recent developments in the area of the rights of the child in the EU. Occasional and preliminary references are still made to certain actions carried out in 2010.

Children's rights form part of the broader area of human rights that the EU and its Member States are bound to respect under European and international law. EU children's rights policy and the development of a single EU framework to promote children's rights are very recent, and have developed in three periods. First, children's rights formed part of a broader human rights framework. Children's rights have been increasingly addressed as a policy concern in itself since 2000. In 2006, the EU adopted a Communication, *Towards an EU Strategy on the Rights of the Child*, which marked a clear and concerted effort to deal with children's rights as a cross-cutting policy issue that should be incorporated into all related EU issues. In institutional terms, children's rights are included in the EU Charter of Fundamental Rights (2000) and there are legal provisions regarding children in the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community (2009). The Commission Communication *Towards an EU Strategy on the Rights of the Child* (2006) constituted an important step in the development of children's rights as a self-standing and coordinated policy area, established an institutional framework for the promotion and protection of children's rights and embraced the core principles of the *UN Convention on the Rights of the Child* (UNCRC).

The key objectives of the EU children's rights policy reflect the objectives of the UNCRC, namely to protect children's right to life, survival and development; non-discrimination; the best interests of the child and respect for the views of the child in all matters that affect them and in accordance with their capabilities. This report evaluates the key achievements of EU children's rights policy up to 2010 by focusing on four evaluation issues: the relevance of EU actions in child rights, the coherence of these actions, the effectiveness of EU interventions in relation to children and the added value of EU actions. In the process it also identifies areas where further action is needed and makes some policy recommendations that might be considered as a way of delivering more effective and coherent protection of children's rights.

EU institutions share some competencies with Member States and/or have policy coordination competencies in areas that affect children. Issues of competence inevitably shape EU action and determine the areas where the EU can adopt legislation. The EU has taken steps to develop structures in order to take effective and coordinated action in support of children's rights. Consultations have also increased between the Commission and stakeholders. The EU has taken targeted action on some key issues, including initiatives to protect the rights of unaccompanied asylum-seeking children, and in the policy areas of social inclusion and poverty. In addition, the EU has provided funding for programmes that seek to protect children and has initiated awareness raising actions, both within Europe and internationally. Steps have also been taken to develop EU-level indicators to enable better monitoring of the state of children's rights. Last but not least, the EU has supported Member States by highlighting challenges and supporting the exchange of good practices between Member States in their efforts to promote and protect children's rights.

Despite these achievements, key challenges remain. These include the need to develop a clearer and more coherent plan of action, with realistic, coordinated and deliverable goals and a clear timeline for implementation. In order to meet these challenges, the EU will need to define the exact roles of stakeholders, establish how the principles of children's rights can be translated into policies across a broad range of areas and set verifiable and measurable targets. Further capacity building initiatives and better monitoring and evaluation procedures would also contribute to better policy delivery. Last but not least, the EU should work to better understand the situation, role and diverse approaches within the Member States with regard to children's rights.

### *Context of Children's Rights Policy and Methodology of the Study*

Three main periods regarding the evolution of the EU's role and scope in children's rights can be distinguished. In the first phase (1990-2000), a significant number of EU actions concerning children were adopted. The EU Charter of Fundamental Rights (2000), which became legally binding for the EU institutions and for the Member States when they are implementing Union law in 2009, expressly upholds the principle of the child's best interests. The second phase (2000-2006) was marked by an intensification of both EU legally binding and non-binding actions with regard to children and children's rights, culminating in the 2006 Communication *Towards an EU Strategy on the Rights of the Child*. The third period (2006-2009) marked the beginning of an integrated policy approach. The Treaty of Lisbon, which entered into force in December 2009, includes for the first time at the Treaty level the protection of the rights of the child as one of EU internal and external policy objectives. However, the Lisbon Treaty provisions do not provide the EU with general competence on children's rights, nor does the Charter of Fundamental Rights extend the powers of the Union as defined in the Treaties. The Commission adopted a Communication on the *Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union* in October 2010 which sets out the Commission strategy for ensuring that the provisions in the Charter, including child rights, are effectively implemented at the EU and Member State levels.

The main objective of this report was the evaluation of the relevance, coherence, effectiveness and added value of the EU actions in the area of children's rights. Methodologically, this key objective was achieved by the use of a mixed methods approach that combined documentary analysis, expert interviews and case study analysis to determine the relevance, coherence, effectiveness and added value of EU actions in the area of children's rights. The period under evaluation extends until the year 2009 and does not take into account more recent developments in the area of the rights of the child in the EU. Occasional and preliminary references are still made to certain actions carried out in 2010.

### *Comparative Analysis of EU Member States' Child Rights Institutions and Policies*

The institutional and policy structures that are in place to protect children and advance children's rights vary significantly between Member States. Generally they take either a 'rights' based approach or a 'welfare' based approach. The 'rights' dominant policy approach views children's rights as a distinctive policy area. The 'welfare' dominant policy approach, in contrast, tends to subsume children's policies within family or welfare policy. Institutional frameworks for policy also vary



significantly between Member States. Some have a separate government department in charge of children's rights policy while responsibility for children's issues in other Member States lies within general welfare-oriented departments.

Additionally, the institutional architecture and policy relating to the promotion of children's rights is shaped by whether Member States are unitary or federal, although in practice, children's services are actually delivered locally in most of the Member States. In federal systems, welfare and education, and therefore children's rights policies almost by implication, tend to be designed and delivered between the federal authorities and the state level, although the degree to which policy making is decentralised varies between systems. Furthermore, some Member States have a Children's Ombudsman. The roles and responsibility of the Ombudsman's Office vary considerably. Some Member States have national action plans, whilst others do not. Delegation of responsibility is also not consistent in all Member States. National systems of data collection regarding children are not uniform across the EU. Moreover, what is perceived as good practice in relation to children's rights policy also varies across Member States. Some countries have institutionalised effective mechanisms of policy development, while others have been more successful with regard to delivery.

#### *Evaluation of the Relevance of EU Actions*

The EU has taken a number of important actions that address the core rights areas set out by the UNCRC; some also address issues that have been identified as priority areas by the UN Committee on the Rights of the Child in feedback to Member States. These include child-friendly justice, child poverty, social inclusion and protection from sexual exploitation. Areas where there were fewer EU actions include data protection, disability and family matters, although these areas are clearly of central relevance for upholding the rights of all children in Europe.

Evaluation of EU actions against the key children's rights principles - namely non-discrimination, participation, best-interests and right to life, survival and development - indicates that EU actions are extensive in trying to reduce harm and in trying to resolve some of the most urgent problems (such as for example violence, sexual exploitation) that children face. EU actions have been less relevant in supporting children's right to have their views heard and actively participate, or preventing the discrimination of specific groups of vulnerable children. The European Commission has recently intensified work in these areas. EU policies address the four main UNCRC principles, but are first and foremost concentrated on reducing harm and protecting children from various types of violence and deprivation, with less emphasis placed on the best interests of the child and the right of children to freely express views in all matters affecting them. While many of the actions related to children's rights taken by the EU are relevant to problems facing children, the lack of an overarching plan for mainstreaming children's rights has also meant that some areas of concern, such as improving participation of children, have received less attention before 2010.

#### *Evaluation of the Coherence of EU Actions*

Public policies are more effective when they are coherent in their policy objectives and work towards the same broader goals. EU actions taken with regard to children's rights in different EU policy areas are internally coherent in their approach to

observe the UNCRC. The EU policy objectives are therefore mostly coherent. Inconsistencies exist in terms of how children's rights or different groups of children are addressed in EU policy and there is some inconsistency in how some EU actions affect children.

Externally, EU actions are coherent with the policy objectives of the major international organisations in the area of children's rights with which the EU has the strongest connections, namely the Council of Europe and the United Nations (further – the UN). All three stakeholders are committed to the principles set out in the UNCRC and they share a commitment to mainstreaming children's rights in all policy areas and to coordinating activities to protect children from violence and abuse. EU policies are informed directly by the UNCRC and therefore align well with the UN and UNICEF. The EU has been less active than these organisations in supporting children's participation or empowerment through the provision of information.

### *Evaluation of the Effectiveness of EU Actions*

The effectiveness of EU actions on children's rights refers to the extent to which EU actions have achieved their immediate objectives. Particular attention is paid in this report to effectiveness of specific policy initiatives arising from the 2006 Communication *Towards an EU Strategy on the Rights of the Child*. It is also considered how far institutional changes have made policies more effective, contributed to the mainstreaming of children's rights, led to better policy coordination or increased awareness of children's rights. The EU role in coordinating Member State actions and in building knowledge and capacity to enable better promotion and protection of children's rights are also analysed.

Findings suggest that EU actions increasingly targeted children after the Communication *Towards an EU Strategy on the Rights of the Child*. However, some measures outlined in the Communication had not been achieved by the end of 2010. Improving the effectiveness of action, increasing children's participation and creating a web-based discussion and work platform is still needed.

EU has four main roles to play in protecting children's rights: mainstreaming; consultation and awareness raising; learning and capacity building and coordination. Mainstreaming of children's rights is one of the priorities set out in the Communication *Towards an EU Strategy on the Rights of the Child*. The Communication also created institutional mechanisms to support it including the European Forum on the Rights of the Child and the Inter-Service Group on the Rights of the Child. The inventory of EU actions shows a considerable increase in the number of actions that address children's issues indicating that more actors in different EU policy areas have come to recognise the needs of children. This proves that European Commission has been generally effective in mainstreaming of children's rights.

The consultation and awareness raising role of the EU acts as a catalyst for mainstreaming and coordination of children's rights policy and forms the basis for cooperation with relevant stakeholders. Consultations via the European Forum on the Rights of the Child allow for greater stakeholder involvement and greater awareness of relevant issues. They are an important step forward but further action is still

needed to broaden the issues discussed in the Forum and link it more closely with EU policy making. Follow-up actions would also make the Forum more effective.

The EU can be effective in enhancing capacity with regard to children's rights even in policy areas that are outside its competence. The European Forum on the Rights of the Child has been a reasonably effective instrument for policy learning among the participants. Training of EU external relations staff in children's rights has been delivered on a regular basis. The open method of co-ordination has provided fora for the exchange of good practices among Member States. In addition, policy learning has occurred informally and through ad hoc events organised or sponsored by the EU.

Thus far, monitoring of EU funding initiatives that are not framed as 'children's policy' is undertaken on a general basis and does not focus specifically on the inputs or effects of these programmes on children. This leads to some uncertainties as to the effectiveness of EU efforts or to them being in line with the best interests of the child.

The EU could also do more to identify good practices in Member State children's rights policies and could use existing policy co-ordination mechanisms at the EU level to facilitate the exchange of good practices between the Member States.

#### *Evaluation of the Added Value of EU Actions*

There has been little measurable impact as yet from EU actions to promote and protect children's rights taken after the *Communication Towards an EU Strategy on the Rights of the Child* in 2006. Since most EU actions support compliance with children's rights in the Member States, any impact will be felt principally at the Member State level. Furthermore, the time period is too brief for the impacts, direct or indirect, from current policies to materialise. This report therefore focuses on the added value of EU actions without analysing their impact on children's rights.

With increasing number of EU actions in the area of children's rights there is an increasing perception among stakeholders of EU added value. The latter would become clearer if all the EU institutions and Commission's services worked on the basis of a clear plan of action, which would set out in detail how the specific and distinct needs facing children (and different groups of children) are to be addressed by different actors. At present, many Commission's Directorates General address aspects of children's rights policy, but policy initiatives and implementation are not always joined up.

Equally, not all EU actions to support children's rights have had a visible effect on the general policy agenda within the EU or Member States. Some notable effects can be identified in terms of raising awareness, via the Open Method of Co-ordination (further - OMC) in EU social policy, for example. The participation in OMC has become a priority in many Member States and is now part of the agenda of Europe 2020.

The EU's initiatives around learning and capacity building have not yet produced a major shift in policy. Indicators and data collection are still lagging behind, but this is an area where the EU can add significant value. For EU actions to add value, the knowledge and data it produces must also be applied in practice, in analysis and

decision-making at the level of the EU and its Member States. As yet, only a few EU actions have trickled down to the Member State level and affected national policies. The comparative analysis of Member State policies on children's rights did not identify consistent areas where the EU has added value. Nevertheless, funding programmes, provision of guidelines, information, and fora for the exchange of good practices in children's rights policies are seen as areas where the EU could make a significant added value in protecting and promoting children's rights.

### *Conclusions*

Children's rights became a separate policy area within the EU only recently, in 2006. Since then, steps have been taken to improve capacity, target and support children's rights and increase stakeholder involvement. There have been important achievements, but challenges remain.

### *Main Achievements*

1. *Institutional Development:* The creation of dedicated structures such as the Coordinator for Children's Rights and the team for children's rights in the Commission has enabled a scrutiny of EU legislation from the perspective of children's rights. New institutional capacity has enabled the coordination of EU actions affecting children's rights on a much wider scale. More EU officials have become involved in developing EU children's rights actions and well-established policy coordination processes such as the OMC have played a crucial role in raising the profile of children's issues.
2. *Consultation:* Institutional development has also led to the acceleration of interaction between the Commission's services, other EU and Member State institutions and civil society organisations, most notably through the European Forum on the Rights of the Child.
3. *Targeting:* The EU has taken coherent action on key issues for children's rights in areas such as health, social inclusion, non-discrimination, criminal justice and the protection of some vulnerable groups of children. These issues are relevant to the needs of children and to key principles underlying children's rights.
4. *Programme Funding:* There are many EU programmes that provide specific funding for the protection and promotion of children's rights internally and externally, including DAPHNE III, Investing in People, the EIDHR and policy-specific funding streams such as PROGRESS (in social issues).
5. *Co-ordination:* non-binding initiatives such as the Social and Education OMCs have helped to coordinate children's rights actions between Member States, monitor progress towards agreed policy objectives and targets, the exchange of ideas and have facilitated policy learning.
6. *Capacity:* a comprehensive set of EU-level children's rights indicators is being developed to enable better monitoring of children's rights. There is training for EU external relations staff and new initiatives in this area are being developed in cooperation with UNICEF. New internal and external funding programmes have been launched that can be used to improve the capacity to protect and promote children's rights.

### *Challenges*

The main challenge still facing the EU is the need to develop a clearer plan of action, with coherent overarching goals, shared policy objectives and a realistic timeline for delivery of concrete measures that contribute to the achievement of those objectives. This requires:

1. *Institutional Development*: New institutional structures have been created to address children's rights issues, but their mandates need to be set out explicitly and the powers granted to them need to reflect the purpose they are expected to achieve.
2. *Consultation*: The role played by stakeholders in the EU policy process should be more clearly defined in terms of stakeholder involvement, consultation and goals. Children are not yet integrated in any comprehensive way into the consultation process.
3. *Translating Principles into Concrete action*: The EU has incorporated UNCRC principles into some EU actions. However, these principles were not translated into an action plan after the 2006 Communication *Towards an EU Strategy on the Rights of the Child*. Further guidance and targeting is required to translate principles such as the best interests of the child into specific concrete actions.
4. *Definition of Roles*: So far, the EU has undertaken important initiatives to promote children's rights, but less attention has been paid to identifying precisely where the EU can add most value. The fact that children's rights cut across all policy areas creates challenges for effective policy making. The roles played by different Commission's Directorates General in addressing children's rights have not always been clear, and there is room for improvement in terms of cooperation with Member States in the area. Better use of synergies between the EU and other international organisations working in the areas of the rights of the child, such as UNICEF and the Council of Europe should be promoted.
5. *Monitoring*: The EU is spending a considerable proportion of its budget internally and externally on policies and programme funding that affect the rights and well-being of children but it needs to improve the monitoring systems in order to have a better understanding of how these policies affect children's well-being and children's rights. Clarity is also required as to what 'success' in terms of children's rights means in different policy areas, and ways that achievement can be monitored. Some indicators have been developed but overall there is currently a lack of reliable and comparable data in many areas that relate to children's rights.
6. *Capacity*: Systematic training of staff of the EU Institutions responsible for EU internal policies affecting children's rights has not yet occurred, and the expertise of stakeholders has not been sufficiently integrated into EU activities.

### *Recommendations*

The EU has taken impressive steps towards promoting and protecting children's rights, especially since 2006. The following are recommendations for developing a more comprehensive, integrated and effective children's rights policy.

1. A *Comprehensive Action Plan* should be developed. This should state broad policy goals in mainstreaming, coordinating, raising awareness and improving capacity in children's rights, accompanied with priority areas for

EU action and clear methods for implementing these objectives and measuring their success in a timely manner. All intersecting EU policy areas should be clearly defined and guidance should be provided on how key principles of children's rights, such as best interests of the child, can be meaningfully incorporated into new EU actions and translated into concrete action within and across policy areas. The EU's action plan should be made clear to all policy makers, stakeholders and children themselves to allow them to know what the EU understands by the successful promotion of children's rights.

2. *Clear roles should be identified* for all stakeholders within the EU, Member States and regional and local governments, as well as non-governmental stakeholders and children themselves.
3. *Improving Evidence Base and Monitoring:* Reliable, comparable, and official data are of paramount importance for evidence-based policy. Gaps in knowledge about the situation and needs of the most vulnerable groups of children should be addressed as a matter of priority. Alongside this, clear, transparent and child-friendly indicators should be established to measure the success of policy, backed by comparable data collection and improved monitoring. Improving the existing monitoring systems of EU funding programmes affecting children's rights, establishing children's rights related policy targets and monitoring their achievement is vital. Experience of other organisations such as the OECD, UNICEF and the Council of Europe, as well as some Member States, academic institutions and independent networks of experts could be utilised by the EU in this regard.
4. *Stakeholder Involvement and Co-operation:* The Commission should develop more effective ways to involve NGOs, civil society and children in the EU policy process. Dialogue should also be strengthened with Member States, regional governments, international organisations, as well as between different Commission's Directorates General and EU institutions. The Commission should seek advice from stakeholders on how to improve consultation processes in the area, namely the Forum. As well, other DGs should be consulted with to improve relevance and interconnections of children's rights issues between policy areas, and connections should be deepened with the Committee of the Regions to raise awareness of EU actions at other levels of government.
5. *Building Capacity:* This requires regular training of staff of the EU Institutions and coordination. Promoting minimum standards of protection should be combined with non-binding policy coordination mechanisms and exchange of best practice to support Member States and stakeholders in developing strategies that go beyond minimum levels of rights protection. Capacity can also be increased by capitalising on the knowledge and expertise of other stakeholders (for example, through the web-based discussion and work platform proposal outlined in the Communication *Towards an EU Strategy on the Rights of the Child*).

## INTRODUCTION

This report was prepared by the Public Policy and Management Institute as part of implementing contract No JLS/2008/FRAC/PR/1006-30-CE-0306544/00-11 for the “Evaluation of the Impact of the EU Instruments Affecting Children's Rights with a View to Assessing the Level of Protection and Promotion of Children's Rights in the EU” commissioned by the Directorate General for Justice of the European Commission. The main *objective* of this assignment was to identify EU actions in the area of children’s rights and to assess whether the EU has taken effective account of children and children’s rights in developing internal and external actions that affect them. The findings of the report are drawn from an overview of the structures and policies in place that address children’s rights issues in the EU, including an overview of approaches in all Member States and a general inventory of EU actions addressing children and children’s rights in the EU, complemented by an analysis of selected EU actions. Three case studies of EU actions were examined in particular detail, and data for the case studies were collected in seven representative Member States.

The evaluation team faced several challenges in carrying out the assignment. The greatest difficulty was assessing the development of the entire policy area rather than the implementation of one specific intervention or programme. Children’s rights policy cuts across many other policy areas – children’s rights are being protected or promoted in the EU through cooperation in the areas of justice, social, health, education, to name just a few policy areas. This was compounded by a general lack of statistical and policy monitoring data in the area (at EU and Member State levels), which is characteristic of any new or emerging policy area. To address the challenges, the evaluation team adopted an exploratory approach that combined secondary research with primary data collection at EU and Member State levels. Despite these difficulties, this report provides a clear picture of the state of play with regard to children’s rights policies and institutions in the EU.

The period under evaluation extends until the year 2009 and does not take into account more recent developments in the area of the rights of the child in the EU. Occasional and preliminary references are still made to certain actions carried out in 2010.

## Context

### *The UNCRC*

Children's rights form part of the broader area of human rights that the EU and the Member States are bound to respect under European and international law. All human beings below the age of 18 years are regarded as children<sup>1</sup> according to the United Nations Convention on the Rights of the Child (further – the UNCRC), adopted in 1989, which brings together different sets of rights for children – social, economic, cultural and citizenship rights – and sets out the responsibilities of ratifying states to uphold and protect those rights. The UNCRC promotes an integrated and holistic approach, based on the core principles of non-discrimination, the best interests of the child, the right to life and survival and the right of children to have their views taken into account in all matters that affect them.<sup>2</sup>

### *Setting the stage: from the UNCRC to the Treaty of Lisbon*

States that ratify the UNCRC are expected to move towards compliance with its provisions by 'locking' rights into legislation, policies and practices. All current EU Member States had ratified the Convention by the beginning of 1995 and have reported to the UN on a regular basis. The EU is not a signatory to the UNCRC but has an important role to play in upholding children's rights internally and externally, within the limits set by the EU Treaties. There is international recognition that EU actions matter in this area and that the EU can play an important role in supporting Member States and third countries in implementing the UNCRC.

The Treaty of Lisbon (effective from 1 December 2009) includes the protection of the rights of the child as one of the EU's internal and external objectives.<sup>3</sup> With the entry into force of the Lisbon Treaty, the EU Charter of Fundamental Rights has become legally binding for the EU institutions and for the Member States when they are implementing Union law. The Commission adopted a Communication on the 'Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union' in October 2010 to ensure that the provisions in the Charter, including children's rights, are effectively implemented at the EU and Member State levels.

### *The main phases in the development of EU children's rights policy*

The report distinguishes *three main periods* with regard to children's rights in the EU: 1990 – 2000, 2000 – 2006 and 2006-2010. The scope and intensity of EU actions has increased over time as the promotion and protection of children's rights have come to be recognised as a distinct EU level policy area.

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<sup>1</sup> Unless under the law applicable to the child majority is not attained earlier.

<sup>2</sup> Developing indicators for the protection, respect and promotion of the rights of the child in the European Union. 2009. European Union Agency for Fundamental Rights (FRA)

<sup>3</sup> Article 3 of the Treaty of European Union states that the Union "shall combat [...] discrimination and shall promote [...] protection of the rights of the child", and specifies that "in its relations with the wider world, the Union shall [...] contribute to [...] the protection of human rights, in particular the rights of the child."



### *Phase 1 – 1990 - 2000*

Although EU actions affected children's rights in areas such as free movement of workers and their families<sup>4</sup> much earlier than the adoption of the UNCRC in 1989, they only gained significant momentum following UNCRC ratification by the first Member States in 1990. The demand for legislative and policy change after the UNCRC can be traced indirectly by the increase in actions taken by the EU that concern children. *Between 1990 and 2000* only 13 EU actions<sup>5</sup> concerning children were newly adopted or amended. Meanwhile, the *Charter of Fundamental Rights* (adopted in 2000, but legally binding only since December 2009) upheld children's rights to the protection and care necessary for their well-being along with the right to express their views freely and to have their views taken into consideration on matters that concern them in accordance with their age and maturity. In all actions relating to children, whether taken by public authorities or private institutions, the Charter of Fundamental Rights upheld the principle that the child's best interests should be the primary consideration. The Charter also set out the right of all children to a personal relationship and regular contact with both parents, unless contrary to their interests<sup>6</sup>.

### *Phase 2 – 2000 - 2006*

Ministers working on children's policy met for the first time on 20 November 2000 under the French Presidency. This was followed up by an inter-Ministerial meeting under the Belgian Presidency and an expert meeting under the Spanish Presidency<sup>7</sup>. Following the adoption of the Charter of Fundamental Rights, there was increased EU activity in the area of children's rights. *Between 2000 and 2006* the EU adopted or amended 89 policy actions concerning children, of which 22 directly addressed children and 67 considered children alongside other groups of people or dealt with fundamental rights important for children. Most of these actions were not legally binding<sup>8</sup>. Additionally, steps were taken during the *accession negotiations* with the 12 most recent EU Member States (1999-2007) to address the protection of children's rights. Furthermore, during this period the EU method of policy coordination via the Open Method of Coordination (further - OMC) began to consider social, education and youth policies. Rising migration at the same time led to the adoption of core directives in asylum and migration policies between 2003 and 2005, raising issues for children's rights<sup>9</sup>. Overall, it became clear that the increasing

<sup>4</sup> Based on review of EU legislation prior to 1989.

<sup>5</sup> EU action in the area of children's rights is defined as an initiative undertaken by the Commission, the Council, the Parliament or several EU institutions through legislative procedure that 1) clearly states EU policy objectives; 2) is explicitly intended to change the situation of children in the particular area, and; 3) proposes or adopts specific measures for change. As actions are assumed 1) legally binding documents; 2) Commission proposals (only if there is no legally binding act related to children's rights); Legislative resolutions of the European Parliament (only when introducing Parliament's opinion on actions that the Commission should undertake, but there is not yet any action undertaken in the area); 3) legally non-binding documents such as Communications, White papers etc.; 4) EU acts establishing financial mechanisms.

<sup>6</sup> 18.12.2000 EN Official Journal of the European Communities C 364/13

<sup>7</sup> "Invisible Children: Towards Integration of Children's Rights in EU and Member States' Development Co-Operation Policies", Van Reisen, (2002), Save the Children Europe Group.

<sup>8</sup> In 2006 there were 38 legally binding EU actions in force, 45 nonbinding actions and 6 financial mechanisms were applied from 1989 till 2006.

<sup>9</sup> Such as Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting or withdrawing refugee status, O. J. L 326 (2005) and Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, OJ L 304/12.

scope and intensity of EU activity affecting children required a common policy basis and better coordination within the European Commission. The Commission identified children's rights as one of its main priorities in its *Communication on Strategic Objectives 2005-2009*: “a particular priority must be effective protection of the rights of children, both against economic exploitation and all forms of abuse, with the Union acting as a beacon to the rest of the world”<sup>10</sup>.

### *Phase 3 – 2006 - 2009*

In 2006 the Commission adopted the *Communication Towards an EU Strategy on the Rights of the Child*, which marked the starting point for integrating all EU policy initiatives affecting children into an integrated, rights-based framework. The Commission identified “mainstreaming” children’s rights into all EU policy and “child-proofing” every EU policy action as goals and recognised that “it is vital that children’s rights be recognised as a self-standing set of concerns and not simply subsumed into wider efforts to mainstream human rights in general”, meaning that children’s rights must be regarded as a separate policy area. Seven policy objectives were established, all of which were to be accompanied by specific actions to be implemented by 2009-2010:

- Capitalising on existing activities while addressing urgent needs;
- Identifying priorities for future EU action;
- Mainstreaming children’s rights in EU actions;
- Establishing efficient coordination and consultation mechanisms;
- Enhancing capacity and expertise on children’s rights;
- Communicating more effectively on children’s rights;
- Promoting the rights of the child in external relations.

The *Communication* provided for the development of *new institutional structures and capacities* to coordinate EU actions in the area of children’s rights, which helped to turn them into distinctive horizontal policy themes at the EU level. An EC Children’s Rights Coordinator was appointed in 2007 and was given the task of developing and coordinating EC actions in the area of children’s rights. The coordination is based in the Fundamental Rights and Rights of the Child Unit of DG Justice. An Inter-Service Group was established, in recognition of the cross-cutting nature of children’s rights issues, with representatives from different Directorate-Generals of the European Commission. The European Forum on the Rights of the Child was launched in 2007 in order to facilitate dialogue on children’s rights with a broad range of stakeholders. Other objectives of the Forum were to foster the use of existing good practices, develop common actions in the EU and third countries for moving towards implementation of their commitments under the UNCRC and encourage the participation of children<sup>11</sup>.

In the aftermath of the *Communication*, EU activity in the area of children’s rights accelerated. By the end of 2009, the EU had adopted or amended 223 actions<sup>12</sup> that addressed children, including financial programmes. During this period the EU also

<sup>10</sup> Strategic objectives 2005-2009. Europe 2010: A Partnership for European Renewal, Prosperity, Solidarity and Security - COM(2005) 12, 26.1.2005.

<sup>11</sup> Declaration of European Forum on the Rights of the Child, Berlin, 4 June 2007, at: [http://ec.europa.eu/justice/policies/children/forum/doc/final\\_declaration\\_2007\\_en.pdf](http://ec.europa.eu/justice/policies/children/forum/doc/final_declaration_2007_en.pdf)

<sup>12</sup> See Annex for a full inventory of EU actions in the area. This number counts only those actions that were still in force at the time of writing.

developed specific programmes and strategies in a range of policy areas including internet safety, protection of children from violence, sexual exploitation and abuse, youth issues, safety of products used by children, migration, and health issues. In terms of addressing children's issues, the *Stockholm Programme*<sup>13</sup>, which is the multiannual programme for an area of freedom, security, and justice adopted by the European Council in 2009, paid particular attention to the need to develop EU-level policy responses for vulnerable children including victims of sexual exploitation, abuse and trafficking, unaccompanied minors in the context of immigration policy and victims of pornography and computer crime.

### *Children's rights protection in EU external policies*

Following the adoption of the Communication *Towards an EU Strategy on the Rights of the Child*, the EU intensified its efforts to advance children's rights internationally. A number of children's rights areas were already addressed within EU development cooperation policy, including education, health, employment, social inclusion, decent work and human trafficking<sup>14</sup>. In 2007 the *EU Guidelines for the Protection and Promotion of the Rights of the Child* were adopted. The Guidelines have broad objectives and recommend specific actions to strengthen children's rights in priority areas. Fighting against all forms of violence against children became the first priority area, running for two years, and an implementation strategy was drawn up and delivered via a series of programmes in pilot countries from across the world.

In 2008 the Communication *A Special Place for Children in the EU external action* was adopted. This recommended the development of a more coordinated approach to children's rights in EU external policies. Specifically it called for children's rights to be factored into trade negotiations and development, cooperation and humanitarian aid policies, as well as all EU political dialogue with other countries. Priority areas for action included child labour, education, health and basic services, children in armed conflicts and trafficking. This Communication was accompanied in 2008 by a Commission Staff Working Document, the *EU Action Plan on Children's Rights in External Action*. The Action Plan called for the EU to take a more pro-active role on behalf of children globally and set out the key principles underpinning the EU's approach, reflecting the 'holistic and coherent children's rights-based approach' codified in the UNCRC. It reflected concerns with child trafficking, child labour, trans-national adoption, violence against children (including sexual violence) and children affected by armed conflicts. Highlighting the particular vulnerability of children during crisis situations, *A Strategy on Children in Emergency and Crisis Situations* in 2008 put forward a general framework that addressed three major concerns: separated and unaccompanied children, child soldiers and education in emergencies. In 2008 the EU also updated its *Guidelines on Children in Armed Conflicts*, which outlined a comprehensive approach for tackling the effects of armed conflict on children.

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<sup>13</sup> 2010/C 115/01. European Council. The Stockholm Programme – an Open and Secure Europe Serving and Protecting Citizens.

<sup>14</sup> Brussels, 5.2.2008 COM(2008) 55 final Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. "A Special Place for Children in EU External Action".

## 2. METHODOLOGY FOR EVALUATION

This chapter presents the objectives and scope of the evaluation, the approach taken by the evaluation team and the methods used in data collection and analysis.

### 2.1. The objectives and scope of the evaluation

The main objective of this assignment was to identify EU actions in the area of children's rights and to assess the contribution of these actions to improving the situation of children's rights within the EU and externally. This was achieved through a series of *tasks*, which included an assessment of the relevance, coherence, effectiveness and added value of the EU actions in the area of children's rights as well as a comparative analysis of the child rights policies and institutional organisations of Member States.

The evaluation of *relevance* analysed the extent to which EU actions corresponded to the provisions outlined in the 2006 Communication *Towards an EU Strategy on the Rights of the Child*, based on the four core principles of the UNCRC. The analysis was based on the inventory of EU actions compiled by the evaluation team, complemented by qualitative interviews with Commission officials and European-level stakeholders, literature review and mixed method case studies.

The evaluation of *coherence* focused on the coherence of EU policy objectives in the area of children's rights both internally as well as on the coherence of EU policy objectives with those of other international organisations active in the area - mainly the United Nations and the Council of Europe. Analysis drew mainly on documentary analysis, interviews and case studies.

The evaluation of *effectiveness* focused on short term effects, namely whether the various EU initiatives accomplished their immediate objectives as they relate to children's rights, based on the inventory of EU actions, literature review and case studies.

The evaluation of *added value* was assessed in terms of whether broader EU policy goals in the area of children's rights were attained. Little direct impact could be expected from EU actions to promote and protect children's rights taken after the publication of the Communication *Towards an EU Strategy on the Rights of the Child* issued in 2006, both for reasons of time and limitations of EU competence. The report focused on the added value of EU actions and what they could contribute to the coordination and development of children's rights policies in Member States

The evaluation questions are summarised in the table below.

**Table 1: Evaluation questions**

Evaluation criteria	Main question
Relevance	Do EU actions address key priority areas in children’s rights, as identified through the UNCRC and the Concluding Observations of the UN Committee on the Rights of the Child?
	Do EU actions address key children’s rights principles as they are identified in the UNCRC and supported by the Communication <i>Towards an EU Strategy on the Rights of the Child</i> ?
Coherence	Are EU actions in the area of children’s rights coherent within or between EU policies?
	Is EU children’s rights policy coherent with the policy objectives of the Council of Europe and the United Nations?
Effectiveness	To what extent have specific measures outlined in the Communication <i>Towards an EU Strategy on the Rights of the Child</i> been undertaken?
	Has the achievement of expected outputs of EU actions in the area of children’s rights led also to achievement of their expected results?
EU Added Value	Is there evidence that EU actions are adding value by moving towards their long term objectives in regard to children’s rights, particularly in supporting the coordination and development of children’s rights policies of Member States?

## 2.2. The approach followed in the evaluation

Children’s rights policy is part of the EU’s broader fundamental rights and human rights policies. Children’s rights issues arise in a range of policy areas, which means that rights policies are almost inevitably cross-cutting and, as such, require horizontal coordination. Moreover, rights issues arise in areas such as education, health, asylum that are not specifically designed to protect children’s rights. Addressing children’s rights in a comprehensive manner requires concerted and coordinated action across different policy areas. Upholding children’s rights is not only a unique and autonomous policy area<sup>15</sup> but also demands a combined approach by policy makers across other policy areas such as health, education and trade. From the perspective of an evaluation, this means consideration of a range of policy areas in addition to the policies that directly and consciously address issues facing children.

Horizontal policies can be implemented in two ways: policy can target a specific group or it can address issues across the policy spectrum (mainstreaming)<sup>16</sup>. Mainstreaming includes the (re)organisation, improvement, development and evaluation of policy processes, so that the needs of the target group are consciously addressed across all policy areas and at all stages of the policy process.<sup>17</sup> This should

<sup>15</sup> Assessing Policy Coherence by Peter J. May, Joshua Sapotichne, and Samuel Workman Center for American Politics and Public Policy University of Washington August 2005 Prepared for delivery at the 2005 Annual Meeting of the American Political Science Association, Washington DC, September 1-4, 2005, American Political Science Association.

<sup>16</sup> Evaluation of implementation of horizontal priorities in using EU structural funds (in Lithuanian: “Horizontaliųjų prioritetų įgyvendinimo įsisavinant Europos Sąjungos struktūrinę paramą vertinimas”). Public Policy and Management Institute, 2008.

<sup>17</sup> Based of the notion of gender mainstreaming. Council of Europe: Gender mainstreaming. Conceptual framework, methodology and presentation of good practices, Directorate General of Human Rights. [http://www.coe.int/T/E/Human\\_Rights/Equality/PDF\\_EG-S-MS\\_98\\_2rev\\_E.pdf](http://www.coe.int/T/E/Human_Rights/Equality/PDF_EG-S-MS_98_2rev_E.pdf); The definition of children’s rights mainstreaming, as provided in the 2006 Communication “Towards EU Strategy on the Rights of the Child” is provided as follows: “to ensure that all internal and external EU policies respect children’s rights in accordance with the principles of EU law, and that they are fully compatible with the principles and provisions of the UNCRC and other international instruments.”

be underpinned by a conceptual framework that identifies the main risks and deficiencies experienced by the target group and a strategy or action plan that sets out verifiable goals that will enable the policy objectives to be achieved.

#### *EU Children's Rights Policy in Comparison to Other Horizontal Policy Areas*

Children's rights issues are intrinsically cross-cutting and require a horizontal approach. The preconditions for a horizontal policy include:

1. *A clear policy strategy, accompanied by an action plan*, setting out overarching goals, policy objectives and concrete measures to achieve those objectives.
2. *Cooperation with key stakeholders*: as horizontal policies involve multiple groups of stakeholders, regular, open and structured consultation and cooperation must be established that include all the relevant stakeholders. These consultation processes should allow for 1) communication between policy delivery bodies (ie. EC Directorates General); and 2) communication between the EU and relevant stakeholders. This communication should be a two-way flow, allowing for improved knowledge and expertise of all stakeholders, which in turn should improve policy.
3. *An established institutional structure*, with an executive body that has a mandate to coordinate policy. Institutional responsibility for delivery and implementation of policy should be clear. The task of coordination should be adequately resourced financially and should include the capacity to collect data and monitor actions in the area<sup>18</sup>.

The EU takes a horizontal policy approach to some issue areas such as youth policy and disability. Table 3 briefly compares these three policy areas for illustrative purposes. It suggests that EU children's rights policy already encompasses many of the preconditions necessary to consider it a horizontal policy area.

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<sup>18</sup> B. Guy Peters. Concepts and theories of horizontal policy management. X Congreso Internacional del CLAD sobre la Reforma del Estado y de la Administración Pública, Santiago, Chile, 18 - 21 Oct. 2005; Assessing Policy Coherence. Peter J. May, Joshua Sapotichne, and Samuel Workman Center for American Politics and Public Policy University of Washington August 2005 Prepared for delivery at the 2005 Annual Meeting of the American Political Science Association, Washington DC, September 1-4, 2005. Copyright by the American Political Science Association.; Geoff Mulgan. *The Art of Public Strategy*, 2009; Gorm Rye Olsen. Coherence, Consistency and Political Will in Foreign Policy: The European Union's Policy towards Africa. *Perspectives on European Politics and Society* Vol. 9, No. 2, 157–171, June 2008.

**Table 2: Comparison of preconditions for relevant horizontal EU policy in the areas of children’s rights, youth and disability**

Preconditions	Children’s rights policy	Youth policy	Disability policy
<b>Strategy and action plan</b>	<ul style="list-style-type: none"> <li>• Broad policy objectives stated in the Communication;</li> <li>• Thematic priority areas for EU action not identified;</li> <li>• No specific targets for mainstreaming children’s rights into other EU policy areas;</li> <li>• Some short term specific measures listed, but clearly insufficient to attain broad policy objectives, institutional responsibilities for implementation unclear</li> </ul>	<ul style="list-style-type: none"> <li>• Recognition and promotion of a cross-sectoral approach</li> <li>• Clear youth policy framework and objectives are stated in the Communication;</li> <li>• Thematic priority areas are clearly identified in Communication and in policy directions;</li> <li>• Long-term strategy and short-term objectives are listed.</li> <li>• A list of possible actions at the Member State and Commission level is provided<sup>19</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Broad policy objectives stated in the Communication</li> <li>• All areas intersected are clearly defined in the policy strategy and measures to be taken (as well as at national level) described.</li> <li>• EU Disability Action Plan defines mainstreaming as analysis of the relevant policy areas from a disability perspective.</li> </ul>
<b>Executive body</b>	The Coordinator on the Rights of the Child; Fundamental Rights and Rights of the Child Unit of DG Justice	Youth Policy Unit of DG Education and Culture	Rights of Persons with Disabilities Unit of DG Justice
<b>Policy coordination body</b>	Commission Inter-service Group on the Rights of the Child	European Steering Committee for the structured dialogue between youth and the EU institutions	Commission’s Inter-Service Disability Group; High Level Group of Member State Representatives on Disability.
<b>Institutionalised consultation with stakeholders</b>	European Forum on the Rights of the Child	Structured dialogue between youth and the EU institutions under Youth OMC; European Youth Forum.	European Disability Forum
<b>EU level monitoring indicators and data</b>	FRA study on children’s rights indicators, which are not agreed yet at the EU level; some relevant data collected by Eurostat; limited indicators on child poverty through Social OMC.	Agreed EU-level and national indicators under Youth OMC <sup>20</sup> drawing on data collected by Eurostat; EUYOUNG indicators on participation; Eurobarometer surveys <sup>21</sup> ; EKCYP database.	Indicators of Disability Equality in Europe collected by Eurostat to be agreed upon <sup>22</sup> ; Academic Network on Disability (ANED) data based on SPSI and Employment OMC reports; FRA study on disability; limited indicators on disability through Social OMC.

<sup>19</sup> Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of Regions (April 2009) “An EU Strategy for Youth – Investing and Empowering. A Renewed Open Method of Coordination to Address Youth Challenges and Opportunities”. COM (2009) 200.

<sup>20</sup> Council resolution (November 2009) on a Renewed Framework for European Cooperation in the youth field (2010-2018).

<sup>21</sup> DG Education and Culture Evidence-based Youth Policy. Available at: [http://ec.europa.eu/youth/youth-policies/doc1705\\_en.htm](http://ec.europa.eu/youth/youth-policies/doc1705_en.htm)

<sup>22</sup> Priestley, Marc and Lawson, Anna (2009). A Synthesis Report on Indicators of Disability Equality in Europe. ANED working group. Available at: <http://www.disability-europe.net/en/themes/UNconvention/data-sources-submit-examplesEN.jsp>

### 2.3. The intervention logic

The analysis provided in this report is based on the logic of EU intervention in the area of children's rights, set out in the diagram 1 below. It presents the expected relationships between EU policy objectives, inputs, expected outputs, results and impacts. Typically, these relationships are clearly spelled out in the policy documents. For a new or emerging policy (such as EU actions in the area of children's rights) the intervention logic is generally less clear as it often lacks baseline data and institutions have to go through a learning phase before a clear strategy and a comprehensive action plan is developed.

The overall objective of EU children's rights policy is to promote and protect children's rights in EU internal and external policy. This should lead to long term impact in terms of better coordinated and more vigorous children's rights policy responses such as education, health, asylum and many other policy areas in the EU, Member States and the wider world. EU level actions can only directly affect the situation of children to a limited extent and mostly focus on improving policy coordination at the EU level and supporting Member State institutions and policies in their pursuit of promoting and protecting children's rights. To achieve this, EU inputs need to be translated into concrete outputs, which have both immediate and longer term results on improving the situation of children.

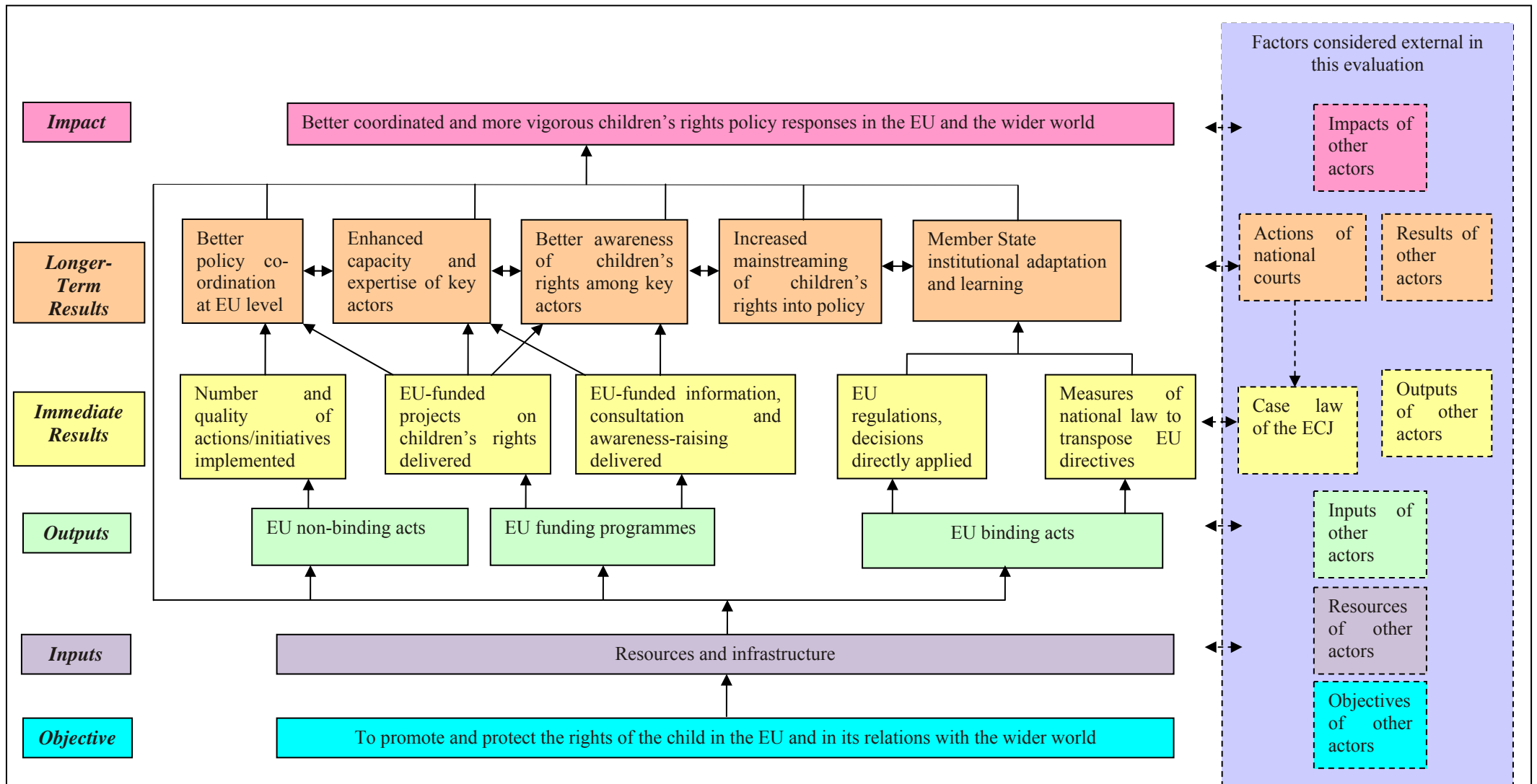
Resources and structural inputs should be translated into outputs in the form of binding acts, non-binding acts, or funding programmes. Binding acts can be taken in areas where the EU has competence, and require a mandatory response of Member States. Non-binding acts may help to coordinate or support in developing Member State actions, but are undertaken voluntarily by Member States. Funding programmes, a non-binding instrument, provide resources to related actions.

In the vast majority of EU policy areas relevant to children's rights, the EU has only complementary competence with Member States retaining all the final decision-making powers. In these policy areas, non-binding actions and funding programmes can still be adopted by the EU to help to improve children's rights. In order to be effective, all EU actions in the area should further develop policy in a way that acts to improve children's rights in the short term. This in turn can add value by increasing awareness of children's rights, improving the expertise of stakeholders within the EU and Member States, enhancing coordination of policies aimed at protecting children and mainstreaming children's rights in all policy areas.

The report tested the validity of this intervention logic in the analysis of the effectiveness and added value of EU actions in the area of children's rights in chapters 6 and 7 of this report.



**Diagram 1: EU intervention logic in the area of children's rights**



## 2.4. Research design and methods

This evaluation was designed as a four-stage process:

1. During the first stage three main tasks were accomplished:
  - Desk research to create an inventory of EU actions in the area of children’s rights since the adoption of the UNCRC.
  - A comparative analysis of children’s rights institutions and policy approaches in all 27 Member States.
  - Interviews with EC officials and stakeholders.
2. Secondly, the evaluation team conducted an overview of EU actions that made reference to children or addressed issues relevant to children based on a quantitative examination of the inventory of EU actions in the area and analysis of the UNCRC concluding observations to the Member States, complemented by interviews and literature review.
3. Thirdly, specific EU policy actions were analysed as case studies in order to gain a more in-depth understanding of how EU children’s rights policies work in specific interventions. The case studies were selected based on the inventory of EU actions, and background research on specific actions also extended beyond the three cases presented in the Annexes of this report.
4. Finally, all data was analysed using expert analysis to answer the evaluation questions in the final report. The table below summarises the main types of data used, and methods of data collection and analysis are detailed following the table.

**Table 3: Main sources of information**

EU Level	Member State-level
<ul style="list-style-type: none"> <li>● Available EU-level statistical data</li> <li>● EU documentation</li> <li>● EU-level stakeholder reports</li> <li>● Academic sources and expertise</li> <li>● Commission official interviews</li> <li>● EU level stakeholder interviews</li> </ul>	<ul style="list-style-type: none"> <li>● Available national-level and EU-level statistical data</li> <li>● Government documentation</li> <li>● Available national-level stakeholder reports</li> <li>● Academic sources and expertise</li> <li>● Interviews with government officials</li> <li>● National-level stakeholder interviews</li> </ul>

### *Analysis of Secondary Data and literature review*

Secondary data provided the basis for the evaluation of EU policy on children’s rights and the comparative analysis of children’s rights institutions and policies of Member States. It included various documentary and academic sources on all aspects of children’s rights in both the EU and Member States, starting with EU policy documents and legal acts provided in the inventory of EU actions and ending with NGO reports and academic studies on the subject of children’s rights.

### *Semi-structured interviews*

At the European level, 51 interviews were conducted. Interviewees were selected in order to represent the following types of stakeholders: representatives of the European Commission dealing with different policies relevant to the rights of the child; representatives of international organisations working in the field of children’s



rights; and non-governmental organisations engaging with EU institutions in the area of children's rights. At the Member State level more than 200 interviews were conducted with public officials, stakeholders, experts and academics. The list of interviewees is provided in the Annexes.

### *Inventory of EU Actions*

The inventory of EU actions in the area of children's rights was developed by the research team on the basis of a review of EU documentary sources and was used for a statistical analysis of EU actions in the area of children's rights. The inventory and a brief description of the methodology of identifying actions is provided in the Annex.

### *Comparative Analysis*

The comparative analysis of Member States was conducted based on reports prepared by experts in each country. The reports were developed according to the detailed guidelines prepared by the core team. Each report relied methodologically on a review of literature, interviews and the judgements of national expert in child policy or child rights. The comparative analysis set out the national contexts in which EU actions ultimately play out. The key areas for comparison included:

- Institutional framework for policy development;
- Mechanisms of policy delivery and monitoring;
- The role of civil society including children;
- Evidence of good practice.

### *Case studies*

The case studies were chosen to represent different types of EU actions in the area, and different clusters of rights of the United Nations Convention on the Rights of the Child (further – UNCRC):

- The 116000 Hotline for Missing Children.
- The EU Forum on the Rights of the Child.
- The Social Open Method of Coordination and Child Poverty.

The case studies and examples that address EU actions implemented in the Member States drew on data gathered in a sample of Member States. These states were selected to represent the diversity of the EU in terms of approaches to children's rights (rights versus welfare approaches), region, size, economic capacity and date of EU accession. Data were gathered in the following countries:

- Cyprus
- Estonia
- France
- Germany
- Netherlands
- Romania
- Sweden

Case study analysis was based on documentary analysis, interviews, a survey and secondary data, where available. More detailed methodology for specific case studies is provided in each case study report.

## *Survey*

Data were collected via a survey for the Forum case study. The survey targeted the participants of 4 Forums held before the start of evaluation, who were accessed via e-mail using an on-line survey tool.

### **3. COMPARATIVE ANALYSIS OF EU MEMBER STATES' CHILD RIGHTS' INSTITUTIONAL STRUCTURES AND POLICIES**

#### **Executive Summary**

The institutional and policy structures in place in the Member States follow either a 'rights' approach or a 'welfare' approach to children's rights. The 'rights' policy approach sees children's rights as a 'universal category' to be mainstreamed across all institutions of government, while the 'welfare' policy approach regards children's policies as almost entirely a matter of welfare. The institutional framework for policy development varies significantly, with some Member States having separate, core departments of government in charge of children's rights policy development (Belgium, Estonia, Greece, Hungary, Ireland, Italy, Latvia, the Netherlands, Romania, Slovakia, Spain, UK ), while others address children's rights through welfare-focused institutional structures at the central level (Austria, Cyprus, Denmark, Finland, France, Germany, Lithuania, Malta, Poland, Portugal, Slovenia, Sweden). The institutional architecture relating to the promotion of children's rights across the Member States is also fundamentally shaped by the unitary/federal distinction. The Ombudsman for Children Office (in place in 15 Member States<sup>23</sup>) constitutes one of the principal ways of raising awareness of children's rights at the national level, although its remit varies across countries.

Some Member States have incorporated children's rights into the Constitution and have also adopted primary legislation in this area. Others deal with children's policies via a range of broader legislation that are not exclusively aimed at children, such as family policy. The legislative provisions on children's rights are translated into practice through various policy mechanisms, with the introduction of national action plans or national strategies being the most common. National systems of data collection regarding children are not uniform across the EU: some government ministries or departments collect the data themselves and some assign statistical data collection to semi-autonomous statistical institutes. In some Member States there are no clear separations between the central institutions in charge of policy development and policy implementation. In others, central level institutions have policy making responsibility, with policy delivery occurring at regional and local levels. What is perceived as good practice in relation to children's rights policy varies across EU Member States.

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<sup>23</sup> The following Member States have an Ombudsman/Commissioner for Children: Austria, Belgium, Cyprus, Finland, France, Greece, Germany (at Land level) Ireland, Lithuania, Luxembourg, Malta, Poland, Spain, Sweden, UK.

### 3.1. Institutional framework for policy development

It is important to recognise at the outset that there is no single European model with regard to the protection of children's rights. In some Member States, established family or child welfare institutions and policies have accommodated rights-based approaches; in others, children's rights have shaped institutions and policies more directly. Whilst all EU Member States have, to some extent, recognised the need to develop policies in relation to the rights of the child, the institutional mechanisms for making and delivery policy vary greatly. One of the crucial distinctions is between those Member States that have created separate departments with clear responsibility for the development of children's rights and those which address children's rights as a horizontal issue through the policy sectors of various government departments, without viewing children's rights as a policy responsibility in its own right. In addition, some states have developed children's rights as a 'universal category' which needs to be integrated into all aspects of policy, whilst others tend to focus children's issues around aspects of welfare policy, be it child welfare, child and youth policy or family policy. Thus, certain EU governments deal with children's rights protection within broader social policy frameworks, of which family policy or child welfare are the most common.

*Variable institutional architecture: which departments of government are responsible for children?*

For most EU Member States, the introduction of various forms of welfare systems for children preceded the introduction of children's rights. As a result, there is a clear institutional bias towards understanding rights as part of the delivery of welfare and in many EU Member States children's rights are seen as an aspect of family/welfare policy rather than a policy domain on its own. The result is that children's rights issues are often implicitly subsumed into child welfare, which itself is often regarded as an aspect of family policy. Family policy is often broadly defined and can include areas such as infancy, reconciling family and professional life, help to parents, the introduction of safer internet practices and policies to deal with large families. As a result, across the EU, the institutional structures that uphold children's rights within government tend to be primarily welfare-focused. Certain rights – protection from poverty, access to education and employment and protection from violence, for example – remain institutionally better protected than, for example, the right to participation. This is the case whether Member States have established a completely separate government for children or not, although the balance between rights and welfare approaches varies between Member States.

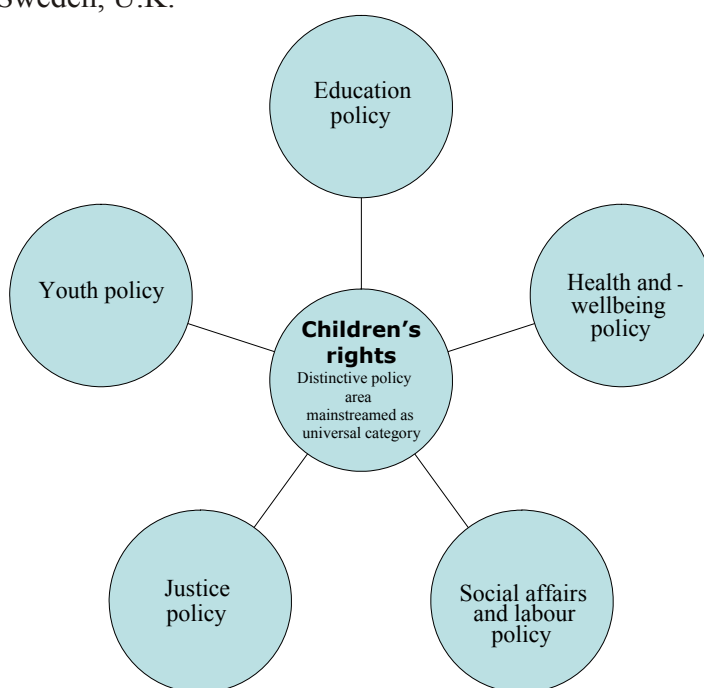
In some cases, there are core departments of government that take overarching responsibility for children, in many cases as an outcome of welfare practices established prior to ratification of the UNCRC. However, there is variation as to which government department this responsibility falls within. In some cases (e.g. Lithuania and Spain), children's rights lie within the departments of social security and labour. In others, responsibility for children's rights lies primarily with those departments concerned with children, education and families. In other countries, however, there is no clear 'lead' department responsible for these rights or coordination. Even in the cases where a 'lead' department has been created, other

government departments also have discrete competences relating to children (Ministries of Justice and Health, for example) which makes it difficult to determine the most appropriate single institutional point of contact for the protection and promotion of children's rights.

Within this variable institutional architecture, there remains an essential difference between those Member States that see children's rights as a 'universal category' to be mainstreamed across all institutions of government and those that regard children policies as almost entirely a matter of welfare. This difference is not necessarily portrayed by whether there is a single coordinating or responsible department or by the name of that department. This difference reflects the different legal traditions and the different models of welfare and education, as well as different family and religious traditions across the EU. In other words, those countries that see children's rights broadly and regard mainstreaming as important have not necessarily established separate government departments to deal exclusively with children and young people. Some countries, such as Sweden, Spain and Ireland, have opted instead to flag the importance of children's rights via National Action Plans. Others, such as Italy, have established inter-ministerial teams to coordinate policy, whilst some Member States regard the creation of an Ombudsman's Office with the specific remit of promoting children's rights as sufficient.

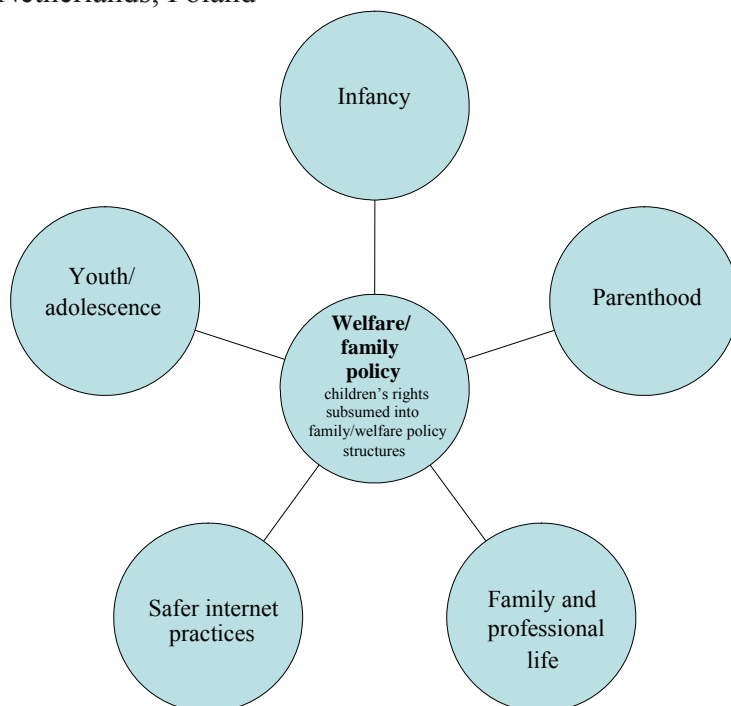
**Diagram 2: 'Rights' based approach.**

*Countries:* Austria, Bulgaria, Czech Republic, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Romania, Portugal, Slovenia, Slovakia, Spain, Sweden, U.K.



### Diagram 3: 'Welfare' based approach.

*Countries:* Belgium, Cyprus, Denmark, Estonia, France, Luxembourg, Malta, the Netherlands, Poland



The UK, Estonia, Slovakia, Romania and Hungary have opted to try to mainstream children's issues and to integrate services in relation to children within a specific department that has primary responsibility for key policies (though not all policies relating to children). In the UK, Sweden, Slovakia, the Netherlands and Romania, children are treated as a distinctive policy area with a specific government department focused on developing policy in relation to children. Only in some cases, however, has this led to the creation of government departments that are exclusively concerned with children and young people. In the UK, the Department for Education clearly has a broader remit than that of simply promoting children's rights. This is also true in the Netherlands, although in this case, children's rights are explicitly regarded as forming the building blocks of policy making. In all these examples, equivalent departments of government are concerned not only with developing policy in relation to children but also with mainstreaming children's rights into all aspects of policy.

In Sweden, children's rights are defined as a distinct policy area and the Swedish government is committed to mainstreaming children's rights in all its policies via soft modes of regulation. The Swedish Government has one of the clearest and most explicit policies on children's rights in the EU, aimed at implementing children's rights on the basis of the UNCRC. The objective of a children's rights policy is to ensure that children and young people are respected, that they have the chance to develop and enjoy security, and that they are able to participate and influence the things affecting them. To this end, children's rights policy aims to ensure that the perspective of children's rights is reflected in all policy areas and services affecting children. Nevertheless, Sweden has not created a separate government department for children. Instead, the responsibilities for designing children's policies rest within the Ministry of Health and Social Affairs.

Portugal, Malta, France, Poland and Finland have not yet established coordinated bodies with responsibility for mainstreaming children's rights. In Italy, policies for childhood and youth are divided between a number of government departments, although an inter-ministerial committee for human rights (not simply children's rights) assumes some responsibilities in this area. National action plans for children also lag behind. In Portugal a separate department for Social Welfare, Family and Children was briefly created in 2004 but it was re-incorporated into the Ministry for Labour in 2005. In Greece, there is no government department with ultimate responsibility for children. Ireland also lacks this institutional coordination, although the Office of the Minister for Children and Youth Affairs, which operates under the auspices of the Department of Health and Children, has a limited remit. However, in this case, there is a gradual shift towards deeper coordination. The National Children's Strategy 2000-2010 in Ireland is explicitly based on the UNCRC and its implementation is the responsibility of the Office of Children and Youth. In Malta, there is no single government department responsible for designing or delivering policies for children. Children's welfare in Malta (and by extension, children's rights) mainly falls within the remit of the Ministry of Education, Employment and the Family. But there is no coordination with the Ministries of Health, Justice and Home Affairs. In France, meanwhile, despite the prominence of children and young people as a political issue, children's welfare concerns form part of the Secretariat of State for Family and Solidarity within the Department of Employment, Solidarity and the Civil Service, but children's rights concerns are scattered across the Departments of Education, Family Health and Sport, Justice, Home and Overseas Territories and Foreign Affairs, and there are few mechanisms of institutional coordination between these various departments of government.

### *The Structure of Government*

*Unitary states (Bulgaria, Czech Republic, Cyprus, Hungary, Estonia, Greece, Ireland, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, and Sweden)*

In unitary states, central government departments take responsibility across the national territory for the promotion and protection of children. For example, in Lithuania, the Ministry of Social Security and Labour, which is responsible for managing the protection of children's rights, has formal responsibilities for shaping and implementing child protection policy, protection of children's rights and liaising with other state and local institutions to ensure the protection of children. However, the Ministry of Social Security and Labour, in practice, has to share competences and decision-making with other government departments. Education, health and criminal justice are within the competences of other departments, some of which have larger budgets and more authority, including the Ministries of the Interior, Justice and Health. Consequently, despite an apparently straightforward structure, the structure of policy making is in fact complex.

A similar situation prevails in Romania, where the key institution in charge of policy development at the national level, the National Authority for the Protection of the Family and the Rights of the Child, forms part of the Ministry of Labour, Social Solidarity and Family. Its main role is to ensure that children's rights are respected at both the central and local levels. At the governmental level, the National Authority



for the Protection of Family and Rights of the Child has the role of ensuring that all policies drafted by the government respect children's rights, while locally, it directly coordinates the General Directorates of Social Assistance and Child Protection. This gives rise to a tiered institutional structure.

The problems of coordination and competition for budgets and resources between the various ministries of government can complicate the institutional structure, blur the lines of responsibility and affect responsibilities for rights protection and rights delivery and, therefore, the extent of protection afforded to children. For example, in Poland the various ministries with competences in children's policies include the Ministry of National Education, which has responsibility for overseeing reports to the UN Committee on the Rights of the Child but not for overall policy coordination in matters concerning children. In the past the Ministry for Education in Poland was also responsible for fostering and institutional care. Other government departments with an important institutional interest in children include, among others, the Ministry of Labour and Social Policy; which is responsible for family policy, foster care, adoption and domestic violence and the Ministry of Justice, which exercises competence in the area of criminal and civil law concerning children's rights.

Unitary architecture does not mean that there is no institutional decentralisation. In fact, children's services are delivered locally in the UK, complicating the structure of children's rights protection but, potentially, delivering children's services that are more in tune with local needs. The Children Act in 2004 specifically acknowledged the leadership role of local governments in a range of areas, including establishing partnerships and safeguarding boards to protect vulnerable and at-risk children. Bulgaria has more recently (since 2003) explicitly embraced decentralisation of services for children, especially in the field of child protection. This makes for yet another variation in the institutional architecture of Member States' children's rights policies (see annex).

*Federal states (Austria, Belgium, Germany)/states with strong regional governments (Italy, Spain, UK)*

In federal systems, welfare and education, and therefore children's rights policies almost by implication, tend to be designed and delivered between the federal authorities and the state level, although the degree to which policy making is decentralised varies between systems. In Belgium where the trend towards devolving power to the regions is greatest, competence for children's rights is, in effect, divided between 58 ministries and secretaries of state. Furthermore, each of the 3 regions has adopted a different institutional structure to oversee children's rights policies. Moreover, the Flemish Community opted to coordinate policies across departments via the creation of a Minister for Youth in 2001, whilst the French Community leaves policy coordination in the hands of the Minister-President.

In Austria the development of policies for children falls under the jurisdictions of either the federal government or the federal states (Länder). In order to take into account the interests of each of the federal, regional and local authorities, in the enactment of legislation, draft bills are first disseminated and debated and institutional mechanisms have been developed for the exchange of information between the tiers of government, including institutionalised conferences between the heads of the regional social divisions, the conference of the heads of the regional youth divisions, and the conference of the heads of the regional family divisions. In

Germany, these mechanisms extend to the incorporation of local governments within the Länder, as well as the state and federal levels. Nevertheless, at the Land level, the division of responsibilities between the different departments remains problematic, although there are a range of conferences and boards that try to coordinate policies for children and young people. At the federal level, meanwhile, the Ministry for Family, Senior Citizens, Women and Youth has only a small secretariat for children, whilst other government departments, such as the Ministry of Labour and Social Affairs and the Ministry of Justice, which is responsible for child protection, play a significant role.

In addition to formal federal systems, several Member States in the EU have strong traditions of regional government. These include Italy and Spain. The Italian state is based on the division of powers between the national and regional levels. The regional governments taking exclusive responsibility for social policy, although the central state takes responsibility for identifying the Basic Levels of Social Services (LIVEAS) which should then, ideally, be respected and delivered across the country. Local authorities (regions, provinces, municipalities) are expected to organise and manage services for children. In collaboration with the Health Service, they implement an integrated system of social services, which focuses on providing support for children and their families. However, they do so differently and with different levels of expenditure and priorities according to region.

Spain also has a highly regionalised system of government, with some regions (Catalunya and Madrid) clearly having higher levels of spending per capita on social services, education and child protection than other regions. So, although formally children's rights in Spain are dealt within a national common policy framework, the institutional structures vary considerably within the regions. Education and social welfare are largely the responsibility of the Autonomous Communities, which also have separate budgets for young people and young offenders.

### *Ombudsman's Office*

The creation of an independent Ombudsman's for Children funded by the state, (currently in place in 15 Member States),<sup>24</sup> has been identified as one of the principal ways for raising awareness of children's rights, and children's rights violations, in all countries that have ratified the UNCRC.

Although most Member States have created Ombudsman's Offices, the role played by Children's Rights Commissioners or Ombudsmen for Children varies considerably between countries, both in terms of remits and competences and more significantly, in terms of their actual impact on the level of protection of children's rights in practice. Some federal states, such as Germany, do not have a Commissioner for Children at the federal level, only at the level of the region or Land. In others, such as Slovenia, Slovakia or Hungary, the protection of children's rights falls within the remit of the general Ombudsman for Human Rights and thus these countries have not established a separate Ombudsman to deal with children's issues.

The responsibilities of the Ombudsman vary among the EU Member States. In most cases its remit is primarily an advisory and monitoring role. The role of the Ombudsman is connected both to the respect of the UNCRC (in the majority of

<sup>24</sup> Austria, Belgium, Cyprus, Finland, France, Greece, Germany (at Land level) Ireland, Lithuania, Luxembourg, Malta, Poland, Spain, Sweden, UK.

Member States) and the observance and monitoring of national legislation and policies on children's rights (e.g. in Greece, Ireland, Malta and Sweden). Sometimes, but not always, the Ombudsman enjoys the right to hear individual complaints (e.g. Belgium, Cyprus, France, Greece, Ireland, Luxembourg, Malta, Poland, Spain). Additionally, s/he can pursue claims on behalf of children generally and may supervise and monitor the implementation of the UNCRC through, for example, follow-up reports and proposals of reforms to the government. The Office can also be crucial in terms of public awareness campaigns.

Member States where the Ombudsman plays a strong role include Malta, Belgium, Germany (at the Land level), Sweden and Scotland. In Sweden the Office of the Ombudsman was created as early as 1993 and was strengthened in 2002. In addition to compiling an annual report on progress towards compliance with children's rights, the Swedish Ombudsman also plays a role in the development of National Action Plans. In addition to requesting information from government, the Ombudsman can ask the government directly to discuss issues relating to children's rights and welfare. In 2006, a second Ombudsman's Office was opened to deal specifically with education issues and investigate reports of harassment. An unusual function of this Ombudsman is that s/he can prosecute individual cases or sue municipalities on behalf of children if schools have failed to take action to defend children's rights. This Ombudsman also counsels schools directly on how to avoid bullying, discrimination and harassment.

The role of the French Ombudsman for Children (*Défenseur des enfants*) is to defend and promote children's rights, as defined by national law and international commitments. It is an independent institution and is appointed by the President of the Republic for a non-renewable term of six years. The Ombudsman for Children can receive individual complaints from children, their parents or guardians, members of their family, medical and social services, Members of Parliament and State-approved defence associations of children's rights. The Ombudsman can also make suggestions regarding the modification of a law or practice and offer his/her opinion on bills related to children. S/he publishes an annual report and can publish thematic reports.

In Austria there are Ombudsmen for Children both at the federal level and at each of the 9 *Länder* (since 1995). They carry out individual case work, counselling, mediation, intervention, promoting children's rights projects (e.g. sexual abuse/domestic violence), awareness raising, information activities and networking. They are formally responsible for implementing children's rights in society. The Committee of the Ombudsperson – a standing body of federal and all federal states (*Länder*) ombudspersons – meets twice a year to try and coordinate actions nationally and to work together to comment on legislative proposals that might affect the rights of children.

In some EU Member States, although an Ombudsman exists, their role is much more circumscribed. This would be the case in Lithuania, for example, where any recommendations made by the Ombudsman are not authoritative and do not tend to trigger government action. Also indicative of the way in which the Ombudsman's role is downgraded in practice is the fact that his/her formal responsibilities tend to overlap with those of other institutions.



## *Member States with no Ombudsman for Children<sup>25</sup>*

Some countries do not have an Ombudsman for Children, including the Netherlands. In the Dutch case, the Minister for Youth and families favours the creation of an Ombudsman's office and a bill has been promised, but there is no timetable yet. Equally, there is no Ombudsman's Office in Romania or Bulgaria. In countries such as Italy or Slovakia, there is no specific Ombudsman for children although the Ombudsman for Human Rights also covers children's rights issues.

### *Key Legislation and Policy Mechanisms*

Member States have incorporated the principles of children's rights and codified their obligations to protect children into legislation in different ways. In some cases, children's rights have been directly incorporated into the Constitution. Additionally, in some Member States, a discrete body of unifying or primary legislation has emerged, which has in some cases generated secondary legislation around how the primary legislation should be delivered. Others deal with children's policies via a range of broader legislation that affect children but that are not exclusively aimed at children (family policy, efforts to reduce domestic violence etc). The legislative provisions on children's rights are translated into practice through various policy mechanisms, with the introduction of national action plans or national strategies being the most common.

### *Children's rights in the Constitution*

Some EU Member States have provisions on children's rights in their national Basic Law or in the constitution (in Austria and Germany, children's rights have been incorporated into the constitutions of some Länder). In some Member States the constitutional rights of children have not translated into policies or practices. For example, Poland has provisions on the protection of children's rights in their Constitution via Article 72 that proclaims that 'The Republic of Poland shall ensure the protection of the rights of the child. Everyone shall have the right to demand of institutions of public authority that they defend children against violence, cruelty, exploitation and actions which undermine their moral sense'. Article 69 of the Portuguese Constitution states the right of children 'to protection by society and the State in order to fulfil their integral development'.

### *Legislation*

Many Member States now have *primary* legislation that focuses explicitly on the promotion and protection of children's rights. Countries such as Bulgaria, Czech Republic, Finland, France, Germany (at federal level), Hungary, Ireland, Italy, Latvia, Slovakia, and Spain mainly use primary pieces of legislation focusing specifically on child rights and their legal protection. Some examples of these primary legislations are the following: the Child Protection Act (Bulgaria); the Act on Social and Legal protection of Children (Czech Republic); Law on the Protection of Children (France); Children Act (Hungary); Law on the Protection of Children's Rights (Latvia); or the Law on the Legal Protection of Children (Spain) to name just a few. Most of these primary pieces of legislation are based on the UNCRC provisions and they cover a wide range of social, political, economic and civic rights.

<sup>25</sup> The following EU Member States (11) do not have an Ombudsman for Children: Bulgaria, Czech Republic, Denmark, Estonia, Hungary, Italy, Latvia, the Netherlands, Portugal, Romania, Slovakia, Slovenia.

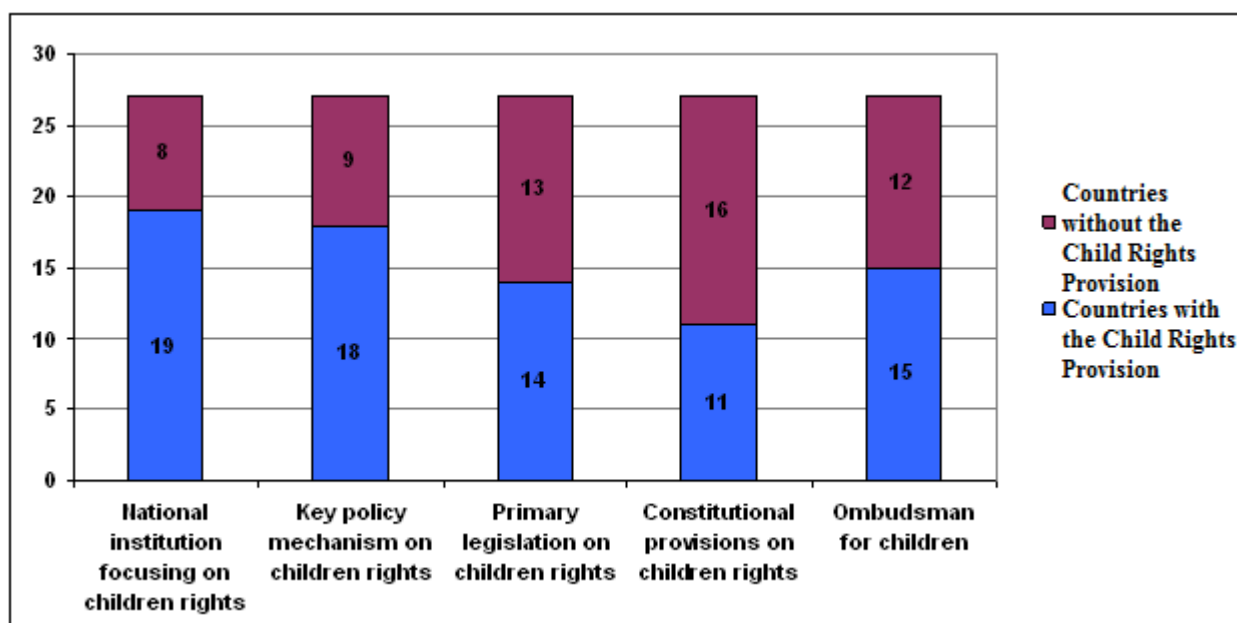
Other EU Member States instead have subsidiary legislation relevant for child rights and they address child rights within broader legislation concerning family law, education, health and other related policy areas. In brief, children's rights are addressed indirectly, via legislation or legal instruments that affect different aspects of children's rights policy as part of a wider rights discourse. Pieces of national legislation such as the Act on Social Services (Denmark); Law against Child Abuse and Child Violence (Belgium); the Family Law Act and the Social Welfare Act (Estonia); Law on Child and Family Support (Luxembourg); Code on Family Law and Guardianship (Poland); Protection Law of Children and Youngsters in Danger (Portugal); Family Code (Slovenia) or Children and Parents Code (Sweden) provide examples of subsidiary legislation indirectly addressing issues pertaining to children. Finally, some EU Member States combine primary and subsidiary legislation addressing child rights matters. The national legislation of countries such as Estonia, Germany, Lithuania, Romania or the UK utilise both primary and subsidiary legislation pertaining to child rights.

### *Policy Mechanisms*

In the face of fragmentation, one common way through which governments try to bring policy together is via the adoption of national strategies or national action plans. National action plans or strategies focus on children's rights as a self-standing policy area and they generally cover a period of between 2 to 10 years. They set out policy objectives, and operational plans and measures to be implemented in practice by different governmental agencies or ministries. These national strategies usually take the UNCRC provisions as a reference point and try to indicate how some of the principles underpinning UNCRC are to be translated into policy. These national action plans or strategies also set out useful indicators that are meant to benchmark progress at different stages of the plan. They thus become useful monitoring tools – but only with regard to the targets that governments set for themselves.



**Diagram 4: Number of EU countries that possess the following children’s rights provisions**



*National Systems of Data Collection on Children*

National systems of data collection regarding children are not uniform across the EU; moreover, Member States tend not to collate the data on children in one single budget line. Accessing genuine total figures for spending on children is almost impossible. This is partly due to the complex architecture of policy-making, where a range of departments share competences and policy is carried out by different tiers of government. Data on the various aspects pertaining to children’s rights is collected by various departments and national statistics institutes. Some government ministries or departments collect the data themselves or they outsource statistical data collection to semi-autonomous statistical institutes. They then use this data as a basis in compiling their own annual or biennial reports.

*Priority Areas and Groups*

EU Member States sometimes identify certain groups of children as being in need of special levels of protection. There are some common priority areas among EU Member States, such as child poverty, violence against children, education, social exclusion or the rights of unaccompanied children of migrant workers. However, some countries have distinctive priority areas of children’s rights, such as the protection of Roma children or children belonging to ethnic minorities, children with disabilities or children in institutional care.

**3.2. Mechanisms of policy delivery and monitoring**

The nature of policy delivery and monitoring is influenced both by the way in which issues relating to children are conceived and the institutional frameworks of Member States. In some Member States there are no clear separations between the central institutions in charge of policy development and those that are responsible for policy

implementation. In others, central level institutions have policy making responsibility, with policy delivery occurring at regional and local level. In federal systems both policy making and policy delivery may be devolved.

In the case of the UK (England), the Department for Education is responsible for the making of policy but delivery is generally via a range of local bodies including local government and local education authorities. Policy monitoring occurs through a variety of different regulatory bodies, some national and some local. In other countries, such as Estonia, the delivery of policies is decentralised and there are no single implementing bodies.

The delivery of policy occurs largely within a regional and local context, within a framework set by national or regional level government. Despite the significant constitutional differences between federal and unitary systems, there are actually often only small variations in the delivery process. In nearly all systems – whether federal or unitary – the delivery of policy occurs primarily at the local level. For instance in Ireland, a unitary state, the implementation of policies relevant to children falls within the remit of local authorities. The key policies delivered locally include the provision of appropriate childcare facilities in social housing developments under the Childcare Investment Programme and delivery of the Social and Community Facilities Grant Scheme, which funds youth and recreation facilities in disadvantaged areas. Each local authority in Ireland has a County or City Development Board (CDB) which coordinates delivery of public services for children and families at local level. Each authority also has a County or City Children's Committee. Furthermore multi-agency Children's Services Committees (CSCs) have been established in four areas with a view to progressing the implementation of strategic plans and policy documents already devised in relation to children's services in Ireland. The Irish case is a good example of how the bulk of policies and services on children's rights are delivered locally, by local bodies and structures.

In short, across most of the EU, services for children are fragmented. Even in Member States where there is a single organisation responsible for policy making, there can be considerable fragmentation in policy delivery. It has been relatively easy for most Member States to conceptualise a unified set of policies for children and even to legislate to promote and protect their rights; but meeting the goals set out by the policies is complicated by the fact that delivery of services occurs through a complex myriad of organisations. For example, in Italy the childhood protection system spreads across central and local administrative bodies, judicial authorities, social and health services, public bodies and third sector organisations. Consequently, the needs of vulnerable children and the multidimensional nature of their problems means that support services are delivered by a range of overlapping (and sometimes duplicating) bodies. For example, in Italy the children of drug addicts will be subject to a child protection service that includes the social service, health service, and a cooperative for the employment of social disadvantaged groups and an association for support of mutual aid. In effect, this scenario is witnessed, in a number of countries albeit inconsistently, with integration of policy making functions within a single department or set of institutions at the national state level (or sometimes the federal level) but fragmentation of services at the delivery level.

National states are rarely directly responsible for the delivery of services and in most political systems delivery occurs at the point of need. What varies is the extent of



discretion at local level, which can be high in the federal systems of Germany, Spain and Belgium and low in the unitary systems such as France and the UK.

Increasingly, states have reformed the delivery of public services and, in the process, have opted to focus on developing alternative mechanisms for delivery. They have therefore increased the range and number of service providers (to include the private and the third sector). There is a growing view across a number of countries that services are best delivered through partnerships of public, private and third sector organisations (this is the case for example in Italy, Germany, UK and Sweden).

In addition, some Member States have shifted from a conception of universal welfare provision based on collective identities to rights based provision based on the individual. This has led to the view that services of all kinds, including those for children, should be personalised. As a result a complex repertoire of services delivery has been established that is particularly intensive in the provision of services in cases of severe problems. Children who face domestic violence, for example, often also have poor housing, education and health and, as a consequence, dealing with these problems involves a range of service providers. Clearly, the provision of services in these cases is resource-intensive and one consequence of this is that priority cases or areas can consume most attention whilst other cases or areas that are seen as more marginal may not receive sufficient attention. The increasing cost of multi-agency interventions or support mechanisms and the identification of priority groups can thus become a double-edged sword which leaves the rights of children who fall outside this remit with less effective protection. In the effort to mainstream rights, central state institutions have also brought government departments and institutions into the governance frame. The inevitable consequence is that more departments and agencies are involved in delivering services for children. In other words, the process of trying to unify policy making has further fragmented policy delivery.

The task is to coordinate delivery of children's rights in a fragmented delivery system. In Germany the process of delivery is highly complex, not only due to the federal system but also because services for children are delivered by a range of private, public and third sector bodies (this is also the case in a number of other countries such as England and Sweden). Nevertheless, in an example of good practice, Germany has taken important steps to resolving the issue of fragmentation through the establishment of Youth Welfare Offices in every Land and Community. The Youth Welfare Offices work on a partnership basis with representatives from the Community/Land, private organisations and those involved in the delivery of services. As a consequence, at the level of delivery there is a mechanism for ensuring local services are tied together (a system with similar ideas has been piloted in parts of England through the concept of Total Place, where the delivery of services is organised according to the outcome required and not the functional divisions of service delivery).

Nevertheless, there are some important differences with regard to policy mechanisms between federal and unitary Member States that result not from the complex variety of relationships involved in delivery but from fact that the federal authorities provide an additional frame for policy.<sup>26</sup> In other words, in federal systems multi-level governance means that policy can be made at national and regional level, and local deliverers have to respond to both frames. So, in the case of Italy, there is a vertical

<sup>26</sup> Please see Table 14 in Annex 4 for more information for a detailed analysis of levels, institutions and monitoring mechanisms used in each Member State.



division of responsibilities between the central, regional and local levels in terms of social service and policy provision: the central state has the task of supervision and coordination of regional priorities. Italian regions have the power to legislate and provide funds to local authorities for operational assistance with the service and policy delivery. The regions also contribute to the integrated planning of interventions and social services through the collection of data and they can provide, at the request of the municipalities and local authorities concerned, the necessary support for coordination of the formulation and implementation of social plans for the area.

The issue is made even more complex because issues of child protection and the defence of children's rights are often part of the judicial process and criminal justice systems. In many countries – and indeed before the development of children's rights in most countries – the protection of children was not seen as an issue of 'dealing with problems' or ensuring the delivery of positive children's rights but offering them legal protection. Hence child abuse or exploitation is an issue requiring legal protection and is governed by a range of laws that apply to crime in general such as violence, murder etc (although a rights-focus would add a range of other measures to protect victims and promote their rights in a positive sense). This means that the police and the judiciary are also centrally involved in the delivery of policy. However, awareness of the importance of developing an understanding of children's rights and their consequences for policing has sometimes been slower than in other policy areas, such as the delivery of welfare. Nevertheless, there are signs that this is beginning to change in some countries. For example, in Greece the police have recently launched a three year programme of action to identify the abuse of children focusing around criminal activities such as drug protection, alcohol, economic exploitation and child involvement in criminal activities; in the UK, a national police unit has been set up to consider the implication of trafficking for children and young people.

### **3.3. Conclusions**

- The institutional and policy structures upholding children's rights in the Member States vary significantly according to the unitary/federal distinction and the Member States' pursuit of either a 'rights' based approach or a 'welfare' based approach to children's rights.
- Some Member States have incorporated children's rights into the Constitution and have also adopted primary legislation in this area. Others deal with children's policies via a broader range of legislation that are not exclusively aimed at children, such as family policy.
- The Ombudsman's for Children Office constitutes one of the principal ways for raising awareness of children's rights at the national level, although its remit and actual impact in practice varies across countries.
- National systems of data collection regarding children are not uniform across the EU: some government ministries or departments collect the data themselves or they outsource statistical data collection to semi-autonomous statistical institutes.

## 4. EVALUATION OF THE RELEVANCE OF EU ACTIONS

### Executive Summary

Relevance refers to the extent to which interventions are pertinent to the issue area and address the problems they are designed to address. The UNCRC is the key baseline document against which the relevance of EU actions can be assessed. This section analyses the relevance of EU actions in terms of priority areas set out in the UNCRC, as well as their relevance in relation to the key principles outlined in the 2006 Communication *Towards an EU Strategy on the Rights of the Child*, which in itself is based on key UNCRC principles.

Evaluation of EU actions against the key children's rights principles set in the UNCRC, namely non-discrimination, participation, best-interests and right to life, survival and development, indicates that EU actions are extensive in trying to reduce harm and resolve some of the most urgent problems children face. They are also relevant for the right to life, survival and development principle. EU actions have focused less on supporting children's right to have their views heard and the right to active participation or on preventing the discrimination of certain groups of vulnerable children. New EU actions do incorporate children's participation more fully.

The EU has taken actions addressing the rights of children in the asylum process, migration, health, and criminal justice – areas where the UN Committee on the Rights of the Child has raised concerns in relation to some Member States. Areas where there were fewer EU actions include data protection, disability and family matters.

This chapter analyses the relevance of EU actions in the area of children's rights. Relevance refers to the extent to which interventions are pertinent to the issue area and address the problems they are designed to address<sup>27</sup>. This evaluation answers the following broad questions regarding relevance:

- Do EU actions address key priority areas in children's rights, as identified through the UNCRC and the Concluding Observations of the UN Committee on the Rights of the Child?
- Do EU actions address key children's rights principles as they are identified in the UNCRC and supported by the 2006 Communication *Towards an EU Strategy on the Rights of the Child*?

The chapter is structured as follows. Firstly, the general nature of EU actions in the field of children's rights is examined. This allows for identification of the scope of EU competence and instruments for relevant policy targeting. Secondly, the extent to which EU actions map onto the UNCRC is assessed and the relevance of EU actions is estimated in terms of priorities identified by the UNCRC. Finally, the extent to which key principles of the UNCRC, as supported by the Communication *Towards an EU Strategy on the Rights of the Child*, are integrated into EU policy is analysed.

<sup>27</sup> European Commission. 2004. Evaluating EU Activities. A Practical guide for the Commission Services.

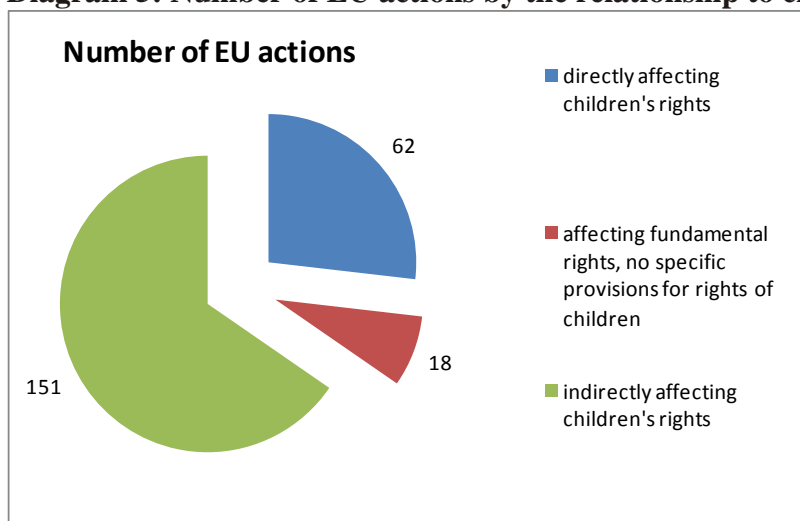
## 4.1. The nature of EU actions in the field of children's rights

The EU does not have general powers to act on children's rights and the primary responsibility lies at national level. Nevertheless, the EU contributes to children's rights in several ways. It does so through:

- Legislative and non-legislative acts in areas where it can take action according to the Treaties
- Budgetary spending for projects directly related to promoting and protecting children's rights;
- Setting objectives and designing strategies in strengthening children's rights.

A series of EU actions have been developed in a range of priority areas. The majority of identified acts in the EU address children indirectly (see diagram 5 below), including children as part of a larger or broader group rather than on their own – for example children in the context of labour migration.

**Diagram 5: Number of EU actions by the relationship to children's rights**



Actions are considered to directly affect children's rights if they identify children or children's rights as a key objective. Indirect actions are ones that affect children but do not identify children's issues as a key objective. Finally, actions labelled as ones that affect fundamental rights address human rights in general, but do not contain any specific provision directly addressing children. The table shows that there are relatively few actions directly targeting children, partly because of EU competence.

Actions directly addressing children are mainly achieved through non-binding initiatives (see table 4 below), which include resolutions of the European Parliament, the Open Method of Coordination and Commission Communications. Most EU actions that address children in a binding way do so as part of a larger group in areas where the EU has competence to issue legally binding acts, such as health, migration and asylum. This means that the EU is increasingly taking action that has an impact on children's rights; however, children's rights are not the primary focus of most of these actions.

**Table 4: Number of EU actions by legal form and type of EU action<sup>28</sup>**

EU actions	Legally binding	Legally non-binding	Financial mechanism	Proposal for legally binding act
Directly addressing children	17	33	10	2
Indirectly addressing children	54	67	25	5

#### 4.2. Assessment of relevance of EU actions against UNCRC rights clusters

The relevance of public policy is assessed by the end users by the pertinence of its objectives to the needs and problems of its target groups. We set out here two major criteria against which the relevance of EU policies can be judged with regard to the promotion and protection of children’s rights:

1. The UNCRC serves as the most appropriate benchmark against which to measure the relevance of EU actions. Member State compliance with the UNCRC is monitored by the UN Committee on the Rights of the Child. The Concluding Observations of this Committee on the country reports (submitted by the Member States) identify pressing issues of concern and provide a baseline against which the relevance of EU actions can be assessed.
2. The issues children themselves consider the most urgent areas for action. Two Flash Eurobarometers conducted in 2008 and 2009<sup>29</sup> and a consultation with children in 2007<sup>30</sup> organised by Save the Children Europe form the basis of this measure. The extent to which EU policy actions target the priority areas identified by children directly speaks for the level of relevance of EU children’s rights policy directions.

*Assessment of EU actions in terms of the Concluding Observations of the UN Committee on the Rights of the Child*

Based on an analysis of the Concluding Observations of the UN Committee on the Rights of the Child, compared to the inventory of EU actions in the area of children’s rights,<sup>31</sup> the most productive EU policy areas in terms of child rights actions have been

- external relations and foreign affairs;
- education;
- asylum and immigration;
- poverty and social inclusion;
- health policies; and
- coordination of cross-border criminal and civil matters affecting children (such as maintenance obligations and prevention of child trafficking)

<sup>28</sup> As of December, 2009.

<sup>29</sup> Flash Eurobarometers 235 and 273.

<sup>30</sup> ”You could always begin by listening to us” A consultation with children on the EC Communication “Towards an EU Strategy on the Rights of the Child”, Clare Feinstein Olivia Lind Haldorsson May 2007.

<sup>31</sup> Please see annex.

These all correspond with some rights clusters identified in the UNCRC, most notably special protection measures and health and welfare. Areas where there were fewer EU actions include data protection, disability and family matters.

Depending on competence, there are binding, non-binding and financial mechanisms that the EU can use to address issues in all clusters of rights identified in the UNCRC. Some of these mechanisms have been used, whereas others can be further developed. The table below identifies the policy areas where most change is needed inside EU Member States, according to the Concluding Observations of the UN Committee on the Rights of the Child.<sup>32</sup> Based on the criteria outlined at the beginning of this chapter, the third column of the table identifies issues that have not been addressed or have been addressed only in a limited manner by the EU. These areas and issues were identified by analysing existing legislation and other types of EU action (non-binding and financial) in order to assess first, whether the rights identified in the UNCRC are met, and second, whether the objectives formulated in the Communication *Towards an EU Strategy on the Rights of the Child* as conditions to improve policy have been introduced. This provided a concrete idea of the shape of potential relevant EU actions in all UNCRC rights clusters.

**Table 5: EU actions in relation to UNCRC**

Main UNCRC rights clusters	Main EU policy areas addressing child rights	Areas where potential EU roles should be further examined	Concerns raised in Concluding Observations <sup>33</sup> by rights clusters of UNCRC
<b>General Measures of Implementation</b> <ul style="list-style-type: none"> <li>• Protection of Rights</li> <li>• Knowledge of Rights</li> <li>• Dissemination of Reports to Citizens</li> </ul>	<ul style="list-style-type: none"> <li>• General Institutional and Policy Framework</li> </ul>	<ul style="list-style-type: none"> <li>• Mainstreaming of Children’s Rights</li> <li>• Awareness and training on rights</li> <li>• Development of indicators</li> <li>• Development of monitoring and reporting mechanisms</li> </ul>	35 issues raised in 22 Member States
<b>Definition of the Child</b>		<ul style="list-style-type: none"> <li>• Production of clear definitions for policy</li> </ul>	11 issues raised in 8 Member States
<b>General Principles</b> <ul style="list-style-type: none"> <li>• Non-Discrimination</li> <li>• Best Interests of the Child</li> <li>• The Right to Life, Survival and Development</li> <li>• Respect for the Views of the Child</li> </ul>	<ul style="list-style-type: none"> <li>• Non-discrimination</li> </ul>	<ul style="list-style-type: none"> <li>• Introduction of measures to incorporate the views of the child and to allow children to participate in decisions that affect their wellbeing</li> <li>• Definition of the meaning of ‘best interests’ in relation to key policy areas</li> </ul>	143 issues raised in 27 Member States
<b>Civil Rights and Freedoms</b> <ul style="list-style-type: none"> <li>• Name and Nationality</li> <li>• Preservation of Identity</li> <li>• Freedom of Expression</li> <li>• Freedom of Thought, Conscience and Religion</li> <li>• Freedom of Association and Peaceful Assembly</li> </ul>	<ul style="list-style-type: none"> <li>• Media and Information Society</li> <li>• European citizenship</li> <li>• Data protection</li> </ul>	<ul style="list-style-type: none"> <li>• Support for an agenda of individual freedoms for children</li> <li>• Awareness-raising of the importance of the rights of children to birth registration and nationality</li> <li>• Promotion of children’s</li> </ul>	69 issues raised in 23 Member States

<sup>32</sup> Neither column should be seen as exhaustive. With regard to column four, only the concerns explicitly identified in the concluding observations on the country reports are included. Nevertheless, the scale of the concerns gives some sense of the relevance of EU actions

<sup>33</sup> Concluding observations of the UN Child Rights Committee provided on the regular reports of the EU Member States.

Main UNCRC rights clusters	Main EU policy areas addressing child rights	Areas where potential EU roles should be further examined	Concerns raised in Concluding Observations <sup>33</sup> by rights clusters of UNCRC
<ul style="list-style-type: none"> <li>• Protection of Privacy</li> <li>• Access to Appropriate Information</li> <li>• The Right Not to be Subjected to Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment</li> </ul>		<ul style="list-style-type: none"> <li>• rights to culture</li> <li>• Promotion of measures to ensure that children have access to information whilst ensuring that they are protected from potentially harmful content</li> <li>• Promotion of children's right to be protected from torture and degrading treatment</li> </ul>	
<p><b>Family Environment and Alternative Care</b></p> <ul style="list-style-type: none"> <li>• Parental Guidance</li> <li>• Parental Responsibilities</li> <li>• Separation from Parents</li> <li>• Family Reunification</li> <li>• Illicit Transfer and Non-Return</li> <li>• Recovery of Maintenance for the Child</li> <li>• Children Deprived of their Family Environment</li> <li>• Adoption</li> <li>• Periodic Review of Placement</li> <li>• Abuse and Neglect</li> </ul>	<ul style="list-style-type: none"> <li>• Civil Justice</li> <li>• Parental Responsibility and Family Matters</li> </ul>	<ul style="list-style-type: none"> <li>• Promotion of measures to address the high rate of institutionalisation of children</li> <li>• Awareness-raising and measures to protect children from domestic violence</li> <li>• Measures to protect the right of children to life in a family</li> </ul>	238 issues raised in 26 Member States
<p><b>Basic Health and Welfare</b></p> <ul style="list-style-type: none"> <li>• Disabled Children</li> <li>• Health and Health Services</li> <li>• Social Security and Child Care Services and Facilities</li> <li>• Standard of Living</li> </ul>	<ul style="list-style-type: none"> <li>• Health</li> <li>• Poverty and Social Inclusion</li> <li>• Employment</li> <li>• Consumer Protection and Safety</li> <li>• Transport</li> <li>• Disability</li> <li>• Internal Market</li> </ul>	<ul style="list-style-type: none"> <li>• Promotion of greater awareness of the importance of resource allocation for disabled children</li> <li>• Promotion of greater awareness of the importance of environmental issues for children's health and wellbeing</li> <li>• Promotion of debate and policy about the needs of particularly vulnerable children (e.g. street children)</li> <li>• Promotion of policy debate about the need to move beyond institutionalisation for vulnerable children</li> </ul>	259 issues raised in 26 Member States
<p><b>Education, Leisure and Culture</b></p> <ul style="list-style-type: none"> <li>• Education</li> <li>• Aims of Education</li> <li>• Leisure, Recreation and Cultural Activities</li> </ul>	<ul style="list-style-type: none"> <li>• Education,</li> <li>• Culture and Sport</li> <li>• Youth</li> </ul>	<ul style="list-style-type: none"> <li>• Promotion of measures to tackle early school leaving where it occurs</li> <li>• Awareness-raising about the importance of recreational space and safe and independent play for children</li> </ul>	106 issues raised in 25 Member States
<p><b>Special Protection Measures</b></p> <ul style="list-style-type: none"> <li>• Refugee Children</li> <li>• Children in Armed Conflicts</li> </ul>	<ul style="list-style-type: none"> <li>• Criminal Matters</li> <li>• Sexual Exploitation and</li> </ul>	<ul style="list-style-type: none"> <li>• Promotion of debate and measures to address high rates of juvenile and child</li> </ul>	303 issues raised in 27 Member States

Main UNCRC rights clusters	Main EU policy areas addressing child rights	Areas where potential EU roles should be further examined	Concerns raised in Concluding Observations <sup>33</sup> by rights clusters of UNCRC
<ul style="list-style-type: none"> <li>• Administration of Juvenile Justice</li> <li>• Children Deprived of Their Liberty</li> <li>• The Sentencing of Children</li> <li>• Physical and Psychological Recovery and Social Reintegration of the Child</li> <li>• Economic Exploitation of Children, Including Child Labour</li> <li>• Drug Abuse</li> <li>• Sexual Exploitation and Sexual Abuse</li> <li>• Sale, Trafficking and Abduction</li> <li>• Other Forms of Exploitation</li> <li>• Children Belonging to a Minority or Indigenous Group</li> </ul>	<ul style="list-style-type: none"> <li>• Child Pornography</li> <li>• Protection from Violence and Harm</li> <li>• Asylum and Immigration</li> </ul>	<ul style="list-style-type: none"> <li>• detention</li> <li>• Measures to establish a Europe-wide agreement on the age of criminal responsibility</li> <li>• Better coordination of Juvenile Justice</li> <li>• Measure to spread good practices with regard to the treatment and status of displaced and migrant children</li> </ul>	
<p><b>All the above UNCRC clusters combined</b></p>	<p>External EU policy areas:</p> <ul style="list-style-type: none"> <li>• External Relations</li> <li>• Development Cooperation</li> <li>• Humanitarian Aid and Civil Protection</li> <li>• Enlargement</li> <li>• Trade</li> </ul>	<ul style="list-style-type: none"> <li>• Better targeting of EU resources in external aid so as to promote children's rights globally</li> <li>• Better monitoring of the effect of external programmes on children</li> <li>• More targeted policies to achieve the MDGs for children</li> </ul>	N/A

The table shows that while EU policy areas cover most of the areas of the UNCRC, children's rights are not equally well protected in all areas. In certain policy areas, the EU has developed actions with clear goals and concrete plans to achieve these goals. This is evident with regard to internet safety and sexual exploitation and pornography, where actions are coordinated between the Commission and the Member States. Table 5 also suggests that there are areas where the EU could be more pro-active in promoting and protecting children's rights. These include taking action to better take into account the views of the child and to allow children to participate in decisions that affect their well-being. Equally, it is not clear what the best interests of the child mean in relation to key EU policy areas that affect children or how to ensure that their best interests are met. Discrimination is an area of particular concern, as is the vulnerability experienced by certain groups of children, including those with disabilities and those from ethnic minorities or migrant backgrounds.



### **Box 1: The Relevance of the EU in Juvenile Justice**

Juvenile justice is an underdeveloped area in EU policy, in particular due to the lack of competence for EU action. The Concluding Observations of the UN Committee on the Rights of the Child for each country<sup>34</sup> identify a number of rights issues in this area in many Member States. The main concerns raised are:

- The age of criminal responsibility: young children are regarded as criminally responsible in some Member States; this was raised in the Concluding Observations in relation to six Member States.<sup>35</sup>
- Prevention: national policies on prevention of juvenile crime are lacking and holistic approaches to prevention advocated in the Convention are not always implemented in practice.
- Rehabilitation: there is a shortage of youth criminal rehabilitation centres and penitentiaries specifically for children. In addition guidelines for the management and monitoring of such institutions are often absent.
- Special treatment: there is a lack of specialist juvenile courts and specially trained judges or prosecutors for criminal proceedings involving children. Additionally, children may not always be provided with appropriate legal representation. Depriving children of their liberty should be used as a last resort but this is not always the case.
- Detention: There is a high rate of detention of children in 14 Member States. Conditions are often inadequate, and there are few, or even no, programmes in place to protect children from violent behaviour in detention centres. Children's right to privacy is not always respected and children who are detained often face discrimination based on ethnicity.

#### *Assessment of EU actions in terms of the issues identified by children*

Two Eurobarometers and a consultation with EU children held in 2007<sup>36</sup> identified the following issues as priorities for children:

- Violence against children;
- Education;
- Justice;
- Discrimination, social exclusion and racism;
- Health issues, including drugs, alcohol and smoking;
- Child labour, child prostitution and trafficking in children;
- Environmental degradation;
- The need for more information to ensure that children can help to protect themselves and other children.

Some EU action has been taken to address some of these issues, including questions of violence<sup>37</sup>; drugs, alcohol and smoking<sup>38</sup>, some aspects of child labour, and child

<sup>34</sup> Please see [http://www.unhcr.org/refworld/publisher/CRC\\_CONC/OBSERVATIONS...0.html](http://www.unhcr.org/refworld/publisher/CRC_CONC/OBSERVATIONS...0.html) for a full list of UNCRC concluding observations.

<sup>35</sup> Please see the inventory in the annex for a full list of UNCRC areas and countries in which issues were identified.

<sup>36</sup> Flash Eurobarometers 235 and 273 and "You could always begin by listening to us" A consultation with children on the EC Communication "Towards an EU Strategy on the Rights of the Child", Clare Feinstein Olivia Lind Haldorsson May 2007.

<sup>37</sup> For example, Decision No 779/2007/EC of the European Parliament and of the Council of 20 June 2007 establishing for the period 2007-2013 a specific programme to prevent and combat violence against children,



prostitution and trafficking<sup>39</sup>. EU internal policy focuses on the economic exploitation of children in relation to child trafficking and sexual exploitation; most of these EU actions are concerned with multiple forms of exploitation of children. Sexual exploitation in particular is addressed by EU actions such as the 2010 *Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA*. Other issues such as social exclusion together with child poverty have been addressed to varying extents by the EU, through the Social OMC and environmental degradation through various actions<sup>40</sup> (however not directly relating to child-specific issues). Less attention has been paid to racism against children, which is dealt with only through a general policy on non-discrimination. This is a particularly important concern for migrant children or those from ethnic minorities whose needs are not yet addressed in a fully coordinated and comprehensive manner<sup>41</sup>.

So far, there has also been little action relating to the provision of information, especially information about rights. The need for information is addressed in certain specific areas, such as children as consumers<sup>42</sup> and in the area of the safety of internet content<sup>43</sup>. One example of good communication is the child friendly version of the 2006 Communication *Towards the EU Strategy on the Rights of the Child*. Overall, however, other initiatives for providing information to children regarding their rights are still to be developed.

Assessing EU actions against the UNCRC clusters and children's views of relevant issues shows that there is currently significant variation in the relevance of EU

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young people and women and to protect victims and groups at risk (Daphne III programme) as part of the General Programme 'Fundamental Rights and Justice', O.J. L173 (2007).

<sup>38</sup> For example, EU Drugs Strategy (2005-2012), Council of the European Union; Communication from the Commission to the European Parliament and the Council on an EU Drugs Action Plan for 2009-2012 COM/2008/567; EU Drugs Action Plan for 2009-2012, Council of the European Union, O.J. C 326 (2008); Health Programme (Commission Decision on the adoption of the Work Plan for 2010 for the implementation of the second programme of Community action in the field of health (2008-2013), on the selection, award and other criteria for financial contributions to the actions of this programme and Community payment to the WHO Framework Convention on tobacco control, O.J. L 340 (2009)).

<sup>39</sup> For example, EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings, O.J. C 311 (2005); Proposal for a Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA, COM (2010)95.

<sup>40</sup> For example, Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee A European Environment and Health Strategy, COM/2003/338 (2003).

<sup>41</sup> For example, European Parliament resolution of 2 April 2009 on educating the children of migrants 2008/2328(INI); Commission Green Paper on Migration and Mobility: Challenges and Opportunities for EU Education Systems, COM(2008) 423.

<sup>42</sup> For example, Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market, OJ L 178 (2000).

<sup>43</sup> For example, Decision No 1351/2008/EC of the European Parliament and of the Council of 16 December 2008 establishing a multiannual Community programme on protecting children using the Internet and other communication technologies, OJ L 348 (2008) (Safer use of the Internet and other communication technologies 2009 – 2013); Council Directive on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), OJ L 95 (2010). (Previous Council Directive 2007/65 amending Council Directive 89/552 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, O.J. L 332 (2007).

actions across rights and policy areas. Targeting of such priority areas as media safety, child poverty, Roma children, social exclusion and sexual exploitation at EU level have helped to protect children in certain contexts. However, under-targeted areas such as juvenile justice, migration, institutionalisation of various groups of children and other areas remain an issue. Any actions by the EU to protect children are of course a positive step, but these actions would work better if they were developed with an overarching plan on how and what aspects of children's rights should be targeted and mainstreamed into all areas of policy. In essence, while many of the actions related to children's rights taken by the EU are relevant to the problems facing children, the lack of an overarching plan for mainstreaming children's rights has also meant that many areas of concern, especially those of a cross-cutting nature such as participation and general implementation are still underdeveloped in EU actions.

### 4.3. Assessment of EU children's rights policy against the key UNCRC principles

The UNCRC sets out four core rights principles underpinning children's rights, which are reiterated in the Communication *Towards an EU Strategy on the Rights of the Child*. EU actions should be relevant to these four principles of (1) the right to life, survival and development (Art.6 of UNCRC); (2) non-discrimination (Art. 2); (3) best interests of the child (Art.3(1)); and (4) respect for the views of the child (Art.12).

#### *The right to life, survival and development*

Children's right to life, survival and development (Article 6 of UNCRC) means that all aspects of a child's physical, mental, spiritual, moral, psychological and social well-being must be protected. There are EU actions that aim to protect children from various types of violence<sup>44</sup> and exploitation, including child labour (by prohibiting paid employment until the age of 15)<sup>45</sup>, sexual exploitation<sup>46</sup> and child pornography on the internet, harmful internet content, and promotion of safer use of the internet<sup>47</sup>. There are also a number of actions concerning the abduction of minors,<sup>48</sup> including

<sup>44</sup> Decision No 779/2007/EC of the European Parliament and of the Council of 20 June 2007 establishing for the period 2007-2013 a specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (Daphne III programme) as part of the General Programme 'Fundamental Rights and Justice', O.J. L173 (2007).

<sup>45</sup> Council Directive No 94/33/EC of 22 June 1994 on the protection of young people at work, O.J. L 216 (1994).

<sup>46</sup> Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography; Council Decision of 29 May 2000 to combat child pornography on the Internet; Decision 96/700/JHA - Official Journal L 322, 12.12.1996; Council Joint Action of 29 November 1996 establishing an incentive and exchange programme for persons responsible for combating trade in human beings and the sexual exploitation of children (STOP programme); Decision 96/748/JHA - Official Journal L 342, 31.12.1996; Council Joint Action of 16 December 1996 extending the mandate given to the Europol Drugs Unit to traffic in human beings; Decision 97/154/JHA - Official Journal L 63, 04.03.1997; Council Joint Action of 24 February 1997 concerning action to combat trafficking in human beings and the sexual exploitation of children; Communication from the Commission of 26 May 1999 on the implementation of measures to combat child sex tourism.

<sup>47</sup> Decision No 1351/2008/EC of the European Parliament and of the Council of 16 December 2008 establishing a multiannual Community programme on protecting children using the Internet and other communication technologies, OJ L 348 (2008) (Safer use of the Internet and other communication technologies 2009 – 2013)

<sup>48</sup> The Schengen acquis - Declaration of the Executive Committee of 9 February 1998 on the abduction of minors (SCH/Com-ex (97) decl. 13, rev. 2) O.J. L 239 (2000). Council Conclusions of 28 November 2008 regarding child abduction (6900/3/09/REV3). Available at:

the introduction of a common single telephone number for missing children<sup>49</sup>. Health policy incorporates a high number of actions protecting children. For instance, there are actions protecting young children from the adverse effects of smoking, alcohol and drugs. Specific medicines for children are promoted; there is ongoing work on immunisation and monitoring of communicable diseases, promotion of better nutrition and mental health, prevention of accidents and injuries in this age group and standardisation of safety measures and laws across the EU. The Children's Environment and Health Action Plan is being implemented by the World Health Organisation with support from the Commission, and research activities on children's health and the environment are also being carried out.

Externally, the EU has incorporated the principle of the right to life, survival and development in its development cooperation policy, which encompasses concerns around poverty, child mortality rates, violence<sup>50</sup>, education<sup>51</sup>, health<sup>52</sup>, child labour, human trafficking and sexual exploitation, and children in armed conflict. Development cooperation policy aims to target specific needs of children; however, it also emphasises a participative approach towards children, involving children in the decision-making process.<sup>53</sup> The *Programming Guide for Strategy Papers*<sup>54</sup> that followed the *EU's Action Plan on Children's Rights in External Action* suggests ways to improve children's participation in decision making that affects their well-being.

The general emphasis in EU actions is to protect children as vulnerable persons rather than to empower them through the provision of information about their rights. Whilst there are examples of protection corresponding to some areas of the UNCRC - such as measures of asylum and immigration, health policies, policy of media and information society, consumer protection and general product safety, criminal matters and matrimonial matters - the protective measures do not yet address or protect all groups of vulnerable children.

### *Non-discrimination*

The principle of non-discrimination (Article 2, UNCRC) requires the identification of children or groups of children whose rights may be particularly prone to violation on grounds of race, ethnicity, gender or (dis)ability. Non-discrimination is an important principle of general EU policy, with a core right to non-discrimination included in the

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[http://www.europa-nu.nl/9353000/1/j4nvg5kjg27kof\\_j9vvikqpopjt8zm/vibv8mjwrpzy](http://www.europa-nu.nl/9353000/1/j4nvg5kjg27kof_j9vvikqpopjt8zm/vibv8mjwrpzy).

<sup>49</sup> 2007/698/EC: Commission Decision of 29 October 2007 amending Decision 2007/116/EC as regards the introduction of additional reserved numbers beginning with 116, O.J. L 284 (2007)

<sup>50</sup> Communication from the Commission to the Council and the European Parliament - Investing in people - Communication on the thematic programme for human and social development and the financial perspectives for 2007-2013

<sup>51</sup> Commission communication "Education and training in the context of poverty reduction in developing countries", COM(2002)116.

<sup>52</sup> Commission Communication on "Health and poverty reduction in developing countries" COM(2002)129

<sup>53</sup> As stated in the main documents concerning children in external policy, such as the 2008 Communication *A Special Place for Children in EU External Action*.

<sup>54</sup> 2008 Programming Guide for Strategy Papers

[http://ec.europa.eu/development/icenter/repository/F51\\_children\\_rights\\_en.pdf](http://ec.europa.eu/development/icenter/repository/F51_children_rights_en.pdf), "Just as you would consult with stakeholders on other aspects of the situational analysis, it is important to also see children as stakeholders who should be consulted, to ensure a complete picture of the situation. Child participation can often be channelled through existing mechanisms such as youth clubs or child parliaments, and simple successful models exist which DG DEV B3 can provide. Consulting with children on developments that will affect them is, moreover, the best way to understand what we can do for children." Tgis guide also further links to other recourses about children's participation.

Treaty of Lisbon and the *Communication on non-discrimination and equal opportunities: A renewed commitment (COM/2008/420)*. The principal EU children's rights policy documents, such as the 2006 Communication *Towards an EU Strategy on the Rights of the Child* and the 2008 Communication *A Special Place for Children in EU External Action* reflect this commitment. A provision on non-discrimination is included in 26 per cent of EU children's rights actions identified in the inventory<sup>55</sup>.

However, many issues remain unaddressed or under-addressed. The needs of particularly vulnerable children, such as Roma and disabled children, have yet to be addressed comprehensively. The issue of indirect discrimination of children, often rooted in cultural prejudices and structural preconditions, is not yet explicitly addressed. Insufficient attention is paid to particular forms of discrimination that children face in their role as children. There has also been some positive progress, however, including greater recognition of the right to education of disabled children in the *Council resolution on equal opportunities for pupils and students with disabilities* in 2003<sup>56</sup>, as well as recognition of the challenges facing children with migrant background in the Commission's *Green Paper on Migration and Mobility: Challenges and Opportunities for EU Education Systems (COM(2008) 423)* and in *Council conclusions on the education of children with a migrant background (2009/C 301/07)*.

#### *Best interests of the child*

EU children's policy is guided by the goal of developing social and economic policies that are in the "best interest of the child" (Article 3, UNCRC).

The principle of best interests is invoked in 17 per cent of EU actions, with 38 actions incorporating this principle having been identified; 11 of them directly addressing children, and 20 are legally binding actions (or leading to legally binding actions). This indicates that there is space to embed the principle more fully in EU policy. Of EU external policy actions addressing children, 30 per cent integrate this principle, but only 12 per cent of the EU internal policy actions addressing children integrate it. The principle is frequently invoked in relation to asylum and immigration (10 actions) and development cooperation and external relations (12 actions). However, this principle is not clearly defined within EU policy documents and there are no guidelines explaining how the principle should be applied when implementing EU policies<sup>57</sup>.

#### *Respect for the views of the child*

Respect for the views of the child is included in the EU Charter of Fundamental Rights. However, there have been few EU actions that take this principle into account. Of the EU actions identified in the inventory only 14 per cent reflect this provision. EU commitment in this area is hindered by a lack of clarity as to the age when children are old enough or mature enough for their views to count and how their views should be taken into account in practice.

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<sup>55</sup> Please see the annexed Inventory of EU actions compiled by the authors.

<sup>56</sup> Council Resolution of 5 May 2003 on equal opportunities for pupils and students with disabilities in education and training (2003/C 134/04), O.J. C 134 (2003)

<sup>57</sup> Helen Stalford, Eleanor Drywood. 2009. *Coming of Age?: Children's Rights in the European Union*. Common Market Law Review 46: 143–172, 2009. Kluwer Law International. Printed in the Netherlands.

The issue of children’s participation is connected with the principle of respect for the views of the child. Children have the right to express their views on matters concerning them and to have those views taken into consideration (Article 12, UNCRC). The challenge for EU institutions and Member States is to make this participation a reality<sup>58</sup>. The EC Communication *Towards an EU Strategy on the Rights of the Child* stated that the EU “will gradually and formally include them [children] in all consultations and actions related to their rights and needs. The Forum [European Forum on the Rights of the Child] and the web-based platform will both contribute to involving children”. The EU Forum on the Rights of the Child has examined children’s participation in its meetings, but has not yet incorporated child participation into the operation of the Forum. Within the European Forum on the Rights of the Child and the Commission as a whole, there is still work to be done in defining the meaning of, and means to, greater participation of children in EU actions.

#### 4.4. Conclusions

- Most EU actions that affect children only address children indirectly. Direct targeting of children mainly occurs through non-binding instruments, which are the most common form of EU action in the area of children’s rights. Legally binding measures are used less commonly.
- Children are no longer considered simply within the context of the family. They are increasingly regarded in policy as individuals, with individual rights and entitlements. The need to incorporate the principles of children’s rights horizontally across policy areas is increasingly recognised.
- The EU has taken action to address children’s rights in some policy areas, such as asylum and immigration, health, and criminal justice policy. These are all areas where the UN Committee on the Rights of the Child has raised concerns in several Member States. The EU was also very active in external relations and foreign affairs, child poverty and social inclusion.
- While EU policy areas cover most of the significant aspects of the UNCRC, some rights areas are not as well developed. Areas where there were fewer EU actions targeted at children included data protection, disability and family matters.
- While many of the actions related to children’s rights taken by the EU are relevant to problems facing them, the lack of a comprehensive plan for mainstreaming children’s rights has also meant that some areas of concern, especially those of a cross-cutting nature such as improving participation of children and the general implementation capacity, remain under-targeted in EU actions.
- EU actions address the four main UNCRC principles echoed in the Communication *Towards an EU Strategy on the Rights of the Child*, but are first and foremost concentrated on reducing harm and protecting children from various types of violence and deprivation. Actions have also been taken in the area of non-discrimination, but the rights of children under this principle are usually not considered separately from other groups. EU children’s rights policy is less relevant in ensuring the best interests of the child and the right of children to express views freely in all matters affecting them.

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<sup>58</sup> Benito-Ferrero Waldner. The impact of the UN Convention on the Rights of the Child on the EU’s external policy on children. Available at [http://www.unicef.org/rightsite/364\\_585.htm](http://www.unicef.org/rightsite/364_585.htm).

## 5. EVALUATION OF THE COHERENCE OF EU ACTIONS

### Executive Summary

EU actions taken with regard to children's rights in different EU policy areas are internally coherent in their approach to observe the UNCRC. The EU policy objectives are mostly coherent. Nevertheless, there are some limitations and inconsistencies that should be addressed. Inconsistencies exist in (1) how children's rights are addressed across policy areas; (2) how different groups of children are addressed in EU policy; and (3) how EU actions address the issues affecting children.

Externally, EU actions are coherent with the policy objectives of the major international organisations in the area of children's rights with which the EU has the strongest connections, namely the Council of Europe and the UN. All three stakeholders are committed to the principles set out in the UNCRC and they share a commitment to mainstreaming children's rights in all policy areas and to coordinating activities to protect children from violence and abuse.

Policy coherence requires that the objectives of different policies are consistent with each other<sup>59</sup>. Analysing policy coherence with regard to children's rights means exploring whether the different initiatives that make up policies for children work towards the same goals and create synergies with each other; at the very least, they should not contradict or undermine each other<sup>60</sup>. This requires consideration of (1) whether the objectives policies are consistent; (2) whether various actions taken by the EU work together to promote children's rights; and (3) whether there are major omissions in policy provision or groups of children addressed that create inconsistencies and incoherence in policy<sup>61</sup>. Coherence applies both internally (between EU actions) and externally (between EU actions and related actions by other stakeholders).

This chapter addresses the following questions:

- Are EU actions in the area of children's rights coherent within and between EU policies?
- Is EU children's rights policy coherent with the policy objectives of the Council of Europe and the United Nations, the two major international organisations with which the EU works in the promotion of children's rights?

<sup>59</sup> Assessing Policy Coherence. Peter J. May, Joshua Sapotichne, and Samuel Workman Center for American Politics and Public Policy University of Washington August 2005 Prepared for delivery at the 2005 Annual Meeting of the American Political Science Association, Washington DC, September 1-4, 2005. Copyright by the American Political Science Association. European Commission. 2004. Evaluating EU Activities. A Practical guide for the Commission Services. Provides this description of coherence: The extent to which the intervention logic is non-contradictory/the intervention does not contradict other interventions with similar objectives.

<sup>60</sup> Coherence, Consistency and Political Will in Foreign Policy: The European Union's Policy towards Africa GORM RYE OLSEN, Perspectives on European Politics and Society Vol. 9, No. 2, 157-171, June 2008

<sup>61</sup> Guy Peters. 2005. Concepts and theories of horizontal policy management. X Congreso Internacional del CLAD sobre la Reforma del Estado y de la Administración Pública, Santiago, Chile, 18 - 21 Oct. 2005.

## 5.1. Internal coherence

Internal coherence requires an alignment of EU policies in a way that supports the overall EU plan of action towards children's rights. This requires policy consistency and coordination between different EU policies and policy areas. Internal coherence is both narrow (whether a specific EU action is coherent with related actions) and broad (whether different EU policies are coherent with each other). The EC Communication *Towards an EU Strategy on the Rights of the Child* recognised the importance of developing an integrated, cross-sectoral policy approach to children's rights. The *Stockholm Programme* (2010-2014) called for the development of an EU strategy on the rights of the child and reinforced the commitment outlined in the Communication. The Programme stated that children's rights should be systematically taken into account in all relevant EU policies and that ways in which the Union could contribute to the promotion and provision of children's rights should be identified. The adoption of the Communication and subsequent policy actions<sup>62</sup> resulted in an increasing focus on children's rights and greater awareness of the significance of children's rights for new policy.

The Communication *Towards an EU Strategy on the Rights of the Child* fostered the articulation of children's rights as a distinct EU policy area but did not establish a comprehensive policy framework for action, which is usually regarded as important in areas where progress requires horizontal cooperation. The absence of a comprehensive strategy does not necessarily imply incoherence but it creates a potential for incompatible policy making. In fact, a number of EU policies do address children's rights, including initiatives that address child poverty and social exclusion, unaccompanied minors in asylum and immigration, internet safety, child trafficking, parental responsibility and childcare, violence against children, discrimination, health and education, and children in third countries<sup>63</sup>.

As outlined in the relevance section, the Communication *Towards an EU Strategy on the Rights of the Child* draws on the four main principles of children's rights outlined in the UNCRC – (1) the best interests of the child; (2) non-discrimination; (3) the right to life and survival; and (4) the right for children to have their views taken into account in all matters affecting them. While EU actions have coherently addressed children's issues, they have not always been anchored in these basic children's rights principles. Actions that affect children sometimes mention these principles, but do not include guidelines on what these principles mean in the particular context of the action, or how these principles should be translated into practice. While policies affecting children may not be incoherent with each other, they are not always coherent with the key principles outlined in the UNCRC and supported by the Communication *Towards an EU Strategy on the Rights of the Child*. In other words, coherence in policy design has not always led to coherence in how these principles are implemented. Nevertheless, there are some examples where coherent approaches have been developed in specific policy areas, such as the Social OMC and child poverty.

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<sup>62</sup> Implementation of the European Union's Strategy on the Rights of the Child. State of Play – November 2009. Available at: [http://ec.europa.eu/justice/policies/children/docs/children\\_state\\_of\\_play\\_en.pdf](http://ec.europa.eu/justice/policies/children/docs/children_state_of_play_en.pdf)

<sup>63</sup> Based on inventory of EU actions compiled by the evaluation team.

### **Box 2: The synergies between Social, Education and Employment OMC in combating child poverty**

The way in which policy on child poverty has been developed through the open method of co-ordination (OMC) provides a good example of how a coherent approach can be established. OMC processes, which include peer reviews, joint reports and joint activities, have raised awareness of child poverty through initiatives such as the 2010 European Year for Combating Poverty and helped to mainstream and integrate the issue into other policy areas. This has allowed for the development of a cross-cutting perspective on reducing child poverty and social exclusion in policy areas such as health, education and social policy. EU-wide policy targets have been set for child care under the Employment OMC and health- and education-related indicators have been included in considering social inclusion. New actions addressing health, migration, early childhood education and early school leaving are being taken in related Directorates General that extend beyond the remit of the Social OMC. This broad and cross-cutting approach incorporates many independent but related policy areas and helps to address child social inclusion in a way that goes beyond material understanding of poverty.

#### **5.1.1. Internal coherence of EU external children's rights actions**

EU external policy in children's rights is defined by the EC Communication A Special Place for Children in EU External Action (2008), which shapes the EU's policy on children's rights in development cooperation, political dialogue and humanitarian aid. EU external aid policy is underpinned by a set of financing instruments that target various aspects of children's rights. Thematic and geographic targeting of EU funding ensures the complementarity of EU development co-operation instruments. For the period 2007-2013, the EU's development action in this field is financed through the following instruments:

- **Geographical instruments**, such as the European Development Fund (in the African, Caribbean and Pacific countries), the Development Cooperation Instrument (in Latin America, Asia and South Africa), and the European Neighbourhood & Partnership Instrument (in the neighbouring regions);
- **Thematic instruments:**
  - **The 'Investing in People' programme**, which focuses on global monitoring and policy advocacy for child protection and the rights of children, strengthening child participation, support for pilot country programmes for reintegrating affected children and, finally, promotion of policies to support productive employment and decent work for youth;
  - **The European Instrument for Democracy and Human Rights (EIDHR)**, which aims to protect children's rights, alongside the rights of other groups and people in general, through programme funding in third countries.

The 'Investing in People' (IiP) programme, which is part of the Development Cooperation Instrument and addresses children's rights under the "Protection and participation of children and youth" dimension of the programme, which receives 8.5 per cent of the total budget of the programme. In 2007 the IiP launched a call for proposals – 'Support to Actions Aimed at preventing Harm to Children Affected by Armed Conflicts and at Fighting against Child Trafficking and Rehabilitating Victims' (funding of 13.4 million Euros) – which was intended to address the needs



and rights of children affected by armed conflict. It was also meant to support the implementation of the ‘EU Guidelines on Children in Armed Conflict’, alongside other instruments, such as the ‘EU Guidelines on the Promotion and Protection of the Rights of the Child’ and the UN Security Council Resolution (SCR) 1612 on Children Affected by Armed Conflict. The IiP must also work alongside other EU funding programmes in addressing children’s rights in third countries, as well as more specific concerns such as children in armed conflict.

The EIDHR acts alongside the IiP as a thematic programme aiming to protect the rights of the child within the broader context of human rights policy. Both programmes implemented their own calls for proposals targeted at the situation of children affected by armed conflict in 2007/8 and 2009, but focused on different aspects of children in armed conflict. While the EIDHR focused on child soldiers and children who were enrolled in armed conflict, the ‘Investing in People’ programme targeted actions, particularly socially focused, aimed at preventing children from becoming involved in armed conflict in the first place. Overall, these thematic programmes are complementary and contribute to the development of a holistic approach towards the situation of children in armed conflicts.

Furthermore thematic programmes are complementary with geographic programmes. For example, IiP and the EIDHR complement geographically-focused instruments such as the European Development Fund and the European Neighbourhood and Partnership Instrument. Thematic programmes support innovation and create knowledge and expertise, as well as facilitate the sharing of good practice across the regions. The successful approaches pilot tested under thematic programmes by NGOs and local governments in third countries might be adopted on a much broader scale by governments and further disseminated and mainstreamed through geographical instruments, which contain the bulk of EU development co-operation funding. This allows for better targeting and implementation of needs and evidence-based approaches in promoting children’s rights provided that third country governments are keen to address children’s rights issues.

## 5.2. External coherence

External coherence refers to the alignment of EU policy objectives with the aims and goals of key international organisations targeting the issues of children’s rights, namely the UN and the Council of Europe, but also including organisations such as the OECD, the WHO and the ILO. Coherence in objectives is important from both sides, in order to ensure that international organisations are not working at cross purposes with the EU. The EU is perceived as an important actor by other international actors due to its political and economic weight, which often means other actors with similar goals are willing to engage and coordinate their actions with the EU. The inventory of EU actions in the area of children’s rights in the annex identifies more than 40 different international conventions, protocols and other documents that set certain international standards in areas important for the protection and promotion of child rights and directly relate to specific legally binding acts adopted by the EU. Such international legislation was mostly developed and adopted in the framework of the United Nations or the Council of Europe, and the evaluation focuses on those two main institutions.

The policy agendas of the EU, expressed in the Communication *Towards an EU Strategy on the Rights of the Child* are generally in line with those of the Council of



Europe and the UN. All three stakeholders are committed to the principles set out in the UNCRC. In particular they share commitments to the mainstreaming of children’s rights in all policy areas, coordination of all activities related to children, and protection of children against all forms of violence and abuse. The EU and Council of Europe also share a commitment to establishing clear methods for coordination and communication on issues affecting children. The alignment of the EU with the UN and the Council of Europe is provided in the table below.

**Table 6: Coherence between EU children’s rights policy objectives and those of the Council of Europe and the UN<sup>64</sup>**

	European Union	Council of Europe	United Nations
<b>Key Legal Documents</b>	<ul style="list-style-type: none"> <li>Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community (2007/C306/01)</li> <li>The Charter of Fundamental Rights of the EU</li> </ul>	<ul style="list-style-type: none"> <li>• European Convention on Human Rights (1950)</li> <li>• European Social Charter (1961/1996)</li> <li>• Council of Europe conventions that address particular child issues<sup>65</sup></li> <li>• Warsaw Declaration and Action Plan (2005)</li> </ul>	<ul style="list-style-type: none"> <li>• UN Convention on the Rights of the Child (1989) and two Optional Protocols (2000)</li> <li>• ILO Convention No. 138 concerning the Minimum Age for Admission to Employment (1973)</li> <li>• ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)</li> <li>UN Millennium Declaration (2000)</li> </ul>
<b>Main Policy Documents</b>	<ul style="list-style-type: none"> <li>• EC Communication <i>Towards an EU Strategy on the Rights of the Child</i>, 4 July 2006 (non-binding)</li> <li>• EC Communication <i>A Special Place for Children in EU External Action</i>, 5 February 2008 (non-binding)</li> <li>• The Stockholm Programme <i>An Open and Secure Europe serving and protecting the citizen</i> December 2009 (with particular focus on vulnerable groups of children)</li> </ul>	<ul style="list-style-type: none"> <li>Programme <i>Building a Europe for and with children 2009-2011: the Stockholm strategy</i>, Decision of the Committee of Ministers, 27 November 2008, (non-binding) (continuation of Warsaw programme)</li> </ul>	<ul style="list-style-type: none"> <li>Resolution of the United Nations General Assembly (non-binding) <i>A World Fit for Children</i>, 10 May 2002</li> </ul>
<b>Objectives</b>	<ul style="list-style-type: none"> <li>• Promote and protect children’s rights in European Union internal (and external) actions</li> <li>• Support the efforts of Member States in this field</li> <li>• Promote and support children’s rights protection in developing countries</li> </ul>	<ul style="list-style-type: none"> <li>• To support the implementation of international standards on children’s rights by the Council of Europe Member States, in particular the CRC</li> <li>• To introduce a child rights perspective in all policies and activities of the Council of Europe and to support such an</li> </ul>	<ul style="list-style-type: none"> <li>• Put children first;</li> <li>• Eradicate poverty;</li> <li>• Leave no child behind (no discrimination);</li> <li>• Care for every child;</li> <li>• Educate every child;</li> <li>• Protect children from harm and exploitation;</li> <li>• Protect children from war;</li> </ul>

<sup>64</sup> The table is based on The Belgian EU Presidency Youth Note “The European and International Policy Agendas on Children, Youth and Children’s Rights”. 2010.

<sup>65</sup> European Convention on the Legal Status of Children born out of Wedlock (1975); European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on the Restoration of Custody of Children (1980); European Convention on the Exercise of Children’s Rights (1996); Convention on Contact concerning Children (2003); Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007); European Convention on the Adoption of Children (Revised) (2008).

	European Union	Council of Europe	United Nations
		approach within the Member States	<ul style="list-style-type: none"> <li>• Combat HIV/AIDS;</li> <li>• Listen to children and ensure their participation;</li> <li>• Protect the Earth for children.</li> </ul>
<b>Thematic priorities</b>	<ul style="list-style-type: none"> <li>• Mainstreaming and coordination</li> <li>• Promoting the rights of the child in external relations</li> <li>• child poverty and social exclusion</li> <li>• unaccompanied minors in asylum and immigration</li> <li>• Protecting against abuse, exploitation and violence (include internet safety, child trafficking; violence against children)</li> <li>• parental responsibility and childcare</li> <li>• health</li> <li>• Education.<sup>66</sup></li> <li>• Combating HIV/AIDS, child labour, protection from armed conflict,</li> <li>• Empowerment of children</li> <li>• Special attention for vulnerable groups of children (Stockholm programme 2009)</li> </ul>	<ul style="list-style-type: none"> <li>• Mainstreaming and coordination</li> <li>• Promotion of access to justice</li> <li>• Eradication of violence against children</li> <li>• Participation</li> <li>• Special focus on particularly vulnerable children: children without parental care; children with disabilities; children in poverty/social exclusion</li> </ul>	<ul style="list-style-type: none"> <li>• Health</li> <li>• Education</li> <li>• Protecting against abuse, exploitation and violence including: <ul style="list-style-type: none"> <li>- General protection</li> <li>- Protection from armed conflict</li> <li>- Combating child labour</li> <li>- Elimination of trafficking and sexual exploitation of children</li> </ul> </li> <li>• HIV/AIDS</li> </ul>

### *Coherence of EU and Council of Europe Policy Objectives*

The Council of Europe has a significantly longer formal history in dealing with children's rights as a separate issue and can act in ways complementary to EU actions, through mutual cooperation and initiatives. Analysis of information provided in Table 6 reveals that the EU approach is largely coherent with the approach of the Council of Europe (CoE). As regards children's rights, the Lisbon Treaty establishes that the 'Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms', which was adopted by the Council of Europe<sup>67</sup> and entered into force in 1953. The 1996 European Convention on the Exercise of Children's Rights<sup>68</sup> did not create substantive new rights for children but was intended to secure the right of children to participate directly or indirectly in proceedings which affect them (Van Bueren, 2007: 7). Other CoE actions include more policy-specific documents such as the 2003 Convention on Contact Concerning Children, the 2005 Convention on Action against Trafficking in Human Beings or the 2007 Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. These actions align with the EU's approach, but it should be noted that not all Member States have signed or ratified these CoE instruments..

<sup>66</sup> These priority areas were identified during the analysis of EU actions addressing child issues. These areas were not necessarily developed because of the 2006 Communication, or in a coordinated manner.

<sup>67</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms. Available at <http://conventions.coe.int/treaty/en/treaties/html/005.htm>

<sup>68</sup> European Convention on the Exercise of Children's Rights. Strasbourg, 25.I.1996. assessed by <http://conventions.coe.int/treaty/en/treaties/html/160.htm>

The EU and the Council of Europe work together in many areas of children's rights. The Council has its own programme dealing with children's rights *Building a Europe for and with children*. As it currently stands, many key policy issues affecting children are highlighted by both organisations. However, some issues do get more notice – and different emphasis – in the different bodies, such as child-friendly justice, an important facet of Council of Europe's work, but explored to a lesser extent by the EU up until now. There exist many formal and informal processes by which the two actors coordinate, with information sharing, dialogue, awareness raising and coordination.

### *Coherence of EU and UN policy objectives*

As highlighted in the inventory, one of the most significant connections for the EU is with the UN, and this has a significant effect on external coherence. All the key EU policy documents on child rights, including the Communication *Towards an EU Strategy on the Rights of the Child*, make direct reference to the UNCRC (along with its Optional Protocols and the Millennium Development Goals) as the main guidance documents in developing and implementing policy. This helps to ensure external coherence by directly aligning EU actions with international standards.

Due to the general alignment of EU children's rights objectives with the UNCRC, the policy objectives of the EU are aligned with the UN. Both the EU and the UN are concerned with protecting children's rights and mainstreaming them through all policy areas. EU external action focuses on the protection of vulnerable groups of children in third countries, combating HIV/AIDS, discrimination and violence against children, as promoted in the UN *A World Fit for Children* programme. While the EU is generally in line with the UN, not all the EU Member States have ratified the UNCRC optional protocols yet. In addition, the EU pays less attention to promoting children's participation in decision-making than the UN or in promoting and developing child-friendly information initiatives.<sup>69</sup> Finally, general alignment of EU children's rights principles with those outlined in the UNCRC has not resulted in uniform application of these principles. In addition to hampering internal coherence of the EU approach (as outlined above), this also affects external coherence with the UN, as the same principles may not be applied equally by both organisations.

### *Conclusions*

- EU children's rights policies are based on the core principles of the UNCRC. This provides a general framework of policy objectives in relation to children's rights that helps to ensure general internal policy coherence. However, there has been little work done to guide implementation of these principles in different EU policy areas. Uneven mainstreaming of children's rights and a lack of integration of differing policy interests also result in limitations to internal policy coherence or even clash of policy objectives.
- There is recognition of the importance of a cross-sectoral approach to children's rights, but this is still to be achieved. A clear plan of action applicable to all Commission's Directorates General has not been developed to

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<sup>69</sup> See Unicef's report on child participation: *The State of the World's Children 2003*, available at <http://www.unicef.org/sowc03/contents/pdf/SOWC03-eng.pdf>.

require their active involvement in coordinating and implementing children's rights actions across all relevant EU policy areas.

- Internal and external policy actions in the field of children's rights are largely coherent with the policy objectives and strategies of other major international organisations, namely the UN and the Council of Europe. Further cooperation with, and learning from, these organisations could lead to greater complementarity and the development of synergies that would support a globally integrated policy to protect and promote children's rights.
- Overall, the evaluation of coherence indicates that the general objectives of EU internal and external policies are mutually and externally coherent. The principles guiding EU actions in the area are internally consistent and these guidelines are coherent with the work of external bodies. However, less focus has been placed on ensuring that these principles are applied and implemented in a way that is coherent both internally and with the approach of other international organisations.



## 6. EVALUATION OF THE EFFECTIVENESS OF EU ACTIONS

### Executive Summary

The effectiveness of EU actions in the area of children's rights refers to the extent to which the EU has been successful in the actions and policies it adopts in the promotion and protection of children's rights. Particular attention is paid in this report to effectiveness with regard to:

- Specific policy initiatives arising from the 2006 Communication *Towards an EU Strategy on the Rights of the Child*;
- Institutional change to support effectiveness;
- Mainstreaming of children's rights in EU institutions and policy making;
- Development of EU-level consultation and awareness raising actions;
- The EU role in coordinating Member State actions;
- Building knowledge and capacity to enable better promotion and protection of children's rights.

Findings from this analysis suggest that EU actions increasingly targeted children although there is still no clear plan of action for mainstreaming their rights in EU policy. Effective mainstreaming demands not only change within the Commission but better relationships with stakeholder groups. New consultation bodies such as the EU Forum on the Rights of the Child have been developed to allow for greater stakeholder involvement and greater awareness of relevant issues. These developments are an important step forward but further action is needed to broaden the issues discussed in the Forum and to link it more closely with the EU's overall strategy on children's rights. Follow-up actions would also make the Forum more effective.

The EU supports mainstreaming by improving knowledge and capacity to protect children's rights. Several EU 2007-2013 funding programmes have been intended to support this goal. So far, no projects funded under the EU Development Cooperation Instrument that addressed children's rights issues have yet been completed. Monitoring of programmes does not yet track their contributions to children's rights protection in general; only initiatives that are specifically targeted at children are monitored in this regard. Consequently, little can be directly discerned about the impact of programmes.

In relation to the Member States, the EU is able to coordinate some actions in support of children's rights, depending on questions of competence. In some policy areas the EU has the power to develop minimum standards for children that must be transposed at the Member State level, but generally the EU is only able to support, but not to shape, Member State action in this area.

An evaluation of effectiveness measures the extent to which EU actions have achieved their immediate objectives. This involves looking at the objectives set out in general regarding the EU's approach to children's rights, as well as the objectives of specific policies. Effective policy requires turning these objectives into concrete outputs that then translate into visible results. Outputs in capacity and knowledge, consulting and awareness raising, mainstreaming and coordination can be deemed

effective if they lead to results expected in the 2006 Communication *Towards an EU Strategy on the Rights of the Child* and other EU actions on children's rights.<sup>70</sup> Effectiveness is assessed in two ways: the extent to which specific measures outlined in the 2006 Communication, the key document shaping all EU actions in this area after 2006, have been undertaken; and, based on the inventory of EU actions and interview and documentary data, the effects of EU actions are examined in terms of immediate *outputs* and longer-term *results* in the different areas where EU action occurred.

### 6.1. Immediate developments after the 2006 Communication *Towards an EU Strategy on the Rights of the Child*

The Communication *Towards an EU Strategy on the Rights of the Child* resulted in institutional change within the European Commission and a series of concrete follow-up actions. An EC Coordinator for the Rights of the Child was appointed and a dedicated children's rights team inside DG Justice was established. The creation of an EC Inter Service Group (ISG) on the Rights of the Child has meant greater institutional capacity to coordinate EU actions affecting children's rights. Some progress has also been made in developing indicators to improve the collection of data on children's rights.<sup>71</sup>

Not all the measures outlined in the Communication had been achieved by the end of 2010. Areas where action is still needed include the development of a plan to address children's rights, children's participation, and the creation of a web-based discussion and work platform.<sup>72</sup> Finally, some objectives of the Communication are broad and ongoing, such as mainstreaming of children's rights. These cannot be judged in the same way, as they are processes rather than actions with well-defined outcomes. The table below presents the status of concrete measures outlined in the 2006 Communication *Towards an EU Strategy on the Rights of the Child*.

**Table 7: The implementation status of specific actions planned in the 2006 Communication *Towards an EU Strategy on the Rights of the Child***

Measures Outlined in the Communication	Status of implementation	Other comments
To attribute one single six digit telephone number (116xyz) within the EU for child helplines and one for child hotlines dedicated to missing and sexually exploited children	Commission Decision on reserving the national numbering range beginning with '116' for harmonised services of social value (2007/116/EC)	Member States must a) encourage the provision of the services for which such numbers are reserved, b) ensure that disabled end users are able to access services provided under the "116" numbering range to the greatest extent possible, c) ensure that citizens are adequately informed of the existence and use of services, in particular through initiatives specifically targeting persons travelling between Member States and d) make

<sup>70</sup> Please see Appendix 2 for detailed judgement criteria for effectiveness.

<sup>71</sup> See Summary Report "Developing indicators for the protection, respect and promotion of the rights of the child in the European Union", EU Agency for Fundamental Rights, March 2009.

<sup>72</sup> See COM (2006) 367 Final. Communication from the Commission 'Towards an EU Strategy on the Rights of the Child' for a full list of recommendations.

Measures Outlined in the Communication	Status of implementation	Other comments
		every effort to ensure that citizens have access to a service operating a hotline in order to report cases of missing children. (2007 amendments to Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services (Framework Directive)
To support the banking sector and credit card companies in combating the use of credit cards when purchasing sexual images of children on the Internet	Funding (€427,000) provided to a European Financial Coalition against child sexual abuse content on the Internet, headed by the Child Exploitation and Online Protection Centre	
To launch an Action Plan on Children in Development Cooperation to address children's priority needs in developing countries	EU Guidelines for the Promotion and Protection of the Rights of the Child  Update to EU Guidelines on Children in Armed Conflicts  The European Union's action plan on children's rights in external action (COM(2008) 55 final)	Communication on a Special Place for Children in EU External Action (COM(2008) 55 final)
To promote a clustering of actions on child poverty in the EU	Reinforcement of child poverty in 2006 Common Objectives of the Social OMC	Current development of non-material child poverty indicators by Social Protection Committee
To assess the impact of the existing EU actions affecting children's rights	<i>The evaluation of the impact of the EU instruments affecting children's rights with a view to assessing the level of protection and promotion of children's rights in the EU is in progress</i>	Action will be completed with the acceptance of the current report
To issue a consultation document to identify future actions	Public Consultation on the Commission's Communication on the Rights of the Child	Consultation structured around four specific areas: child friendly justice, justice policies safeguarding children's rights, protecting vulnerable groups, and child participation
To collect comparable data on children's rights	Fundamental Rights Agency report on <i>Developing indicators for the protection, respect and promotion of the rights of the child in the European Union</i>	
To mainstream children's rights when drafting EC legislative and non-legislative actions that may affect them	Ongoing	
To bring together stakeholders in a European Forum on the Rights of the Child	5 Forums held, ongoing	
To set up a web-based discussion and work platform	In process	
To involve children in the decision-making process	Flash Eurobarometers 235 and 273 addressed children's	



Measures Outlined in the Communication	Status of implementation	Other comments
	perception of their rights; Qualitative study on involving children in decision-making; Study on child participation in third countries in 'Investing in People' programme	
To set up a Commission Inter-service Group and to appoint a coordinator for the rights of the Child	Child rights coordinator appointed; Commission Inter-Service Group established	
To provide the necessary skills and tools to actors involved in mainstreaming children's rights in Community policies	New training for Commission's staff planned	
To design a communication strategy on children's rights	In process	
To provide information on children's rights in a child-friendly manner	Child-friendly outlines of EU child rights policy available in 20 languages	
Continue and further enhance EU's active role in international forums to promote the rights of the child	Increased focus on development aid through EIDHR	
Provision of necessary financial capacity to deliver services	Increased funding focus on children through: - DAPHNE III (2007-2013) - Fundamental Rights and Citizenship Programme (2007-2013) - Safer Internet Programme (2009-2013) <sup>73</sup> - Investing in People Programme (2007-2013) - EIDHR - Media Programme - Youth in Action Programme - Progress Programme <sup>74</sup>	

The table above gives rise to several broad observations. It shows that the Commission has taken actions to address many of its immediate objectives outlined in the Communication, is in the process of accomplishing others and still has to address certain issues. Many objectives with specific timelines were achieved and have been implemented. Relatively straightforward objectives, such as establishment of the Inter-Service Group and reservation of the 116 range of numbers, have been delivered but broad and less clearly defined objectives, such as general mainstreaming of children's rights into EU actions, have been more difficult to both implement and assess in the short term. Some of the objectives outlined, such as mainstreaming, are long-term goals and, as such, work in these areas is ongoing.

Both these immediate objectives and outcomes and the ongoing actions and processes the EU has undertaken fall into core areas of children's rights protection: (1) consultation and awareness raising, (2) learning and capacity building (3)

<sup>73</sup> These funding programmes directly address children's issues.

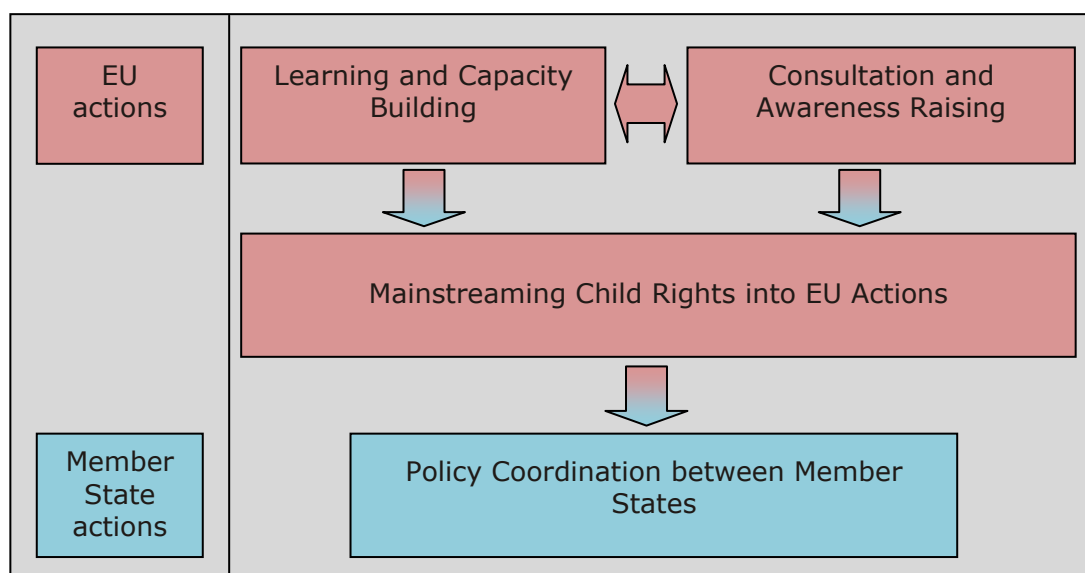
<sup>74</sup> These programmes address children's issues among other groups.

mainstreaming and (4) coordination.<sup>75</sup> A majority of interviewees regarded the EU to add most value through coordination. Mainstreaming is also crucial since, when it is done effectively across policy areas, overall outcomes improve and it can support coordination of actions at EU and Member State levels. Effective mainstreaming requires better knowledge and capacity and good connections with stakeholders.

### *Roles of the EU in protecting and promoting children’s rights*

The EU has no general competence in the area of the rights of the child. The EU plays a complementary but essentially different role in children’s rights than that played by the Member States. Some issues such as migration, internet content, abduction and international adoption across borders cannot be easily dealt with within one Member State. Other issues may not receive equal attention in all Member States and, in these cases, the EU can coordinate Member State actions, stimulate awareness and create the possibility for mutual learning.

**Diagram 6: EU Roles in Promoting Children’s Rights<sup>76</sup>**



### *Mainstreaming of children’s rights across EU policy fields*

Mainstreaming of children’s rights is one of the priority goals stated in the Communication *Towards an EU Strategy on the Rights of the Child* and is a key role for the EU in other horizontal policy areas such as gender.<sup>77</sup> “Mainstreaming, in a children’s rights context, can be defined as the incorporation of children’s rights, needs and welfare, according to the principles of the UNCRC, at all stages and at all levels of EU law and policy-making”.<sup>78</sup> It requires the creation of an overarching approach that upholds rights, as well as capacity in terms of understanding how

<sup>75</sup> These roles were identified by looking at the objectives of the 2006 Communication along with interviews from stakeholders on the importance and added value the EU plays in these different roles.

<sup>76</sup> This graphic only illustrates EU-level processes, and does not address how actions are undertaken at the Member State level. Member State Coordination only refers to the role the EU plays in that particular process.

<sup>77</sup> See DG Employment, Social Affairs and Equal Opportunities. ‘Gender Mainstreaming’ at <http://ec.europa.eu/social/main.jsp?catId=421&langId=en>.

<sup>78</sup> Helen Stalford, Eleanor Drywood. *Coming of Age?: Children’s Rights in the European Union*. Common Market Law Review 46: 143–172, 2009. Kluwer Law International. Printed in the Netherlands.

policy will affect children. Successful mainstreaming almost inevitably requires stakeholder involvement<sup>79</sup>.

### *Consultation and Awareness Raising*

Consultation and awareness-raising can act as a catalyst for mainstreaming, improve coordination with the Member States and form the basis for cooperation with relevant stakeholders. The EU has played an important awareness raising role in other areas, such as development policy.<sup>80</sup> Consultation is an integral part of the EU policy frameworks in almost all areas and its importance is stressed in the White Paper on European Governance<sup>81</sup>. It is built into EU governance institutionally through processes such as Green Papers, online consultations, communications, advisory committees and issue-specific consultations. The commitment to understand issues concerning children and how to incorporate them into EU policy implies that the EU should gather as much knowledge and expertise as possible and integrate the concerns and interests of all stakeholders involved in children's rights as far as possible. Engagement with civil society is useful to overcome the shortage of skills and experience of children's rights within the EU institutions. This importance of civil society involvement was endorsed by the Commission in its 2006 Communication *Towards an EU Strategy on the Rights of the Child*. Institutionally, the Communication resulted in the establishment of the European Forum on the Rights of the Child as the main instrument to bring together relevant stakeholders.

### *Learning and Capacity Building*

The EU can add significant value in enhancing capacity and expertise on children's rights even in policy areas that are technically outside its competence. The role played by the EU in aiding policy learning at the EU and Member State levels has been noted in recent years<sup>82</sup> and was identified as potentially significant for children's rights. Capacity building, particularly financial capacity and training, was also recognised as an important and it is central to social policy generally.<sup>83</sup> The peer review process in the Social OMC, along with the development of common objectives and indicators and the exchange of good practice, is an example of building expertise in the area of child poverty.

### *Coordination of Member State policies affecting children*

The EU can help to coordinate Member State policies within areas where it has competence. Coordination at the Member State level is an essential part of the EU children's rights plan of action as a means of filtering EU-level action into a form that can be implemented at the Member State level. The coordination function forms a key consideration for social policy in the Europe 2020 Strategy<sup>84</sup> and has been formalised in governance processes such as the open methods of coordination.<sup>85</sup> The

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<sup>79</sup> Helen Stalford, Eleanor Drywood. *Coming of Age?: Children's Rights in the European Union*. Common Market Law Review 46: 143–172, 2009. Kluwer Law International. Printed in the Netherlands.

<sup>80</sup> Part I, section 4.3, paragraph 18 of the European Consensus on Development.

<sup>81</sup> European Governance: a White Paper. Com(2001) 428 Final.

<sup>82</sup> For a wide variety of examples, see *The Journal of European Public Policy*, Vol. 16, N. 8, 2009.

<sup>83</sup> See DG Employment, Social Affairs and Equal Opportunities, 'Capacity Building'. Available at <http://ec.europa.eu/social/main.jsp?catId=481&langId=en>.

<sup>84</sup> See Governance, Tools and Policy Cycle of Europe 2020. Available at [http://ec.europa.eu/europe2020/pdf/annex\\_swd\\_implementation\\_last\\_version\\_15-07-2010.pdf](http://ec.europa.eu/europe2020/pdf/annex_swd_implementation_last_version_15-07-2010.pdf).

<sup>85</sup> Some of which have a direct impact on children, such as the Social OMC.

Communication *Towards an EU Strategy on the Rights of the Child* also highlighted the importance of this coordinating role.

These four roles mark the key areas in which the EU has aimed to address children's rights at the EU level, and as such they form the basis for analysing the effectiveness and impact and added value of the EU in improving children's rights.

## 6.2. Mainstreaming

The Communication *Towards an EU Strategy on the Rights of the Child* made an important contribution to EU mainstreaming of children's rights. It did so by creating institutional mechanisms that supported interaction within the Commission and with EU and Member State institutions and civil society organisations on children's rights issues. Particular attention can be drawn here to the European Forum on the Rights of the Child and the creation of a dedicated child rights team in the Fundamental Rights and Rights of the Child unit, DG Justice. Within the Commission an Inter-Service Group on the rights of the child has been created, which allows for dialogue between Directorates General on children's rights. This has established a formal institutional process in which relevant Directorates General can communicate around children's issues within EC policy. A sub-group of the Inter-Service Group consisting of the six Directorates General responsible for the EU external relations policy was also created. Generally, this allows for effective coordination.

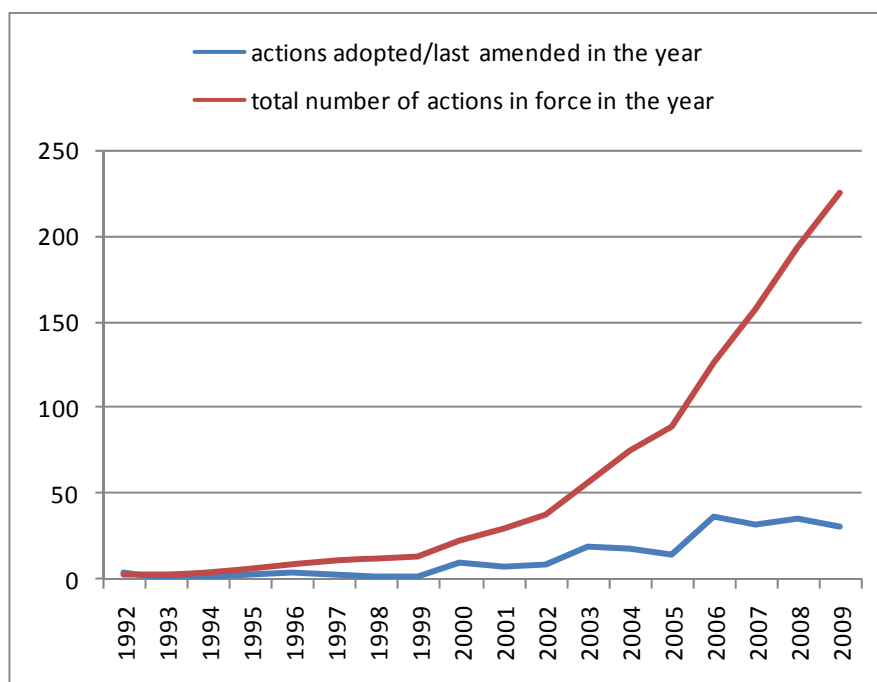
The EU has also made progress in addressing children's rights issues outside the specific measures included in the Communication *Towards an EU Strategy on the Rights of the Child*. Some actions, such as addressing child poverty and social exclusion and unaccompanied minors in asylum and immigration, were developed and implemented prior to the Communication and have now permeated other policy areas. Areas where progress has been made since 2006 include internet safety, child trafficking, parental responsibility and childcare, violence against children, discrimination, health and education, as well as children in external relations. Efforts have been made to mainstream children's rights in all actions in the European Security and Defence Policy, which in 2008 produced a *Handbook on Mainstreaming Human Rights and Gender into European Security and Defence Policy*, which specifically highlights children's rights. In addition, funding guidelines for certain relevant programmes and guidelines applicable in certain situations have increasingly addressed children's rights and mainstreamed them into their guidelines. The Investing in People programme, for example, has specific guidelines for children and youth, and the EU Guidelines on Children and Armed Conflict addressed a specific group of vulnerable children.

In terms of immediate outcomes, effective mainstreaming of children's rights requires that children and children's issues are recognised in EU actions across all areas of policy. The inventory of EU actions shows a general increase in the number of actions that address children's issues. There has been a marked and steady increase in the number of actions directly or indirectly mentioning children in the last decade, moving from 23 actions in 2000 to 225 in 2009. The most important increase was in the 2005-2009 period, when 136 actions that affected children were taken. The years 2006 and 2008 represented peak years for adopting or amending new actions that addressed children's rights. Since 2006, 39 actions addressing issues directly related to children have been introduced, including an increase in the proportion of these actions that mentioned specific child rights principles. Specific



children's issues were considered in a wide variety of actions both internally and externally, with the EU targeting and acting in policy areas such as standard of living, asylum and immigration, health, social inclusion, criminal matters and non-discrimination. Finally, reference to general children's rights principles increased, with the number of new actions making reference to the best interests of the child trebling in the second half of the decade.<sup>86</sup>

**Diagram 7: The development of EU actions between 1992 and 2009**



While the increase in actions that directly or indirectly address children is important to note, other factors need to be considered in evaluating mainstreaming. Effective mainstreaming requires not only increased reference to children, but also increased reference to general children's rights principles. There has been a general increase in actions that target children in some way, but this does not guarantee that these actions deal with policy in a way that focuses specifically on child rights, and some acts only briefly touch on children. Since 2006, only five EU actions out of the total that mention children have focused specifically on general rights principles (3.5 per cent), and none of those actions directly addressed children in their objectives. Of the actions that directly mention children in their objectives, only 21 of the actions (42 per cent) made any mention of child rights principles. These numbers are not significantly different to those prior to 2006, where three out of 89 EU actions that mentioned children focused specifically on general rights principles (3.4 per cent), and of those directly addressing children in their objectives, nine out of 22 actions made mention of these rights principles (41 per cent).<sup>87</sup>

EU actions that specifically addressed children's rights principles did not always result in deeper consideration of these principles when the actions were being implemented. This is true in actions in areas such as asylum, child protection and child participation. In actions that were legally binding on Member States such as the

<sup>86</sup> In the 2001-2005 period, 9 new actions made reference to the best interests of the child, but from 2006-2009, 27 actions made reference to children's best interests.

<sup>87</sup> All numbers drawn from the Inventory of EU Actions.

development of minimum standards, EU actions were transposed to Member State legislation, but no specific guidance was provided at the EU level to help Member States establish concrete ways to understand and implement general rights principles. Consequently, the monitoring mechanisms that are used to assess the implementation of these Directives do not have a clear basis for measuring their application in terms of children's rights. In non-binding actions, these general principles are not necessarily translated into action at the EU or Member State level. Guidance for application of these principles is lacking as it also is in binding EU actions. In actions of all types, general rights principles may be considered when developing EU actions but there is little evidence to illustrate how these general rights principles are translated at later stages of the policy process. This limits the effectiveness of mainstreaming, as actions are not mainstreamed during all stages of policy.

Policy implementation and effective mainstreaming are always difficult to achieve<sup>88</sup>. The problems are exacerbated in horizontal policy issues which require constant coordination. It is not surprising that it has yet to be fully achieved in the area of children's rights.. While the usefulness of the ISG as a consultation mechanism and forum for sharing knowledge and good practices within the Commission's services was recognised, some members found that its effectiveness was sometimes hampered by a lack of coordination, low levels of participation from some services and sometimes needed clearer focus<sup>89</sup>.

Mainstreaming should result in measures and processes that aid the integration of children's rights into all policy areas, at all stages. Impact assessments are an important way of understanding how mainstreaming will affect children and their rights. In 2010, there were 44 impact assessments in the EU.<sup>90</sup> Of those, five were clearly relevant to children, and a further six were tangentially related to children. Of the 11 actions touching on children's issues, one impact assessment directly relevant to children mentioned the rights of the child, one mentioned child poverty and one mentioned provisions for children in related actions. However, none of these impact assessments directly assessed how the measure would affect children. While integration of children's rights into the impact assessment process may have an effect in the future, currently, integration of child rights into the impact assessment process has had little effect.

#### **Box 4: Mainstreaming in Practice**

There are some good practices in terms of effective mainstreaming of children's issues. First, the 2008 Communication, *A Special Place for Children in EU External Action* helped to create a clear and strategic approach for dealing with children's rights in any EU external action. EU external services, particularly DG External Relations and DG Development include children's rights in their programming guidelines and key policy documents, which has allowed for a clearer understanding of the interconnectedness between policy sectors in dealing with external aid. EU institutional set-up for policy

<sup>88</sup> Bulmer, S. (1993). 'The Governance of the European Union: A New Institutional Approach'. *Journal of Public Policy*, 13:4, pp. 351-380, 361, O'Toole, R. (1988). 'The Decision-Making Process within the Commission of the European Communities in the Light of the Single European Act'. *Irish Studies in International Affairs*, 2:4, pp. 65-76; Mazey S (2002) 'Gender Mainstreaming Strategies in the EU: Delivery on a an Agenda' *Feminist Legal Studies* 10:3. 227-240 .

<sup>89</sup> Based on interviews with EC officials conducted by the authors.

<sup>90</sup> As of December 2010, 47 impact assessments are listed on the Commission Impact Assessment website, but 3 are repeated.

delivery in external actions was generally well regarded and includes an elaborate architecture of trade agreements, human rights dialogues and widespread presence on the ground through its delegations in third countries. Children's rights have been mainstreamed into several thematic development cooperation programmes, which were also institutionally coordinated with geographic programmes. Some achievements have also been made in sharing good practice and training external relations staff for better policy delivery. Supplying them with the relevant toolkits is in development. However, monitoring of programme results and the way in which different external programmes fit together is still underdeveloped.

Another example of good practice revolves around children and social exclusion. Originally mostly addressed in terms of child poverty in the Social Open Method of Coordination, a narrow material view of poverty has gradually widened to encompass a wider view of child well-being, incorporating issues of health, welfare, education, migration and family issues. This in turn has involved Directorates General other than DG Employment and Social Affairs (responsible for the Social OMC), including DG Health and Consumers (general well-being) and DG Education and Culture (education and social inclusion). Poverty and social exclusion are now key priority areas in the Commission and the EU as a whole, central to the proposed Europe 2020 strategy, and 2010 was named the European Year for Combating Poverty and Social Exclusion. Combating child trafficking and child pornography reflect other attempts at mainstreaming. Within the Commission, different Directorates General (mainly Justice, Home Affairs, and Information Society) coordinate on actions to protect children, and the EU uses a multi-pronged approach, making use of binding minimum standards, coordinating programmes across Member States and funding initiatives. In addition, this response is coordinated across the policy field, addressing issues such as harmful content and child trafficking. A very real example where this coordination helped was in providing funding for a joint UK-Romanian police operation to free enslaved and abused children.

Mainstreaming by its very nature is a continuing process and not likely to generate significant immediate results. However, certain outputs and results should be evident in order to ensure effectiveness over the long term. It is important that there are now structures to aid mainstreaming in place. In addition, EU priorities are relevant to children, and deal with these issues in a way that increasingly recognises their needs. This has led to an increase at least in naming children within EU actions. However, these short term gains have yet to be followed up by a strategic approach.

### **6.3. Learning and capacity building**

The Commission's role in learning and capacity building should lead to outputs such as a) new children's rights structures set up and made operational; b) development and delivery of training programmes for EU staff; c) increased funding for children's rights programmes; and d) improved monitoring of children's rights at the EU and Member State level. These outputs should, in the medium term, lead to increased knowledge and capacity amongst relevant stakeholders in terms of children's rights and funding programmes should be delivered in a way that meets their objectives regarding children's rights.

In terms of immediate outputs, greater capacity requires adequate funding and resources and better knowledge in dealing with these issues. In terms of funding, the most significant increases occurred in the 2007-2013 EU strategic period. Internally, children are identified as a priority group in targeted funding sources, such as

DAPHNE III, which aims to protect children (along with women and young people) from violence, and Fundamental Rights and Citizenship funding, which protects children along with other vulnerable groups. The Safer Internet Programme is another financing instrument that aims to protect children as a specific group, and programmes in other areas, such as the MEDIA programme, the Youth in Action programme and the Progress programme, have significant children's components. Externally, funding programmes such as Investing in People and the broader European Instrument for the Promotion of Democracy and Human Rights include specific children's rights dimensions in their provision of funding. These funding streams, both internally and externally, group children among other priority groups in their funding programmes, but no child-specific funding programmes currently exist.

Regarding learning, some new structures have been established to help develop knowledge and capacity. The most notable mechanism that specifically addresses children's rights is the Forum on the Rights of the Child, which also increases consultation with stakeholders. One of the objectives of the Forum on the Rights of the Child is 'to exchange information and good practice' about children's rights, and as such its development provides structure that can promote learning and capacity building. While the Forum has had more limited success in achieving effective consultation, it has been a reasonably effective instrument for policy learning by augmenting the knowledge and expertise of participants. A survey of Forum participants reveals that a majority of stakeholders (56 per cent) felt that their knowledge and understanding of issues was somewhat or greatly improved by participating in the Forum. Externally, regular training of EU external relations staff is organised by DG External Relations. In addition, some policy learning has occurred on informal and ad hoc bases. These relationships and opportunities for sharing knowledge and good practices can develop around specific child's rights issues. For example, cooperation and learning worked well between DG Information Society and DG Justice on issues relating to child pornography on the internet and convincing Member States to filter or block certain internet websites across the EU. Finally, the ISG and the Commission increased emphasis on child rights has resulted in officials in various Directorates General addressing and dealing with child rights, although these are often just part of their portfolio.

In order to be effective, outputs from capacity building should result in better delivery of children's rights within funding programmes, greater knowledge amongst EU staff and improved monitoring of actions. Some progress is clear. Internal training in children's rights has been limited thus far, but new initiatives are now being developed. Some guidance is in the process of being prepared on impact assessment in relation to fundamental rights and children's rights. The EC is also working towards addressing the shortage of children's rights experts internally.

Although new programmes have led to larger funding pools available for initiatives related to children's rights, the results of these funding programmes are difficult to ascertain. The different funding streams that support initiatives related to children's rights include children as a priority group but they are not structured around supporting children's rights specifically. Internally, separate sources of funding are provided to different but related policy issues such as asylum and migration. However, these funds do not necessarily take a consistent children's rights approach. This extends to other policy areas such as EU structural funds where children are affected but are not the primary focus of the policy.





Monitoring is key to targeting and capacity building. Effective monitoring techniques are still to be developed in the area of children's rights, resulting in a lack of coordination and some uncertainty regarding the outcomes of funding and programmes. This is especially the case in external actions. Current monitoring of EU development cooperation programmes is project-based, which makes it difficult to undertake programme-level evaluations. In addition, any programme monitoring does not allow for projects to be sorted thematically, making it difficult to identify those projects that are relevant to children's rights (apart from those that are explicitly funded under dedicated 'youth and children' headings). There are mid-term reviews of development cooperation programmes, although these too tend to evaluate entire programmes and have no explicit children's rights mandate.

### **Box 5: Learning and Capacity Building in Practice**

There is some evidence that EU actions helped to improve capacity and learning as regards children's rights in certain policy areas. Soft-law mechanisms, such as the Social OMC, have led to mutual learning on specific policy issues. For instance, mutual learning was often mentioned as a key role of the Social OMC in addressing child poverty issues at the national level. In terms of increasing knowledge at the EU level, a good practice example exists where networks of independent experts have been or are in the process of being set up to increase the EU's expertise in issues related to children's rights. Within the Social OMC framework, the work on the development of common indicators has also helped to improve the expertise and capacity of relevant national actors and the Commission.

The implementation of the 116000 Hotline at the national level has led to greater expertise and know-how on missing children. The role of DG Information Society in relation to electronic communications and the Hotline provision in Member States provided this Directorate General with greater knowledge about the institutional and organisational diversity of Member States and their uneven approaches to, and needs regarding the issue of missing children. This increase in expertise is less evident at the Member State level. The Commission has no leverage in forcing the implementation of the Hotline at the national level, but it can support the Member States by providing them with examples of best practice and help them with technical implementing measures within the context of the Communications Committee, which includes the relevant Member State officials in charge of electronic communications issues and Commission officials. There is evidence that Commission officials in DG Information Society have acquired greater expertise on various aspects underpinning the implementation of the Hotline due to these Communications Committee meetings, which also provide the opportunity for the Member States to report back to the Commission on the level of implementation of the Universal Service Directive, which includes key provisions with respect to the adoption of the Hotline on Missing Children in Member States.

New funding and structures created since 2006 have helped to provide a framework for increased knowledge and capacity in addressing children's rights within the EU, and permeating to other levels. The 2007-2013 programming period saw several new funding streams, both internal and external, that emphasised the importance of children in its objectives. Training and improvement of knowledge have been addressed in some areas, and are in development in others. In terms of funding, some new streams of support have been developed, but lack of coordination and monitoring of funding streams in terms of addressing children's rights has led to some uncertainty in the effectiveness of these streams.

## 6.4. Consultation and awareness raising

Immediate outputs of consultation and awareness raising processes can be seen when a) new consultation processes are launched; b) new actors are involved in consultation processes; c) more responses are received for these consultation processes; or d) new information dissemination and awareness-raising initiatives are undertaken. These outputs lead to measurable results such as a) follow-up actions to consultations; b) two-way dialogue between the Commission and other stakeholders; and c) increased dissemination of information and understanding of children's rights issues.

Consultation with stakeholders and awareness raising are core principles of the *Communication Towards an EU Strategy on the Rights of the Child*. While not legally binding, the *Communication towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission*<sup>91</sup> sets out the principles on which effective consultation should be based. While this refers to formal consultations on EU actions, many of the principles are applicable in other avenues of consultation, such as the Forum on the Rights of the Child. Consultation requires:

1. Participation,
2. Openness and accountability,
3. Coherence, and
4. Effectiveness.

With regard to children's rights, several new ad hoc and ongoing consultation processes have been developed either specifically to address children's rights issues, or to address broader issues relevant to children's rights. The chief consultation mechanism is the EU Forum on the Rights of the Child, which has met 5 times since 2007 and has addressed a range of issues. The 2010 Public Consultation on the Commission's Communication on the Rights of the Child (2011-2014) opened up the debate on children's rights in the EU to all stakeholders who wished to participate. A large-scale qualitative study on children's rights was completed in October 2010 that incorporated the views of children in all 27 Member States who participated in the consultation through focus groups discussions.<sup>92</sup>

These newly-created processes have had some immediate results. A survey of Forum participants revealed that a majority of stakeholders felt that the Forum contributes to some degree to developing a shared understanding of issues. The Forum has also led to a significant increase in the breadth of stakeholders involved in the process, with international, EU and Member State NGOs, national, regional and local authorities, international and intergovernmental organisations, Ombudspersons, and research institutions all participating in the Forum, with many others contributing to other ad hoc consultation processes as well. However, there is a shared view that these consultation processes specifically designed to address children's rights do not lead to follow-up actions or dialogue, with a majority of stakeholders noting that they received no feedback after the Forum. (Almost 80 per cent felt there was a strong need for more follow-up) Only 18 per cent of participants felt that the Commission

<sup>91</sup> Communication: Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission. COM (2002) 704 FINAL.

<sup>92</sup> The Rights of the Child: Aggregate Report, October 2010. Available at [http://ec.europa.eu/public\\_opinion/archives/quali/ql\\_right\\_child\\_sum\\_en.pdf](http://ec.europa.eu/public_opinion/archives/quali/ql_right_child_sum_en.pdf)

did a good job in terms of disseminating information discussed in the Forum to the general public (41 per cent felt that dissemination here was slight or non-existent). Stakeholders saw participation and consultation as a key area in which the EU could add value, both in terms of stakeholder and child participation.

It is generally the case that effective consultations with stakeholders are two-way and sustained. Current levels of stakeholder involvement are not always perceived as satisfactory by non-governmental stakeholders and civil society. Directorates General consult relevant NGOs mostly in order to draw on external sources of knowledge of child rights protection and promotion. Although the NGOs are engaged on a regular basis, the consultation is not well structured or is lacking feedback.

Consultation with children was identified as important in the Communication *Towards an EU Strategy on the Rights of the Child*. Thus far, formalised participation on the part of children in policy or policy discussion has been limited and mainly confined to young people, as due to legal restrictions most data on participation looks only at older children. This suggests that children feel that they are not given enough opportunities to express their views or to ensure that those views have an influence on the decisions of policy makers. A Eurobarometer survey (2008) shows that young people think that they lack information regarding procedures, access to competent authorities and their general rights themselves. In addition, 78.5 per cent of respondents (from 15 to 18 years bracket) do not know how to go about defending their rights or who to contact for help, and 75.5 per cent are not aware of their rights. Finally, more than 85 per cent of respondents feel that the EU should prioritise the provision of more information to children about their rights and give more support to organisations working in the field of child rights protection: all of which illustrates the added value the EU can potentially add in this policy area.

When looking at *participation*, consultation processes in the area allow for sufficient participation of stakeholders and have involved a wide variety of stakeholders (including, in the case of the 2010 Qualitative Eurobarometer on the Rights of the Child, a study seeking the input of children themselves), mostly fulfilling the standards set out in the Communication on consultation. The one area in which progress has not been made in participation is in direct child participation. Ways to improve child participation were discussed as a key issue at three of the five EU Forums on the Rights of the Child, and this was one of the four issues raised in the 2010 consultation process on children's rights. Secondly, *openness and accountability* by the Commission in consultation require a clear outline of what issues are being developed, what mechanisms are being used to consult, who is being consulted and why, and what has influenced decisions in the formulation of policy. These standards were clearly laid out in the public notice of the 2010 consultation.

The Commission consultation processes have not yet met the requirements laid down in the Communication regarding *coherent* and *effective consultation*. According to the Communication on consultation, coherence requires 'mechanisms for feedback, evaluation and review' of the consultation process, and these were not clearly established in the 2010 Consultation process. The Commission added the least value in terms of developing an effective consultation process, according to the principles and standards set out by the Commission. Effective consultation must start as early as possible and requires that 'interested parties should therefore be involved in the development of a policy at a stage where they can still have an impact on the formulation of the main aims, methods of delivery, performance indicators and,

where appropriate, the initial outlines of that policy.<sup>93</sup> The call for a public consultation on children's rights in 2010 supports this principle by stating that the specific aims of the consultation were 'identified by people working in the field at the Forum on the Rights of the Child'. However, Forum participants did not feel that they had sufficient input into the topics discussed at the Forum, and the strategy on children's rights in the EU was not discussed as a topic at the Forum until October 2010, after the close of the consultation process.

Effective consultation requires adequate time. The Communication on consultation calls for a minimum of 8 weeks for consultation, which was met in the 2010 consultation (10 weeks). However, the Communication also recognises the need for a longer consultation period in certain cases, which may include children's rights.<sup>94</sup>

Also, while the Communication does not set out specific guidelines on the length of consultation and acknowledges time constraints, other consultations in the area have been much lengthier.<sup>95</sup>

### **Box 6: Consultation and Awareness Raising in Practice**

The most significant new EU consultation process for children's rights is the EU Forum on the Rights of the Child. The Forum acts as a consultation instrument that brings together EU institutions, Member States, International Organisations, Ombudspersons for children and NGOs in a way directly related to EU policies regarding children's rights. Starting in 2007 the Forum was convened on a regular basis and brought together many relevant stakeholders from across the EU and beyond. It has covered numerous issues related to children, such as sexual abuse, child alert mechanisms, juvenile justice, poverty and social exclusion, child participation, violence against children and child labour.

There is evidence that the Forum raised awareness of its participants on ongoing themes and topics underpinning children's rights provision at the EU level. Evidence shows that the Forum was effective in fostering the mutual learning of participants and shared understanding between stakeholders on the themes discussed. The Forum was created as a direct result of the EU's post-2006 emphasis on children's rights and has allowed for the participation of an increased number of stakeholders in examining EU policies and approaches to children's rights. Attendance at these Forums has been relatively high as well, with the first Forum attracting 175 participants from EU institutions, Member States, international organisations and NGOs. There were 87 participants at the October 2010 Forum and similar numbers were present at the second, third and fourth fora.

Reaction to the Forum by stakeholders was more mixed, and the Forum was seen as a more informational conference-type tool, rather than being an opportunity to share best practices and advise and assist the Commission on mainstreaming children's rights. While issues covered were wide ranging, their interconnections were not addressed and there was little continuity between Forums. While the Forum set out to involve more stakeholders in the EU policy process, it was unclear to the stakeholders exactly what

<sup>93</sup> COM(2002)704. Commission communication 'General principles and minimum standards for consultation of interested parties by the Commission'.

<sup>94</sup> These special cases may include: the need for European or national organisations to consult their members in order to produce a consolidated viewpoint; the need to consider certain existing binding instruments; the specificity of a given proposal (e.g. because of the diversity of the interested parties or the complexity of the issue at stake); main holiday periods.

<sup>95</sup> For example, the Green Paper on Migration and Mobility in Education lasted 26 weeks.

role they should play or where the Forum was situated in an institutional context; many participants (63 per cent of survey respondents) felt that stakeholder groups were not adequately represented, especially children themselves. Finally, stakeholders did not feel that the Forum acted ‘to advise and assist the Commission and other European Institutions’, as set out in the objectives of the Forum.

Structured dialogue in EU youth policy (13-30 years old), is an example of good practice here. DG Education and Culture (responsible for Youth Policy) has established a steering committee made up of EU-level representatives, national youth agencies and youth organisations represented through the European Youth Forum in helping to enable youth participation and involvement at the EU level. National working groups have been established to promote this dialogue at the Member State level. Young people also play a role in setting the agenda. There is also recognition that all stakeholders should play a meaningful role in policy development and there should be a clear method of implementing policy to ensure ownership over the process.

Better policy consultation and awareness raising on children’s rights should be cornerstones of EU policy on children’s rights, as outlined in the Communication *Towards an EU Strategy on the Rights of the Child*. A number of steps have been taken – most notably the establishment and operation of the Forum on the Rights of the Child as an opportunity to consult with stakeholders in developing the future direction for child rights. But this has not yet resulted in sustained dialogue between stakeholders and the EU. Related to this, child participation was established as an extremely important part of future considerations on children’s rights. In this area, the Commission has seen limited success. There is evidence that the EU is working to improve consultation with various groups. There have been efforts recently to improve the online presence for EU children’s rights, and expert groups have been arranged to discuss specific child-related topics such as bullying, invisible children and child-friendly justice.

## 6.5. Coordination

The EU plays a role in facilitating coordination and cooperation at the Member State level in some policy areas. The EU can take binding or non-binding actions depending on policy area and level of competence. In terms of non-binding actions, immediate outcomes of coordinating actions may take the form of increased emphasis on children’s rights in coordinating mechanisms (such as the Open Methods of Coordination) or development of children’s rights indicators to measure Member State actions in the area. This can result in increased opportunities for policy learning and collection of comparable data about children. For binding actions, the outcome should be the adoption of minimum standards in areas of children’s rights. This should result in the full transposition and implementation of these minimum standards in the Member States.

The EU, within the remit of its powers, can create outputs in binding ways in the form of legislative acts and in non-binding ways to support Member State development in certain policy areas, and has done so through processes such as the various Open Methods of Coordination (OMC). In this regard, there has been increased emphasis on children’s issues in certain policy fields in recent years, including social policy and education, but these were carried out independently of the Communication *Towards an EU Strategy on the Rights of the Child*. For instance, focus on child poverty was part of the Social OMC before the Communication was

adopted. Child poverty was treated as a key issue from its inception in 2000, and 2006 changes to common objectives further highlighted this as a priority area. This emphasis on social inclusion has permeated other policy areas at EU and Member State levels, but this has developed largely separately from the EU child rights focus. Still, it acts to further address child issues in certain areas.

Effective coordination also requires the development of reliable, comparable and consistent indicators across the EU to allow for better understanding of issues and situations in different Member States. Currently, the EU is still lacking reliable and comparable statistical data on the most pressing issues affecting children. While not in place yet, new indicators are currently being developed in broad contexts and in certain policy areas to provide guidance in translating broad objectives regarding child well-being into more specific action. A summary report published by the Fundamental Rights Agency (further - FRA) in 2009 on *Developing Indicators for the Protection, Respect and Promotion of the Rights of the Child in the European Union* made a start in defining child rights indicators. In social issues, the Social Protection Committee (part of the Social OMC process under DG Employment and Social Affairs) are currently working on indicators that are looking specifically at child welfare and well-being to widen the focus of child poverty protection from a material idea of well-being to a more encompassing vision.

New indicators should result in increased data collection in child-related issues. However, given the very recent work done on developing indicators, it will be a while before there are tangible measurable results in collecting comparable data beyond that which was previously collected. Finally, EU coordination should allow for greater sharing between Member States on policy approaches to addressing children's rights, and this has occurred in specific policy areas. The peer review process in the OMCs has provided a structure for mutual learning among participating Member States through the exchange of good practice and ideas on how to improve the relevant Member State policy initiatives. In social policy, for instance, three peer reviews have been held on issues related specifically to child poverty and well-being, allowing for exchange of good practices between Member States, facilitated by EU actions to coordinate Member State actions.

#### **Box 7: Coordination in Practice**

The attribution of a single six digit telephone number (116 000 Hotline) within the EU for the provision of social services linked to missing children was also aimed at harmonising social services throughout Member States. By February 2011, 15 EU Member States have made the Hotline operational and three others have assigned the number. Implementation has been hampered by several factors:

- 1) Financial costs: There are problems around the costs related to service provision (staffing, availability 24/7, provision of the service in several languages, etc.) and the telecom costs (roaming cost, interconnection costs). There is no EU funding specifically allocated for the Hotline.
- 2) Limited interest in organisational provision of services: In some countries, no organisation was able to cover the service costs and meet the logistical requirements of providing the services required. In other countries, particularly small countries, there are no organisations that have the training and expertise to provide that specific type of service.

- 3) Some Member States already have national Hotlines covering both the child helpline and missing children aspects.
- 4) Institutional coordination and responsibility can be difficult to arrange at the Member State and pan-European levels.
- 5) There is no EU guidance on how to implement the 116 000 hotline at the Member State level.

In general, there was little awareness at the national level that the Hotline is part of a pan-European service of social value. With limited or no EU financial resources to support the implementation of the Hotline as well as no guidance on what services the Hotline should provide at minimum, most Member States failed to set up functioning services. Furthermore where the Hotline has been made operational, this has not led to improved coordination between the Hotline service providers across national borders, and in some cases between the hotline and other related national services, such as the police. The NGO Missing Children Europe is working to forge greater cooperation and coordination between service providers across Europe and this work can be supported further by the EU.

Since 2006, coordination has been somewhat limited at the Member State level. EU actions in children's rights are seen by Member States as useful support to national actions, but rarely steer Member State approaches to issues. Non-binding actions have worked to coordinate actions to a certain extent by providing a forum for Member States to share good practices and coordinate monitoring and dialogue on children's issues. However, collection of comparable data is still limited for children's rights, although efforts are being made to address this issue.



## 6.6. Conclusions

- The Communication *Towards an EU Strategy on the Rights of the Child* has brought about a clearer and more specific approach to addressing children's rights in the EU and has led to increased involvement of the EU in related issues in several contexts. The EU has been most successful in terms of raising awareness of children's issues. The recognition of child rights in the Communication has led to the identification of new issues and the importance of children in pre-established policies related to the welfare of children. *New structures* directly related to children's rights have been established, such as the Forum on the Rights of the Child and the inter-service group, and capacity has increased in certain policy-specific funding streams related to children.
- The EU has been less effective in other areas necessary to add value in horizontal policy areas. Consultation has taken place with stakeholders and relevant Directorates General, but many stakeholders feel that this has not improved two-way dialogue between stakeholders and the Commission. Finally, new training and capacity building is being developed but has not yet had an effect on EU children's rights policy. Effective mainstreaming of horizontal initiatives requires an adequate underlying structure, built on clear objectives, a clear approach to translating these objectives to action, and a firm structure that helps to develop and take advantage of synergies and inter-connections between relevant policies in multiple areas. The EU has made headway in some ways to establishing an effective child rights policy, but further conditions need to be met in order for the EU to have impact and added value in the area, which is analysed in the next section.





## 7. EVALUATION OF THE ADDED VALUE OF EU ACTIONS

### Executive Summary

There has been little measurable impact as yet from EU actions to promote and protect children's rights taken after the Communication *Towards the EU Strategy on the Rights of the Child* in 2006. Since most EU actions support compliance with children's rights in the Member States, any impact will be felt principally at the Member State level. Furthermore, the time period is too brief for the impacts, direct and indirect, from current policies to materialise. Consequently, this report focuses on the added value of EU actions. .

The EU has proven relatively effective with regard to increasing the number of acts addressing children, the first step is *mainstreaming*, but this must be followed by a coherent approach to addressing children's issues across all policy areas. There are expectations that the EU can add value in terms of inter-institutional agreement on a strategy to address children's rights and an increased emphasis on child rights principles in EU policies and actions.

Despite the perceived added value of the EU in *consultation and awareness raising*, actions have not yet significantly affected the policy agenda within the EU or Member States. Some impact can be identified at the EU level in terms of agenda-setting, via the Social OMC, for example, which has encouraged Member States to take action to combat child poverty and is now part of the agenda of Europe 2020.

The EU's role in *learning and capacity building* has not yet produced a major shift on policy. Indicators and data collection are still being developed and have not yet led to better monitoring or evaluation at EU or Member State levels, although this remains an area where the EU can add significant value.

Limited impact in these areas has meant that few EU actions have trickled down to the Member State level or aided Member State *coordination*. The comparative analysis of Member States policies on children's rights does not identify consistent areas where the EU has added value. Nevertheless, funding programmes and the provision of guidelines and information on issues relating to children's rights are now regarded as areas where the EU could make a significant contribution in supporting greater coordination between the Member States.

There is good reason to assume that the EU adds value to the promotion of children's rights both in Europe and globally. EU actions taken so far have addressed specific child rights defined in the UNCRC and they address some issues in different, and sometimes more extensive, ways than Member State and international actions. Although evaluation of added value in terms of net impacts is currently impossible, significant added value could be expected in the long term especially if EU actions are reinforced with a more comprehensive plan of action, institutional capacity further strengthened and care taken not to duplicate existing Member State or international action.

While the previous section looked at the immediate outputs and shorter-term results of these actions, this section looks at the longer term added value that the EU can

have in children's rights.<sup>96</sup> The added value and any results are assessed according to whether EU actions could be said to be moving towards their long term objectives in regard to children's rights in supporting the coordination and development of Member States' children's rights policies. In order to do so, the EU's role in mainstreaming, consultation and awareness raising, learning and capacity building and support for coordination of Member State actions with regard to children's rights are revisited.

## 7.1. Mainstreaming

Mainstreaming of children's rights has led to an increase in the number of EU actions that deal with children and children's rights issues; but it is less clear that this has resulted in better implementation of policies. To have an impact, these results have to create clear inter-institutional common approach on how to address children's rights throughout the policy process, leading to increased emphasis on children's rights principles in all policy areas and stages. In order to improve mainstreaming, a clear plan of action is required that sets out how the specific and distinct needs facing children (and different groups of children) will be addressed in policy. At present, many Directorates General address aspects of children's rights policy, but development and implementation of related policy initiatives does not always connect up with the initiatives and principles outlined in the Communication *Towards an EU Strategy on the Rights of the Child*. Although the Communication clearly outlines principles related to children's rights, it does not provide a concrete framework for implementing these principles horizontally across all areas of EU policy. Case study analysis of key policies provides evidence that rights and principles founded in the UNCRC, such as the best interest of the child, child participation and taking children's views into account are increasingly on the agenda and are incorporated into EU legislation, but it is less clear how these principles should be implemented or incorporated into the actions. This evaluation concurs with the expert opinion that, without a clear context and definition, "mere reference to children in EU law or policy is somewhat vacuous unless accompanied by an explanation of the purpose and scope of such measures".<sup>97</sup>

Impact of EU children's rights policy requires that EU actions address all four general rights principles identified by the UNCRC: right to life, survival and development, non-discrimination, participation, and general best interests of the child. These principles are echoed in the Communication *Towards an EU Strategy on the Rights of the Child*, but most EU actions address the protection aspect of children's rights (right to life, survival and development and, to a certain extent, non-discrimination) and focus less on participation and best interests. The latter has been inserted into some EU actions and the EU has been effective in incorporating these UNCRC principles into new actions and legislation. However, this has not been translated into tangible added value in the protection of children in many policy areas, as 'best interests' of children have not been defined in general terms or in relation to specific actions. The broader issues of mainstreaming still remain unclear in regard to children's rights, in terms of clearly defining what aspects of children and their rights have to be addressed and what exactly a children's rights-based policy approach should mean.

<sup>96</sup> Please see Appendix 2 for in-depth judgement criteria for added value.

<sup>97</sup> Helen Stalford, Eleanor Drywood. 2009. *Coming of Age?: Children's Rights in the European Union*. Common Market Law Review 46: 143–172, 2009. Kluwer Law International. Printed in the Netherlands.

### **Box 8: Added Value of EU Mainstreaming in Practice**

A move towards joined-up policy with regard to children's rights is possible and has been used in the Social OMC, which has tried to connect up the rights of children across different EU policy spheres.

For example, in the *Social OMC* connections have been developed with Social Exclusion in other Directorates General beyond DG Employment, Social Affairs and Inclusion such as DG Education and Culture, DG Health and Consumers, and as such the scope of the action has improved from a narrow targeting of poverty as material deprivation towards recognition of the diverse ways social exclusion of children manifests itself. As an effect of the Social OMC, child poverty has also been identified as a priority issue in many EU presidencies and is mentioned as an issue in the Europe 2020 strategy.

## **7.2. Learning and capacity building**

Learning and capacity building should lead to improved monitoring and evaluation at EU and Member State levels, both in general child rights areas and in funding programmes that support children. In order for the EU to add value in its role in learning and capacity building in children's rights, the successful establishment of mechanisms to deliver this capacity and expertise, as well as the application of this knowledge and data provided by the EU are both required. This includes adoption of indicators aimed at protecting children, EU data being used in analysis and decision-making at EU and Member State levels and the successful delivery and implementation of projects aimed at promoting children's rights.

Capacity building and learning processes are being developed, but few actions have had any impact yet. This is true in a range of areas. For example, DG Research and Innovation has undertaken several large-scale studies on issues related to children, with two main areas of research focusing on social inclusion and socio-economic considerations, and inter-ethnicity, identity and social integration. However, much of this data has not yet been applied, and this also applies in specific policy areas, where work on the development of new indicators relating to children is ongoing. The Commission refers to the UNCRC concluding observations, but other sources of external research on children's rights, such as OECD data or independent reports, has not yet been systematically used at the EU level for data collection or monitoring.

### Box 9: Added Value of EU Learning and Capacity Building in Practice

The *European Forum on the Rights of the Child* presents an opportunity for stakeholder learning. Of the survey respondents drawn from the first four Forums, 73 per cent felt the Forum was a good place to learn about good practice in children's rights and 69 per cent saw it as a key place to learn about children's rights in general from other stakeholders in the area. Finally, 78 per cent felt that the Forum was extensively or considerably important as a place to learn about the steps taken by the EU to protect children's rights. As the Forum involves stakeholders from many different groups at the EU, Member State and international levels, this initiative provides an important environment for improving knowledge and capacity not only at the EU level, but also the knowledge and understanding of NGOs and Member State organisations about children's rights in general and the EU's response to these issues.

### 7.3. Consultation and awareness raising

Consultation and awareness raising processes undertaken by the EU should lead to a broader and more comprehensive agenda of children's rights within the EU and Member States. Since the Communication *Towards an EU Strategy on the Rights of the Child*, an increased emphasis by the EU on children's rights has had some impact in terms of placing children's rights on the EU agenda. Analysis of the overarching strategies shaping social policy in the EU (the Lisbon Strategy, and now Europe 2020) reveal an increased emphasis on certain children's issues. In 2005, the renewed Lisbon Agenda<sup>98</sup> made little specific mention of issues involving children, apart from limited reference to child care, and there was likewise little specific mention in the 2008-2010 period<sup>99</sup>. In contrast, the Europe 2020 strategy has placed children's rights issues higher on the agenda. Two of the five broad objectives (education and poverty/social inclusion) directly relate to children's issues, and actions by relevant Directorates General in these two areas specifically address policy aspects related to children (such as early childhood education and child poverty). However, while children are more visible on the EU agenda, certain areas remain undeveloped in translating this into action on a broad EU level, such as indicators that address specific targets in these areas address children as a separate group.<sup>100</sup>

The EU has taken actions to develop consultation procedures with other stakeholders in the area of children's rights, but these are still developing and have yet to prove significant added value. Significant stakeholder dissatisfaction exists around these consultation procedures, and they have not yet developed a role and approach that is clear to stakeholders and integrated into the Commission's wider policy process, in terms of continuity of dialogue or the stated aims of the Forum "to advise and assist the Commission and other European Institutions".

<sup>98</sup> Communication on Working together for growth and jobs: A new start for the Lisbon Strategy, COM (2005) 24 FINAL and Communication on Common Actions for Growth and Employment: The Community Lisbon Programme, COM (2005) 330 FINAL.

<sup>99</sup> Communication on a Proposal for a Community Lisbon Programme 2008 – 2010, COM (2007) 804 FINAL and Communication on Integrated Guidelines for Growth and Jobs (2008-2010), COM (2007) 803 FINAL.

<sup>100</sup> Europe 2020 Indicators.

Available at: [http://epp.eurostat.ec.europa.eu/portal/page/portal/europe\\_2020\\_indicators/headline\\_indicators](http://epp.eurostat.ec.europa.eu/portal/page/portal/europe_2020_indicators/headline_indicators)

## 7.4. Coordination

Added value of EU actions in aiding coordination at the Member State level require increased emphasis on child rights issues in Member States, institutional adaptation in Member States to address EU actions and follow-up actions undertaken by Member States in relation to EU actions.

In general, and in certain specific cases, Member States identified a clear role for the EU to add value in supporting and enhancing existing EU Member State actions. Research in Member States<sup>101</sup> indicate a varying level of influence of EU coordination on Member State actions, but most reports show that countries view the added value of the EU as supporting Member State actions, rather than coordinating actions and agendas between Member States. Over half the Member States<sup>102</sup> felt the EU had little or no impact on children's rights policy at the Member State level. Of the countries which identified clear roles played by the EU, funding support and information sharing/development of guidelines were the areas in which the EU added the greatest value. This illustrates that the EU can play a role in coordinating Member State actions, through funding support, capacity building and sharing of best practices. At the current time, this is under-developed, as the EU supports, but does not have a great influence, on Member State actions.

### Box 11: Added Value of EU Coordination in Practice

The *116 000 Hotline for Missing Children* is a good example of the successes and limitations of EU coordination efforts. As of February 2011, it is functioning in 15 Member States. There are also limits to how far best practices have been shared between those 15 countries and there is considerable difference, in fact, in how the Hotline service has been implemented in these countries. There is also a lack of common minimum quality standards amongst the service providers. However, the EU is continuing to work to help Member States use this tool in an effective manner, within the limits of its competence. This was most recently shown through the Universal Services Directive, which obliges Member States to make every effort to provide the 116 000 hotline services, ensure access and adequately inform citizens about the existence of the hotline. A new *Communication on Dial 116 000: The European hotline for missing children* (COM 2010 (674)) was adopted in 2010 to provide further information and good practices.

## 7.5. Conclusions

- The EU has been able to add value in several ways in children's rights. Targeting certain policy areas, such as child poverty, has mainstreamed these specific issues throughout EU policy, and awareness of these issues has been raised at the EU level. Given the short time frame since the EU developed a more coherent children's rights focus in EU action, few impacts have been seen at this stage of analysis. However, the EU can add value in the area of children's rights in various ways, which tie into the main roles that EU

<sup>101</sup> Research in this section is based on country reports produced by child rights experts in the 27 EU Member States as part of a comparative analysis, prepared by the authors, of Member State children's rights institutions and policies.

<sup>102</sup> 16 of 27, although two country reports made no mention of EU actions and were not counted in the total.

actions have fulfilled and the preconditions necessary for developing horizontal policy in a useful way.

- As outlined in the methodology, a *clear plan* is a necessary precondition for cross-cutting policy areas. In this regard, the Communication *Towards an EU Strategy on the Rights of the Child* has introduced a wider scope to the EU's children's rights policy, but has not yet had much impact in mainstreaming children's rights across all policy areas and all stages of the policy process. This has also hampered the agreement within the Commission and between the EU institutions on proper *framing* of children's rights issues and clear *targeting* of policy measures related to children's rights.
- Consultation is another precondition for horizontal policy, and in order to add value, it should be based on *integration of the interests* of key decision-making bodies and stakeholders in order to aid in the policy agenda setting. At the EU level, certain areas of children's rights are increasingly prominent on the EU's agenda, specifically through the proposed Europe 2020 strategy, but this has not permeated down to the Member State level. Consultation processes have limited the extent to which key stakeholders outside of the EU institutions can be involved in the process. This restricts the impact and added value the EU can have on aiding the coordination of Member State actions. Still, the EU adds some value in translating EU-level action to the Member State level, particularly in providing resources, knowledge and information in the field.



## CONCLUSIONS AND RECOMMENDATIONS

The first concerted development of children's rights as a separate policy issue within the EU was seen in 2006, and since then the EU and the Commission have made progress towards improving capacity, targeting, awareness, support, and stakeholder involvement in the area. At the same time, the nature of the policy and the approaches taken towards it have clarified some challenges that still need to be faced in further developing the protection and promotion of children's rights in the EU. The concluding section highlights these achievements and challenges, and provides policy recommendations for improving EU policy in the area of children's rights.

### *Main Achievements*

1. *Institutional Development:* The creation of dedicated structures such as the Coordinator for Children's Rights and the team for children's rights in the Commission has enabled the development of a policy of systematic scrutiny of all EU legislation from the perspective of children's rights. New institutional capacity has enabled the coordination of EU actions affecting children's rights on a much wider scale. More EC officials have become aware of and involved in developing EU children's rights actions and well-established policy coordination processes such as the OMC have played a crucial role in raising the profile of children's issues.
2. *Consultation:* Institutional development has also led to the acceleration of interaction between the Commission's services, other EU institutions, Member States, and civil society organisations, most notably through the European Forum on the Rights of the Child.
3. *Targeting:* The EU has taken coherent action on key issues for children's rights in areas such as health, social inclusion, non-discrimination, criminal justice and the protection of some vulnerable groups of children. These issues are relevant to the needs of children and to key principles underlying children's rights.
4. *Programme Funding:* There are EU programmes that provide specific funding for the protection and promotion of children's rights internally and externally, including DAPHNE III, Investing in People, the EIDHR and policy-specific funding streams such as PROGRESS.
5. *Co-ordination:* non-binding initiatives such as the Social and Education OMCs have helped to coordinate children's rights actions between Member States, monitor progress towards agreed policy objectives and targets, the exchange of ideas and have facilitated policy learning.
6. *Capacity:* a comprehensive set of EU-level children's rights indicators is being developed to enable better monitoring of children's rights. There is training for EU external relations staff and new initiatives in this area are being developed in cooperation with UNICEF. New internal and external funding programmes have been launched that can be used to improve the capacity to protect and promote children's rights.

### *Challenges*

The main challenge facing the EU in this area is how to develop a clearer plan of action, with coherent overarching goals, shared policy objectives and a realistic timeline for delivery of concrete measures to achieve those objectives. This requires:

1. *Institutional Development*: New institutional structures have been created to address children's rights issues, but their mandates need to be set out explicitly and the powers granted to them need to reflect the purpose they are expected to achieve.
2. *Consultation*: The role played by stakeholders in the EU policy process should be more clearly defined in terms of stakeholder involvement, consultation and goals. Children are not yet integrated in any comprehensive way into the consultation process.
3. *Translating Principles into Policy*: The EU has incorporated UNCRC principles into some EU actions. However, these principles were not translated into an action plan after the 2006 Communication *Towards an EU Strategy on the Rights of the Child*. Further guidance and targeting is required to translate principles such as the best interests of the child into specific policy contexts.
4. *Definition of Roles*: So far, the EU has undertaken important initiatives to promote children's rights, but less attention has been paid to identifying precisely where the EU can add most value. The fact that children's rights cut across all policy areas creates challenges for effective policy making. The roles played by different Commission's Directorates General in addressing children's rights have not always been clear, and there is room for improvement in terms of cooperation with Member States in the area.
5. *Monitoring*: The EU is spending a considerable proportion of its budget internally and externally on policies and programme funding that affect the rights and well-being of children but it needs to improve the monitoring systems in order to have a better understanding of how these policies affect children's well-being and children's rights. Clarity is also required as to what 'success' in terms of children's rights means in different policy areas, and ways that achievement can be monitored. Some indicators have been developed but overall there is currently a lack of reliable and comparable data in many areas that relate to children's rights.
6. *Capacity*: Systematic training of Commission's staff responsible for EU internal policies affecting children's rights has not yet occurred, and the external expertise of stakeholders has not been sufficiently integrated into Commission activities.

### *Recommendations*

The EU has taken important steps towards promoting and protecting children's rights, especially since 2006. The following are recommendations for developing a more comprehensive, integrated and effective children's rights policy.

1. A *Comprehensive Action Plan* should be developed. This should state broad policy goals in mainstreaming, coordinating, raising awareness and improving capacity in children's rights, accompanied with priority areas for EU action and clear methods for implementing these objectives and measuring their success in a timely manner. All intersecting EU policy areas should be clearly defined and guidance should be provided on how key principles of children's rights, such as best interests of the child, can be meaningfully incorporated into new EU actions and translated into concrete action within and across policy areas. The EU's action plan should be made clear to all policy makers, stakeholders and children themselves to allow them



to know what the EU understands by the successful promotion of children's rights.

2. *Clear roles should be identified* for all stakeholders within the EU, Member States and regional and local governments, as well as non-governmental stakeholders and children themselves.
3. *Improving Evidence Base and Monitoring*: Reliable, comparable, and official data are of paramount importance for evidence-based policy. Gaps in knowledge about the situation and needs of the most vulnerable groups of children should be addressed as a matter of priority. Alongside this, clear, transparent and child-friendly indicators should be established to measure the success of policy, backed by comparable data collection and improved monitoring. Improving the existing monitoring systems of EU funding programmes affecting children's rights, establishing children's rights related policy targets and monitoring their achievement is vital. Experience of other organisations such as the OECD, UNICEF and the Council of Europe, as well as some Member States, academic institutions and independent networks of experts could be utilised by the EU in this regard.
4. *Stakeholder Involvement and Co-operation*: The Commission should develop more effective ways to involve NGOs, civil society and children in the EU policy process. Dialogue should also be strengthened with Member States, regional governments, international organisations, as well as between different Commission's Directorates General and EU institutions. The Commission should seek advice from stakeholders on how to improve consultation processes in the area, namely the Forum. As well, other DGs should be consulted with to improve relevance and interconnections of children's rights issues between policy areas, and connections should be deepened with the Committee of the Regions to raise awareness of EU actions at other levels of government.
5. *Building Capacity*: This requires regular training of Commission staff and coordination. The promotion of minimum standards of protection should be combined with non-binding policy coordination mechanisms and exchange of best practice to support Member States and stakeholders in developing strategies that go beyond minimum levels of rights protection. Capacity can also be increased by capitalising on the knowledge and expertise of other stakeholders (for example, through the web-based discussion and work platform proposal outlined in the Communication *Towards an EU Strategy on the Rights of the Child*).



## LITERATURE USED IN THE REPORT

1. Alston, P. (1994). "The Best Interests Principle: Towards a Reconciliation of Culture and Human Rights." *International Journal of Law and the Family* 8(1): 1-25.
2. Alston, P. and B. Gilmour-Walsh (1996). *The Best Interests of the Child: Towards a Synthesis of Children's Rights and Cultural Values*. New York, UNICEF.
3. Bradshaw, J., Hoelscher, P. and Richardson, D. (2007). "An Index of Child Well-Being in the European Union" in *Social Indicators Research* (2007) 80: 133–177.
4. Bretherton C., Vogler, J., "The European Union as a Global Actor" 2nd ed., (2005), Routledge.
5. British Council: Inclusion and Diversity in Education program. Available at: <http://www.britishcouncil.org/indie.htm>
6. Bulmer, S. (1993). 'The Governance of the European Union: A New Institutional Approach'. *Journal of Public Policy*, 13:4, pp. 351-380, 361.
7. Bundesministerium für Familie, Senioren, Frauen und Jugend/Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, 2010, para. 279
8. Bundesamt für Migration und Flüchtlinge/Federal Office for Migration and Refugees, 2009, para. 5.2.2.
9. De Burca, G., "The European Union in the negotiation of the UN Disability Convention" *European Law Review*, (2010). Vol. 35(2), 174-196.
10. Carvalho, E. 2008. *Measuring Children's Rights: An Alternative Approach*. *International Journal of Children's Rights* 16 (2008) 545–563
11. Citi, M. and M. Rhodes (2007). "New Modes of Governance in the EU: Common Objectives versus National Preferences." *European Governance Papers (EUROGOV)* No. N-07-01.
12. Charter of Fundamental Rights of the European Union. 18.12.2000 EN Official Journal of the European Communities C 364/13.
13. Cholewinski, Ryszard. 2004. *Overview of Social and Economic Rights of Refugees and Asylum Seekers in Europe: International Obligations – Education and Employment*. Paper presented for the ECRE Conference on Social and Economic Rights of Refugees and Asylum Seekers - Education and Employment 18–19 November 2004, Odessa, Ukraine
14. Concluding observations of the UN Child Rights Committee provided on the regular reports of the EU Member States.
15. COM(2010)213 final Communication from The Commission to The European Parliament and The Council "Action Plan on Unaccompanied Minors (2010 – 2014)".
16. Commission Decision 2007/116/EC 'on reserving the national numbering range beginning with '116' for harmonised numbers for harmonised services of social value'.
17. Commission Decision 2007/698/EEC amending Decision 2007/116/EEC, OJ L 284/31 of 30.10.2007
18. Commission Green Paper on Migration and Mobility: Challenges and Opportunities for EU Education Systems, COM (2008) 423.
19. Commission staff working document. Results of the Consultation on the Education of Children from Migrant Background. SEC (2009) 1115.
20. Communication on Working together for growth and jobs: A new start for the Lisbon Strategy, COM (2005) 24 FINAL.
21. Communication on Common Actions for Growth and Employment: The Community Lisbon Programme, COM (2005) 330 FINAL.
22. Communication on a Proposal for a Community Lisbon Programme 2008 – 2010, COM (2007) 804 FINAL.
23. Communication on Integrated Guidelines for Growth and Jobs (2008-2010), COM (2007) 803 FINAL.

24. Communication from the Commission, Europe 2020: A Strategy for Smart, Sustainable and Inclusive Growth, COM (2010) 2020.
25. Communication from the Commission. Towards an EU Strategy on the Rights of the Child. COM (2006) 367.
26. Communication from the Commission. Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission. COM (2002) 704.
27. Communication from the Commission to the European Parliament, the Council, the European and Social Committee and the Committee of Regions. Renewed Social Agenda: Opportunities, access and solidarity in 21st century Europe. CON (2008) 412.
28. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of Regions (April 2009) “An EU Strategy for Youth – Investing and Empowering. A Renewed Open Method of Coordination to Address Youth Challenges and Opportunities”. COM (2009) 200.
29. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. “A Special Place for Children in EU External Action”. 5.2.2008 COM(2008) 55.
30. Communication from the EC President Strategic objectives 2005-2009. Europe 2010: A Partnership for European Renewal, Prosperity, Solidarity and Security. COM(2005) 12, 26.1.2005.
31. Communications Committee (2010) ‘116 Numbers-Implementation of Article 27a of the Universal Service Directive and review of the functioning of Decision 2007/116/EC. Working document’, DG INFSO/B2, COCOM10-06
32. Consolidated version on the Treaty of the Functioning of the European Union. OJ L 115/47, 9.5.2008
33. Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, OJ L 304/12.
34. Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers.
35. Council resolution (November 2009) on a Renewed Framework for European Cooperation in the youth field (2010-2018).
36. Council Resolution of 5 May 2003 on equal opportunities for pupils and students with disabilities in education and training (2003/C 134/04), O.J. C 134 (2003).
37. Crawley, H. (2009) 'No one gives you a chance to say what you are thinking?: finding space for children's agency in the UK asylum system' October Area
38. Crawley, H and Lester, T (2005) No Place for a Child: Children in Immigration in the UK – Impacts, Alternatives and Safeguards London: Save the Children UK.
39. Daly, M. (2006). ‘EU Social Policy After Lisbon’ in Journal of Common Market Studies, 44 (3), pp. 461-481, p. 474.
40. Declaration of European Forum on the Rights of the Child, Berlin, 4 June 2007.
41. DG Employment, Social Affairs and Equal Opportunities. (2006). Portfolio of Overarching Indicators and Streamlined Social Inclusion, Pensions, and Health Portfolios
42. DIRECTIVE 2008/115/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.
43. Doing Better For Children. OECD 2009.
44. Economic, Social and Cultural Rights of Migrant Children and Children Born to Migrant Parents: Challenges, Good Practices and Recommendations. 2010. United Nations Children's Fund (UNICEF) & National University of Lanus, Argentina
45. Ecotec (2008). “Study on the school education of children of occupational travellers in the EU: A Final Report to the Directorate General for Education and Culture of the European Commission”. Birmingham: Ecotec.

46. Education for Migrant, Minority and Marginalized Children in Europe. A report commissioned by OSI's Education Support Program, January 2008
47. Education and Political participation of Migrants and Ethnic Minorities in the EU. Policy Analysis. CEPS Special Report . September 2009
48. Education and training 2010 Framework Programme. DG Education and Culture, 2001.
49. EU Network of Independent Experts on Fundamental Rights, Thematic Comment No 3: The Protection of Minorities in the European Union, (Ref.: CFR-CDF.ThemComm2005.en), 2005.
50. Eurobarometer (2008). Flash Eurobarometer 235.
51. Eurochild (2010). "Policy position on the EU's strategy on the rights of the child". Brussels: Eurochild.
52. Euronet (1999). "A Children's Policy for 21st century Europe: First Steps". Brussels: Euronet.
53. European Commission. 2004. Evaluating EU Activities. A Practical guide for the Commission Services.
54. European Convention for the Protection of Human Rights and Fundamental Freedoms.
55. European Convention on the Exercise of Children's Rights. Strasbourg, 25.I.1996.
56. European Council for Steiner Waldorf Education. "Migration and Mobility": EU-conference at Brussels. ECSWE News N20. March 2010.
57. European Governance: a White Paper. Com(2001) 428 Final.
58. European Parliament Resolution on Educating the Children of Migrants (April 2009). OJC 137 E/1
59. European Parliament, Council and Commission 'The European Consensus on Development', OJ C46, 24.02.2006.
60. European Roma Rights Centre (2004). "The Situation of Roma in an Enlarged European Union". Luxembourg: Office for Official Publications of the European Communities.
61. European Union Agency for Fundamental Rights (2009). Developing indicators for the protection, respect and promotion of the rights of the child in the European Union.
62. Eurostat (2010). "Combating Poverty and Social Exclusion. A Statistical Portrait of the European Union 2010". Brussels: European Commission.
63. Evaluating the impact of geographic mobility and children school performance in Europe. 2008. MobiKid: Geographic mobility and children's school performance in Europe
64. Evaluation of implementation of horizontal priorities in using EU structural funds (in Lithuanian: "Horizontaliųjų prioritetų įgyvendinimo įsisavinant Europos Sąjungos struktūrinę paramą vertinimas"). Public Policy and Management Institute. 2008.
65. Farkas, L. (2007). "Segregation of Roma Children in Education: Addressing Structural Discrimination through Race Equality Directive". Brussels: European Commission.
66. Farrell, M. (2009). "EU Policy Towards Other Regions: Policy Learning in the External Promotion of Regional Integration." *Journal of European Public Policy* 16(8): 1165-1184.
67. Feinstein, Claire, Lind, Olivia and Haldorsson (May 2007). "You could always begin by listening to us" A consultation with children on the EC Communication "Towards an EU Strategy on the Rights of the Child".
68. Frazer and Marlier, "Tackling child poverty and promoting the social inclusion of children in the EU", Synthesis Report, 2007 available at <www.peer-review-social-inclusion.net> last accessed 25 April 2010.
69. Gerring, J. (2008). *Case Study Research: Principles and Practises*. Cambridge: Cambridge University Press.
70. Greer, S., Williams, A., "Human Rights in the Council of Europe and the EU: Towards 'Individual', 'Constitutional' or 'Institutional' Justice?", *European Law Journal*, Vol. 15, No. 4, (July 2009), pp. 462-481.

71. Guidelines on Determining the Best Interests of the Child, May 2008
72. Hartley (ed), (2004), Cambridge University Press.
73. Harrell-Bond, B. 2000. Are refugee camps good for children? Forced Migration and Refugee Studies American University in Cairo
74. Heads of Evaluation for External Cooperation of the EU Member States and the European Commission. "The Three Cs Defined". 2005. Available at <http://www.three-cs.net/3Cs-Defined>.
75. Hodson, D. and I. Maher (2001). "The Open Method as a New Mode of Governance: The Case of Soft Economic Policy Co-ordination." *Journal of Common Market Studies* 39(4): 719-746.
76. Hoebink, P. "Evaluating Maastricht's Triple C: The 'C' of Coherence, 2001, CIDIN. Available at [http://www.euforic.org/iob/publ/workdocs/evaluation\\_1.html](http://www.euforic.org/iob/publ/workdocs/evaluation_1.html).
77. Hoelscher, P. (2004). A Thematic Study Using Transnational Comparisons to Analyse and Identify What Combination of Policy Responses are Most Successful in Preventing and Reducing High Levels of Child Poverty. Dortmund: University of Dortmund.
78. ICRC, UNHCR, UNICEF, World Vision International, Save the Children UK & International Rescue Committee, Geneva, 2004
79. Implementation of the European Union's Strategy on the Rights of the Child. State of Play – November 2009.
80. Improving Asylum Procedures. Comparative Analysis and Recommendations for Law and Practice. A UNHCR research project on the application of key provisions of the Asylum Procedures Directive in selected Member States. 2010. United Nations High Commissioner for Refugees.
81. Integrating Immigrant Children into Schools in Europe. Education, Audiovisual and Culture Executive Agency, 2009
82. Iusmen, Ingi doctoral thesis 'The EU and Child Protection in Romania: Accession Conditionality and Feedback Effects' (2009).
83. Joint progress report of the Council and the Commission on the implementation of the "Education & Training 2010 work program" 2010, 5394/10
84. Khaliq, U., "Ethical Dimensions of the Foreign Policy of the European Union: A Legal Appraisal", Cambridge: Cambridge University Press, 2008.
85. Koskeniemi, "International Legislation Today: Limits and Possibilities", (2005) 23 *Wisconsin International Law Journal* 61.
86. Lisbon European Council, 23 and 24 March, 2000. Presidency Conclusions.
87. Marshall, T., Bottomore, T. 1992. *Citizenship and social class*. London: Pluto Press
88. May, Peter J., Sapotichne, Joshua and Workman, Samuel. *Assessing Policy Coherence*. Center for American Politics and Public Policy University of Washington August 2005 Prepared for delivery at the 2005 Annual Meeting of the American Political Science Association, Washington DC, September 1-4, 2005, American Political Science Association.
89. Mazey S. (2002) 'Gender Mainstreaming Strategies in the EU: Delivery on a an Agenda' *Feminist Legal Studies* 10:3. 227-240.
90. McAdam, J. "Seeking Asylum under the Convention on the Rights of the Child: A Case for Complementary Protection" *International Journal of Children's Rights*, (2006), Vol. 14, Issue 3, 251.
91. *Migration and Mobility: Challenges and Opportunities for EU education system – guide*. 2008. Accessed at [www.eubusiness.com](http://www.eubusiness.com)
92. *Missing Children Europe* (2009) '116 000. The European Telephone Number for Missing Children. Best Practices and Recommendations'.
93. Mulgan, G. (2009). *The Art of Public Strategy*. Oxford: Oxford University Press.
94. OECD (2007). *What works best in reducing child poverty?*
95. Olsen, Gorm Rye. Coherence, Consistency and Political Will in Foreign Policy: The European Union's Policy towards Africa. *Perspectives on European Politics and Society* Vol. 9, No. 2, 157–171, June 2008.
96. Open Society Institute, *Integration and Diversity in Education in Europe Initiative* (2009). Available at: [www.soros.org](http://www.soros.org)

97. O'Toole, R. (1988). 'The Decision-Making Process within the Commission of the European Communities in the Light of the Single European Act'. *Irish Studies in International Affairs*, 2:4, pp. 65-76.
98. Peters, Guy B. Concepts and theories of horizontal policy management. X Congreso Internacional del CLAD sobre la Reforma del Estado y de la Administración Pública, Santiago, Chile, 18 - 21 Oct. 2005.
99. PICUM's Main Concerns about the Fundamental Rights of Undocumented Migrants in Europe. 2009. Platform for International Cooperation on Undocumented Migrants (PICUM)
100. Policies on Reception, Return and Integration arrangements for, and numbers of, Unaccompanied Minors – an EU comparative study. European Migration Network, 2010
101. Priestley, Marc and Lawson, Anna (2009). A Synthesis Report on Indicators of Disability Equality in Europe. ANED working group.
102. Programming Guide for Strategy Papers. 2008.
103. Prost and Clark, "Unity, Diversity and the Fragmentation of International Law: How Much Does the Multiplication of International Organisations Really Matter?", (2006), 5(2) *Chinese Journal of International Law* 341.
104. Public Consultation: "Migration and Mobility: challenges and opportunities for EU education systems". OSI contribution, December 2008.
105. Public Health Equity in Refugee and Other Displaced Persons Settings. 2010. United Nations High Commissioner for Refugees.
106. Rasch, M.B. (ed.). "The European Union at the United Nations. The Functioning and Coherence of EU External Representation in a State-Centric Environment", Leiden: Martinus Nijhoff Publishers, 2008.
107. Report of the Study Group of the International Law Commission, "The Fragmentation of International Law: Difficulties arising from the diversification and expansion of international law", (2006), A/CN.4/L.702 available at [http://untreaty.un.org/ilc/documentation/english/a\\_cn4\\_l702.pdf](http://untreaty.un.org/ilc/documentation/english/a_cn4_l702.pdf) last accessed 29 April 2010.
108. Ruxton, S. (2001). "Child Sexual Exploitation: An Action Plan for Europe". Stockholm: Save the Children Sweden.
109. Ruxton, S. (2005). "What About Us? Children's Rights in the European Union Next Steps". Brussels: European Children's Network.
110. Secretariat of the Indicator's Sub-Group of the Social Protection Committee, 'ISG Work Programme 2010'
111. Smith, K.E., „The European Union at the Human Rights Council: speaking with one voice but having little influence“, *Journal of European Public Policy* 17: 2 March 2010: 224–241.
112. Social Protection Committee (2008). "Child Poverty and Well-Being in the EU – Current Status and Way Forward". Brussels: European Commission.
113. Social Protection Committee, 2009. 'Growth, Jobs and Social Progress in the EU: a Contribution to the Evaluation of the Social Dimension of the Lisbon Strategy', and What works best in reducing child poverty? OECD, 2007.
114. Social Protection Committee, 'Work Programme for the Social Protection Committee for the Year 2010'. SPC/2010/1/1-final.
115. Social Protection Committee (2010). Contribution by the Social Protection Committee to the European 2020 Strategy, 21 May 2010, 9964/10.
116. Social Protection Committee (2009). Portfolio of Indicators for the Monitoring of the European Strategy for Social Protection and Social Inclusion, September 2009 Update.
117. Social Protection Committee. Opinion on the Post-2010 Lisbon Strategy, SPC/2009/11/12/FINAL
118. Stalford, H., "The Citizenship Status of Children in the European Union", (2002), *International Journal of Children's Rights*, Vol. 8, Issue 2, 101.
119. Stalford, H., Drywood, E. "Coming of Age? Children's Rights in the European Union". *Common Market Law Review* 46: 143–172, 2009.

120. Study on the school education of children of occupational travellers in the EU. A Final Report to the Directorate General for Education and Culture of the European Commission.
121. Tárki Social Research Institute and Applica. (2010). Child Poverty and Child Well-Being in the European Union. Prepared for DG Employment, Social Affairs and Equal Opportunities, p. 118
122. The Belgian EU Presidency Youth Note “The European and International Policy Agendas on Children, Youth and Children’s Rights”. 2010.
123. Tsovili, Theodora D., Voutira, Eftihia. 2004. Asylum seeking single women, women head of families and separated children: Reception practices in Greece. United Nations High Commissioner for Refugees (UNHCR)
124. Undocumented Children in Europe: Invisible Victims of Immigration Restrictions. 2008. PICUM
125. UNHCR Guidelines on Formal Determination of the Best Interests of the Child. 2006.
126. UNICEF Innocenti Research Centre (2000). “Innocenti Report Card No. 1: A League Table of Child Poverty in Rich Nations”. Florence: UNICEF Innocenti Research Centre.
127. Van Reisen, M., Stefanovic, A. (2004). “Lost Kids, Lost Futures: the EU’s Response to Child Trafficking”. Geneva: Terre des Hommes.
128. Van Reisen (2002). “Invisible Children: Towards Integration of Children's Rights in EU and Member States’ Development Co-Operation Policies”, Save the Children Europe Group.
129. Waldner, Benito-Ferrero. The impact of the UN Convention on the Rights of the Child on the EU’s external policy on children.
130. Wouters, Nollkaemper and de Wet (eds), (2008), Cambridge University Press.



## LIST OF INTERVIEWEES

### Interviewees from European Commission

Interviewee	Policy Area	Institution
ALBRICH Holger and BOULOGNE Marcel	Audio visual media	DG Information Society and Media
ALONSO IRIARTE Cesar	Child sexual abuse, exploitation and pornography	DG Home Affairs
ARDOVINO Simona	Social science research	DG Research and Innovation
Commission Official	Education	DG Education and Culture
DEBONGNIE, Andre	Development cooperation	DG EuropeAid (Now DG EuropeAid Development and Cooperation)
GORSKA Malgorzata	External relations	DG External Relations (now European External Action Service)
GRIECO Silvio	Disability	DG Employment, Social Affairs and Equal Opportunities (now DG Justice)
JENSEN Anton	Development cooperation	DG Development and Relations with ACP States (Now DG EuropeAid Development and Cooperation)
MARTINI Angela, MESSARITI Xenia	Asylum	DG Home Affairs
MACSIK Zoltan	Special protection measures	DG Information Society and Media
MENDEZ, Martha	Development cooperation	DG EuropeAid (now DG EuropeAid Development and Cooperation)
ORAM Anya	Trade	DG Trade
OTT Joachim	Non-discrimination	DG Employment, Social Affairs and Equal Opportunities
PARASKEVAS Marie-Anne	Social inclusion	DG Employment, Social Affairs and Equal Opportunities
PASQUETTI Stefania	Immigration	DG Home
PAYER Artur	Youth	DG Education and Culture
SORIANI Cristina	Development cooperation	DG EuropeAid (Now DG EuropeAid Development and Cooperation)
SWETENHAM Richard	Internet safety	DG Information Society and Media
ZITO Anna	Children's rights	DG Justice



### Interviewees from international organisations and EU-level Bodies

Interviewee	Policy Area	Institution
KUIKKA Maarit	Cross-cutting	Council of Europe
LIEBIG, Thomas RICHARDSON, Dominic	Education	Organisation of Economic Cooperation and Development (OECD)
WACHENFELD Margaret	Cross-cutting	UNICEF
ESTEBANEZ Maria Amor	Research	Fundamental Rights Agency
TOSCHI Massimo	External relations and networking	Fundamental Rights Agency

### Interviewees from NGOs

Interviewee	Policy Area	Institution
HAINSWORTH Jana	Cross-cutting	Eurochild
HINDLE Rosemary	Cross-cutting	World Association of Girl Guides and Girl Scouts
HUTTOVA, Jana	Education	Open Society Institute
LEAL, Mafalda	Cross-cutting	Eurochild
LIND Olivia	Cross-cutting	Save the Children
MASSON Alix	Cross-cutting	World Organisation of the Scout Movement
MIKICIC Cassandra	Cross-cutting	Human Rights Watch
PARATA Salvatore	Cross-cutting	Terre des Hommes International
PUYET Kelig	Family issues	SOS Children's Villages International
SCHROH Karen	Cross-cutting	Plan Europe
SOOVA Kadri	Asylum and migration	Platform for International Cooperation on Undocumented Migrants
SCHUURMAN Mieke	Cross-cutting	Euronet (now defunct)
SETTI Valeria MORALIS Delphie BIEMANS Sophie	Special protection measures	Missing Children Europe
TORRES GARCIA Miguel	Special protection Measures	Child Focus Belgium
TROLLER Simone	Asylum and migration	Human Rights Watch

## Interviewees from Member States

Country	Interviewee	Institution
Austria	HOLZ-DAHRENSTAEDT, Andrea	Children and Youth Advocates
	FEUCHTNER, Carmen	World of Children (Welt der Kinder)
	KRÄNZL-NAGL, Renate	University of Applied Sciences Linz
	ORTHOFFER, Maria	Federal Ministry of Economy, Family and Youth
	SAX, Helmut	Network Children's Rights/Ludwig Boltzmann Institute of Human Rights
	VIELHABER, Christian	Austrian Child Protection Society
Belgium	D'HONT, Sarah VANDEWEYER, Siska	NCRK-CNDE Children's Rights National Commission
	VANOBERGEN, Bruno	Kinderrechtencommissariaat - Ombudsman – Flanders
	de VOS, Bernard	Délégué général de la Communauté française aux droits de l'enfant - Ombudsman Wallonia
	de BRUYCKER, Astrid GEBBERS, Jef	Kinderrechtencoalitie Vlaanderen - NGO – Flanders
	VAN HOUCKE, Frédérique	Coordination des ONG pour les droits de l'enfant - NGO – Wallonia
	MOREAU, Thierry	Université Catholique de Louvain
Bulgaria	KOLEVA, Dani	National Network for Children
	SHABANI, Nadya	State Agency for Child Protection
Czech Republic	Team of legal experts	The Public Defender of Rights – Ombudsman
	PROKEŠ, Miroslav	Defence for Children International
	PIKALOVÁ, Iva	League of Human Rights
	di FALCO, Zuzana	Government's Committee of Children's Rights of the Government Council for Human Rights
	NOVÁKOVÁ, Markéta	The Office for International Legal Protection of Children
	ŠIMIKOVÁ, Ivana	Research Institute for Labour and Social Affairs
	NOVÁKOVÁ, Lucie	The Ministry of Labour and Social Affairs
	HRUBÁ, Katerina	Zvůle práva, o. s.
Cyprus	AVRAAMIDOU, Maria	UN High Commission for Refugees Cyprus
	ROSSIDOU, Maria	Office of the Ombudsman
	CHRISTODOULIDOU, Doretta	Ministry of Justice
	DEMETRIOU, Kakia	Asylum Commission of Cyprus
	HATZIMINA, Sotiroula	Cypriot Social Welfare Services
	CHRYSOSTOMOU, Eleni	Youth Board of Cyprus
	Anonymous Campaigner	
	KELVERIS, Antonios	Cyprus European Fund for Refugees
	PACHOULIDES, Kostas	Office of the Ombudsman for Children

Country	Interviewee	Institution
	SPANEAS, Stefanos	Cyprus Association of Social Workers
	VARUGHESE, Joseph	Hope for Children Cyprus
Denmark	HANSEN, Søren Gade	The National Council for Children
	LYSGAARD, Dorthe	Børns Vilkår
	NEUFELD, Inger	Save the Children
	ANDERSEN, Ingrid Lund	University of Copenhagen
	HOLMGREEN, Dan	Ministry of Social Affairs
	RASMUSSEN, Lise Bagge	Minstry of Education
Estonia	ARU, Andres	Chancellor of Justice
	DIDRICHSON, Kaili	Ministry of Internal Affairs, Migration and Border Policy Department
	TIKERPUU, Anniki	Department for Child and Family Policies, Ministry of Social
	LANNES, Eha	Ministry of Social Affairs
	MEIORG, Marianne	Human Rights Centre
	ROOMELDI, Malle	Tartu Child Support Center
	SAKS, Katrin	Estonian Union for Child Welfare
	SOLL, Maie	Estonian Ministry of Education and Research
	TOODO, Kristi	Jaan Tõnissen Institute, Former adviser in Estonian Refugee Council
	PLOOM, Tuuli	Ministry of Justice
	HALLIMÄE, Malle	Estonian Union for Child Welfare
	ULST, Ingrid HELEMAE, Anne-Mai PALOOTS, Liis	International Organisation for Migration (IOM)
	VIIES, Mare	National Expert on Social Inclusion
Finland	AULA, Maria-Kaisa	The Ombudsman for Children
	HEINONE, Hanna	National Institute for Health and Welfare
	HYYTINEN, Riitta	The Centre of Expertise on Social Welfare in the Helsinki MetropolitaArea
	IIVONEN, Esa	The Mannerheim League for Child Welfare
	SAURO, Seppo	The Central Union for Child Welfare
France	FELTESSE, Hugues	L'institution du Défenseur des enfants
	BRUNETTI-PONS, Clotilde	Université de Reims
	de BLIC, Marie de Blic	Conseil d'administration de l'Union nationale des associations familiales
	BIGOT, Josiane	Cour d'appel de Colmar
	CHANAL, Denis	Fondation pour L'enfance
	BOUHEDJA, Géraldine	INAVEM Telephone Platform
Germany	BOECKH, Jurgen	Ostfalia Hochschule für angewandte Wissenschaften, Fakultät Soziale Arbeit
	BRUHNS, Lars	Initiative Vermisste Kinder
	BERTHOLD, Thomas	Federal Association for Unaccompanied Minors

Country	Interviewee	Institution
	EICHHOLZ, Reinald	German Committee for UNICEF
	FRÄDRICH, Jana	Children's Commissioner of the City of Munich
	KAUFFMANN, Heiko	Pro Asyl e.V.
	KLITSCHER, Stefan	Federal Ministry of Labour and Social Affairs, Department of Europäische Beschäftigungs und Sozialpolitik
	MENGEL, Frank	Federal Ministry of the Interior, Department "Legislation on Asylum"
	MOLLEMANN, Monika	Federal Netway Agency on German electricity, gas, telecommunications, postal and railway markets (Bundesnetzagentur)
	OSTROP, Juliane	German Red Cross (Deutsches Rotes Kreuz)
	LIEBEL, Manfred	Berlin Free University
	HORNSCHILD-RENTSCH, Almut	Federal Ministry of Family Affairs, Senior Citizens, Women and Youth, Department on Child Protection
	RICHTER, Stefan	Federal Ministry of Economics and Technology, Department VI A 8 Telecommunication, and Postal Legislation
	RIEDELSCHEIMER, Albert	Separated Children EU
	RIEGER, Uta	UNHCR Germany
	RINGOWSKI, Barbara	until 31.3.2010 The department for child and youth welfare of the Deutscher Caritasverband
	RUPPRECHT, Marlene	German Federal parliament
	SCHOLZ, Gabriele	International Social Service
	SCHRODER, Jana	Child and Youth Welfare Association (Arbeitsgemeinschaft für Kinder und Jugendhilfe – AGJ)
	STEIMLE, Hanz	Federal Association of Youth Social Work of the Lutheran Evangelical Church (Bundesarbeitsgemeinschaft Evangelischer Jugendsozialarbeit)
	WESTRICH, Sissi	Ministry for Education, Science, Youth and Culture in Rhineland-Palatinate
	WIESNER, Reinhard	Ministry for Family, Senior Citizens, Women and Youth
Greece	MOSCHOS, Georgios	Ombudsman for Children
	MIHAIL, Domna	University of Macedonia
	KRIARI, Ismini	Panteion University
	CHLOROS, Georgios	Piraeus Bar
	FLESSA, Alexandra	Χαμόγελο του Παιδιού, (NGO on abused and abandoned children)
	SIFNIOS, Stergios	Social Research of SOS Villages
Hungary	PEHR, Erika	Ministry of Social Affairs and Labour
	MOLNAR, Laszlo	Budapest City Council Child Protection Institute
	BOTH, Eva	
	SOMFAI, Balazs	University of Pecs
	BIRO, Endre	Right Workshop NGO and training

Country	Interviewee	Institution
		institution
	PURDA, Zsuzsa	County Custodian Office
	GYORFFY, Zsuzsa	Ombudsman's Office
Ireland	CANAVAN, Elizabeth	Office of the Minister for Children and Youth Affairs
	CORBETT, Maria	Children's Rights Alliance
	MULKERRINS, Jim	Department of Education and Science
	HOLT, Stephanie	Trinity College Dublin
	TINSLEY, June	Barnardos (Ireland)
	CLARKE, Michelle	Social Services Inspectorate
Italy	MARINO, Roberto	Department of Family policies of the Ministry of Family
	CIAMPA, Adriana	Childhood and Adolescence Department of Ministry of Welfare
	SAULINI, Arianna	Save the Children - Italy
	GRIFFINI, Marco	Amici dei Bambini, Italian Association of Children's friends
	MOZZANICA, Mario	Università Cattolica of Milano
	ZANDRINI, Silvia	Department Family, School and Social Policies of City of Milan
Latvia	BALODE, Gunda	Jelgava Town Municipality Administration of Social Services, Unit of Family and Children Affairs
	NEIKENS, Lauris	Ministry of Welfare, Department of Family and Children Policy
	BALODE, Laila	The crises centre „Dardedze
	APINE, Evija	University of Latvia
	MELDERE, Baiba	Orphan's Court, Saulkrasti County
	EBELA, Inguna	„Save the Children”
Lithuania	TARVYDINENĖ, Odeta	Child Rights Protection and Adoption Service Under The Ministry Of Social Security and Labour
	GIEDRIMAS, Zigmantas	“Teenagers' Support Initiative”
	ŠIMKIENĖ, Sigita	Kaunas Municipality's Children Rights Protection Division
	BEDORF, Audronė	Children's Rights Ombudsman of the Republic of Lithuania
	JONYNIENĖ, Živilė	Mykolas Romeris University
	ŠALAŠEVIČIŪTĖ, Rimante	Former Lithuanian ombudsperson for Children
	STEPANOVA, Kristina	Save the Children Lithuania
	URBONAITIENE, Daina	Ministry of Social Affairs and Labour of Lithuania
Luxembourg	JANIZZI, Claude	Ministere de la Famille
	RODESCH-HENGESCH, Marie-Anne	Ombudscommittee for the Rights of the Child – Luxembourg

Country	Interviewee	Institution
	PREGNO, Gilbert	Foundation Kannerschlass
	SOISSON, Robert	Coalition Nationale pour les droits de l'enfant Luxembourg
Malta	MALLIA, Yvonne	Appogg Operations
	SCIBERRAS, Ruth	Children's Services Manager (Appogg
	D'AMATO, Helen	Commissioner for Children
	FARUGGIA, Ruth	University of Malta
	SUTANA, George	Ministry for Education, Employment and the Family
	Representative of Ejjew Ghandi	Diocesan Commission
Netherlands	BETTE, Aart Jan	Ministry of Social Affairs and Employment
	KLOOSTERBOERT, K.	Unicef Netherlands
	KALVERBOER, M.E.	University of Groningen
	van der BURG, Jan	Ministry of Youth and Families
	BERGER, M.	Defence for Children International
	PRINS, Els	Centre for International Child Abduction
Poland	WISNIEWSKA, Alina SZUMLICZ, Janina	Ministry of Labor and Social Policy
	KOSIEC, Beata TYNELSKI, Aleksander SANECKA, Alina DRAZAZDZEWSKI, Stanisław	Ministry of National Education
	STARWICZ, Rafał Lew	The Ombudsman for Children Office
	WROBLEWSKI, Mirosław	The General Ombudsman office
	POLKOWSKI, Tomasz	Our Home Association (Towarzystwo "Nasz Dom")
	KATNA, Mirosława	Committee on the Protection of the Rights of the Child
	KOLSKA-LACH, Beata	Regional Committee on the Protection of the Rights of the Child in Poznań
Portugal	DRAGOI, Vasile	National Office for Refugees
	MADEIRA, Maria Joaquina	Directive Committee of Casa Pia
	LEANDRO, Armando	National Commission of Protection of Children and Young in Danger
	ROCHA, Dulce	The Child Support Institute (IAC)
	MARTINHO, Edmundo	Institute of Social Security
	SARMENTO, Doutor Manuel	Senior researcher on Childhood Studies
	da COSTA, Manuel Almeida	International Amnesty – Group of Children's Rights
	PRAZERES, Vasco	Direcção Geral da Saúde
MONIZ, Idália	Deputy State Secretary for Rehabilitation	
Romania	BERTZI, Theodora	Romanian Office for Adoptions
	COMAN, Gabriela	Romanian Centre for Missing and Sexually exploited Children
	DUMITRESCU, Adrian	Tracking Department in the Romanian Ministry Of Administration and Internal Affairs – The General Inspectorate of Romanian Police – The department of Criminal Investigations
	FLOREA, Catalina	Child's Phone Number Association

Country	Interviewee	Institution
	FLORIN, Popa Ion IFTIME, Carmen PREOTEASA, Liliana STOICA, Eugen ANISIE, Minica Kristina NAGHI, Elisabeta Ana	Romanian Ministry of Education, research, youth and sports
	LUPU, Simona	Europass
	MCLOUGHN, Edmond	UNICEF Romania
	MORARESCU, Nadina	Romanian National Council for Refugees
	NEAGU, Mariela	National Authority for the Protection of Child's Rights
	NECULA, Catalin	Asylum and Integration Direction in the Romanian Immigration Office – The Ministry of Administration and Internal Affairs
	ROSU, Liliana	The Romanian Centre for Missing and Sexually Exploited Children
	TAUBER, Cristina	EC Representation in Bucharest
	TUDOR, Elena	General Direction of Child Protection in the Ministry of Labour, Family and Social Protection
	NEGAOE, Dolores	Trust in Civil Society in Central and Eastern Europe
	VASLIOIU, Cristina	Children's Rights High Level Group-Romania'
	VIOREL, Vasile	Tracking Department in the Romanian Ministry Of Administration and Internal Affairs – The General Inspectorate of Romanian Police – The department of Criminal Investigations
	ZIVARI, Mirela	The Association for Therapeutic Intervention in Crisis
Slovakia	ALNEROVÁ, Zuzana	UNICEF Slovakia
	ŽILINČIKOVÁ, Dana	NGO Návrat
	KOVÁCS, Kristián	Ministry of Labour, Social Affairs and Family
	PUTZOVÁ, Margita	Department of Social Legal Protection of the Child
	DIVINCOVÁ, Janka	Ministerial Committee for Children
Slovenia	DOLČIČ, Tone	Office of the Human rights ombudsman of the Republic of Slovenia
	ŠALINGER, Ljubica	Ministry of family, work and social affairs, Directorate for family
	BOŠKIC, Ružica	Social protection institute of the Republic of Slovenia – Child observatory
	PAVLOVIC, Zoran	Counselling Centre for Children, Adolescents and Parents Ljubljana
	UZELAC, Marina	Slovene Philanthropy, an Association for the Promotion of Voluntary Work,

Country	Interviewee	Institution
		Centre for psycho-social assistance to refugees
	KALČINA, Liana	Slovenian Association of Friends of Youth
	UMEK, Ljubica Marjanovič	University of Ljubljana,
Spain	ÁLVAREZ GONZALES, Rayes MARTIN MARTIN, Maria Teresa PARICIO ESCOLANO, Ana	Institute of minors and family of Community of Madrid
	SANCHEZ GONZALES, Jose Javier	Complutense University Madrid
	LLORENTE OLIVARES, Luis	Socialist workers' party's executive commission of Madrid
	SUAREZ RAJA, Jose Luis	UGT Madrid
Sweden	HALLEROD, Bjorn	University of Ghotenburg
	MALMBERG, Frederik	Children's Ombudsman
	MODIG, Cecilia	Member of the Children's Ombudsman Council for the Rights of the Child
	LUNDIN, Lina	Missing Children Network
	LANDELIUS, Orjan	Ministry of Foreign Affairs, Lost Children Division
	MARTINSSON, Bo	Network Security Department at Swedish Post and Telecommunication Agency
	OLOFSSON, Gunilla	Administrative Executive Stockholm Region
	REINHOLDSSON, Kristina	Social Ministry, department of Children's Rights and Family Policy
United Kingdom	HORWATH, Jan	University of Sheffield



## ANNEX 1: DESCRIPTION OF INVENTORY OF EU ACTIONS

The inventory of EU actions in the area of children’s rights covers all EU policies related to children’s rights and identifies 231 different EU actions that have been adopted since 20 November 1989 (the date of adoption of the UNCRC). This time frame allows for an overall analysis of coherence and relevance to the UNCRC since the UN State Parties and the EU started to promote and protect children’s rights in their internal and external policies. The inventory is provided in a separate Excel document accompanying this report.

EU actions are defined as any initiative undertaken by the Commission, the Council, the Parliament or several EU institutions through legislative procedure that clearly states EU policy objectives, is explicitly intended to change the situation of children in the particular area identified and proposes or adopts specific measures for change. Only EU actions that are still in force are included.

All EU actions in the inventory are attributed to the 8 *rights clusters* and numerous *rights’ sub-areas* that are used in periodic reporting by State Parties to the UNCRC. Each EU action is attributed to at least one cluster and one sub-area (coded as “1”). The inventory specifies the main cluster (rights area) that is the most important target of specific action (coded as “2”). Other important characteristics of EU actions presented in the inventory are the *type* of action (*internal* or *external*), the main EU *policy area* where the action originates from, the *targeting* to children’s rights (direct, indirect or other), the *legal form* of action, the *year* of its adoption, and the *status* (*old* or *new*) in relation to the previous inventory of EU actions that was annexed to the Communication *Towards an EU Strategy on the Rights of the Child*.

The type of EU action divides internal and external EU policies initiatives, which are also structured according to the EU policy areas related to children’s rights:

UNCRC rights clusters	Main EU policy areas addressing child rights
<b>General Measures of Implementation</b> <ul style="list-style-type: none"> <li>• Protection of Rights</li> <li>• Knowledge of Rights</li> <li>• Dissemination of Reports to Citizens</li> </ul>	<ul style="list-style-type: none"> <li>• General Institutional and Policy Framework</li> </ul>
<b>Definition of the Child</b>	-
<b>General Principles</b> <ul style="list-style-type: none"> <li>• Non-Discrimination</li> <li>• Best Interests of the Child</li> <li>• The Right to Life, Survival and Development</li> <li>• Respect for the Views of the Child</li> </ul>	<ul style="list-style-type: none"> <li>• Non-discrimination</li> </ul>
<b>Civil Rights and Freedoms</b> <ul style="list-style-type: none"> <li>• Name and Nationality</li> <li>• Preservation of Identity</li> <li>• Freedom of Expression</li> <li>• Freedom of Thought, Conscience and Religion</li> <li>• Freedom of Association and Peaceful Assembly</li> <li>• Protection of Privacy</li> <li>• Access to Appropriate</li> </ul>	<ul style="list-style-type: none"> <li>• Media and Information Society</li> <li>• European citizenship</li> <li>• Data protection</li> </ul>

UNCRC rights clusters	Main EU policy areas addressing child rights
Information <ul style="list-style-type: none"> <li>• The Right Not to be Subjected to Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment</li> </ul>	
<b>Family Environment and Alternative Care</b> <ul style="list-style-type: none"> <li>• Parental Guidance</li> <li>• Parental Responsibilities</li> <li>• Separation from Parents</li> <li>• Family Reunification</li> <li>• Illicit Transfer and Non-Return</li> <li>• Recovery of Maintenance for the Child</li> <li>• Children Deprived of their Family Environment</li> <li>• Adoption</li> <li>• Periodic Review of Placement</li> <li>• Abuse and Neglect</li> </ul>	<ul style="list-style-type: none"> <li>• Civil Justice</li> <li>• Parental Responsibility and Family Matters</li> </ul>
<b>Basic Health and Welfare</b> <ul style="list-style-type: none"> <li>• Disabled Children</li> <li>• Health and Health Services</li> <li>• Social Security and Child Care Services and Facilities</li> <li>• Standard of Living</li> </ul>	<ul style="list-style-type: none"> <li>• Health</li> <li>• Poverty and Social Inclusion</li> <li>• Employment</li> <li>• Consumer Protection and Safety</li> <li>• Transport</li> <li>• Disability</li> <li>• Internal Market</li> </ul>
<b>Education, Leisure and Culture</b> <ul style="list-style-type: none"> <li>• Education</li> <li>• Aims of Education</li> <li>• Leisure, Recreation and Cultural Activities</li> </ul>	<ul style="list-style-type: none"> <li>• Education,</li> <li>• Culture and Sport</li> <li>• Youth</li> </ul>
<b>Special Protection Measures</b> <ul style="list-style-type: none"> <li>• Refugee Children</li> <li>• Children in Armed Conflicts</li> <li>• Administration of Juvenile Justice</li> <li>• Children Deprived of Their Liberty</li> <li>• The Sentencing of Children</li> <li>• Physical and Psychological Recovery and Social Reintegration of the Child</li> <li>• Economic Exploitation of Children, Including Child Labour</li> <li>• Drug Abuse</li> <li>• Sexual Exploitation and Sexual Abuse</li> <li>• Sale, Trafficking and Abduction</li> <li>• Other Forms of Exploitation</li> <li>• Children Belonging to a Minority or Indigenous Group</li> </ul>	<ul style="list-style-type: none"> <li>• Criminal Matters</li> <li>• Sexual Exploitation and Child Pornography</li> <li>• Protection from Violence and Harm</li> <li>• Asylum and Immigration</li> </ul>
	EU external policy areas (horizontally addressing all UNCRC clusters): <ul style="list-style-type: none"> <li>• External Relations</li> <li>• Development Cooperation</li> <li>• Humanitarian Aid and Civil Protection</li> </ul>

UNCRC rights clusters	Main EU policy areas addressing child rights
	<ul style="list-style-type: none"> <li>• Trade</li> </ul>

Each EU action is attributed to the main EU policy area where the action originates from (the first attribution) and to other areas that are very closely related to the objectives of the action (second and further attributions).

The inventory differentiates between the EU actions that target children’s rights directly and indirectly. A document is considered as targeting children directly when it specifies protection or promotion of children’s rights in its objectives. An EU action is considered as targeting children indirectly when the main objectives of the EU action are not centred on children, but the document contains provisions that explicitly address children. The third group of actions includes those that do not specifically target children’s rights but address fundamental rights. This group of actions was kept narrow and includes only those actions that are very closely related to protection and promotion of children’s rights within the general framework of fundamental rights.

The identification of EU actions that target children’s rights was carried out by reviewing EU legally binding acts, the documents leading to the legally binding acts and legally non-binding documents. Legally binding acts have a legal form outlined in Article 288 of the Treaty on the Functioning of the European Union (directives, regulations and decisions). External actions are conceived as legally binding if they have been adopted according to Part five, Articles 216 and 210 of the Treaty on the Functioning of the European Union (decisions establishing common positions, joint actions, common strategies, international agreements and conventions). The inventory uses a separate legal form of legally binding acts as “financial mechanisms”, which helps to single out EU funding programmes into a separate category for analysis.

Another type of document is defined as documents “leading to the legally binding acts”. This group includes Commission’s proposals still under consideration (only when they are still to be adopted) and legislative resolutions of the European Parliament introducing an opinion on actions that should be undertaken in the area of children’s rights.

Legally non-binding documents include communications, guidelines and Council conclusions if they provide policy objectives and are related to children’s rights, as well as white papers, green papers, programmes and declarations. The Inventory does not include working papers, opinions of committees and other non-binding documents. These are either of lesser importance or accompany some main EU document addressing child rights.

The Communication *Towards an EU Strategy on the Rights of the Child* was accompanied by the Preliminary inventory of EU actions affecting children’s rights SEC(2006) 889. For practical purposes this inventory indicates actions that were not mentioned in the preliminary inventory and codes them as “new”.

The largest part of the inventory assigns EU actions to the UNCRC clusters and sub-areas of children’s rights and also indicates the relationship of EU actions to the UNCRC Optional Protocols and other main international documents (adopted by the

Council of Europe, the United Nations, the Hague Conference on Private International Law, the International Labour Organisation and the World Health Organisation).

The most significant case law of the Court of Justice of the European Union is attributed to EU actions that have been revised by the Court. The Court of Justice of the European Union reviews the legality of

1. Legislative acts;
2. Acts of the Council;
3. Acts of the Commission;
4. Acts of the European Central Bank (other than recommendations and opinions);
5. Acts of the European Parliament and of the European Council intended to produce legal effects vis-a-vis third parties; and
6. Acts of bodies, offices or agencies of the Union intended to produce legal effects vis-a-vis third parties.

The Inventory includes main preliminary rulings concerning the interpretation of the Treaties and interpretation of acts of the institutions, bodies, offices or agencies of the Union and only those preliminary rulings that are directly related to the promotion and protection of children's rights. Therefore, procedural infringements, actions regarding lack of competence and actions regarding misuse of powers or staff regulations are not attributed to the "most significant" cases and are excluded from the Inventory.

The first data sheet of the Inventory provides the general list of EU actions by UNCRC clusters and can be easily printed (see Annex 3 to this report). The second data sheet of the Inventory provides detailed information on EU actions that has been explained above and used for analysis. The third and fourth data sheets of the Inventory also provide respectively a summary of violations or failures to act in the protection and promotion of children's rights in the EU Member States on the basis of the most recent concluding observations of the UN Child Rights Committee on the implementation of UNCRC and its Optional Protocol on the Sale of Children.



## ANNEX 2: JUDGEMENT CRITERIA FOR EFFECTIVENESS AND ADDED VALUE

Role of the EU in children's rights	Judgement criteria for evaluation of effectiveness		Judgement criteria for evaluation of added value <sup>103</sup>
	Outputs <sup>104</sup>	Results <sup>105</sup>	
<b>Consultation and Awareness Raising</b>	<p>New EU-level consultation processes launched;</p> <p>Related consultation processes include a child rights component</p> <p>New actors involved in the EU-level consultation process;</p> <p>Quantity and quality of responses to the EU-level consultation processes;</p> <p>New awareness raising actions and information dissemination delivered at the EU-level</p>	<p>Follow-up actions to consultation processes (by EU, Member States and other stakeholders);</p> <p>Ongoing two way dialogue between EU and other stakeholders;</p> <p>Increased understanding of children's rights issues</p> <p>Increased dissemination of information to stakeholders and the public</p>	<p>New agenda setting at the EU and Member State level</p>
<b>Mainstreaming</b>	<p>Identification of priority areas for cross-cutting children's rights issues at the EU level</p> <p>Children's rights mechanisms exist across Directorates General</p> <p>Increased reference to children and child rights principles in relevant EU actions and policies</p>	<p>Consideration of child rights issues at all stages of the policy process</p> <p>Measures and guidance tools in place to assess application of EU actions on children's rights</p>	<p>Inter-institutional agreement on strategy to address children in a cross-cutting manner</p> <p>Increased emphasis on children and child rights principles in EU actions and policies</p>
<b>Coordination and Harmonisation</b>	<p>Increased emphasis on children's rights issues in EU policy co-ordination processes</p> <p>Development of new EU-level indicators to measure children's</p>	<p>Increased opportunities for policy learning between Member States with EC acting as a facilitator;</p> <p>Increased Member State support for EU initiatives</p>	<p>Increased emphasis on children's rights issues in Member State policy and actions</p> <p>Institutional adaptation in Member States to implement EU actions</p>

<sup>103</sup> Evaluation question: "Is there evidence that EU actions are adding value by moving towards their long term objectives in regard to children's rights, particularly in supporting the coordination and development of Member States' children's rights policies?"

<sup>104</sup> Evaluation question: "To what extent have specific measures outlined in the 2006 Communication been undertaken?"

<sup>105</sup> Evaluation question: "Has the achievement of expected outputs of EU actions in the area of children's rights led also to achievement of their expected results?"

Role of the EU in children's rights	Judgement criteria for evaluation of effectiveness		Judgement criteria for evaluation of added value <sup>103</sup>
	Outputs <sup>104</sup>	Results <sup>105</sup>	
	<p>issues</p> <p>Adoption of minimum standards and other initiatives to protect children in EU binding actions</p>	<p>Collection of child rights data for new indicators across the EU</p> <p>Transposition of minimum standards or legal implementation of other EU binding actions at Member State level</p>	<p>Follow-up actions to transposition</p>
<b>Learning and Capacity Building</b>	<p>New institutions set up and made operational</p> <p>New responsibilities added to EC staff dealing with children's rights</p> <p>Development and delivery of training programmes for EU policy staff</p> <p>Increased number of children's rights projects funded</p> <p>Development of new data and monitoring capabilities</p>	<p>Improved capacity and knowledge in the area of children's rights in the EU and Member State institutions;</p> <p>Intended deliverables of funding projects successfully achieved</p>	<p>Improved monitoring and evaluation at the at the EU and Member State level</p> <p>Institutionalisation of learning and monitoring programmes</p>

### ANNEX 3: INVENTORY OF THE EU ACTIONS (GENERAL LIST)

Reference number	EU action (full reference)	Mentioned in the Annex to SEC (2006) 889 (A)	Year of adoption	Child Rights Category
Related EU policy areas	<b>All internal and external policies</b>			
1	Council Regulation (EC) 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia, repealing Regulation (EC) 1628/96 and amending Regulations (EEC) 3906/89 and (EEC) 1360/90 and Decisions 97/256/EC and 1999/311/EC, O. J. L 306 (2000).	A	2000	General Measures of Implementation
2	Resolution of the Council and of the representatives of the governments of the Member States, meeting within the Council of 27 June 2002 regarding the framework of European cooperation in the youth field, OJ C 168 (2002)	A	2002	General Measures of Implementation
3	Decision 790/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level in the field of youth, O.J. L 138 (2004).	A	2004	General Measures of Implementation
4	Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the Policy Coherence for Development, Accelerating progress towards attaining the Millennium Development Goals COM(2005)134.		2005	General Measures of Implementation
5	Commission Communication on the Hague Programme: Ten priorities for the next five years - The Partnership for European renewal in the field of Freedom, Security and Justice, COM (2005)184.		2005	General Measures of Implementation
6	Council Regulation 1638/2006 of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument, O.J. L 310 (2006).		2006	General Measures of Implementation
7	Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide, O. J.L 386/1 (2006).		2006	General Measures of Implementation
8	Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), O.J. L 105 (2006).		2006	General Measures of Implementation
9	Communication from the Commission "Towards an EU Strategy on the Rights of the Child" COM(2006) 367.	A	2006	General Measures of Implementation
10	2007/698/EC: Commission Decision of 29 October 2007 amending Decision 2007/116/EC as regards the introduction of additional reserved numbers beginning with 116, O.J. L 284 (2007).		2007	General Measures of Implementation

Reference number	EU action (full reference)	Mentioned in the Annex to SEC (2006) 889 (A)	Year of adoption	Child Rights Category
11	EU Guidelines for the Promotion and Protection of the Rights of the Child		2007	General Measures of Implementation
12	Council Decision No. 2008/157 on the principles, priorities and conditions contained in the Accession Partnership with the Republic of Turkey and repealing Decision 2006/35/EC, O.J. L 051 (2008).		2008	General Measures of Implementation
13	Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions “A Special Place for Children in EU External Action”, COM(2008) 55; Commission staff working document - The European Union’s action plan on children’s rights in external action		2008	General Measures of Implementation
14	Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011 and amending Regulations (EC) No 552/97, (EC) No 1933/2006 and Commission Regulations (EC) No 1100/2006 and (EC) No 964/2007, O.J. L 211 (2008).		2008	General Measures of Implementation
15	Treaty of Lisbon, Treaty on European Union and the Treaty on the Functioning of the European Union, O.J. C 115 (2008).		2009	General Measures of Implementation
16	Council of European Union, The Stockholm Programme – An open and secure Europe serving and protecting the citizens 17024/09.		2009	General Measures of Implementation
17	Charter of Fundamental Rights of the European Union, OJ C 83 (2010).		2009	General Measures of Implementation
18	Council Decision 2009/902/JHA of 30 November 2009 setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA, O.J. L 321.		2009	General Measures of Implementation
19	Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA OJ L 093 (2009)		2009	General Measures of Implementation
Related EU policy areas	Non-discrimination			
101	Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin O.J. L 180 (2000).	A	2000	General Principles
102	Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, O.J. L 303 (2000).		2000	General Principles
103	Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 1 June 2005 – Non-Discrimination and Equal Opportunities for All - A Framework Strategy, COM/2005/224.		2005	General Principles



Reference number	EU action (full reference)	Mentioned in the Annex to SEC (2006) 889 (A)	Year of adoption	Child Rights Category
104	Decision No 771/2006/EC of the European Parliament and of the Council of 17 May 2006 establishing the European Year of Equal Opportunities for All (2007) — towards a just society, O.J. L 146 (2006).		2006	General Principles
105	Commission Communication on non-discrimination and equal opportunities: A renewed commitment COM/2008/420.		2008	General Principles
Related EU policy areas	<b>Media and Information Society, European citizenship, Data protection</b>			
201	Commission Communication on Illegal and Harmful Content on the Internet, COM (96) 487.		1996	Civil rights
202	Council Resolution of 9 December 2004 on Looking into the future of Information Communication Technologies (ICT), O.J. C 062 (2005).		2005	Civil rights
203	Commission Communication on eAccessibility, COM (2005) 425.		2005	Civil rights
204	Decision No 1351/2008/EC of the European Parliament and of the Council of 16 December 2008 establishing a multiannual Community programme on protecting children using the Internet and other communication technologies, OJ L 348 (2008) (Safer use of the Internet and other communication technologies 2009 – 2013)		2008	Civil rights
205	Council Directive on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), OJ L 95 (2010). (Previous Council Directive 2007/65 amending Council Directive 89/552 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, O.J. L 332 (2007).		2009	Civil rights
206	Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws, O.J. L 337 (2009).		2009	Civil rights
207	Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services, O.J. L 95 (2010)		2010	Civil rights
208	Commission Communication on a Youth Information Action Plan, C (1992) 297.		1992	Civil rights
209	European Commission white paper - A new impetus for European youth, COM/2001/681 (2001).		2001	Civil rights
210	Communication from the Commission to the Council on European policies concerning youth participation and information, COM (2006) 417.		2006	Civil rights

Reference number	EU action (full reference)	Mentioned in the Annex to SEC (2006) 889 (A)	Year of adoption	Child Rights Category
211	Council Resolution on implementing the common objectives for participation by and information for young people in view of promoting their active European citizenship, O.J. C 297 (2006).		2006	Civil rights
212	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Promoting young people's full participation in education, employment and society COM/2007/498		2007	Civil rights
213	The Youth in Action programme (2007-2013) (Decision No 1719/2006/EC of the European parliament and of the council of 15 November 2006 establishing the 'Youth in Action' programme for the period 2007 to 2013		2007	Civil rights
214	Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - An EU Strategy for Youth : Investing and Empowering - A renewed open method of coordination to address youth challenges and opportunities COM/2009/200 (2009).		2009	Civil rights
215	Council Decision of 27 November 2009 on the European Year of Voluntary Activities Promoting Active Citizenship (2011), O.J. L 17 (2009).		2009	Civil rights
216	Council Directive No. 95/46 on the protection of individuals with regard to the processing of personal data and on the free movement of such data , O.J. L 281 (1995) (includes Working Document 1/2008 on the protection of children's personal data (General guidelines and the special case of schools).		2008	Civil rights
217	Council Decision 2007/252/EC of 19 April 2007 establishing the specific programme "Fundamental rights and citizenship" for the period 2007-2013, in the framework of the general programme "Fundamental rights and justice", O.J. L 110 (2007)		2007	Civil rights
218	Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, O.J. L 200 (2005) amended by O.J. L 255 (2006) and O.J. L 189 (2008)		2008	Civil rights
219	Guidelines to EU Policy towards third countries on torture and other cruels, inhuman or degrading treatment or punishment rewied in 2006		2006	Civil rights
220	Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market, OJ L 178 (2000).		2000	Civil rights
Related EU policy areas	<b>Civil Justice, Parental Responsibility and Family Matters</b>			
301	Council Regulation (EC) 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, OJ L 338 (2003).	A	2003	Family environment and alternative care

Reference number	EU action (full reference)	Mentioned in the Annex to SEC (2006) 889 (A)	Year of adoption	Child Rights Category
302	Decision No 1149/2007/EC of the European Parliament and of the Council of 25 September 2007 establishing for the period 2007-2013 the Specific Programme Civil Justice as part of the General Programme Fundamental Rights and Justice, O.J. L 257 (2007)		2007	Family environment and alternative care
303	Council Decision No 2008/431/EC of 5 June 2008 authorising certain Member States to ratify, or accede to, in the interest of the European Community, the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children and authorising certain Member States to make a declaration on the application of the relevant internal rules of Community law - Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, OJ L 151 (2008)		2008	Family environment and alternative care
304	Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations, O.J. L 7 (2009).		2008	Family environment and alternative care
305	Council Regulation (EC) No 664/2009 of 7 July 2009 establishing a procedure for the negotiation and conclusion of agreements between Member States and third countries concerning jurisdiction, recognition and enforcement of judgments and decisions in matrimonial matters, matters of parental responsibility and matters relating to maintenance obligations, and the law applicable to matters relating to maintenance obligations, OJ L 200 (2009)		2009	Family environment and alternative care
306	Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC, O.J. L 145.		1996	Family environment and alternative care
307	Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, O.J. L 251 (2003).	A	2003	Family environment and alternative care
308	Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), O.J. L 105 (2006).		2006	Family environment and alternative care
309	Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, O.J. L 158 (2004).	A	2004	Family environment and alternative care
310	Proposal for a Council Decision on the conclusion by the European Community of the convention on the international recovery of child support and other forms of family maintenance COM/2009/373.		2009	Family environment and alternative care
311	Commission Communication on Promoting solidarity between the generations, COM(2007) 244.		2007	Family environment and alternative care

Reference number	EU action (full reference)	Mentioned in the Annex to SEC (2006) 889 (A)	Year of adoption	Child Rights Category
312	Council Directive No 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, OJ L 155 (2009)		2009	Family environment and alternative care
313	Commission Communication on a better work-life balance: stronger support for reconciling professional, private and family life, COM (2008) 635.		2008	Family environment and alternative care
Related EU policy areas	<b>Health, Poverty and Social Inclusion, Employment, Consumer Protection and Safety, Transport, Disability, Internal Market</b>			
401	Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC), O.J. L 348.		1992	Basic Health and Welfare
402	Commission Communication on Cohesion Policy and cities : the urban contribution to growth and jobs in the regions, COM (2006) 385.		2006	Basic Health and Welfare
403	Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999, O. J. L 210 (2006).		2006	Basic Health and Welfare
404	Commission Communication on Implementing the renewed Lisbon strategy for growth and jobs, COM (2006) 816.		2006	Basic Health and Welfare
405	Commission Communication on Building an inclusive Europe, COM (2000) 79.		2000	Basic Health and Welfare
406	Regulation (EC) No 1386/2001 of the European Parliament and of the Council of 5 June 2001 amending Council Regulations (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71, O.J. L 187 (2001).		2001	Basic Health and Welfare
407	Council Decision No. 50/2002 establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion, O.J. L 010 (2002).		2002	Basic Health and Welfare
408	Commission Communication on Modernising Social Protection for More and Better Jobs - a comprehensive approach contributing to making work pay, COM (2003) 842.		2003	Basic Health and Welfare
409	European Parliament resolution on social inclusion in the new Member States (2004/2210(INI)), O.J.124 E (2006).		2006	Basic Health and Welfare
410	Communication from the Commission “Working together, working better: A new framework for the open coordination of social protection and inclusion policies in the European Union” COM(2005)706.		2005	Basic Health and Welfare

Reference number	EU action (full reference)	Mentioned in the Annex to SEC (2006) 889 (A)	Year of adoption	Child Rights Category
411	Commission Communication on European values in the globalised world - Contribution of the Commission to the October Meeting of Heads of State and Government, COM (2005) 525.		2005	Basic Health and Welfare
412	Commission Communication on Investing in people - Communication on the thematic programme for human and social development and the financial perspectives for 2007-2013, COM (2006)18.		2006	Basic Health and Welfare
413	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Mainstreaming sustainable development into EU policies: 2009 Review of the European Union Strategy for Sustainable Development, COM(2009)400.		2009	Basic Health and Welfare
414	Commission Communication - The demographic future of Europe – From challenge to opportunity COM/2006/571		2006	Basic Health and Welfare
415	European Parliament resolution on the future of social security systems and pensions: their financing and the trend towards individualisation (2007/2290(INI)), O.J. C 016 E, 2010.		2010	Basic Health and Welfare
416	Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Implementation of the Barcelona objectives concerning childcare facilities for pre-school-age children COM/2008/638.		2008	Basic Health and Welfare
417	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Renewed social agenda: Opportunities, access and solidarity in 21st century Europe COM/2008/412 (2008).		2008	Basic Health and Welfare
418	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - "A renewed commitment to social Europe: Reinforcing the Open Method of Coordination for Social Protection and Social Inclusion" COM/2008/418 (2008)		2008	Basic Health and Welfare
419	Council Decision No. 1098/2008 on the European Year for Combating Poverty and Social Exclusion (2010), O.J. L 298 (2008).		2008	Basic Health and Welfare
420	Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on a Commission Recommendation on the active inclusion of people excluded from the labour market, COM/2008/639 (2008).		2008	Basic Health and Welfare
421	Communication from the Commission - European road safety action programme - Halving the number of road accident victims in the European Union by 2010: a shared responsibility, COM/2003/311 (2003).		2003	Basic Health and Welfare
422	Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003 amending Council Directive 98/18/EC on safety rules and standards for passenger ships - OJ L 123 (2003)		2003	Basic Health and Welfare

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423	Directive 2003/20/EC of the European Parliament and of the Council of 8 April 2003 amending Council Directive 91/671/EEC on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes		2003	Basic Health and Welfare
424	Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, OJ L 204 (2006).		2006	Basic Health and Welfare
425	Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations, O.J. L 315 (2007).		2007	Basic Health and Welfare
426	Communication from the Commission on sales promotions in the Internal Market, COM/2001/0546 (2001). Amended proposal for a European Parliament and Council Regulation concerning sales promotions in the Internal Market, COM/2002/585.		2002	Basic Health and Welfare
427	Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety, O.J. L 011(2002).	A	2001	Basic Health and Welfare
428	Decision No 1926/2006/EC of the European Parliament and of the Council of 18 December 2006 establishing a programme of Community action in the field of consumer policy (2007-2013), O.J. L 404 (2006).		2006	Basic Health and Welfare
429	Commission Directive 2006/125/EC of 5 December 2006 on processed cereal-based foods and baby foods for infants and young children, O.J. L 339 (2006), O.J. L 338M (2008)		2008	Basic Health and Welfare
430	European Parliament resolution on corporate social responsibility: a new partnership (2006/2133(INI)), O.J. 301 E (2007).		2007	Basic Health and Welfare
431	Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee "EU Consumer Policy strategy 2007-2013", COM(2007) 99.		2007	Basic Health and Welfare
432	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the protection of consumers, in particular minors, in respect of the use of video games. COM/2008/207.		2008	Basic Health and Welfare
433	Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys, O.J. L 170 (2009).		2009	Basic Health and Welfare
434	Commission Regulation No. 288/2009 laying down detailed rules for applying Council Regulation (EC) No 1234/2007 as regards Community aid for supplying fruit and vegetables, processed fruit and vegetables and banana products to children in educational establishments, in the framework of a School Fruit Scheme, O.J. L 94 (2009).		2009	Basic Health and Welfare
435	Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products, O.J. L 342 (2009).		2009	Basic Health and Welfare

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436	Commission Decision of 7 January 2010 on the safety requirements to be met by European standards for consumer-mounted childproof locking devices for windows and balcony doors pursuant to Directive 2001/95/EC of the European Parliament and of the Council, O.J. L 4 (2010).		2010	Basic Health and Welfare
437	Commission Decision of 6 January 2010 on the safety requirements to be met by European standards for bath rings, bathing aids and bath tubs and stands for infants and young children pursuant to Directive 2001/95/EC of the European Parliament and of the Council (notified under document C(2009) 10290), O.J. L 3 (2010).		2010	Basic Health and Welfare
438	Decision No 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community, O.J. L 268 (1998).		1998	Basic Health and Welfare
439	Council Recommendation of 5 June 2001 on the drinking of alcohol by young people, in particular children and adolescents, O.J. L 161/38 (2001).		2001	Basic Health and Welfare
440	Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee A European Environment and Health Strategy, COM/2003/338 (2003)		2003	Basic Health and Welfare
441	Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC, O.J. L 33 (2003)		2003	Basic Health and Welfare
442	Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells, O.J. L 102 (2004).		2004	Basic Health and Welfare
443	Resolution on poverty-related diseases and reproductive health in ACP States, in the context of the 9th EDF, O.J. 120 (2004)		2004	Basic Health and Welfare
444	Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee - "The European Environment & Health Action Plan 2004-2010" COM/2004/416 (2004)		2004	Basic Health and Welfare
445	Communication from the Commission "Green paper: Improving the mental health of the population. Towards a strategy on mental health for the European Union", COM (2005) 484.	A	2005	Basic Health and Welfare
446	Regulation (EC) No 1901/2006 of the European Parliament and of the Council of 12 December 2006 on medicinal products for paediatric use and amending Regulation (EEC) No 1768/92, Directive 2001/20/EC, Directive 2001/83/EC and Regulation (EC) No 726/2004, O.J. L 378 (2006).		2006	Basic Health and Welfare
447	Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions an EU strategy to support Member States in reducing alcohol related harm, COM/2006/625(2006) (European Alcohol and Health Forum as a tool of strategy implementation)		2006	Basic Health and Welfare

Reference number	EU action (full reference)	Mentioned in the Annex to SEC (2006) 889 (A)	Year of adoption	Child Rights Category
448	Green Paper Towards a Europe free from tobacco smoke: policy options at EU level, COM/2007/27 (2007)		2007	Basic Health and Welfare
449	White Paper on a Strategy for Europe on Nutrition, Overweight and Obesity related health issues, COM/2007/279 (2007).		2007	Basic Health and Welfare
450	Decision No 1350/2007/EC of the European Parliament and of the Council of 23 October 2007 establishing a second programme of Community action in the field of health (2008-13) O.J. L 301/3 (2007) (previous programme of Community action in the field of public health (2003-08))		2007	Basic Health and Welfare
451	White Paper Together for Health: a Strategic Approach for the EU 2008-2013, COM/2007/630 (2007).		2007	Basic Health and Welfare
452	Directive No 2007/47/EC of the European Parliament and of the Council of 5 September 2007 amending Council Directive 90/385/EEC on the approximation of the laws of the Member States relating to active implantable medical devices, Council Directive 93/42/EEC concerning medical devices and Directive 98/8/EC concerning the placing of biocidal products on the market, O.J. L 247 (2007).		2007	Basic Health and Welfare
453	Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives O.J. L 354/16 (2008).		2008	Basic Health and Welfare
454	Commission Regulation (EC) No 1243/2008 of 12 December 2008 amending Annexes III and VI to Directive 2006/141/EC as regards compositional requirements for certain infant formulae, O.J. L 335 (2008).		2008	Basic Health and Welfare
455	Council Directive 2009/128 establishing a framework for Community action to achieve the sustainable use of pesticides, O.J. L 309 (2009).		2009	Basic Health and Welfare
456	Council Regulation No. 1924/2006 on nutrition and health claims made on foods, O.J. L 404 (2006). Commission Regulation (EC) No 1168/2009 of 30 November 2009 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health, O.J. L 314 (2009).		2009	Basic Health and Welfare
457	Health Programme (Commission Decision on the adoption of the Work Plan for 2010 for the implementation of the second programme of Community action in the field of health (2008-2013), on the selection, award and other criteria for financial contributions to the actions of this programme and Community payment to the WHO Framework Convention on tobacco control, O.J. L 340 (2009)).		2009	Basic Health and Welfare
458	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Solidarity in health: reducing health inequalities in the EU COM/2009/0567 (2009).		2009	Basic Health and Welfare



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459	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Combating HIV/AIDS in the European Union and neighbouring countries, 2009 -2013, COM/2009/569 (2009).		2009	Basic Health and Welfare
460	Directive 95/16/EC of the European Parliament and of the Council of 29 June 1995 on the approximation of the laws of the Member States relating to lifts, O.J. L 312.		1995	Basic Health and Welfare
461	Council Decision No 2001/903/EC of 3 December 2001 on the European Year of People with Disabilities 2003, O.J. L 335 (2001).		2001	Basic Health and Welfare
462	Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Situation of disabled people in the European Union: the European Action Plan 2008-2009 COM/2007/738 .		2007	Basic Health and Welfare
463	Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities 35 2010/49/EC, O. J.(2010).		2010	Basic Health and Welfare
464	2000/483/EC: Partnership agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 - Protocols - Final Act - Declarations, O.J. L317.		2000	Basic Health and Welfare
465	Commission Communication on "Health and poverty reduction in developing countries" COM(2002)129.	A	2002	Basic Health and Welfare
466	Declaration of Libreville (West Africa: Bénin, Burkina Faso, Cameroon, Ivory Coast, Gabon, Mali and Togo) signed on 7 February 2003.	A	2003	Basic Health and Welfare
467	Commission Communication on the Social Dimension of Globalisation - the EU's policy contribution on extending the benefits to all, COM (2004)383.		2004	Basic Health and Welfare
468	Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee - An EU-Caribbean partnership for growth, stability and development COM/2006/86.		2006	Basic Health and Welfare
469	Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee of 29 May 2006 - EU relations with the Pacific Islands - A strategy for a strengthened partnership COM(2006) 248		2006	Basic Health and Welfare
470	Communication from the Commission to the Council and the European Parliament - Strategy for Africa: an EU regional political partnership for peace, security and development in the Horn of Africa COM/2006/601.		2006	Basic Health and Welfare
471	Communication from the Commission to the European Parliament and the Council - From Cairo to Lisbon – The EU-Africa Strategic Partnership COM/2007/357.		2007	Basic Health and Welfare
472	Communication from the Commission to the Council and the European Parliament - Investing in people - Communication on the thematic programme for human and social development and the financial perspectives for 2007-2013 COM/2006/18.		2006	Basic Health and Welfare

Reference number	EU action (full reference)	Mentioned in the Annex to SEC (2006) 889 (A)	Year of adoption	Child Rights Category
473	Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part - PROTOCOL I concerning the definition of the concept of 'originating products' and methods of administrative cooperation - PROTOCOL II on mutual administrative assistance in customs matters - PROTOCOL III on cultural cooperation - FINAL ACT - JOINT DECLARATIONS, O.J. L289 (2008).		2008	Basic Health and Welfare
474	Council Regulation No. 1337/2008 establishing a facility for rapid response to soaring food prices in developing countries, O.J. L 354 (2008).		2008	Basic Health and Welfare
475	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Mainstreaming sustainable development into EU policies: 2009 Review of the European Union Strategy for Sustainable Development, COM(2009)400.		2009	Basic Health and Welfare
476	Updated European Union Guidelines on promoting compliance with international humanitarian law (IHL), O.J. C 303 (2009).		2009	Basic Health and Welfare
477	Communication from the Commission to the Council and the European Parliament - EU strategy for supporting disaster risk reduction in developing countries, COM/2009/84.		2009	Basic Health and Welfare
478	Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the Policy Coherence for Development, Accelerating progress towards attaining the Millennium Development Goals COM(2005)134.		2005	Basic Health and Welfare
479	Commission Communication on governance in the European Consensus on Development - Towards a harmonised approach within the European Union, COM (2006) 421.		2006	Basic Health and Welfare
480	Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation O.J. L 378 (2006).		2006	Basic Health and Welfare
481	Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: The European Consensus, O. J.C 46/1 (2006).		2006	Basic Health and Welfare
481	Regulation (EC) No 1567/2003 of the European Parliament and of the Council of 15 July 2003 on aid for policies and actions on reproductive and sexual health and rights in developing countries, O.J. L 224 (2003).		2003	Basic Health and Welfare
482	Commission Regulation (EC) No 1980/2003 of 21 October 2003 implementing Regulation (EC) No 1177/2003 of the European Parliament and of the Council concerning Community statistics on income and living conditions (EU-SILC) as regards definitions and updated definitions, O.J. L 298 (2003)		2003	Basic Health and Welfare
483	Council Decision No 1578/2007 on the Community Statistical Programme 2008 to 2012, O. J. L 344, (2007).		2007	Basic Health and Welfare

Reference number	EU action (full reference)	Mentioned in the Annex to SEC (2006) 889 (A)	Year of adoption	Child Rights Category
484	Commission Regulation (EC) No 10/2008 of 8 January 2008 implementing Regulation (EC) No 458/2007 of the European Parliament and of the Council on the European system of integrated social protection statistics (ESSPROS) as regards the definitions, detailed classifications and updating of the rules for dissemination for the ESSPROS core system and the module on pension beneficiaries, OJ L 5 (2008)		2008	Basic Health and Welfare
485	Decision No 284/2010/EU of the European Parliament and of the Council of 25 March 2010 amending Decision No 1672/2006/EC establishing a Community Programme for Employment and Social Solidarity — Progress, O.J. L 87 (2010).		2010	Basic Health and Welfare
Related EU policy areas	<b>Education, Culture and Sport, Youth</b>			
501	Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007), O.J. L 327 (2006)		2006	Education, Leisure and Cultural Activities
501	Commission Communication on a European approach to media literacy in the digital environment, COM (2007) 833.		2007	Education, Leisure and Cultural Activities
503	Council Decision No. 1350/2008 concerning the European Year of Creativity and Innovation (2009), O.J. L 348 (2008).		2008	Education, Leisure and Cultural Activities
504	Council Decision No. 1041/2009 establishing an audiovisual cooperation programme with professionals from third countries (MEDIA Mundus), O.J. L 288 (2009).		2009	Education, Leisure and Cultural Activities
505	Commission Green Paper on promoting the learning mobility of young people, COM (2009) 329.		2009	Education, Leisure and Cultural Activities
506	Council Decision No. 2493/95 establishing 1996 as the 'European year of lifelong learning', O.J. L 256 (1995).		1995	Education, Leisure and Cultural Activities
507	Commission Communication on the Science and Society Action plan, COM (2001) 0714.		2001	Education, Leisure and Cultural Activities
508	Commission Communication on Investing efficiently in education and training: an imperative for Europe, COM (2002) 779.		2002	Education, Leisure and Cultural Activities

Reference number	EU action (full reference)	Mentioned in the Annex to SEC (2006) 889 (A)	Year of adoption	Child Rights Category
509	Council Resolution of 5 May 2003 on equal opportunities for pupils and students with disabilities in education and training (2003/C 134/04), O.J. C 134 (2003).	A	2003	Education, Leisure and Cultural Activities
510	Commission Communication on efficiency and equity in European education and training systems, COM (2006) 481.		2006	Education, Leisure and Cultural Activities
511	Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) - Statements by the Commission, O.J. L 412 (2006).		2006	Education, Leisure and Cultural Activities
512	Commission Green Paper on Migration and Mobility: Challenges and Opportunities for EU Education Systems, COM(2008) 423.		2008	Education, Leisure and Cultural Activities
513	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Multilingualism: an asset for Europe and a shared commitment, COM/2008/566.		2008	Education, Leisure and Cultural Activities
514	Council Resolution of 21 November 2008 on a European strategy for multilingualism (2008/C 320/01), O.J. C 320 (2008).		2008	Education, Leisure and Cultural Activities
515	Decision No 1720/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning OJ L 327 (2006), amended by Decision No 1357/2008/EC of the European Parliament and of the Council of 16 December 2008 amending Decision No 1720/2006/EC establishing an action programme in the field of lifelong learning, OJ L 350 (2006); Proposal for a Decision of the European Parliament and of the Council amending Decision No 1720/2006/EC establishing an action programme in the field of lifelong learning COM/2008/061.		2008	Education, Leisure and Cultural Activities
516	Commission Communication Improving Competences for the 21st Century: An Agenda for European Cooperation on Schools, COM/2008/425 (2008).		2008	Education, Leisure and Cultural Activities
517	Commission Communication on an updated strategic framework for European cooperation in education and training, COM (2008) 865.		2008	Education, Leisure and Cultural Activities
518	European Parliament resolution of 2 April 2009 on educating the children of migrants 2008/2328(INI).		2008	Education, Leisure and Cultural Activities

Reference number	EU action (full reference)	Mentioned in the Annex to SEC (2006) 889 (A)	Year of adoption	Child Rights Category
519	Commission communication “Education and training in the context of poverty reduction in developing countries”, COM(2002)116.	A	2002	Education, Leisure and Cultural Activities
520	Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, O. J. L 375 (2004).	A	2004	Education, Leisure and Cultural Activities
521	Council Decision No. 1934/2000 on the European Year of Languages 2001, O.J. L 232 (2000).		2000	Education, Leisure and Cultural Activities
522	Council Resolution of 19 December 2002 implementing the work plan on European cooperation in the field of culture: European added value and mobility of persons and circulation of works in the cultural sector, O.J. C 013 (2003).		2002	Education, Leisure and Cultural Activities
523	Council Decision No. 792/2004 establishing a Community action programme to promote bodies active at European level in the field of culture, O.J. L 138 (2004).		2004	Education, Leisure and Cultural Activities
524	Commission Communication on Making citizenship Work: fostering European culture and diversity through programmes for Youth, Culture, Audiovisual and Civic Participation, COM (2004) 154.		2004	Education, Leisure and Cultural Activities
525	Decision No 1903/2006/EC of the European Parliament and of the Council of 12 December 2006 establishing the Culture Programme (2007-2013), O.J. L 378.		2006	Education, Leisure and Cultural Activities
526	Council Decision No. 1983/2006 concerning the European Year of Intercultural Dialogue (2008), O.J. L 412 (2006).		2006	Education, Leisure and Cultural Activities
527	White Paper - White Paper on Sport COM/2007/391 (2007).		2007	Education, Leisure and Cultural Activities
Related EU policy areas	<b>Criminal Matters, Sexual Exploitation and Child Pornography, Protection from Violence and Harm, Asylum and Immigration</b>			
601	Council Directive No 94/33/EC of 22 June 1994 on the protection of young people at work, O.J. L 216 (1994).	A	1994	Special Protection Measures
602	Commission Green Paper on the Protection of Minors and Human Dignity in Audiovisual and Information Services, COM (96)483.		1996	Special Protection Measures
603	Commission communication on combating child sex tourism, O.J. C 003 (1997).	A	1997	Special Protection

Reference number	EU action (full reference)	Mentioned in the Annex to SEC (2006) 889 (A)	Year of adoption	Child Rights Category
				Measures
604	Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography, O.J. L 013 (2004).	A	2004	Special Protection Measures
605	Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA.		2010	Special Protection Measures
606	Council decision of 29 May 2000 on Combating child pornography on the Internet, OJ L 138 (2000).	A	2000	Special Protection Measures
607	Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings, O.J. L 082, (2001).	A	2001	Special Protection Measures
608	Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings, O. J. L 203 (2002).	A	2002	Special Protection Measures
609	Communication from the Commission COM(2004) 165 (to the Council and the European Parliament) — Crime prevention in the European Union. O.J. C 92/2 (2004)		2004	Special Protection Measures
610	Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, O.J. L 261 (2004).	A	2004	Special Protection Measures
611	Communication from the Commission to the European Parliament and the Council - Fighting trafficking in human beings : an integrated approach and proposals for an action plan COM(2005) 514.	A	2005	Special Protection Measures
612	EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings, OJ C 311 (2005)	A	2005	Special Protection Measures
613	Communication on Disqualifications arising from criminal convictions in the European Union COM (2006) 73.	A	2006	Special Protection Measures
615	Council Decision of 12 February 2007 establishing for the period 2007 to 2013, as part of the General Programme on Fundamental Rights and Justice, the Specific Programme Criminal Justice, O.J. L 58 (2007).		2007	Special Protection Measures
616	Council Decision of 12 February 2007 establishing for the period 2007 to 2013, as part of General Programme on Security and Safeguarding Liberties, the Specific Programme Prevention of and Fight against Crime, O.J. L 58 (2007).		2007	Special Protection Measures
617	Decision No 1150/2007/EC of the European Parliament and of the Council of 25 September 2007 establishing for the period 2007-2013 the Specific Programme Drug prevention and information as part of the General Programme Fundamental Rights and Justice, O.J. L 257 (2007).		2007	Special Protection Measures
618	Communication from the Commission to the European Parliament, the Council and the Committee of the Regions Towards a general policy on the fight against cyber crime, COM/2007/267 (2007)		2007	Special Protection Measures

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619	EU Drugs Strategy (2005-2012), Council of the European Union; Communication from the Commission to the European Parliament and the Council on an EU Drugs Action Plan for 2009-2012 COM/2008/567; EU Drugs Action Plan for 2009-2012, Council of the European Union, O.J. C 326 (2008).		2008	Special Protection Measures
620	Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings, O.J. L220 (2008).		2008	Special Protection Measures
621	Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law , O.J. L 328 (2008)		2008	Special Protection Measures
622	Council Decision 2009/902/JHA of 30 November 2009 setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA, O.J. L 321.		2009	Special Protection Measures
623	Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA OJ L 093 (2009)		2009	Special Protection Measures
624	Proposal for a Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA, COM (2010)95		2010	Special Protection Measures
625	Council Decision No 2008/618/EC of 15 July 2008 on guidelines for the employment policies of the Member States O.J. L 198 (2008).		2008	Special Protection Measures
626	Council Resolution on unaccompanied minors who are nationals of third countries, O.J. C 221 (1997).	A	1997	Special Protection Measures
627	Communication from the Commission to the Council and the European Parliament on a Community immigration policy COM/2000/757.		2000	Special Protection Measures
628	Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, O.J. L 212 (2001).	A	2001	Special Protection Measures
629	Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, O. J. L 031 (2003.)	A	2003	Special Protection Measures
630	Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, O.J. L 016 (2004).	A	2004	Special Protection Measures
631	Commission Communication to the Council and The European Parliament Towards more accessible, equitable and managed asylum systems COM(2003) 315.		2003	Special Protection Measures
632	Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on immigration, integration and employment COM/2003/336.		2003	Special Protection Measures

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633	Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, O.J. L 222 (2003).		2003	Special Protection Measures
634	Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application (Dublin II), O.J.L 50 (2003).	A	2003	Special Protection Measures
635	Green Paper on an EU approach to managing economic migration, COM(2004) 811.	A	2004	Special Protection Measures
636	2004/867/EC: Council Decision of 13 December 2004 amending Decision 2002/463/EC adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme), O.J. L 371 (2004).	A	2004	Special Protection Measures
637	Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, O.J. L 304 (2004).	A	2004	Special Protection Measures
638	Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting or withdrawing refugee status, O. J. L 326 (2005).	A	2005	Special Protection Measures
639	Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of the Regions - A Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the European Union (INTI Programme) COM/2005/389.	A	2005	Special Protection Measures
640	Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, O.J. L 81/1 amended by O.J. L 405/23 (2006)		2006	Special Protection Measures
641	Commission Decision No 2006/401/EC of 20 January 2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards Member States management and control systems, and rules for the administrative and financial management of projects co-financed by the European Refugee Fund O.J. L 162 (2006).		2006	Special Protection Measures
642	Communication from the Commission to the Council and the European Parliament on strengthened practical cooperation - New structures, new approaches: improving the quality of decision making in the Common European Asylum System, COM/2006/67.		2006	Special Protection Measures
643	Opinion of the Committee of the Regions on The situation of unaccompanied minors in the migration process — the role and suggestions of regional and local authorities OJ C 51 (2007) (own-initiative opinion, suggests aims and proposes measures that should be taken by the EU authorities)		2007	Special Protection Measures



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644	Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme Solidarity and Management of Migration Flows, O.J. L 144 (2007).		2007	Special Protection Measures
645	Council Decision No. 2007/435 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme Solidarity and Management of Migration Flows, O.J. L 168 (2007).		2007	Special Protection Measures
646	Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' and repealing Council Decision 2004/904/EC, O.J. L 144/1 (2007).		2007	Special Protection Measures
647	Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, O. J. L 348/98 (2008).		2008	Special Protection Measures
648	Proposal for a Directive of the European Parliament and of the Council on minimum standards on procedures in Member States for granting and withdrawing international protection COM/2009/554		2009	Special Protection Measures
649	Proposal for a Directive of the European Parliament and of the Council on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted COM/2009/551.		2009	Special Protection Measures
650	Communication from the Commission to the Council and to the European Parliament of 19 May 1999 on cooperation with ACP States involved in armed conflict COM(1999)240.		1999	Special Protection Measures
651	Commission Communication to the Council and the European Parliament on Regional Protection Programmes COM/2005/388.		2005	Special Protection Measures
652	Implementation Strategy for Guidelines on Children and Armed Conflict (8285/1/06)		2006	Special Protection Measures
653	Council Regulation No. 1717/2006 establishing an Instrument for Stability, O.J. L 327 (2006).		2006	Special Protection Measures
654	Communication from the Commission COM/2006/026 to the European Parliament and the Council - Thematic programme for the cooperation with third countries in the areas of migration and asylum COM/2006/26.		2006	Special Protection Measures
655	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on circular migration and mobility partnerships between the European Union and third countries COM/2007/248		2007	Special Protection Measures
656	2006 Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP Operations updated in 2008		2008	Special Protection Measures
657	EU Guidelines on children and armed conflict, revised in 2008.		2008	Special Protection

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				Measures
658	Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Migration and Development : some concrete orientations COM/2005/390 .		2005	Special Protection Measures
659	Strategic Partnership with the ILO in the field of development where one of the priorities is the prevention of child labour.	A	2004	Special Protection Measures
660	The Schengen acquis - Declaration of the Executive Committee of 9 February 1998 on the abduction of minors (SCH/Com-ex (97) decl. 13, rev. 2) O.J. L 239 (2000).		2000	Special Protection Measures
661	Decision No 779/2007/EC of the European Parliament and of the Council of 20 June 2007 establishing for the period 2007-2013 a specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (Daphne III programme) as part of the General Programme 'Fundamental Rights and Justice', O.J. L173 (2007).		2007	Special Protection Measures
662	Council Regulation No. 862/2007 on Community statistics on migration and international protection and repealing Council Regulation No. 311/76 on the compilation of statistics on foreign workers, O.J. L 199 (2007).		2007	Special Protection Measures