



**Submission to the Consultation on the European Commission's
Communication on the Rights of the Child (2011-2014)**

Save the Children

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I. Questions relating to previous initiatives taken by the Commission

1. The 2006 Commission Communication "Towards an EU Strategy on the Rights of the Child" establishes a comprehensive EU Strategy to effectively promote and safeguard the Rights of the Child in the European Union's internal and external policies and to support Member States' efforts in this field. What is your overall assessment of the Communication?

Save the Children welcomed the 2006 Communication as an important step towards a comprehensive and coherent EU strategy to promote, protect and work towards the fulfillment of children's rights.¹ Since its adoption, the Communication has indeed contributed to more focus on children's rights as well as some concrete action to promote and protect children's rights.

The Communication served as a significant step in the process embarked on by the EU to ensure that child rights are properly considered and addressed in EU policies and actions. It provided recognition of the fundamental principles concerned and their relevance to EU activities in general. It described ongoing EU activities at the time and acknowledged the need for improving processes to ensure full consideration of child rights, when determining EU action.

The Communication provided welcome impetus to dedicating resources and expanding Commission expertise on the issue. It prompted certain process improvements, including impact assessments from a child right perspective for many key EU instruments. It ensured general visibility of the EU's interest in the situation and rights of children across its activities.

However, although the Communication aspired to the development of an overall EU Strategy on Children, the Communication has regrettably not delivered the strategic framework needed to determine and resource all the "appropriate legislative, administrative and other measures for the implementation" of the UNCRC, that the EU has the competence and means to take. Only with that framework in place the EU will succeed in fully capitalizing on its role as a donor, promoter of human rights, legislator and policy-maker. Without a framework, despite increasing visibility of child rights in EU policy, the EU will risk dealing with children in a fragmented way, rather than properly considering the situation and rights of children whenever it is initiating or designing policy.

¹ The Communication commits the Commission to drawing up "a comprehensive EU strategy to effectively promote and safeguard the rights of the child in the European Union's internal and external policies and to support Member States' efforts in this field" by 2009. COM(2006) 367 final, 04.07.06, SEC(2006) 888, SEC(2006) 889.

Save the Children therefore strongly recommends that the forthcoming Communication will contribute towards a holistic and consistent approach by clearly establishing the strategic direction, guiding principles and processes which will support each policy area in:

- Determining how EU policy in each particular area may have an impact on children's rights. In some areas, such as agriculture and transport, the impact of EU policies on child rights is not always obvious, but cannot be ignored. In other areas, including the area of justice, freedom and security, children's rights are clearly of direct and immediate relevance, in particular, as regards measures concerning asylum, immigration, trafficking and sexual abuse and exploitation.
- Defining which processes will best ensure the development of EU measures which fully respect and promote child rights. Promoting and respecting child rights is a key and necessary element of EU action. It is not a discretionary task of the EU, nor should it involve tokenistic efforts.
- Insofar as the EU's actions affect the situation of vulnerable children, considering how its actions should secure the protection of children. EU action cannot solely focus on other obligations which the EU must discharge in that policy area, for example, crime control or migration control.
- Identifying when EU action will be more effective at EU level than action at national level. Where the EU and Member States share powers, the EU should adopt measures where the scale and effect of the action requires EU measures rather than measures at Member State level. Clearly, where a regional response to a situation affecting children brings added value, the EU should act.
- Considering a whole host of means to achieve children's rights. This may include guidelines, practical measures of support and funding. They may also include legally binding instruments (regulations, directives and decisions). In relation to third countries, they can range from political declarations of support to funding regional or third country action.
- Establishing clear responsibilities and structures to ensure implementation and monitor progress. This may include giving the children's rights unit a mandate to promote and oversee progress; establishing focal points for children's rights in each DG; to strengthen inter-service coordination and to adequately resource unit(s) on children's rights.
- Supporting the development of long-term and sustainable structures and mechanisms for child participation at local, national and regional levels that can feed into EU policy-making processes and action which impact on children's rights. Such structures must be clearly defined, ensure meaningful, inclusive participation and fair representation of participants from within and where relevant from outside the EU.

Save the Children believes that the Commissioner responsible for children's rights can play an important role in supporting this process and inspire all DGs to take seriously their part of the EU's role in promoting, protecting and fulfilling children's rights.

The Commissioner should be supported by the children's rights unit, which would facilitate implementation of the strategic direction and general principles across policy areas. This would include elements such as:

1. Responsibility for general understanding and promotion of child rights and child protection systems;
2. Systematic contact with key stakeholders and actors on the situation of children within Europe, focusing on issues of transnational interest or issues of common interest to Member States;
3. Awareness raising on the situation of children within Europe;
4. Establishing internal processes within the Commission to stimulate policy where necessary and to ensure coherent policy development;
5. Engaging in impact assessments on EC policies;
6. Establishing appropriate inter-institutional processes between the Commission, the Council, the European Parliament and all other EU bodies and agencies;
7. Fostering OMC measures on key issues, including training initiatives and guidelines on horizontal issues;
8. Fostering the creation of child friendly information and child participation;
9. Reporting on the situation and ensuring transparency with all key actors;
10. Supplying vision and leadership through EU policy.

2. The EU has an obligation to abstain from acts violating children's rights, and to take them into account wherever relevant in the conduct of its own policies (mainstreaming). The Commission has put in place a number of instruments, including legislative action, soft law, financial assistance and exchanges of best practice to take specific action to safeguard and promote children's rights in line with the Treaties and in respect of the principles of subsidiarity and proportionality. What is your overall assessment of these outputs?

EU action inevitably has a substantial impact on the lives of children in Europe and elsewhere in the world - children may be negatively affected by EU action, but they may also benefit from consistent consideration of children's rights, both through mainstreaming and by specific targeted action.

Save the Children has welcomed the growing recognition in recent years that the EU must respect and promote human rights, including children's rights. The European Court of Justice has expressly recognized the need to respect children's rights and requires EU law to take due account of the UN Convention on the Rights of the Child. The entry into force of the Lisbon Treaty on the 1st of

December 2009 explicitly provides for the protection of children rights as an objective of the EU, both internally and in its relations with the wider world. Moreover, the EU Charter of Fundamental Rights, binding under the Lisbon Treaty, clearly reaffirms the EU's commitment to the rights of the child (Article 24).

Whilst the obligation to respect children's rights does not confer competence on the EU to deal with children's rights and child protection specifically in and of themselves as a policy area, it is clear that the EU is obliged to respect and promote children's rights in all of the policy areas in which it has competence to act. Similarly, as a body founded on respect for human rights, the EU as an actor on the world stage has chosen to address and influence the way in which human rights are promoted and respected in third countries through the host of external actions it takes, including when providing financial support to third countries.

Save the Children welcomes the many important children's rights initiatives that have been taken in recent years and recognise the important process that the EU has embarked on, including to bring EU policy and legislation in conformity with the UNCRC, to promote children's rights with partners and international fora, and ensure financial support for research, data collection and programme interventions in Europe and in third countries. We have aimed to contribute to the work of EU actors through a wide range of channels.

As noted above in response to question 1, we recommend that the EU now equip itself with the strategic framework needed to build and expand on its existing activities and ensure the following:

- Universal ratification of the UNCRC and its two Optional Protocols (OPs), as well as other key international treaties pertaining to children's rights, should be a priority to the EU. The EU should encourage this as widely as possible, as well as the withdrawal of reservations of States Parties to the UNCRC, to ensure the full and unqualified respect for children's rights everywhere. The EU should further encourage the implementation of the above treaties in the national contexts, both within the EU and externally.
- Legislative Review – the EU has embarked on a process to ensure that all its legislation is compatible with the UNCRC. A full-scale review of all legislation with a direct or indirect impact on children should be envisaged in all relevant policy areas. Any initiatives in this domain should complement work already undertaken in the context of the COM(2006) and in the future all legislation or amendments to legislation should be verified against the UNCRC using a rights-based approach.
- Development of EU action plans and assistance to partners in drawing up national action plans to promote and protect the rights of the child are an important means to work towards fulfilling children's rights. The Concluding

Observations of the UN Committee on the Rights of the Child, and NGO Alternative Reports should systematically be taken into account.

Save the Children also strongly recommends that each DG, based on a strategic framework and guiding principles develops Action Plans with concrete action in conformity with their respective competence and resources and in respect of subsidiarity and proportionality.

□ Mainstreaming of children's rights throughout EU policy and programming will be crucial to ensure that all action and measures protect, promote and respect the UNCRC. EU institutions should therefore continue and strengthen the ongoing process and ensure that all mainstreaming efforts are complementary and good practices shared.

Consideration could be given to the role of other agencies, for example, the Fundamental Rights Agency ("FRA").

□ Policy coherence, coordination and complementarity are essential to ensure the maximum impact for children and are closely linked to the issue of mainstreaming. In order to enhance policy coherence the EU should apply a "do no harm" philosophy to ensure that EU policy in one area does not contradict or undermine EU work in furthering children's rights in another area. Coordination between Commission DGs, between the various EU institutions, and between ministries in Member State governments, will be critical to ensure effective implementation. The inter-service group on children's rights can play an important role in ensuring dialogue and exchange of good practice and information. It may be necessary to set up coordinating mechanisms to ensure links with missions and delegations in third countries as well as structures within the EU. Coordination and complementarity between the goals and implementation of the EU's human rights tools and instruments and its programming and funding mechanisms must be guaranteed.

The need for such policy coherence and coordination is highlighted by the interrelatedness of children's rights and their violations. In a self-perpetuating cycle, one sees that children who are most at risk of extreme poverty and hunger are also the most vulnerable to experiencing violence, exploitation, abuse and discrimination. Similarly, while child labour and trafficking are a cause and outcome of extreme poverty, these in turn damage a child's health, threaten their education and lead to further exploitation and abuse.

Furthermore, an increasing number of risks to children transcend national boundaries, making cross-border cooperation essential, be that with other Member States or with non-EU countries.

While respecting the interrelatedness of rights and their indivisibility, the EU nonetheless recognizes that it will need to put in place a mechanism by which it determines an order of action under each policy area. Such prioritisation should

be established in line with agreed criteria, and should include the severity and frequency of violations. It should be guided by UNCRC Country reports and Concluding Observations, the best interests of the child and take into account the views of children. These criteria should be drawn up as a matter of urgency.

□ Regular child impact assessments of EU policies and programming are essential to be able to ensure that the EU stays on track in doing its utmost to ensure its policies contribute to promoting and protecting the rights of the child. Such assessments will also serve to remind the EU of its goals in other areas such as policy coherence and coordination above.

Child rights impact assessments on laws, policies, budgetary allocations and programming will occur during their elaboration in order to determine whether they could have any negative repercussions for children's rights. This will also determine whether the proposed action is indeed the best way to achieve the fulfilment of the right(s) in question.

Child rights impact evaluations will ascertain the effects of laws, policies and budgetary allocations on the fulfilment of children's rights. They will focus on the lasting benefits and significant changes that a programme or policy may have brought about in the promotion, protection and fulfilment of children's rights – both positive and negative, intended or not.

□ Data collection and the development of indicators specific to children is an essential part of implementation. Within the EU, disaggregated data is crucial to enable identification of areas of discrimination against certain children or groups of children. Work has been undertaken by the Fundamental Rights Agency, similarly many organisations have conducted work on the elaboration of indicators, including the UNCRC. Further initiatives should build on these.

□ It is essential that the EU dedicate sufficient financial and human resources to the implementation of the EU Child Rights Strategy. Furthermore, the EU must be able to calculate the proportion of its budget that is dedicated directly or indirectly to children both internally and externally. To this end, it would be valuable to develop a dedicated budget line for children so that monies spent on and for children can be tracked in a transparent manner.

The EU should continue its work on good governance and transparent budget procedures in its relations with third countries, and encourage them to commit more of their budget to children and with regard to economic, social and cultural rights, to the maximum extent of their available resources. Child budgeting should be considered as a priority.

The EU must dedicate sufficient human resources to ensure that its obligations and commitments towards children's rights can be implemented effectively. The issue of human resources clearly has an impact on such aspects as coordination, for example.

□ Training and capacity-building on children's rights is of paramount importance in the implementation process, and particularly for the successful mainstreaming of children's rights. Training should be systematic and ongoing for all those implicated in implementing the EU Strategy and in mainstreaming children's rights. Save the Children has successfully provided training on children's rights and child protection for staff in the external affairs domain, however, such training must be made mandatory and provided systematically across all relevant policy areas in order to have real impact. This effort should therefore both deepened and widened to cover everyone working on children's rights.

□ Involvement of civil society, including children, in policy development and implementation – the EU should work with civil society organisations in the implementation of its children's rights work, to benefit from their support and expertise. Children should be regularly consulted, not just because it is their right, but also because they can very often provide information that does not show up in statistics. They are also able to inform policy-makers about issues that concern them most and whether their rights more generally are being fulfilled.

□ Monitoring and reporting are crucial in order to ascertain the EU's contribution to the fulfillment of children's rights according to the UNCRC. A mechanism should be established to follow the implementation of the EU's work on children's rights. This should take account of both the human and financial resources as well as the results of the child impact evaluations.

Monitoring and reporting are also crucial for the purpose of accountability. Mandates for responsibility for the implementation of the EU's children's rights obligations and commitments should therefore be made very clear. Civil society should be actively supported in its role to hold the EU to account for the promotion and protection of the rights of the child.

□ Independent child rights institutions, such as dedicated ombudspersons or commissioners, are important monitoring and advisory mechanisms. The EU should support their work, and their establishment, as far as it can.

□ Awareness-raising – it is crucial that adults and children alike are aware of the UNCRC and its provisions. The EU should continue the process of exploring the best ways to improve access to information, such as for example investing in local structures such as EU information centres. The EU should undertake to increase and improve the information available and operationalise its child-friendly website. In order for children to voice their opinion the EU should continue its important work to that materials on EU processes and policy-making are available in child-friendly form in at least all EU languages and other major languages such as Arabic and, where programming work is concerned, also in local languages. For disabled children, such as blind children, information should also be developed in Braille.

□ International cooperation – one important aspect of Article 4 of the UN CRC is the recourse to international cooperation should a State party not have sufficient own resources to implement the economic, social and cultural rights in the Convention. In this context the EU should, for example, increase its work on addressing the root causes of poverty, and putting in place poverty reduction measures both internally and externally. This will be a crucial element in the Stabilisation and Association Agreement, as well as the European Neighbourhood Policy Action Plans. The EU should continue to cooperate with partners in international fora such as the UN, the Council of Europe (and in particular with its programme ‘Building a Europe for and with Children’) and with institutions such as the African Union. The EU should remain committed to achieving the Millennium Development Goals.

□ Membership negotiations - Respect of human rights and fundamental freedoms (Article 6 TEU) is one of the conditions for any State wishing to join the EU. As children’s rights form an integral part of Article 6 TEU, the Union is obliged to pay attention to the respect of child rights in any third countries that are considered for EU membership. Specific references to child rights in membership negotiations underline the Union’s commitment to the UNCRC, and may also contribute to improving the situation of children in candidate countries.

II. Questions relating to the situation on the ground

Building on the approach of the 2006 Communication, the European Council has called for the development of an ambitious EU Strategy on the Rights of the Child, and asked the Commission to identify measures, to which the Union can bring added value, to protect and promote the Rights of the Child, with special attention to the needs of children in situations of particular vulnerability.

Child-friendly justice

3. What are the main obstacles and problems for children in relation to justice systems (civil law, criminal law, administrative law etc)? In particular, what are the challenges and problems faced by children when they have to take part in a court case, either in a civil case, a case pertaining to migration and asylum matters, or a criminal case as victim or defendant?

In Europe, children are involved in justice systems in a variety of circumstances, including a) children in family and welfare proceedings; b) children accused of breach of the law; c) children as victims of crime; d) children as witnesses of crimes; and e) third country national children who are subject to immigration control laws. According to Save the Children's experience, challenges experienced by children and authorities within the justice system can be numerous and complex. In general, there are both procedural challenges, i.e. lack of clarity in the proceedings that involve children and gaps in provision of quality child friendly services. Moreover, while some circumstances giving rise to a proceeding evidently may cause more trauma and damage to a child than other (for example, where the child has been the victim of a crime), all investigative and judicial proceedings generally represent new and unfamiliar situations to children. It is crucial always to balance the importance and means of gathering evidence directly from the child with the best interest of the child. Impact assessments on the basis of the UNCRC should be carried out throughout the process and guide decisions in order to ensure that the best interest of the child is safeguarded.²

Below we identify some of the general challenges that children face when involved in judicial procedures. Given our EU policy work in the field of child sexual exploitation, migration, asylum and trafficking we will focus on some of the specific challenges specifically faced in these contexts.

General

There are several distinct challenges that may arise when children are involved in investigative and judicial processes. Below we mention some of these

² Landberg, Åsa, Boken om Barnahus – samverkan med barnet i centrum, Rädda Barnen och Gothia Förlag 2009

challenges, which Save the Children has identified within the context of its programmes in Europe and in third countries:

- Ensuring that a child's best interest is always considered as a primary consideration;
- Ensuring procedures are adapted to be child friendly, including, for example, both court proceedings and interrogations;
- Handling of cases involving children as a matter of urgency and ensuring that the cases are completed within a reasonable time period with a minimum exposure of a child;
- Ensuring that children are involved a minimum amount of time in a minimum amount of procedures while ensuring maximum quality and fair judicial handling and ensuring due account is taken of a child's views and opinions at all times;
- Ensuring an opportunity for children to make their views heard and have due account taken of these views;
- Ensuring that the authorities encountering children in relation to investigative and judicial processes dealing with children have the necessary expertise and skills to both communicate with, and protect, children;
- Respecting a child's right to anonymity where appropriate, and right to maximum protection;
- Establishing appropriate ages of criminal responsibility;
- Need to ensure inter-agency cooperation between actors involved in the situation of the child, including social services, police and courts.

There are great variations between the practices of the Member States in both availability and quality of child friendly procedures in both criminal investigations and judicial proceedings. Evidence from certain European countries shows that expertise on children's issues may be centralised within the special children's authorities and is not filtered down to other authorities, including e.g. police and judiciary, which may not have the necessary training or skills to engage properly with children. Further, in some European countries, judicial procedures concerning or involving children are reported to be lengthy without special consideration of the fact that the procedure involves a child (or children). Such experiences have been reported by Save the Children in Italy and in South East Europe. In Italy, for instance, lengthy judicial processes combined with slowed reintegration and lack of aftercare of children continues to be a source of concern, although the government has adopted different measures to improve the system. Similarly, practical experience from Save the Children's partner in

Bulgaria indicates that the main underlying reasons for prolonged procedures arise from weak inter-institutional coordination between the police, court, social workers, and Child Protection Department, which has the mandate to monitor and implement the national Child Protection Law. When the procedures that involve children are protracted, there is greater risk for a child to forget the details or the whole incidence that lead to judicial proceedings in the first place.

Migrant Children

As regards the significant number of children of third country origin arriving in the European Union, either with their families or separated from them, Save the Children has a number of key concerns relating to procedures involving asylum and migration control laws.

Migrant children in justice systems include:

- Children seeking legal residence permits, asylum, subsidiary protection, or some other form of humanitarian residence permit, or who are within families seeking such statuses;
- Children who are subject of family reunification proceedings;
- Children who are involved in trafficking proceedings;
- Children who are subject to proceedings concerning a transfer to another country under the asylum rules (e.g. under the Dublin II Regulation) or under migration control proceedings (e.g. repatriation proceedings), either within their families or when separated from their families;
- Children who are detained in the context of migration control or protection proceedings.

We can identify several areas where deficiencies in the provision of reception and assistance to these children and in the establishment of status determination procedures require urgent attention. In summary overview, these concern:

- Access to information on their situation in a language children are able to understand and in a child friendly format, and access to interpreters and cultural mediators;
- Access to legal advice and representation;
- Existence of appropriate status determination procedures, taking the best interests of the child as a primary consideration;
- Establishing appropriate tools to determination of children's age in cases where children lack official documentation;

- Specialised procedures for interviewing children;
- Availability of expertise to assess the views of children (or their inability to articulate their views) and expertise in child specific forms of persecution;
- Availability of relevant information on the situation in the country of origin;
- For a separated or unaccompanied child, appointment of a qualified guardian who is to act in their best interests;
- For a separated child, existence of appropriate age assessment procedures and family tracing procedures;
- Ability to take a case on their own behalf or availability of a representative to take a case of their behalf;
- Possibility of detention in some jurisdictions;
- Improved transnational mechanisms within Europe and between European and third countries, for example to exchange of information between relevant actors;
- Need for tools to gather information and processes to ensure adequate assessment of best interests;
- Where transfers of children between countries take place, need for proper safeguards and reintegration support.

Save the Children has made detailed submissions, discussing the situation of children in migration related proceedings, in the context of the revision of the EU asylum and trafficking instruments, and the adoption and implementation of the EU Return Directive. We have contributed presentations on interviewing children at a Eurasil meeting of national asylum authorities throughout the EU. We have hosted a conference with the Swedish Presidency on gaps in the protection of unaccompanied and separated children of third country nationals at EU level. We have contributed to the Return Directive Contact Committee processes on implementation of the Return Directive. We have contributed to the consultation on the EU Action Plan for unaccompanied children. We do not repeat these here but refer you to our website for further information.

4. What concrete initiatives would you suggest to make justice systems child-friendly? Do you consider that the EU can contribute to these initiatives and if so how? How can the EU contribute to ensure that children's rights, in particular the respect of the best interests of the child, are effectively respected in judicial decisions that concern them?

In line with the above discussion, there are a number of concrete initiatives which might be taken at national and regional level. We focus on the latter.

At the regional level, action may be needed when dealing with situations of a transnational character, situations where there is a need for greater common recognition of the how child rights apply in particular situation, situations where there is a need for transnational mechanisms or benefit in leveraging resources regionally. In relation to EU action specifically, in areas where it shares competence with Member States, the EU should take action if, by reason of the scale or effects of the proposed action, such action is better achieved at EU level.

Regional action may take a variety of forms, including harmonising child friendly practice standards and developing transnational mechanisms, setting common frameworks with regards to minimum ages of criminal responsibility, and addressing capacity building needs of the practitioners³. Moreover, Save the Children's practitioners and authorities involved in the programmes frequently repeat the need for opportunities for knowledge and information exchange at regional level to support harmonising of practices across the EU.

Thus we would recommend the following concrete initiatives:

- Creation of a framework of general standards relating to children in justice systems. Such standards should concern, for example, interviewing procedures with children, availability of legal assistance, representation, and necessary translation services and cultural mediation, obligation to take due account of the views of children, availability of expert assessment, training of actors, availability of a guardian where necessary, and availability of aftercare mechanisms;
- Setting clear training standards for actors dealing with children in judicial systems and procedures, including checking of criminal records. Training should be made available for all relevant actors, including police, guardians, social workers, lawyers and judiciary, decision-makers, border guards and immigration officials, and psychologists and psychiatrists working in the justice sector;
- Allocating resources to mainstream children's issues to all sectors involved in the judicial processes, including judiciary, social, psychosocial, migration and referral services;
- Development of child friendly information concerning processes and promotion of children's participation in these efforts;
- Designing processes for status determination for migrant children that take into account the child protection dimension of the situation of a child who

³ The Council of Europe is currently finalizing Guidelines on child-friendly justice intended to enhance children's access to and treatment in justice.

is outside his or her country of origin, taking the best interests of the child as a primary consideration;

- Developing tools to ensure the necessary assessment of information relevant to assess the best interests of the child;

Save the Children believes that the EU can play an important role in addressing regional discrepancies by ensuring that children's specific rights and needs are properly considered and given special attention in the context of ongoing EU action to address the rights of victims, in particular in criminal proceedings. Save the Children will make a separate submission to the consultation on the revision of the Directive on the standing of victims in criminal proceedings, and will not reiterate our input here. Similar points are made in the framework of our work in relation to the revision of the Directive on combating sexual abuse, sexual exploitation and child pornography and in the revision of the trafficking and asylum and migration instruments. Our submissions will be made available on our website www.savethechildren.int/brussels once finalised.

In summary overview and drawing from the above, Save the Children recommends that the EU:

- Foster exchange of information and good practices on how Member States address children within justice systems;
- Foster the creation of harmonised standards concerning children in judicial procedures/systems, clearly spelling out consideration of a child's best interest a primary consideration in all actions.
- Harmonise legislation at EU level which has an impact on children in contact with justice systems (including the ongoing revisions of the victim protection, sexual exploitation and trafficking instruments);
- Foster expansion of inter-agency cooperation within and between countries;
- Foster expansion of cooperation of the European Union and the European Council with regards to children in judicial procedures/systems;
- Further develop information and consultation mechanisms between jurisdictions which are implicated in the situation of the child (e.g. transnational referral mechanisms in the case of trafficked children, family tracing mechanisms);
- Engage in practical measures of support, including regional training for actors addressing children, development of standard information for children, guidelines for the practitioners to operate in the best interest of a child

Once more, we refer you to other processes within which we have made more detailed contributions and proposals on these topics, including the revision of the sexual exploitation, trafficking and asylum instruments. We do not repeat these here.

5. Are you aware of good practices, initiatives, programmes (including training programmes) or tools that contribute to enable judicial systems to take into account the specific rights, interests and needs of children? Are you aware of cross border initiatives in this area (e.g. cooperation with, or participation to common projects, with organisations in other Member States, exchange of good practices, etc.)?

Save the Children has a number of on-going initiatives with regards to children in justice systems in the areas of child witnesses and child victims of a crime and provision of support in form of legal aid and psycho-social services to children in conflict with the law. Our projects have aimed to both capacity building of the practitioners and parents, as well as introduction of tools and approaches to handle children in need or involved in judicial systems. Several tools and approaches have been introduced by Save the Children and by the national authorities. Below we introduce selected on-going national projects:

1. Barnahus, Sweden

Save the Children (Sweden) has established and supported operations of Barnahus, Advocacy Centres for Children, in which different public authorities operate concerning investigations of violence against children and sexual abuse. Barnahus / Advocacy Centres for Children provide wide range of expertise with regards to child abuse cases. Barnahus bring together social services, police, prosecutor, forensic medical experts and paediatric psychiatry services, collaborating primarily in the initial stages of the police and social services investigations.

A recent evaluation of the operations of Barnahus indicated a clear improvement in the coordination of the response to child abuse and crisis support in general. Barnahus have enabled better coordination of the work of the involved authorities and improved quality of the services from a child's perspective. More interviews and medical examinations are carried out with children, giving the children a more prominent role already in the beginning of the investigations in a safe and child friendly environment.

2. "CIVICOZERO Project (Rome, Italy)

Save the Children Italy works to protect foreign children that have been separated from their parents, developing new intervention and aid models specifically in the field of cultural mediation and assistance to migrant children in Rome. Similarly, In 2005 Save the Children launched the *Orizzonti a colori* ('Colourful horizons') project, a mobile street initiative that has provided

assistance to thousands of separated children in Rome, providing guidance, information and cultural mediation services.

3. "Blue Room" Project

Save the Children has supported the Blue Room Project, which has contributed to creation of child friendly spaces and special venues for interrogations of children in Bulgaria. While it is imperative that government structures are strengthened in order to provide child friendly services, the project serves as an example of a conducive collaboration of NGOs and government to strengthen child protection services and witness protection in cases involving children.

4. Guides for Parents and Law Practitioners to Support Children when in Conflict with the Law

In 2003, PBF published a brochure "When My Child is a Witness". It serves as a guide for parents, guardians and other responsible adults who have to accompany children to court hearings. It gives valuable advice on how to help children feel more secure when giving testimonies in the court. It also gives recommendations on how to overcome children's concerns.

Under PHARE EuropeAid/122652/D/SER/RO programme a practical guide for court clerks dealing with family law cases and cases involving minors has been developed in Romania.

5. The project Just "Development of child rights based methods of intervention to prevent juvenile crime and promote re-integration of young offenders" (JLS/2008/ISEC/AG/097)

The project aims to evaluate current practices and develop new methods in the field of juvenile justice. Development of the methods is based on consultations with both children in conflict with the law and the stakeholders. The project seeks for improved service delivery for children in conflict with the law in Italy, Greece and Romania.

6. Guidelines for Interviewing Asylum Seeking Children (Finland)

Save the Children Finland worked with the Directorate General for Immigration, Finland to produce Immigration Guidelines for Interviewing (Separated) Minors in March 2002. The Guidelines take a holistic approach in terms of the range of issues addressed, including, for example, recommendations on seating arrangements, topics for questions, on how the interview must be ended. They aim to ensure a wide range of information is provided to the child, including the purpose and possible outcomes of the interview and his/her rights according to his/her developmental level and establish ways to confirm understanding. They provide detailed guidance on a range of issues, for example, discussing the different cultural understandings of eye contact, listening and talking, the purpose of a smile and laughter, answering questions. They are sensitive to differences in

age, development, culture, experiences. They identify both basic verbal and non-verbal communication rules that take into consideration the cultural background of the child. They also introduce different psychological and psychiatric tools to activate child's memory in accordance with the child's individual cognitive faculties. They note that violence has to be approached with the highest level of sensitivity and the interviewer has to develop special skills in approaching this issue.

6. Children may participate as vulnerable witnesses or victims in judicial proceedings. Do you consider that further steps should be taken to address the needs and rights of children in these circumstances? Are there legal and practical arrangements in place to avoid multiple interrogations and to reduce negative experience of being involved in the judicial proceedings?

Practices within the EU vary greatly from children being entirely denied access to justice or inappropriate treatment of children in judicial procedures to the provision of high standard, quality services for child victims. According to Save the Children's experience, some EU Member States have adopted clear, child friendly practices when interrogating children, while in some countries such procedures do not exist, thus there is need to take further steps in developing child friendly interrogation systems. Below and under the question 7 we discuss general principles of child friendly interrogations, and introduce an example of coordinated procedure to determine and respond to child abuse.

As a general measure, there is need to set maximum limits of the number of interrogations of a child. In principle, a child should be interviewed or interrogated only once and by a single expert, after an official request from the investigating body and after necessary investigations confirming involvement of a child. According to the information we have available, most often two to three interviews of the child victim are needed to arrive in full conclusions. However, there are great variations between the cases and practices in the Member States, and as high number as six interviews have been reported. Interrogations may also be carried out by several authorities, which should be avoided at all times. In addition, there is lack of standardised practices to using children's testimonies in the courts. As a general principle, bringing children into the court rooms should be avoided by using representatives and technological means.

In case of child abuse, determining the nature of the abuse is a complex process, requiring involvement of a number of specialists including social workers, paediatrics and judiciary, thus including a number of factors that are likely to cause additional trauma for the victim. As the example of Barnahus shows, centralising the operations of different actors reduces the number of examinations and interviews of the child victim, thus direct involvement of the child. In order to minimize direct involvement of the child victims, cooperation of several professional groups is necessary. Under the question 7 we describe the advantages and opportunities utilisation of video technology may offer to both reduce the number of needed consultations with the child victim and to avoid the

child's physical appearance in the court. However, it is important to note that before a case of child abuse has progressed to a stage of court handling, series of consultations have obviously already taken place, demonstrating the lengthy, cumbersome and exhaustive process from a child's perspective.

In order to reduce the number of consultative meetings and interviews of a child when determining child abuse and evaluating the level of trauma caused by the incidence, a consultative paediatric team model has been created in children's hospitals in Finland, providing an alternative when Barnahus, or children's houses are not available. The model has been applied especially in evaluating child victims of sexual exploitation, and is used in parallel to judicial procedures. The core principle of the model is involvement of a working group of psychologists and psychiatrists to determine both the level of trauma and the need for psycho-social support and therapy. In the model a child is interviewed and evaluated by a single psychologist, while social workers obtain the necessary information from the parents and other concerned adults, excluding the possible perpetrator. The model emphasises the importance of a holistic approach, setting a series of hypotheses prior to the evaluation, which provides the framework and guiding principles to the interviews and evaluation process. During the process, the hypotheses are to be either confirmed or eliminated in a unilateral agreement between the evaluating team. The final conclusions of the state of the child are made by a paediatric psychiatrist in consultation with the concerned psychologist/s and the social worker. The aim of the model is to ensure adequate professional standards to arrive in evaluation conclusions with minimum direct involvement of the child, thus minimizing stress and damage to a child. The model, which is based on careful pre-evaluation of the situation and teamwork, has proved to be efficient, significantly reducing false diagnoses and conclusions, thus speeding provision of therapy and rehabilitation services.

Both examples strongly emphasize the need for collaboration of a range of expertise involved in giving support and taking legal actions in case of child abuse. By involving a group of experts at an early stage the child victim is involved a minimum amount of time and thus, with maximum accuracy and targeted interventions to support the child.

In addition, there is need to clearly put focus on the welfare and safety of the child especially in cases of child abuse. A child's right to remain at home should be clearly set as a guiding principle when in the best interest of the child. For instance in Bulgaria, evidence shows the tendency to place children in institutions when cases of domestic violence have been reported to the authorities, is high. This may be due to misinterpretation of the Law on Protection against Domestic violence combined with lack of standardised operational procedures to implement the law, and lack communication between the authorities.

7. Do technological means (videoconference, video recordings, online complaints, etc.) constitute an important tool to enable children a better access to justice systems, or a better protection during a court case? Do you have examples of good practices in this respect?

Positive results in usage of video recordings and video conferences during court procedures involving children have been adopted and tested for example in Finland. As a general principle, in order to obtain maximum level of information with minimum trauma and damage to a child, interviews and interrogations of children should not be conducted in a court room, taking into account of the best interest and views of the child. Videoconferences and video recordings should always be available to both children and adults should there be proof or strong indication that by revealing the identity of the witness, his/her or other person's life, physical integrity or freedom could be endangered.

The interviews should be carried out by an expert, specialised in paediatric psychology with adequate level of experience and qualifications. The interview of a child should be recorded and broadcasted and observed by the police, lawyers and a team member of the interviewing expert in a separate location. Time allocated to the interview should include adequate time for breaks, both for the child to rest and to provide the police and other authorities an opportunity for further questions. The interviewing expert should have the mandate to steer the interview and to evaluate whether the questions are appropriate. The recordings of the interview are availed to the court, and the child is presented by the interviewing expert in the court handling.

Structured interviews specifically tailored to determine sexual abuse and physical violence against children, used in the above described proceedings have been adopted from the *US National Institute of Child Health and Human Development*, where the method has been thoroughly tested and researched. Results in Finland have been satisfactory and encouraging, and similar models could be replicated in Member States where video recordings have not been utilised in justice systems.

Secondly, social media has proven to be an effective method to report exploitation of children, offering an easy access to authorities. For example, the police in Finland have launched a virtual police, resulting in significant increase in reporting cases of sexual exploitation of children. During January – June 2010 police has investigated over 30 cases of sexual exploitation, reported through the virtual police, operating in IRC Gallery and on Facebook. However we would like to emphasize the importance of adequate safeguards to prevent misuse of the social media with regards to online complaints are put in place.

8. Do you consider that those working in justice systems in Member States are adequately trained to address the rights and needs of children in judicial proceedings and decision-making? If not, can you identify and describe specific needs?

As mentioned above, according to the information Save the Children has, there are great variations in the knowledge and application of child friendly methods and approaches within the Member States. In line with the description above, we stress the importance of both improved educational standards and provision of regular professional training for those dealing with children. Capacity building in both skills to deal with children and understanding of children and their needs are needed across the EU Member States.

With regards to educational standards, availability and quality of child friendly psycho-social support for child victims, witnesses or migrant and asylum seekers within the EU Member States, there is need to both increase the educational opportunities and quality standards of the education provided. It is important to note that qualified forensic and paediatric psychologists and psychiatrists are needed for both clinical support of a child victim and for assisting and supporting other authorities in judicial proceedings involving children, thus requiring multiple skills both in terms of understanding children's needs and practical skills when dealing with children, or with judiciary systems.

In some countries education of psychiatrists and psychologists include specialisation programmes on forensic psychology while in most of the European countries such specialisation is not yet possible. Where university level studies for forensic psychology are not offered, psychologists and psychiatrists are self-taught in the area. In order to provide services for child witnesses and children in conflict with the law, it is imperative that the EU supports initiatives to include specialisation in forensic psychology in the university curricula in the Member States. Such specialisation will enable standardised practices with regards for example to interviewing of children and eliminating phenomena such as false memory, which is common among children undergoing traumas. Standardised practices and evaluations by forensic psychologists with paediatric expertise will increase the effectiveness in provision of services both for child victims and authorities in criminal justice.

There is also need to ensure that the authorities and practitioners have adequate practical experience when dealing with children in judicial procedures. Therefore sharing of best practices, continuous professional training and collaboration between the different actors should be strengthened at all levels.

Vulnerable groups of children

14. In your experience, what are the groups of children in a situation of particular vulnerability? Do you have data and figures relating to these situations?⁴

Understanding the concept vulnerable children, or children at risk of becoming vulnerable requires multi-sectoral analysis and both identification and understanding of the underlying causes of children's vulnerability in a society. Multi-sectoral analyses have to taken into consideration areas such as macro-economic policies, legal environment, and socio-cultural as well as political climate of a country. Due to the complexity of the issue, there is no comprehensive data or information available on vulnerable children. Several individual categories of vulnerable children and situations in which children may be vulnerable can be identified, but it is imperative that causalities of different factors leading to vulnerability of children are taken into consideration. Several UNCRC Articles refer to the right of a child to be protected from factors leading to vulnerability, including:

- Consideration of a child's best interest at all times (Article 3);
- Child's right to inherent life (Article 6);
- Child's right to identity and nationality (Articles 7, 8);
- Child's right to parental care (Articles 9,10);
- Child's right to be protected from illicit transfer, sale, trafficking or abduction within family and outside (Articles 11, 35);
- Child's right to express views, freedom of thought, conscience and religion (Articles 12-17);
- Child's rights to care and support, security and to be protected from violence at any times, regardless of origins or external circumstances such as refugee or asylum seeking status, ethnic background and physical and mental condition (Articles 18-27);
- Child's right to be protected from economic exploitation (child labour) (Article 32);
- Child's right to be protected from substance abuse or sexual exploitation (Articles 33-34);

⁴ This answers draws heavily on and includes parts of Save the Children's "A 'Rough Guide' to Child Protection Systems" 2009

- Child's right to be protected from illicit imprisonment and inhuman and degrading treatment, or consequences of or involvement in armed conflicts (Articles 37, 38).

Save the Children considers the very existence of *vulnerable children* as a consequence of inadequate child protection systems that fail to address *child protection* as a cross-cutting issue.

Child protection systems⁵ are comprehensive approaches to the protection of children from abuse, neglect, exploitation and violence and to the fulfilment of children's rights to protection. The foundations of such systems are the state's human rights obligations to children that include:

- Preventing violence, abuse, exploitation and neglect, responding effectively when it occurs and providing necessary treatment, rehabilitation and compensation to child victims.
- Acquiring knowledge about the root causes of child protection failures and the extent of abuse, neglect, exploitation and violence against children in all settings.
- Developing appropriate policies and regulations, interventions for prevention and response, and ways to measure progress.
- Encouraging the participation of girls and boys, their parents, caregivers and community members, and international and national NGOs and civil society.

Crucially, child protection systems are systems - made up of a set of components that, when properly coordinated, work together to strengthen the protective environment around each child. These components include a strong legal and policy framework for child protection, adequate budget allocations, multi-sectoral coordination, child-friendly preventive and responsive services, a child protection workforce, oversight and regulation, robust data on child protection issues, etc.

In the field of child protection, the current policy responses have often tended to focus narrowly on a series of individual protection problems separately – such as child trafficking, child labour, children's recruitment into armed groups, the care needs of HIV/AIDS orphans, physical & humiliating punishment, family reunification, and sexual abuse. The focus on different issues has contributed greatly to the protection of children and much has been learnt about on effective responses. There is much better understanding, for example, of how to work with separated children in emergencies, how to reintegrate trafficked children back

⁵ A 'system' means that the various parts or components are connected up and reinforce each other to achieve a common goal. The system performs better the more that people and actions are connected up and working to achieve the same result.

into their communities, or how to support family-based alternative care options for HIV orphans. However, the focus on individual issues has not been without its costs. Because many children face multiple protection problems rather than just one, issue based responses have sometimes resolved one issue while leaving others untouched. This can be the case, for example, when children have been abused or been victims of violence at home and are now working and living on the streets and are in conflict with the law. Fragmented child protection responses may deal with one of these problems but they rarely provide a comprehensive solution. The pervasive lack of coordination between child protection service providers, and between child protection and other sectors, means that opportunities are lost to provide more 'joined up' and effective support.

Many actors have contributed to this problem. Politicians, policy makers and social welfare ministries tend to see child protection as a series of individual issues – a menu of priorities, each needing separate attention. Overall government responsibility to achieving child protection in and of itself is often not understood. Different donors and NGOs have often contributed to the situation by championing different child protection problems, without pointing to a combination of issue based and system responses. The result can be an uncoordinated group of issue-based child protection programmes that recipient governments struggle to manage. Different issues become the focus of governmental or donor interest for a short time and then attention – and funding – may shift to another group of vulnerable children. This problem is particularly acute in emergency settings. Bursts' of short term funding for an issue are followed by a shortage of funds as interest moves elsewhere – heightening the sense of competition for funding between different child protection issues.

Dissatisfaction with some of the negative consequences of the current fragmented approaches has led to the emergence of interest in developing or bolstering child protection systems. There is increasing interest in reframing child protection work by ensuring that an overall protection environment exists. This interest was reinforced by the World Report from the UN Study on Violence against Children which recommended that:

“all States develop a multi-faceted and systematic framework in response to violence against children which is integrated into national planning processes. A national strategy, policy or plan of action on violence against children with realistic and time-bound targets, coordinated by an agency with the capacity to involve multiple sectors in a broad-based implementation strategy, should be formulated. National laws, policies, plans and programmes should fully comply with international human rights and current scientific knowledge. The implementation of the national strategy, policy or plan should be systematically evaluated according to

established targets and timetables, and provided with adequate human and financial resources to support its implementation.”⁶

Child protection systems are seen as a comprehensive, adaptable and sustainable response to child protection failures. However, the two approaches – issue-based programming and service provision and the systems approach – are not mutually exclusive. Issue-based approaches address the specific needs of individual vulnerable groups while the systems approach addresses key issues in the vitally important ‘infrastructure’ of child protection (e.g. laws, policies, standards, regulation, multi-sectoral coordination, human resources, and funding). Issue-based child protection programmes and services can be integrated into local or national child protection systems as important inputs to delivering children’s rights to protection.

Focussing exclusively or predominantly on different issue- based approaches to child protection can deliver benefits for children but this approach comes with significant costs. It may undermine or hold back the necessary overarching response to child protection problems – namely, the creation or bolstering of national and sub-national child protection systems that are coordinated, comprehensive and sustainable. Such systems aim to protect all children and offer the possibility of creating a long-term response that is more robust, and adaptable to new problems. The need for issue-based expertise and responses will not go away but they should be combined with a systemic approach. In essence, they should operate as elements, which should contribute to, or be embedded in an overall system.

Going back to the basic question, virtually all children potentially may find themselves in vulnerable situations, for a diverse range of reasons. Child protection systems can reduce risks of vulnerability arising and provide responses to vulnerability. The EU Communication should recognise and respond to this situation, taking into account the competence and role of the EU as discussed in response to question 17 below.

15. What are the activities of your organisation relating to vulnerable groups of children? What are the difficulties and problems that you encounter on the ground when developing actions in favour of vulnerable groups of children?

Save the Children believes that lasting results can only be reached by adopting a holistic and horizontal approach to improve children’s lives, addressing both most acute needs of children and influencing of the policy environment and holding the governments accountable for the commitments they have made. With an annual

⁶ P S Pinheiro, Independent Expert for the UN Secretary-General’s Study on Violence against Children *World Report on Violence Against Children* 2006, p.18

budget of approximately USD 1.3 billion and 29 member countries, we deliver programmes for children in more than 120 countries worldwide. We work with children suffering from 1) lack of health care and nutrition; 2) lack of quality education; 3) poverty; 4) emergency situations, and 5) HIV/AIDS. In addition, a major area of work for Save the Children is child rights governance, working towards better realisation of children's rights at community, national, regional and global levels. All our focus areas incorporate both advocacy and research activities.

In developing and implementing actions in favour of vulnerable groups of children all over the world, Save the Children has experienced the negative consequences of the current fragmented approaches to child protection. Some elements are illustrated in the below presented practical challenges in our child protection programmes in Romania:

- **Low coverage with social services and the urban-rural disparity:** The coverage at the national level in Romania remains very low (with only 20% of the localities that developed such services). There are also significant differences concerning the access to services between people in urban and in rural areas, since the majority of services are offered in cities.
- **Lack of sufficient financial and human resources:** Staff providing services is usually low in number and often insufficiently trained. Also, the social services are confronted with insufficient budgets.
- **The current level of services does not meet the needs, and is not flexible enough to adapt to the quickly changing situations,** such as children whose parents work abroad. The children are usually left behind to be taken care of by their relatives or caretakers, who feel the need for assistance and counselling services. Services are rarely available, especially in rural areas.
- **Lack of integrated social services:** The services offered by the local authorities are usually fragmented, addressing just one specific problem, rather than responding to the more complex problematic of different categories of vulnerable children. Moreover, in Romania, the social intervention is mainly based on financial support, rather than on services. This fact maintains the dependence of the beneficiaries on social system and is failing to support them to overcome a more complex situation that cannot be solved just through financial aid.
- **Insufficient knowledge of the legislation and inconsistent interpretation** among the personnel working with children determines an inconsistent enforcement of the law provisions and sometimes even the adoption of decisions that are not fully respecting child's best interest.

In order to address the difficulties and problems that arise from a lack of a systems approach, Save the Children is moving towards reframing child protection work by looking more broadly at the deficits in protection facing all children, and addressing the structural or root causes for these gaps in prevention and response.

Save the Children therefore focuses on protection of vulnerable children both by providing direct assistance to vulnerable children and advocating for the rights of a child to be protected from both causes and effects of vulnerability⁷. Save the Children's current, global child protection programme focuses on violence against children in armed conflicts and children without appropriate care. By primarily promoting systems approach, we aim to reach 20-25 million children and adults with preventative and remedial child protection programmes by 2015. Under these two themes, actions are taken in several fields including a variety of internal and external actions from support to building of child protection systems, promotion of children's rights to be protected from violence, capacity building of child rights practitioners and policy makers, and advocacy.

Our programmes in Europe provide direct child protection services, such as children's homes, psycho-social support and foster family programmes, leisure programmes for children living in poverty, services for migrant children and asylum seekers, adoption services etc. As mentioned above, through our international programmes, we tackle child poverty, reduce negative effects of HIV/AIDS on children, improve maternal and newborn health, promote universal access to quality education, and provide support to the governments and the civil societies in realising children's rights.

Details and examples from some of our programmes and projects are integrated into or our questions throughout the questionnaire.

16. Are you aware of good practices, initiatives or programmes that contribute to a better protection of the most vulnerable groups of children? Are you aware of cross border initiatives in this area (e.g. cooperation, or participation in common projects, with organisations in other Member States, exchanges of good practice, etc.)?

As discussed above, Save the Children increasingly emphasises provision of quality programmes that aim to promote a systems approach, i.e. better coordination and organisation of child protection at large. Thus, where issue-

⁷ Also refer to the Minutes of the Meeting with Experts on "Invisible Children", Thursday 11 March 2010, which defined vulnerable children as: unregistered children, homeless and street children, refugees and asylum seekers, unaccompanied children and children without parental care, trafficked children, children placed in institutions, children escaping or gone missing from public institutions, children infected or affected by HIV, children in conflict with the law or in detention, and victims of physical and/ or mental violence

based interventions are implemented, it is done by involving a range of actors, addressing both direct consequences to a child and underlying causes of them. In practice, our programmes provide a combination of direct services for children as described above, and capacity building of local authorities / child rights practitioners to enhance durable, preventive solutions for children.

Below we introduce just some selected examples of such programmes.

1. Child Trafficking Response Programme

Aiming to strengthen holistic, national responses in Eastern Europe, Save the Children has been implementing a Child Trafficking Response Programme (CTRP), under which several national and cross-border initiatives have been introduced. The programme has a dual focus on 1) creation an enabling environment for child rights within their areas and 2) addressing the needs of particular populations of vulnerable and excluded children (Roma; children with disabilities; ethnic minorities; children affected by armed conflict and disaster; children without parental care). The programme includes a cross-border component, under which two regional programmes are implemented. The CTRP takes a holistic and Human Rights Based approach to trafficking. Key activities include:

- Support to **policy, advocacy and legislative reform** for protection of the rights of trafficked children and children at-risk;
- Training and **capacity building** of professionals and/or partners in providing direct services to trafficked children or at risk of trafficking, strengthening their knowledge to better respond to children in a child-friendly manner, to build trust, and fully recognize children's right to support and protection;
- Strengthening of local **child protection systems**, aiming to increasing the whole community's capacity to respond appropriately to the welfare and protection of children;
- **Direct support and outreach work** to children living/working in the streets, their families and communities, children victims of neglect and abuse and/or deprived of parental care to prevent violence, exploitation and abuse through child friendly hotlines and service provision. Supported services include drop-in-centers, shelters, psychosocial counselling, medical examination and treatment, legal assistance and provision of empowering activities for children living in institutions and in refugee camps;
- **Issue-Based Peer to Peer Life-Skills** sessions and training to support community participation of children/adolescents. The trainings aim to enhance knowledge of children and adolescents on their own rights, enhance their self-confidence and resilience, hence encourages taking actions in the issues concerning them;
- **Monitoring and documentation** of changes in the lives of targeted children through regular interaction and consultation with children and regular impact assessment of the programme.

- **Evidence-based advocacy** at country and regional level, building linkages between policy and practice at community, national and regional level with regards to trafficking and unsafe migration in the region;
- **Bringing children and other key actors together** for sharing of lessons learned and best practices, and promoting adoption of good child protection models to protect the rights of children at risk and victims of trafficking/unsafe migration in Europe.

For more information on the Regional Child Trafficking Response Programme, contact us and/or visit: http://www.canee.net/bulgaria/south_eastern_europe_regional_child_trafficking_response_programme

2. Protecting Children from Sexual Abuse by Targeting the Policy Makers, and Providing Support to the Perpetrators

In Denmark, Save the Children has a long experience in advocating for the protection of children against sexual abuse and providing services for abused children. We are actively submitting recommendations to the government and participating in national expert groups that are feeding into the national strategies for protection of children from sexual abuse. Our programme provides services for sexually abused children, including a children's hotline to report abuse, medical and psychosocial support and online counselling focussing on grooming, sexual abuse and bullying. In addition, we organise capacity building trainings for child rights professionals, produce educational materials and conduct campaigns to prevent sexual abuse and break the silence around the issue. As a unique approach, Save the Children in collaboration with health professionals has launched initiatives to create options for potential abusers to change their behaviour. For example, we have launched an awareness creation campaign targeting people with sexual fantasies of children and directing them to the anonymous telephone hotline, run by the clinic for sexual behaviour in Danish State Hospital. For more information, please refer to www.brydcirklen.dk). So far, only a few European countries (UK, Germany and Denmark) have established anonymous hotlines for potential abusers of children.

3. Building of National and Local Child Protection Systems in Kenya

Through our regional programme to protect children from violence by strengthening national child protection systems, Save the Children has supported both strengthening of legal frameworks for children and implementation of the laws. In Kenya, where the statutory law to protect children from abuse is sufficient, implementation of the laws especially at local level remains weak. The core principle of the programme has been working with and through local partner organisation, mobilising the whole communities to combat child sexual abuse. The actions have targeted to capacity building of the authorities including formal government structures, religious and traditional leaders, and empowering children by providing rights education and information about child abuse, and

facilitating campaigning and advocating for their own rights. Traditional leaders have been actively involved in both capacity building trainings and direct child protection actions, empowering them to take responsibility of the violence against children that is taking place in their own communities. Simultaneously, active lobbying of the government bringing the needs and concerns of the local level has taken place through facilitating the dialogue between the civil society, local authorities and concerned Ministries.

As a result of the intervention, hospitals in the East Coast region of Kenya have stopped charging for the administrative proceedings to determine child abuse – a common practice although illegal in Kenya. While the intervention has been local in nature, it clearly demonstrates the effectiveness of consistent awareness raising among children and adults by targeting the whole communities at local and national level. Moreover, there is clear evidence that better and lasting results are reached when targeting to both formal government structures and traditional leaders.

4. Children's Principles in Business

In order to tackle harmful child labour, Save the Children in collaboration with UNICEF and Global Compact, has recently launched an initiative targeting to business leaders to develop principles, which will serve as unifying framework and as reference point for business initiatives concerning or potentially involving children. The initiative is an important step in increasing corporate social responsibility especially in third countries where implementation of protective laws remains weak. Children's Principles in Business is a new initiative, which has great potential to both create and promote adoption of harmonised framework for ethics and children in business. As such, the initiative should be widely promoted and supported in both international and regional trade policies and corporate sector.

5. Pilot Research Project in Bihar, India

To respond to the acute need of data collection and research with regards to transnational child protection problems, such as trafficking in children in disaster areas, Save the Children has recently launched a pilot research project in Bihar, India. Bihar shares borders with Nepal and Bangladesh, and is therefore one of the major source areas for child trafficking and bonded labour. In the aftermath of the flood disaster in 2008, trafficking of children increased significantly. While men migrated in search of jobs, nearly 200,000 women and children living in the camps were exposed to the influence of traffickers promising a better life in big cities. The police and the media have reported several cases of children being sold by parents to contractors. While the problem in the area was widely recognised by the authorities, media and the NGOs, there has not been systematic data collection or research on the magnitude of the problem. Save the Children started a pilot research project in the area to collect evidence-based data on the situation in 2009. The aim of the study is to establish linkages

between disasters and increase in trafficking – a widely recognised but little studied area. It is hoped that similar initiatives are replicated in other parts of the world at risk or hit by natural disasters and armed conflicts.⁸

6. Influencing the African Union Policies to Support Displaced Children

Save the Children has targeted actions to the African Union (AU) for more than 10 years. In 2008 Save the Children launched a joint Africa Advocacy Initiative, aiming to strengthen our collaboration with the AU and to promote child rights in different departments of the AU. In line with our child protection systems approach, we have promoted incorporation of children's rights in policies and strategies in the areas that have traditionally not included children, such as migration, health and peace and security policies. To mention one of our key successes, in late 2009 as a result of intensive negotiations with the AU, child rights were included in *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, the "Kampala Convention"*, which now sets a clear policy framework and standards for the best interest of the child in IDP camps.

7. The Centre for Emotional and Behavioural Education in Romania

The Centre for Emotional and Behavioural Education, opened by Save the Children Romania offers free community services for psychiatric and psychological clinical evaluation of children and adolescents, individual and group counselling and psychotherapy, programmes for the development of social and emotional skills targeting young pupils, and programmes and support-groups for parents. The Centre creates a child-friendly environment, accessible to children and adolescents with mental health disorders, such as depression, anxiety, attachment disorders, ADHD, behaving problems, aggressive behaviour. It also provides services to children and young people in risk of developing such problems – for example, children from disorganized or social disadvantaged families, children facing traumatic experiences etc. Since its opening in December 2009, the Centre attracted a high number of parents and children who prefer the integrated services offered by the centre, rather than the psychiatric hospitals focused on medication treatment. Furthermore, the Centre develops training programmes targeting the professionals from health, education and social protection fields, and promotes its working approaches.

⁸ Pilot Project Plan: Research to Estimate the Magnitude of Child Trafficking in Identified Flood Affected Districts of Bihar. Child Protection Initiative. Save the Children. 2009.

17. What concrete initiatives do you consider necessary to better protect the rights and promote the best interests of vulnerable children? Do you consider that the EU can contribute to these initiatives and if so how?

There are a number of concrete initiatives that can be taken to better protect the rights and needs of vulnerable children, ranging from practical interventions to revision/adoption of legislation and policy to ensure conformity with the UNCRC and current good child protection practice, e.g. banning all forms of violence against children. As noted in response to question 14 above, Save the Children believes that a general national child protection system is critical to both preventing and responding to situations of vulnerability and that issue based interventions should take account of, and be integrated into, the overall child protection system.

Save the Children believes that the EU can contribute to these initiatives in its capacity as a donor, a human rights promoter and a legislator and policy-maker. To this end, the EU should carefully explore its role and identify relevant measures, including funding research, awareness-raising and intervention programmes, fostering dialogue and good practice exchange, harmonising legislation and promoting child protection in human rights dialogues.

The Role of the EU

It is clear that the EU does not have a general competence to regulate the establishment, or operation of, general child protection systems in EU Member States.

However, the EU does have competence to deal with certain specific situations which have a child protection dimensions (e.g. sexual exploitation and trafficking). In these instances it can adopt measures if a regional response to a protection concern will bring added value. In doing so, it should make an essential contribution to child protection systems within the EU.

Furthermore, the EU, as an important promoter of children's rights and a large donor, should support general recognition of the need for a child protection systems approach in Member States and in third countries.

Relevant EU Measures

Our response here focuses on **some** of the key components that need to be reinforced in order to build and strengthen child protection systems and the types of relevant measures the EU can take to promote and support such a process.⁹

⁹ The section draws on material taken from P Newell *Challenging Violence Against children: A handbook for NGOs working on follow-up to the UN Study Save the Children 2008*

Laws and Policies

Action on child protection needs a clear foundation in national legislation, as well as accompanying policies and guidance that support its implementation. As recommended in the UN Study on Violence Against Children, all forms of violence, abuse and exploitation must be prohibited by law and enforcement secured¹⁰.

Save the Children believes that the EU has a crucial role in supporting this process. Concrete initiatives may include:

- **Adoption of a Communication on the Rights of the Child that provides strategic direction and guiding principles** to ensure that all EU policy areas conform with the UNCRC and fully explore the role and initiatives that it can bring to ensure better protection of the rights and needs of vulnerable children.
- **Ensure full EU Member State ratification of relevant all relevant international and regional conventions and other instruments on child protection.**
- **Continued revision of relevant EU legislation to bring it into conformity with the UNCRC and current good child protection practice.** Examples include the Directive proposals on trafficking and child sexual abuse respectively and the revision of the EU rules on the Standing of victims in judicial proceedings;
- **Development of practical measures of support.** Examples include exchange of good practice, development of guidelines, training and capacity building.
- **Development of policy and action plans that address specific child protection concerns.** Save the Children welcomed the EU action plan for unaccompanied children which identifies actions necessary to ensure a more horizontal approach across EU policy areas to all unaccompanied children of third country origin, regardless of whether they are asylum seeking children, trafficked children or migrating for other reasons, The action plan takes a global approach to prevention of unsafe migration, assistance and procedural guarantees for children in the EU and finding durable solutions for these children, taking their best interests as a primary consideration. It expressly acknowledges the need to bolster child protection systems in countries of origin in order to prevent the vulnerabilities that might trigger unsafe movement. The action plan places the UNCRC at the heart of all its actions.

¹⁰ Including corporal punishment and all other forms of degrading punishment in all settings, including the home.

- **Development of a general child protection policy** for EU internal and external affairs respectively.

- **Support for advocacy.** The EU has already, through its Daphne Programme, dedicated funds to important research as well as campaigns that advocate for legal frameworks and enforcement that protects children in all settings.¹¹

Knowledge and data on child protection issues and good practices

Understanding the magnitude, characteristics, and trends of child protection problems is a crucial first step in developing effective and appropriate child protection systems. Yet most countries lack adequate data and research on:

- ❖ the prevalence of child protection problems
- ❖ the risk and protective factors that influence child protection outcomes
- ❖ the impact of child protection problems, including their economic cost

As well as its damaging impact on developing and managing child protection responses, this lack of knowledge and reliable quantitative and qualitative data is also a major obstacle to increasing public and political awareness of the scale and impact of child protection issues. Also required is data and research on the functioning of the child protection system and those children who are contact with it.

Concrete initiatives that the EU can take may include:

- **Support for collection of data and research**, including national level statistics on the prevalence and root causes of key child protection issues, disaggregated by gender, age, (dis)ability, ethnicity, etc; representative household surveys that include questions on child protection issues such as the use of child labour or physical punishment of children; numbers and characteristics of children in contact with the child protection system.

Save the Children encourages the EU to support research, e.g. through the Fundamental Rights Agency, to establish whether there are significant problems or gaps in current legal or policy provisions on child protection in the EU Member States. For example: laws permitting the corporal punishment of children; inadequate criminal penalties for perpetrators; age-specific status offences; deprivation of liberty for minor offences; no legal prohibition of sexual or emotional abuse.

¹¹ A recent example is The European Children's Network's campaign to end corporal punishment in 2008, which included advocacy to promote national legislation against physical and humiliating punishment in the home.

We welcome the EU's support and action for better and more comprehensive data collection across the EU, based on common definitions to ensure comparable data, which will allow for better planning, funding and regional cooperation in relation to reception of separated children. There is an urgent need for research and data collection e.g. with regards to the situation of unaccompanied children, research on policies, laws vis-à-vis actual practices at regional and national level, and collection of children's experiences and experiences of those who turn 18 and are therefore at the risk of denied assistance from the authorities.

More research is also needed on e.g. children and adolescence with sexually offending behaviour and children who witness domestic violence as well as collection of examples of good practice in preventing and responding to child sexual abuse;

The EU should take action to address gaps identified in research within the framework of existing EU competence and in conformity with the principles of subsidiarity and proportionality; and ensure that all relevant EU policy development is based on evidence, evaluation and other forms of learning.

Adequate funding

Child protection work is a notoriously under-funded area both internally and externally with regards to emergency and development work. Partly because of the fragmentation of child protection programmes and services, it is often difficult to get an accurate picture of funding and to assess whether it is being allocated in the most efficient way to get the best return on expenditure¹². Donor funding in both emergencies and development settings should be provided in ways that support agreed priorities and address the building or strengthening of child protection systems, as well as targeting individual child protection problems.

The EU can contribute to ensuring:

- **Proper and adequate resources** are allocated for child protection, both by Member States to their respective national systems, but also to third countries, as well as for implementation of EU action plans, especially with regards to transnational actions
- Adoption and promotion of **child budgeting**;
- **Coordination and harmonisation of donor funding** for child protection;

¹² For example, between institutional care and alternative family-based care options for orphans and vulnerable children.

- Coordination in the transition between funding for emergency response and longer-term development financing

Preventive and responsive services

The chief risk factors that increase the likelihood of harm to children from abuse, neglect, exploitation and violence cover both immediate and root causes. They include poverty, discrimination, conflict, gender, poor parenting, parental death or chronic illness, family separation, an unsafe physical environment, and local cultural beliefs and practices¹³. Prevention strategies aim to address these risk factors by providing various kinds of support to reduce the risks from these factors and to strengthen the resilience of children, families and communities.

The EU should explore whether it can play a role in contributing concrete action and support to:

- Birth Registration
- Awareness raising with children and adults on child protection and child rights
- Children's clubs and committees
- Social protection measures including cash transfers
- Community education and awareness programmes
- Parenting programmes
- Micro-credit schemes
- Maternal and child health services
- Formal and non-formal education
- Mental health services
- Disaster Risk Reduction [DRR] initiatives

Child protection responses aim to ameliorate the impact of child protection failures and to support recovery and/or reintegration. They can be run by a range of providers including local or national government, NGOs, the private sector and community-based groups. Assessment, investigation, and referral can all be important elements in a child protection response – which may also include removal, placement and reintegration. Response services vary significantly depending upon the nature of the protection failure and include:

- Drop-in Centres
- Night schools
- Life skills training

¹³ See the World Report on Violence Against Children 2006 pp. 12-13

- Vocational training
- Child help lines
- Placement services for children who are unable to live at home
- Emergency shelters
- Reintegration services
- Family tracing & reunification services
- DDR programmes
- Removal from hazardous or the worst forms of labour
- Treatment services
- Legal action
- Child-friendly spaces
- Support to child-led organisations and community-based child protection mechanisms/groups
- Counselling
- Support to access entitlements
- Respite care
- Self-help groups.

An aware and supportive public

The protection of children is not the sole responsibility of child protection and other professionals working with children. It requires the involvement and support of the wider public which can play an active part in preventing child protection problems and identifying 'at risk' children. This often requires awareness raising campaigns to make the general public more alert to child protection issues, to challenge social norms that condone harmful practices, and to promote a better understanding of children's development needs.

The EU should explore whether it can contribute to awareness raising campaigns (e.g such as those implemented under the Safer Internet Programme).

Violence against children

18. Do you have data and figures relating to the situation of violence against children? Do you have data on justice decisions related to violence against children?

The UN Study on Violence against Children (2006) provides extensive information on the scale of violence against children worldwide. According to the study:

1. 150 million girl's and 73 million boy's worldwide are raped or subject to sexual violence each year
2. 126 million children are involved in hazardous work
3. 1.2 million children are trafficked every year
4. 3 million girls and women are subjected to Female Genital Mutilation every year
5. In the next decade 175 million children are likely to be effected every year by natural disasters
6. Institutionalized children are at particular risk of violence from the staff responsible for their care, including torture, beatings, isolation, restraints, rape, and harassment

Only 28 States have prohibited all forms of violence against children. Laws and policies to stop violence are seldom effectively implemented and child protection has a low priority amongst governments. Violence and abuse is rarely understood, often stigmatizing, socially accepted and even state authorized. As a consequence there is a severe lack of data on child protection violations to bring evidence to the seriousness of the situation, thus hindering efforts to tackle the issue.

Trafficking and Sexual exploitation of children

Children are most often trafficked for the purposes of sexual and/or labour exploitation. While the problem is global, in the European context Eastern Europe continues to be a major source of concern. Several Eastern European countries have reported increases in child abuse, mainly due to increasing number of trafficking in children and receiving unaccompanied and illegal migrants.

While there is no systematic data collection on trafficking or sexual exploitation of children, or comparable data available, for example in Serbia several NGOs collect unofficial data. It is important to note that the data is often unreliable, inaccurate and scattered, but does give some guidance on the prevalence of the problem. In last several years, data shows that the number illegal child migrants has risen dramatically. 19.48% of illegal migrants are children and approximately

90 % of these children come to other Eastern European countries from Albania. Children working and living on the street became visible in Serbia in 2007, but there is no institutional support from the government. Through the Belgrade Drop in Centre for street children, run by the local NGO 'Centre for Youth Integration', more than 700 children were identified in the past two years in the territory of Belgrade. Also internal trafficking of children has increased in the last two years, thus the actual numbers of street children are perceived to be much higher.

In Canton Sarajevo, hundreds of boys and girls are identified each year as victims of trafficking and are involved in street work and other forms of exploitation (sexual and/or labour exploitation). This territory suffers the same situation as the rest of the country, namely a lack of adequate institutions for accommodating or sheltering such children (and a) shortage of resources, particularly with respect to the inability to provide long-term support to children. In addition, Sarajevo as the capital of Bosnia and Herzegovina attracts a much larger amount of domestic and foreign populations seeking better financial opportunities than any other locality in the country, which aggravates the situation and puts social service providers on the brink of collapse. With the lack of programs with regards to institutional outreach to support children performing street work, victims are assisted in a piecemeal fashion by different and often disconnected institutions, including Centres for Social Welfare, safe houses, charity organizations and others. From a victim's perspective, the problem with such approach is that it does not allow for comprehensive capacity building and individual improvement. From an institutional perspective, it does not facilitate accurate identification of clients, which aggravates the inability of state institutions and social service providers to appropriately respond to the needs of the population they serve.

Romania is a country of origin for the children victims of human trafficking. Equally, Romania is a major route in the transit of victims coming from the Republic of Moldavia and Ukraine. In regard hereof, part of these victims who transit Romania are exploited there, although there is lack of official evidence in this regard. From the data provided by National Agency against Trafficking in Persons, in 2008, of the 93 children trafficked externally, 33.3% were exploited in Italy, and approximately 26.9% in Spain. Other countries of destination for Romanian children are Greece, Great Britain, Germany, Portugal, France, Austria, Netherlands, the Czech Republic, Belgium, Turkey, Denmark and Cyprus. Trafficking for sexual exploitation purposes is the most common reason for trafficking also in the case of Romania. A study focusing on commercial sex practice in Romania was conducted in 12 cities in 2005¹⁴. According to the study, approximately 90% of the interviewed persons (395 women) began their sexual life before the age of 18. 60% had also started practicing commercial sex before the age of 18. 11% had been involved in prostitution before the age of 14, some

¹⁴ Romanian Anti-AIDS Association, *Commercial sex, public and social health insight*, a survey conducted in the period May 10th-July 21st 2005

of them beginning as early as at the age of 10. Situations of traffic and abuse from the pander, clients or police were reported in all areas researched, approximately 30% of the persons declaring they were sold or bought. Furthermore, 12.5% of the persons who declared having been trafficked were under the age of 18 when the event happened.

Comprehensive statistics of sexual exploitation of children has not been gathered in any country. Reliable information about the incidences is often difficult to obtain from children, thus determining prevalence of sexual exploitation globally, regionally or nationally is challenging. However, there is evidence of high prevalence of sexual exploitation in both Europe and other parts of the world, and sexual abuse cases of babies as young as 9 months old, have been reported to Save the Children operating in third countries. While sexual abuse cases of boys are increasingly reported to authorities as a result of breaking the silence and liberation of attitudes towards homosexuality especially in Africa, sexual violence is most often linked to gender discrimination. Further, girls in many parts of the world are asked to provide sexual services by teachers for obtaining school books or for getting better grades. Majority of the world's schools lack monitoring and reporting mechanisms to report violence experienced by children.

Children in Armed Conflicts

Boys and girls are regularly recruited into armed forces or groups, and it is estimated that currently about 500,000 child soldiers are fighting in armed conflicts around the world. Recent evidence also shows that recruitment of child soldiers is increasing for example in Eastern Africa, especially in Eritrea and Somalia.

Most vulnerable children to armed conflicts are children without parental care and street children, which are often recruited by other children promising better lives and "homes" that streets do not offer. Children take on a range of roles such as fighting, acting as spies or messengers, cooks or porters. They are also recruited for sexual purposes. Recruitment exposes children to a number of risks including death, physical injury, psychological damage and sexual abuse. Often there is no exit from military to a child soldier once recruited. Those attempting to escape are used as warning examples to the rest of the soldiers, sometimes using extreme measures, such as killing the children who have attempted to run away in front of the others. In addition, many children have been forced to beat, rape or kill family or community members to make it as difficult as possible for them to return back home. Physical and emotional wounds caused to a child can last a lifetime and in countries with prolonged conflicts and political instability, there are whole generations of children, who have never experienced times of peace.

Corporal Punishment

Originating in Sweden, Save the Children has a long experience in promoting prohibition of corporal punishment. Sweden is the world's first country to ban all

forms of corporal punishment, and has carried out a variety of awareness creation activities since the law was passed in Sweden approximately 30 years ago. Yet, evidence shows that Swedish children are still subject to corporal punishment, indicating the slowness of both concrete actions for better protection of children and behaviour and attitude changes. 8494 children were interviewed to the Population-based Youth Survey in 2008, and 15,2 % of the interviewed children reported that they have been hit. 6,4 % of all children reported that they had been hit more than once¹⁵.

Data on the prevalence of corporal punishment worldwide is not systematically collected, but it is reasonable to assume that prevalence of corporal punishment remains much higher than in Sweden in most of the countries both in Europe and globally. Studies to determine attitudes towards corporal punishment among parents and other caretakers have been carried out in several countries. For example in Albania, 51% of the parents believe that smacking of children is in the best interest of the child and beneficiary to him/her. UNICEF in Serbia reports that 72% of the parents consider corporal punishment acceptable and normal. To date, 28 states worldwide have banned all forms of corporal punishment.¹⁶

Bullying in Schools, Cyber-bullying

The World Health Organisation (WHO) carries out regular studies on frequency of bullying in schools through the survey *Health Behaviour in School-Aged Children*. According to the latest study (2006), on average 15% of the European boys and girls experience bullying regularly. However, there are great variations between the European countries, and as high as 32% of boys in Turkey, while 44% of the students in Serbia (surveyed by UNICEF), indicate experiences of peer to peer violence. Children from all across Europe have highlighted bullying as one of the major threats and forms of violence in their every day lives. With the modern technologies, bullying is no more a phenomenon in schools, but has taken far more serious forms via internet and social media. Studies show that most often bullying starts in schools, often as verbal violence or in extreme cases, physical violence, spreading to social media in form of insults, rumour spreading and spreading of humiliating pictures among others.

Justice Decisions on Violence against Children

Again it is important to note that systematic, regionally comparable data on justice decisions on violence against children is not available. Many countries

¹⁵ Population-based youth survey in Sweden 2008

¹⁶ Sweden, Norway, Finland, Iceland, Denmark, Latvia, Netherlands, Luxembourg, Lichtenstein, Germany, Austria, Croatia, Hungary, Romania, Bulgaria, Greece, Cyprus, Moldova, Ukraine, Portugal, Spain, Israel, New Zealand, Costa Rica, Uruguay, Venezuela, Tunisia, Poland A draft bill to ban corporal punishment has recently been taken to the Parliament in Brazil, but is not yet passed.

publish statistics on sentences given under specific laws, such as sexual assaults, but do not provide specific information on cases involving children. However, according to Save the Children's experience, there are some general trends that can be presented here. Firstly, only a fraction of child abuse cases are taken to court due to both lack of reporting the cases, and when reported, due to settling of cases without criminal charges. In Romania for instance, over 11,600 children victims of different forms of violence have been registered by the National Authority for the Protection of Family and Children's Rights in 2009, and in only 3% of the cases the penal procedures against the perpetrator were initiated¹⁷.

Lack of reporting the cases to the police most often arises from the fact that children are silent about the abuse they have experienced. Further, children need adult support to report abuse, and various studies clearly state that in most cases the perpetrators are family members, care takers or other adults in close relationship with the children. In addition, in many countries social services is the first instance to be involved when suspecting child abuse, leading to settlement of the cases without the involvement of the police. Hence, statistics solely based on justice decisions on child abuse fail to demonstrate the true situation and prevalence of abuse. This practice has triggered a debate for example in Finland, where the authorities are now considering measures to oblige the social services to notify police when a case of child abuse is brought to the attention of social services. In Finland, published statistics based on court decisions do suggest a significant decrease on child abuse in the period of 1998-2008, stating for example that only 5 % of the experienced abuse leads to injuries that required medical care¹⁸. Medical professionals on the other hand challenge the statistics by estimating that 20-30 % of children's injuries which are brought to the attention of doctors may be caused by abuse¹⁹.

Secondly, challenges arise from total lack of, or inefficient implementation of the laws, or interpretation of the laws in a way which fails to give maximum protection or justice to the child. For example in Kenya, legal experts have expressed a clear concern towards the judiciary's tendency to follow the Constitution and giving limited emphasis to the individual laws outside of the Constitution. For instance, there is only one sentence given on child abuse under the Sexual Offences Act of Kenya (in late 2008), which was passed in 2006. In Sweden, over 10 000 child abuse cases were reported in 2009, almost doubling from

¹⁷ These cases include corporal punishment, emotional humiliation, sexual abuse, labour exploitation, exploitation for committing crimes and neglect. Source: The National Authority for the Protection of Family and Child's Rights, 2010. Romania.

¹⁸ Perheväkivalta Suomessa. Venla Salmi & Martti Lehti & Reino Sirén & Janne Kivivuori & Mikko Aaltonen. Oikeuspoliittinen tutkimuslaitos. 2010.

¹⁹ http://www.sosiaalitieto.fi/mp/db/file_library/x/IMG/35869/file/Vakivalta-Tarvainen2004.pdf

2008. At the same time, the judiciary has had the tendency of subordinating the sentences, appealing to extenuating circumstances, such as provocation by the child or disciplining of the child to his/her own benefit²⁰.

As the examples show, statistics do not allow making exhaustive explanations or conclusions either on prevalence of child abuse, or the level to which children are benefiting from the existing legislations. As demonstrated above, official statistics on child abuse in Finland differ significantly from statistics in Sweden. Rather than making hasty conclusions on dramatic drops in child abuse in Finland compared to dramatic increase in reported cases in the neighbouring Sweden, more analysis is needed on the underlying causes of the differences, such as 1) the reasons for not reporting of the cases to the judiciary, and 2) when cases are reported, reasons for settling cases without judicial procedures. Thus, in summary, there is need to a) further refine the common definitions of violence against children as well as b) strengthen both laws and implementation of them, and c) strengthen inter-institutional collaboration by both strengthening the processes between the practitioners as well as collecting and processing of data. Please refer also to our response under the section Child-Friendly Justice.

Consequences of Violence against Children

Studies show that experiencing violence fuel violent behaviour. Parents, who have experienced violence in their own childhoods, are more likely to physically harm their own children. Studies also show that children, whose parents suffer from substance or alcohol abuse, psychiatric symptoms, medical problems or parental intimate-partner violence, are more likely to experience physical abuse. Children who experience violence more often suffer from lifelong social and health problems, including depression and substance abuse. They risk display antisocial and aggressive behavior, increasing the likelihood of participating in criminal activities and therefore ending up in conflict with the law (for example in Bulgaria, 6% of murders are committed by children, while 20% of robberies involve children²¹). Further, academic performance of children who have experienced violence can be affected, in worst cases leading to school drop outs, further affecting their future negatively. School drop outs are a special concern in cases where teachers have abused children, for example in African countries (and still in some European countries), where corporal punishment is commonly used as a disciplinary measure both in schools and at homes.

Some of the identified root causes of bullying include dysfunctional family backgrounds and strong and negative parental control of the bullies, culture of corporal punishment at homes and poor social skills which are compensated by bullying others. Bullying behaviours may also continue to adulthood in forms of

²⁰ http://www.rb.se/press/nyheter/Pages/Okad_tolerans_mot_barnmisshandel.aspx

²¹ Ministry of Interior, Bulgaria. 2008-2010

child abuse, domestic violence and other criminal activities. Bullying has also been linked to other forms of anti-social behaviour, such as vandalism, skipping and dropping out of school, fighting and substance abuse. Further, studies show that serious acts of violence in schools often have their origins in bullying²².

19. What are the activities of your organisation relating to the protection of children from violence? What are the difficulties and problems that you encounter on the ground while implementing actions to fight violence against children?

Save the Children works towards strengthening the government accountability on children's right to protection from abuse, neglect, exploitation and violence through advocacy for legal reform banning corporal punishment, sexual abuse and other forms of exploitation in all settings including homes. Building on children's own experiences and needs, Save the Children advocates for and support the development of good standards in the best interest of the child, in all alternative forms of care and in all service provided to children and their families both in our domestic and international programmes. Save the Children supports sensitization and capacity building of social workers, police, teachers, community leaders, adults and children on children's rights. Capacity building programmes focus on: 1) understanding the damage that violence and abuse have on children's physical and mental well being, 2) how to read the signs of violence and abuse and 3) where to turn for support and legal action. Moreover, rehabilitation services and judicial frameworks addressing cases of violence and abuse of children are rarely functioning well, and are therefore in focus of Save the Children's work. We provide support to the strengthening of coordination mechanisms at both community and national level between ministries of welfare, health, education and justice, NGOs, private sector and international actors.

We summarise examples of Save the Children's work in the area of bullying and online sexual abuse of children below, discussing some of the challenges experienced. Under the question 20 we summarise more activities of Save the Children as best practice examples in the area of policy influencing and strengthening of local child protection structures, showcasing examples in of children in armed conflicts and bullying. This document does not give a full picture of Save the Children interventions in the area of violence against children, and only provides a snapshot of our activities. We welcome opportunities to provide more information and further elaborate the projects in Europe and in third countries upon request.

²² Shootings leading to loss of lives have occurred for example in Finland and Germany during the past three years.

Bullying in Schools, Cyber-bullying

Save the Children is addressing bullying and cyber-bullying at regional and national levels. To highlight some examples of Save the Children's work in the area, we have participated in the regional *Safer Internet campaign*²³, aiming to create awareness on the threats of cyber-bullying and protection from it. The campaign has included various activities in different countries. For instance in Romania where there are no national policies or other legal instruments against bullying, Save the Children has offered services to the child victims, and promoted the importance of legal protection of the victims of bullying, organized awareness raising campaigns and built capacities of parents and child rights professionals to prevent and deal with bullying.

Cases of bullying have been traditionally treated as a conflict between the bully and the victim, but Save the Children strongly believes that bullying is a group phenomenon, which needs to be tackled accordingly. Save the Children has challenged the traditional forms to address bullying or cyber bullying, based on the idea that bullying has origins in and consequences on the whole group. By targeting the whole group including bullies, victims and those who are passively watching bullying, our programmes include preventive methods as well as early intervention mechanisms. A pilot project *Free from Bullying* that aims to change the perceptions of bullying and to change attitudes towards peers to a more tolerant and inclusive direction, targeting to selected pre-schools was launched in Denmark in 2006²⁴. Similarly, Save the Children in Albania has launched a programme that aims to strengthen responses to school violence by involving the whole school community and to develop incident tracking systems, communication between parents, teachers and children, and training of teachers in positive discipline methods. In addition, a major part of the programme is introduction of a *Violence Prevention Programme* into the school curricula.

Challenges to fight bullying in schools usually generate from the tendency to focus on learning processes rather than social interactions among school pupils. Successful implementation of programmes that target attitude changes and social interactions depend on the willingness of teachers to apply the methods in the classrooms. Further, in order to reach long-lasting results, parents, children and teachers need to be involved in the programmes. Hence, these types of programmes are often costly. Moreover, cyber-bullying, especially when originating from bullying in schools, is a serious offence towards an individual child in his or her own community, exposing a child in worst cases to international consequences. Thus, in addition to common international and national legislation, there is need to strengthened capacity building on ethics and codes of

²³ For more information, see <http://www.keepcontrol.eu/>

²⁴ <http://www.redbarnet.dk/Default.aspx?ID=8574>

conducts of internet usage at local level, requiring both high commitment of the policy makers and practitioners, and high amount of resources.

In third countries, one of the major challenges derives from the positive attitude towards bullying and lack of interest among adults to tackle the issue. Cyber-bullying is a new, emerging problem, which is still largely unrecognized by the adults. In a situation where countries are slowly opening up to new technologies and where internet and the Western media are more easily available for children than before, parents, teachers and child rights practitioners lack knowledge or capacity to acknowledge the problem or teach children means to filter or process information that is available to them. Especially in countries where public media has traditionally been controlled by the governments, internet is opening new avenues to information that has not been available before, and children are exposed to violence and pornography without adult guidance and control, lacking means to distinct factual information from fiction. In addition, there is lack of soft skills and awareness on the social behaviour models to use means of communication and social media, further feeding to bullying both physically and virtually.

Online Sexual Abuse of Children

In order to prevent sexual exploitation of children in and via internet, Save the Children has, since the mid 1990's been combating digital distribution of images depicting the sexual abuse of children, and raising awareness on child sexual abuse and exploitation via the internet and other new technologies. Through advocacy, Save the Children has called for increased and improved efforts at national and international levels to fight sexual abuse of children. We have promoted and carried out actions both towards better availability of information and towards strengthening child protection and prevention of sexual abuse of children. We have produced a range of educational materials to both children and adults and provided therapy and counseling to abused children. We have also actively sought for innovative approaches to tackle sexual abuse of children. For example, as mentioned in the section concerning vulnerable children (question 16), therapy and counselling has been provided to perpetrators through anonymous hotlines in Denmark, Germany and the UK.

Within the initiative, Save the Children has also supported hotlines to report child abuse in the internet and organized awareness raising campaigns and other advocacy activities in several European countries. Save the Children is the coordinating member of eNACSO (European NGO Alliance for Child Safety Online), which consists of over 20 member organizations across Europe. eNACSO is actively fighting grooming and online sexual exploitation of children, and promoting and strengthening of online child protection including victims of sexual abuse²⁵. Save the Children is also participating in INHOPE (The

²⁵ For more information, please visit <http://www.enacso.eu/>

International Association of Internet Hotlines), of which main functions include 1) exchange of knowledge and expertise, 2) establishing of internet hotlines and 3) strengthening of the operations of internet hotlines²⁶. Countries that are part of INHOPE network operate national internet hotlines, and when a case is reported through national hotlines, the report is forwarded both to the authorities in the concerned country and to INHOPE for further actions.

20. Are you aware of good practices, initiatives or programmes that can contribute to a better protection of children from violence? Are you aware of cross border initiatives in this area (e.g. cooperation, or participation in common projects, with organisations in other Member States, exchanges of good practice, exchanges between judges in charge of juvenile justice etc.)?

Below we present a small selection of good practice examples:

- *Establishing of Child Rights Clubs:* Save the Children in its child rights, child protection and education programmes promote not only universal access to schools, but also the quality education providing children and youth life skills and rights education. Within the framework, Save the Children has supported establishment of child rights clubs in several countries. Especially in third countries the method has been found conducive, generally increasing collaboration between children and adults, thus giving children more voice on the issues that concern them. Child rights clubs have also given the space for peer to peer education, enrolling children themselves to educate others.
- *Tackling sexual exploitation in Sierra Leone:* The government and other organizations have established “referral pathways” of service-providers which work in coordination to handle cases of sexual and gender-based violence and other protection violations. However, referral pathways are not always effective and there are many service gaps. Therefore Children’s Clubs, Child Welfare Committees and communities at large play an important role in assisting children to report cases and helping them to cope with a traumatic event. To deal with sexual and gender-based violence, Save the Children has created a system of focal persons (usually one female and one male) in each community. The person is a trusted adult, whom children can turn to when experiencing violence and abuse in schools and communities. While children can play a role in supporting other children, it is very important that children do not put themselves at risk, for instance by trying to investigate a crime

²⁶ For more information, please visit <https://www.inhope.org/>

themselves, thus the focal person system has proved to be an effective way to ensure adult involvement in cases of violence.

- *Protecting children in armed conflicts:* Save the Children has a long experience in training the Standby Brigades of the AU (peace keeping forces) in child protection. In recent years the trainings have concentrated on the African Union troops in Somalia and Sudan. Save the Children is also actively promoting mainstreaming of child protection in the AU peace operations and related action plans, and is closely working with the Peace and Security Department of the AU by providing trainings and resource materials to the military²⁷.
- *Reintegration of Women and Girls Affected by Armed Conflicts:* Save the Children implements a project *Life after the Lord's Resistance Army: Piloting Positive Deviance with the child mothers and vulnerable girl survivors* in Northern Uganda. The project purpose is to create an enabling reintegration process for the young mothers and vulnerable girls returning from the army, and to reduce their engagement in transactional/commercial sex by strengthening peer support networks, identifying sustainable reintegration strategies and facilitating access to social services. The Positive Deviance Approach includes:
 - 1) Livelihood skills support to provide alternative coping mechanisms
 - 2) Counseling and mentoring for those that often exhibit extreme anti-social behavior, and who have difficulty reintegrating into their communities
 - 3) Capacity building strategies in income generating activities, such as training in basic business skills to meet income needs
 - 4) Peer support networks to discuss influential and confidential issues that affect their lives.²⁸
- Save the Children's Cross Border Project in the Greater Mekong Region, South Asia supports development of protection systems to ensure effective prevention, recovery and reintegration of children who experience exploitation. The project follows the movement routes of children and sets up interventions at points of origin, transit and destination, as well as advocates for policy changes and regional coordination mechanism. The project also assists children to migrate safely by providing information on safe migration, by registering and monitoring employers and by matching employers with young people who are looking for work. It also involves the private sector in the protection of children and promotes children's right to education.

²⁷ Behind the Uniform: Training the Military in Child Rights in Africa. Save the Children Sweden. 2009.

²⁸ Child Protection in Emergencies. Priorities, Principles and Practices. Save the Children. 2007

- *Save the Children Denmark's Free from Bullying Programme:* The programme addresses the attitudes of parents and teachers with the aim to raise awareness of how adults can influence children's communities. The programme stresses the philosophy of targeting groups and communities as a whole, and the importance of involvement of adult professionals. The objectives of the programme are to strengthen children's social interactions, nudging them to a more tolerant and friendly direction. Everyone in a class is involved in bullying, regardless of whether they are victims, bullies or passive spectators, which is the core idea of the programme. Approximately 50,000 children aged between 5 and 7 years, and 2,000 pre-school and school teachers have attended to trainings to date. In addition, in order to involve stakeholders in a comprehensive manner, Save the Children has started collaborating with academic institutions, such as Roskilde University, simultaneously to the programme activities. The university is carrying out a research focussing on bullying in Kindergartens (age groups 3-6 years), changes in the social/pedagogy practices as a result of the *Free from Bullying Programme* and experiences on the training materials developed under the programmes.
- *eNACSO*, as described under the question 19, has significantly improved coordination of efforts to tackle online child abuse at the European level. Through regular contacts and networking, eNACSO has positively influenced on several policy initiatives and is continuously updating policy makers and child rights practitioners at regional and national level on the new trends in the area of online sexual abuse. eNACSO plays an important role especially in prevention and early responses of new forms and channels of child abuse.
- *Establishment of Hotlines and Helplines:* Hotlines and Helplines, operated by Save the Children and our partners, have established their operations as easy and user-friendly channels to report abuse, experienced both physically and online. While the hotlines are offering easy channels to report illegal online materials or online child abuse, helplines offer counselling support for children and parents about dangers related to internet use in several countries, including for instance Sweden, Finland, Italy, UK and Romania.
- Regional bodies can play an important role in stimulating exchange of good practice between EU Member States, encouraging review of national legislation and strengthening of child protection systems, as well as raising public awareness. The *Council of Europe initiative building Europe for and with children*, its campaign "Raise your hand against smacking" as well as its programme on violence and children has significantly contributed with regards to bringing children's rights to be protected from violence to the centre of regional attention. Several publications on eradicating violence against children, including toolkits for teachers and other promotional

materials have been published, and concrete policy changes have been initiated.

21. What concrete initiatives would you suggest to better protect children from violence? Do you consider that the EU can contribute to these initiatives and if so how?

The Role of the EU

The EU has competence to take certain types of action against violence to complement national policies (e.g. public health, fundamental rights, sexual exploitation and trafficking). In these instances it can adopt measures if a regional response to a violence concern will bring added value to the actions predominantly to be undertaken by Member States. In doing so, it should make an essential contribution to combating violence against children within the EU.

The EU, as an important promoter of children's rights and a large donor, should support action in Member States and in third countries to combat violence against children. For instance, the EU should foster cooperation with third countries and the competent international organisations in the sphere of public health.

Please also see Question 17.

Relevant EU Measures

Save the Children believes that adequate child protection systems and child-friendly judicial systems are crucial to prevent and respond to all forms of violence against children. In question 17, we present examples of concrete measures that the EU can take to strengthen child protection systems. Elements of child-friendly judicial systems are discussed under the section "Child-friendly justice".

The UN Study on Violence Against Children recommends that all forms of violence, abuse and exploitation are prohibited by national law and enforcement secured²⁹. Save the Children strongly supports this recommendation, and believes that the EU can take important measures in support of its realisation.

The EU should therefore continue, strengthen and follow up on its initiatives to end all forms of violence against children, including calling for review of national legislation, strengthening of child protection systems, supporting research and raising public awareness.

²⁹ Including corporal punishment and all other forms of degrading punishment in all settings, including the home.

Save the Children has given extensive input to drafting and implementation of many important EU measures mentioned in this document, and will not reiterate our specific input here. For more information, please contact our EU Office for our specific recommendations and input.

Concrete examples may include:

Law and Policy

- **Adoption of a Communication on the Rights of the Child that provides strategic direction and guiding principles** to ensure that all EU policy areas conform with the UNCRC and fully explore the role and initiatives that it can bring to ensure prevent and protect children against violence.

- **Promote legislation against all forms of violence against children, including physical and humiliating punishment in the home.** The EU can play an important role in stimulating exchange of good practice between EU Member States, encouraging review of national legislation and strengthening of child protection systems, as well as raising public awareness. For example, the European Parliament should continue and follow up on its recent calls to EU Member States to adopt legislation to end all forms of violence against children, including physical and humiliating punishment in the home.

The EU, as an important promoter of children's rights and a large donor, can also play an important role in promoting legislation and supporting child protection systems with third countries and in regional and international fora, including in relation to the UN General Assembly Omnibus resolutions.

- **Continued revision of relevant EU legislation to bring it into conformity with the UNCRC and current good practice in terms of preventing and responding to violence against children.** Examples include the Directive proposals on trafficking and child sexual abuse respectively. Save the Children has given extensive input to both these proposals and will not reiterate our input here. Please visit our website for further information.

- **Development of policy and action plans that address violence against children.** Concrete action should be taken to ensure the implementation of the EU Guidelines on Children and Armed conflict and the EU Guidelines on the Rights of the Child. It is crucial that child protection concerns, including violence against children, are placed at the centre of all action to promote peace and security.

Save the Children believes that DG SANCO should explore further its role and possible measures it can take to address violence against children, including physical punishment in the home. Save the Children also recommends that the

EU develops a child protection policy for EU internal and external affairs respectively.

- **Support for advocacy.** The EU has already, through its Daphne Programme, dedicated funds to important research as well as campaigns that advocate for legal frameworks and enforcement that protects children in all settings.³⁰ Save the Children strongly supports a continuation of the Daphne Programme as well as the focus on children under the Fundamental Rights and Citizenship Programme. Support should be made available for similar activities to campaign for national legislation in third countries.

Knowledge and data on violence and good practices

- **Support for collection of data and research.** Save the Children strongly supports a continuation of the Daphne Programme as well as the focus on children under the Fundamental Rights and Citizenship Programme.

Save the Children encourages the EU to support research into whether there are significant problems or gaps in current legal or policy provisions on violence against children, including physical and humiliating punishment of children.

The EU should also support research on the situation outside Europe and exchange of practice between the EU and third countries.

The EU should take action to address gaps identified in research within the framework of existing EU competence and in conformity with the principles of subsidiarity and proportionality; and ensure that all relevant EU policy development is based on evidence, evaluation and other forms of learning.

Save the Children also recommends that the EU takes action support exchange of good practice in terms of training and capacity building of professionals dealing with children (social workers, guardians, public authorities), by targeting both high level education and continuous professional training. As an example, we here choose to repeat our specific recommendations in relation to child sexual abuse and new technologies:

- Child sexual abuse in relation to the new technologies should be made **part of the curriculum and prioritised during the education** of key professionals in all EU Member States. Universities, colleges and training institutes should integrate training in internet-related sexual abuse of

³⁰ A recent example is The European Children's Network's campaign to end corporal punishment in 2008, which included advocacy to promote national legislation against physical and humiliating punishment in the home..

children in the education of social workers, psychologists, teachers, police officers and other professionals in contact with victims of sexual abuse.

- The continuing education of professionals must met by post-qualification courses on new developments in this area during practice. The technology and use of electronic media changes rapidly and new forms of exploitation of children develop even faster. All professionals in contact with children in general and sexually abused children in particular must have **updated knowledge of the forms of abuse** and the consequences of it on children.

Adequate funding

As stated in question 17, child protection work is a notoriously under-funded area in emergency and development work, however it also often lacks adequate funding in EU Member States.

The EU can contribute to ensuring that:

- **Proper and adequate resources** are allocated for child protection, both by Member States to their respective national systems, but also to third countries, as well as for implementation of EU action plans, especially with regards to transnational actions
- Adopt and promote **child budgeting**;
- Ensure **coordination and harmonisation of donor funding** for child protection in third countries;
- Ensure good **coordination in the transition between funding for emergency response and longer-term development financing** in third countries

An aware and supportive public

The protection of children against violence is not the sole responsibility of child protection and other professionals working with children. It requires the involvement and support of the wider public which can play an active part in preventing violence against children and identifying 'at risk' children. This often requires awareness raising campaigns to make the general public more alert to violence against children, including physical and humiliating punishment and sexual abuse, to challenge social norms that condone certain types of violence, and to put the spotlight on hidden forms of violence.

The EU should explore whether it can contribute to awareness raising campaigns (e.g such as those implemented under the Safer Internet Programme).

Examples of concrete initiatives needed at EU Member State level – the situation in Romania

Save the Children would also like to take the opportunity to provide examples of what needs to be done at national level - initiatives which in some instances could be complemented and/or supported by EU action.

Beside the general recommendations regarding the reform of the social services in Romanian, mentioned under “vulnerable children” section, we are pointing out the following specific initiatives:

- more frequent monitoring and verification of employers especially in fields that can involve child labour exploitation (constructions, agriculture, activities involving loading /unloading of goods etc.) and applying sanctions when such situations are encountered ;
- raising awareness of the economic agents, of the poor communities where the work of even the youngest children is considered a major resource, and also of the wide public (to report the cases);
- strengthen the capacity of the authorities to respond to cases of violence against children notified or identified, also by perfecting the registration and monitoring system for these cases; a better methodology should be developed for the hospitals in order to report all the cases when child exploitation is suspected, to the responsible authorities;
- adjusting authorities’ interventions as regards commercial sex, sexual exploitation and human trafficking, taking into account modern recruitment and exploitation forms (Internet, massage salons) which are continuously developing
- developing specialized intervention and psycho-social rehabilitation social services addressing persons practicing commercial sex and structuring of an efficient and coherent identification system for persons under the age of 18 involved in this activity
- developing campaigns addressing consumers who use commercial sex with a view to raising awareness on children’s involvement in the phenomenon and reducing their sexual exploitation;
- informing the public opinion regarding the sanctions provided by law for persons practicing physical and humiliating punishments on the child, while promoting non-violence education and responsibility to report abuses;
- ensuring persistency of staffing and on-going training of the staff providing services to the victims of trafficking.

22. What concrete initiatives would you suggest to better protect children from peer-to-peer forms of violence (such as bullying and cyber-bullying)? Do you consider that the EU can contribute and if so how?

As discussed above, there are several on-going initiatives for better protection of children from cyber-bullying. We mentioned INHOPE as well as ENACSO as good practice examples on regional collaboration. Concrete initiatives have also been presented from Denmark and Albania in the area of establishment mechanisms for tracking bullies and working with the victims as well as the whole communities that are passively or actively involved in bullying. Such models should be replicated in other Member States and promoted regionally. As indicated before, the success of such programmes are highly dependent on the available resources, as well as the space given in the school curricula and on the commitment of the teachers, thus, clear policy guidance in this regard is needed from the EU. Additionally, we welcome support to initiatives aiming to restore relationships between bullies, victims and the community, especially with regards to bullying in schools in order to guarantee a safe learning environment for all.

The EU has been active with regards to putting measures in place to prevent and combat online sexual abuse of children both in terms of policy development and supporting of initiatives that combat the issue, as discussed previously. We would encourage the EU to further explore regional means to monitor online sexual abuse and take a firm stand on zero tolerance on online sexual abuse of children. We thus welcome the Article 18 "Blocking access to websites containing child pornography" of the European Commission's proposal of 25th March 2009 for a revised Council Framework Decision 'on combating sexual abuse, sexual exploitation of children and child pornography'.

Further, we stress the importance of, and need for continued support to experience and best practice exchange.

23. Do you consider that the EU should do more to build on the child alert mechanism and to ensure their interoperability across borders? If so how?
24. How do you think the Commission can support an effective implementation of the 116 000 help line for missing children in the Member States? Do you consider that the EU can contribute?

Child poverty

25. What are the activities of your organisation relating to child poverty? What are the difficulties and problems that you (or your organisation) encounter on the ground while implementing actions to combat child poverty?

Save the Children considers child poverty as a question of discrimination. According to the Article 2 of the UNCRC, state parties shall ensure the rights in the UNCRC without discrimination of any kind, irrespective of the child's or his or her parent's "[---] social origin, property [---] or other status." Children living in poverty are at risk of having their rights to not only an adequate standard of living (art 27) but also to education, leisure, play and culture, health violated.³¹

In general, despite the efforts to date, the issue of child poverty still lacks much needed international political recognition, and there is need to develop common definitions and indicators on child poverty as a matter of urgency. As described in other sections of this questionnaire, poverty is a major cause for many other inter-related problems, such as increased violence and various forms of child abuse. Children are most often not considered as direct bearers of the consequences of poverty by policy makers, hence, it is imperative that child poverty is put in the centre of poverty reduction plans in order to achieve sustainable and long-lasting results in other fields, such as education, health care and child protection, to mention a few. In line with the above discussion, there is an urgent need to:

- Further refine universal definitions of child poverty that can be adopted and used nationally;
- Develop indicators to measure child poverty;
- Start collecting data related to child poverty;
- Conduct more research and analysis on child poverty and child budgeting.

Child poverty is on the rise both in Europe and globally, with some 19 million children living in poverty worldwide. In our programmes, Save the Children considers child poverty as an alone-standing issue as well as an integral part of interventions targeting to vulnerable children and realizing of child rights at large. We combat child poverty in several countries both in Europe and in third countries, aiming to 1) address root causes of poverty, 2) address immediate consequences of poverty, 3) generation of data and analysis on child poverty and 4) empower children to advocate for better protection from poverty. In addition,

³¹ Save the Children Sweden's indicators to child poverty include i) *children with low income* (necessary expenses according to the norm for consumption and housing exceed available income, or ii) *children who have received social security benefit during the year*

Save the Children is actively involved in research and promotion of child budgeting in several countries in and outside of Europe (information on child budgeting will be presented under question number 26).

As data on child poverty in particular is not systematically collected in the most countries, Save the Children has taken initiatives to introduced tools to measure child poverty. For example, in the UK, where child poverty rates are among highest in Europe³², Save the Children has its own unique measure of 'severe child poverty'. This measure identifies those children and families living in deep poverty and examines the associate risk factors. By using this additional measure of poverty we are able to focus policy makers on trying to support the very poorest.³³ Similarly, Save the Children conducts annual research on the state of child poverty in Sweden, and uses the results in nationwide advocacy campaigns at national and local levels. Save the Children Denmark has since 2003 collaborated with the Danish National Centre for Social Research to document child poverty and its consequences in everyday lives of children.

Although information and data is scattered, it can be established that children living in poverty or at risk to live in poverty within the EU most often come from families with:

- Single parents
- Parents without education
- Unemployment
- Foreign origins and immigrant backgrounds
- Families with disabilities

In third countries whole range of other categories are also common, such as high mortality and migration rates resulting in increasing number of child headed households, children affected and infected by HIV/AIDS and other diseases, children without appropriate care, ethnic backgrounds that differ from the local majority, etc. Due to the complexity of the issue, we will not make a comprehensive analysis of child poverty in third countries in this context, but we are glad to provide more specific information later on.

Below we present the features of child poverty in Sweden to demonstrate the characteristics of child poverty in the European welfare context. In addition, we

³² Estimated 3.9 million children live in poverty, of which 1.7 million children are living in severe poverty, representing 13 % of all children in the UK

³³ Please refer to Annex ... Measuring Severe Child Poverty in the UK, policy briefing. Save the Children UK. January 2010.

give selected examples on activities targeting to reduction of child poverty both below and under the question number 26. More information will be available with us upon request.

Child Poverty, Case of Sweden

Sweden has traditionally had open immigrant policies and therefore the country has within the EU, one of the largest shares of people with foreign (non-Swedish) origins living permanently in the country. In 2006, total of 1,175,200 persons of non-Swedish origins were living in Sweden, representing almost 13% of the total population of the country (9,113, 257 in 2006).³⁴ The statistics from Sweden clearly shows that children with ethnic minority backgrounds are at much higher risk to face poverty than his/her peers with Swedish origins, and that ethnic background of the parents is the strongest single factor in determining the economic conditions under which the children grow. Further, the integration of immigrant families to the society is slow, and a definite risk factor to poverty. For example, in 2006, 6.7% of children of a Swedish background were living in families which either had a low income or were receiving social security benefit. This can be compared to the corresponding figure of 30.2 % for children with a foreign background. In addition, the degree of child poverty has been significantly higher among those families/ children that had lived in Sweden less than two years. Among children who had been born abroad and had been living in Sweden two years or less, 69.2 % of children were living in poverty. Among children who had lived in Sweden more than 10 years, the poverty rate was 21.6%.

According to the study conducted by Save the Children Sweden, 229 000 children in Sweden were living in poverty in 2006³⁵. The study shows that there are significant differences between municipalities, and even more between the urban boroughs (suburbs) of the big cities. In the immigrant dominated boroughs of three major cities (Stockholm, Gothenburg, Malmö) poverty was found to be higher than in other boroughs, and more than half of all children with non-Swedish backgrounds were found to be living in economically disadvantaged families³⁶. Nationwide, statistics show that 59 % of children living in economic poverty had a foreign background in 2006. In addition, statistics show that poverty among children living with single parents is three times higher than

³⁴ Statistiska Centralbyron, Swedish Statistics, 2006

³⁵ Latest statistics are available from 2006. The next report, covering 2007 and 2008 will be published in November-December 2010.

³⁶ The proportion of children with a non-Swedish background has increased in all three major cities, from 31.2 per cent in 1991 to 41.1 per cent in 2006. In other words, by 2006 more than four out of ten children living in the major cities was from a foreign background.

among children living with both parents; in 2006, 46 % of the children living in poverty were living with a single parent.

Differences in poverty levels are big in Sweden, much because of the decentralisation and strong municipal independence. The income gap between the wealthiest and the poorest 10 % of families with children in Sweden is continuing to grow. The poverty threshold at the value of 1.0 is very far removed from the economic conditions in which the average household with children lives. In 2006 the average household with children had an income standard nearly twice as high (at 1.97) as the poverty threshold. In general, there has been an increase in the number of families with very low incomes in 2006, despite the fact that the overall economic situation of the average families has improved in Sweden. This indicates that there is a group of families who have not benefited from the growth years experienced by the Swedish economy in the early and middle part of the first decade of the 21st century.

The example from Sweden is similar to the situation in most of the European countries with large immigration populations, and for example Finland, Denmark, UK and Romania have reported similar features with regards to child poverty. The situation is significantly more severe in countries with high number of asylum seekers, returnees and illegal immigrants in Southern and Eastern Europe. Further, as demonstrated in the case of Sweden, poverty in urban areas in Europe continues to grow more rapidly than poverty in rural areas due to high level of cross-border and in-country immigration. However, it is important to note that rural areas often suffer from more deep-rooted and chronic poverty, and for example in Romania, majority of the poor children (76 %) live in rural areas. Secondly, these comparative figures between rural and urban are also subject to rapid changes according to the migration trends especially in times of economic recessions, when cities attract rural populations in search for work.

Save the Children's Activities to Address Child Poverty

Below we present only selected examples of our work in the area of child poverty. In line with the discussion in the beginning of this section, these examples present both concrete actions to reduce child poverty and vulnerability of children who live in poverty, as well as our advocacy and policy initiatives.

1. Save the Children, Millennium Development Goals and EVERY ONE Campaign

Save the Children has worked extensively towards putting the commitments into action to achieve the Millennium Development Goals through participation and actions in the international and regional summits and in the meetings in their auspices. We are currently preparing for the MDG Review, which will take place in New York in September 2010. Based on our work towards building of strong alliance of government, donor and civil society voices on MDG4 and pledges

made in the G8, we will approach the summit as part of a wider opportunity to push child health up the political agenda at the national and global level, and to secure concrete outcomes that accelerate progress. More information on our work around G8 can be found in http://www.savethechildren.org.uk/en/54_11716.htm.

As part of the efforts towards achieving the MDGs 4 and 5, Save the Children launched a global EVERY ONE Campaign in late 2009. The campaign targets to improve quality and access to basic maternal and newborn health services, as well as fight malnutrition. More specifically, through the campaign, by 2015 we aim to:

- Reach 50 million young children and mothers annually with high-impact health and nutrition programs, improving the availability, accessibility and quality of care and increasing knowledge, demand and use of those services. In this way we will play a role in cutting the number of child death globally by 500,000 in 2015;
- Influence governments in developing and wealthier countries to make the policy and political changes necessary to achieve Millennium Development Goal 4, by implementing credible national plans for reducing mortality and more than doubling annual spending on health and related interventions, from \$31 billion in 2008 to \$67-76 billion in 2015;
- Mobilize a popular movement of ordinary people around the world who make saving children's lives a top public concern, with 60 million people taking action with Save the Children and our partners.

Numerous campaign activities have taken place in all continents, and to date, tangible results towards achieving the MDGs 4 and 5 have been reached especially in Africa. We have participated in a variety of activities around the recent AU Summit held in Kampala, Uganda in July 2010. We provided direct technical support to the AU in preparations of the Summit, and we are particularly satisfied with the commitment of the AU to promote and adopt policies aiming to increase allocations for public health expenditure in the African States. Ten Countries are currently on track to reach MDG 4 if they maintain the current level of progress. These include Cape Verde, Egypt, Eritrea, Libya, Mauritius, Morocco, Seychelles, Tunisia, and most recently Malawi and Botswana.

More information on the EVERY ONE Campaign can be found in <http://everyone.org/en/>. We also publish the annual *State of the World's Mothers* report, where more information on our work around the MDG 4 can be found. The report is available in <http://www.savethechildren.org/publications/state-of-the-worlds-mothers-report/>.

2. *Introducing Local Initiatives to Tackle Child Poverty in the UK*

There is strong evidence that poverty reduction strategies addressing both policy level and searching for innovative local solutions with strong participation of children are likely to achieve results in reducing child poverty. Addressing local communities is imperative both in third countries with relatively weak formal governance structures and strong, traditional power structures, as well as countries with strong democratic systems and decentralized governance systems.

In the UK, Save the Children is taking forward a number of programmes which directly combat some of the aspects of poverty face by children. *Inspiring Change Programme* is underpinned by our belief in the need to give children in poverty a greater voice. We support children in deprived communities to run local change campaigns to empower children and youth to influence poverty in their own communities. Plans to develop a UK wide poverty campaign by children is also underway.

FAST (Families and Schools Together) programme works in local areas, often schools in deprived communities with children and their parents. The mission of FAST is to improve relationships between parents of children and their schools. First developed in 1988 by Lynn McDonald, now of Middlesex University, FAST is based on the socio-ecological theory of child development. Evidence has shown that stronger bonds between families and schools lead to vastly improved outcomes for children. Children whose families complete the FAST programme have shown a 20% or more increase in attention span and a significant drop in disruptive conduct. FAST uses an eight-week curriculum. Families meet weekly with other families, usually at the school, under the facilitation of a trainer or practitioner. There, they take part in activities such as eating a family meal together, helping their child with homework, or learning to network with other parents. Each family also receives books and toys in order to support their child's development at home. After graduation, parents meet on a monthly basis for almost two years. This allows the relationships developed through the programme to flower and encourages the behavioural gains to take root. FAST has already been implemented in eight countries and 2,000 schools, and has shown high retention rates. 80% of low-income families who attend one class stick with the entire programme. By 2014, Save the Children plans to have over 430 FAST groups in place across the UK, working with 50,000 children and 8,000 newly trained programme practitioners.

In addition to *Inspiring Change* and *FAST* programmes Save the Children is taking forward work directly with local councils to support the development of local strategies to end child poverty.

These initiatives demonstrate the advances of adoption of down-top approaches by empowering children and local communities to advocate for policy change at national level. Similar models have been introduced worldwide, and for example

in Kenya, Save the Children has supported programmes under which children have taken responsibilities in community water management (under our WASH programmes), or participated in income generating activities such as light work including gardening, tree planting or kiosks. These initiatives have contributed to for example provision of school uniforms to children whose families are not in a position to purchase them. By providing uniforms schooling of the poorest children in the communities has been ensured. In addition, these activities have been beneficiary in both setting models for rights education and empowerment of children.

3. Promoting Education and Reducing School Drop Outs in Poorest Communities in Romania

Save the Children Romania is implementing a programme targeting children from poor communities, children in risk of being economically exploited or already involved in worst form of labour, and who never attended or have dropped out from school. The programme consists of direct support to the children and their families, developing the capacities of the partner institutions in the field of preventing and fighting against child exploitation, and raising awareness on the roots and consequences of the phenomenon. The programme is now carried out in 18 Educational Centres (5 in Bucharest and 13 in other counties), in collaboration with public schools and the local child protection authorities. Using the “Second Chance” methodology, the school hours can be organized during the day, during the evening or during the school breaks. The “Second Chance” classes have been developed by the public schools, but are focussing only on education without links to the social protection dimension.

While working with this category of children, Save the Children Romania learned that just creating flexible models to attend to the classes in regular schools is not enough. Many of the beneficiaries come from very poor families that cannot afford to buy the necessary school materials. In many cases children from these families drop school due to the inability to follow the hygiene and clothing standards of their peers. In response to this reality, the Save the Children Educational Centres provide daily schooling, one meal per day and the necessary school materials. The second important component of the programme is the social dimension; the children enrolled in the Educational Centres and their families receive support in obtaining the identity documents, preparing the school enrolment files, getting a family doctor or benefiting of the social support they are entitled to (minimum wage, special allocation for single parent families etc).

4. Social Protection and Social Transfers

Noting that there are several initiatives towards strengthening of social protection programmes within the Member States and the EU including plans to draft Communication/staff paper, which was discussed in April 2010, we again emphasize the need for system approach to child protection. Save the Children has introduced several social protection initiatives in third countries, aiming to

both immediate relief and support to families in local communities, as well as to strengthening of the national social protection mechanisms and service delivery.

Social protection should be seen as an overarching framework rather than a narrow set of social and economic support instruments. In particular, these services and policies aim to enhance social equity by improving the quality of support received and extending programmatic reach to those children who are most vulnerable and frequently overlooked. Please find more information in the joint statement *Advancing Child-Sensitive Social Protection*, available in http://www.savethechildren.org.uk/en/54_9185.htm

Especially in third country contexts, **Social transfers** (e.g. cash, food and other in-kind transfers) are a key component of social protection and have a central role in contributing to the protection, care and support of vulnerable children. The evidence to date points encouragingly toward the potential of social transfers for protecting the poor from the dire circumstances of destitution, and in particular for helping families and communities to better care for their children. In order to achieve maximum impact for vulnerable children, **social transfers should be accompanied by a range of support services and policies that focus on family support, child protection, alternative care and livelihoods promotion**. Often referred to as 'complementary' to social protection, these support services and policies should instead be considered essential components of any well-designed (or integrated) social protection package, since they enhance the potential of social transfers to deliver their full value. However, **Poor intra household distribution** warrants special attention. Child poverty is often related to abuse, neglect and intra household inequalities in resource allocation, especially around food and labour demands. Targeting transfers to households caring for vulnerable children, for example, without dealing with intra-household constraints and abuse will do little to alleviate poverty among this group. For more information on social transfers, see for example our publications:

- Making Cash Count: Lessons from cash transfer schemes in east and southern Africa for supporting the most vulnerable children and households. Save the Children UK. May 2005 Available in http://www.savethechildren.org.uk/en/54_5169.htm
- INVESTING IN THE FUTURE: SAVE THE CHILDREN UK POSITION PAPER ON THE ROLE OF CASH TRANSFERS IN REDUCING CHILD MALNUTRITION. POSITION PAPER. SAVE THE CHILDREN UK. JULY 2007. AVAILABLE IN HTTP://WWW.SAVETHECHILDREN.ORG.UK/EN/54_2617.HTM

Challenges encountered in combating Child Poverty

In general, challenges we encounter while implementing our programmes arise from 1) lack of political commitment, 2) chronic lack of resources and 3) traditional and cultural beliefs that are in conflict with global policies and human rights instruments.

In the EU Member States that are considered to be the welfare societies, such as Denmark and Sweden, major challenges derive from the fact that the societies are considered rich, thus denying the existence of child poverty. In these countries poverty is considered a taboo, leading to hiding of the situation of the families.

In third countries, a multitude of socio-economic and cultural challenges are faced when tackling child poverty. Like the other children's issues, reducing newborn, child and maternal deaths has not become a political priority with policies and the resources to implement the policies in place. Moreover, donors are not supporting the reduction of child and maternal deaths sufficiently, and we are disappointed in the fact that the donors governments at the recent G8 Summit failed to demonstrate the necessary commitment to make a real impact on child and maternal deaths. Secondly, it is estimated that an additional 800,000 doctors, nurses and midwives are needed in Africa in order to meet the needs.

To demonstrate some of the cultural conflicts we face, over-population in Africa generally is a problem, but in fact in many countries cultural beliefs foster the desire to have large families. Large families with many children are considered prosperous, bringing respect for the parents. Secondly, in many societies fathers are not considered to be responsible for supporting the family, leaving income generation to mothers and children. The number of child-headed households is rapidly increasing, and due to the gender-discriminatory values, girls tend to bear the heaviest consequences of poverty, including burden of running the household, providing for the family and upbringing of the younger siblings, combined with denied access to education. Further, children are not traditionally encouraged to take initiatives, nor are their views respected. Children are not allowed to control the family money, while they are expected to work in order to contribute to the family income. Moreover, the harmfulness of child labour is not commonly understood. With a large number of widow or child-headed households, it is often difficult to raise families from poverty without resorting to child labour or giving children responsibilities too great compared to their age.

26. Are you aware of good practices, initiatives or programmes that contribute to reducing child poverty? Are you aware of cross border initiatives in this area (e.g. cooperation, or participation in common projects, with organisations in other Member States, exchanges of good practice, etc.)?

In line with what has been presented in this questionnaire, Save the Children stresses the importance of adoption of horizontal approaches to child protection, therefore, child poverty has to be brought to the centre of international and national poverty reduction and social protection strategies. Adequate consideration and budget allocation for children's welfare should not be considered as an issue of political will, but as a commitment made upon ratification of the UNCRC, which provides for children's welfare in Articles 1, 4, 5,

11 and 27. Save the Children considers child budgeting a key area in combating child poverty³⁷, through which the countries are able to further develop comprehensive social protection plans and policies. As mentioned before, several initiatives in different continents have been taken to both analyse and influence public expenditure specifically targeted to children. Our main focus areas within the area of child budgeting in recent years have been 1) reduction of maternal and children under five mortality (Millennium Development Goals), 2) strengthening of child protection systems and 3) universal access to quality education.

Studies have shown that analyzing, understanding and influencing national and local budgets can be a powerful tool to advance and improve budget allocation for children. Poverty reduction policies cannot ignore the fact that child protection issues are both causes and effects of poverty. Only with in-depth knowledge on the child protection budget the governments can be held accountable for their commitments.

Save the Children has recently conducted a research on the impact of budget allocations for child protection in the Sub-Mekong region, Southeast Asia by the Save the Children Cross Border Programme. The Cross-border Programme aims at influencing policy and institutional development by setting up child protection systems at the national level to reduce child poverty. The project ensures that existing protection mechanisms in target areas are integrated into government structures and policies. Such integration adequately sustains a system of child protection for children affected by migration in source, transit, and destination areas that is able to protect all children, including children affected by migration. In order to meet these goals, such systems must be supported by financial resources, policies and people.

Another child budgeting analysis was recently carried out by Save the Children's partner organization in Kenya. The study aimed to determine the current government budget allocations to child protection, health, development and education through various programmes and sectors, using MDGs, international children's human rights treaties and national policies as a framework for the study areas. The study also introduced easy-to-use fact sheets to be used by the civil society and local authorities to monitor the expenditure vis-à-vis budgets allocated to the mentioned areas. It is important to note that such studies are still in a pioneering stage in third countries, and for example in the African context, these studies are paving the way for adoption of child welfare indicators in the regional instruments such as the peer-review instrument NEPAD.

³⁷ Child budgeting was also the theme of 2010 Day of the African Child, launched by the African Committee of Experts on the Rights of the Child and including a variety of activities around this theme in the continent.

27. What concrete initiatives would you suggest to reduce child poverty? Do you consider that the EU can contribute to these initiatives and if so how?

Save the Children has provided extensive recommendations and input to the EU development policies and action with regards to child poverty and the MDGs. We will not repeat all our specific recommendations here. We will however take this opportunity to reiterate some of our key comments and concerns with regards to the on-going initiatives to reduce child poverty in the Member States and the EU. Referring to our submission *Save the Children EU Office Preliminary Comments on the EC Spring Package '12-Point Action Plan in Support of the MDGs*³⁸ and on the health-related components of the Spring Package, we again welcome the recognition by the European Commission that there has not been sufficient progress in achieving the MDGs, and that more needs to be done, with the health-related MDGs (4, 5 and 6) being of particular concern.

We also again welcome the European Parliament recommendation to reduce child poverty by 50 % by 2012, and refer to the progress made within the EU to date, especially with regards to OMC that has significantly contributed to bringing child poverty to the policy agendas. However, much remains to be done in the area of child poverty both within the EU and the Member States, including the national and the development cooperation policies. In line with the discussion in this section above and with the progress made to date, some of our recommendations include the following:

- Accelerate the process to draft a clear set of indicators to measure both levels of, and progress to reduce child poverty. Despite the progress so far, there is still need for support to set clear poverty lines that allows recognition of child poverty and the needs of children in some Member States.
- 19 Member States have made tackling child poverty and social exclusion one of their key priorities³⁹. We welcome targeted support to those Member States that have not yet done so.
- We welcome the EU's support to develop and implement specific child poverty reduction strategies, in the EU and in third countries.
- We urge the EU to put special measures in place to consider groups that are, or are at risk of being affected by child poverty, and explore early warning mechanisms with regards to child poverty. As a lesson learned from the recession in the 1990's, Save the Children recommends that special consideration should be given to the needs of children who are

³⁸ http://ec.europa.eu/development/services/dev-policy-proposals_en.cfm

³⁹ Source: Eurochild.

already living in socially and economically disadvantaged households, such as children living in a Member State with third country origins, to ensure that the present recession does not have negative discriminatory effects on the most vulnerable children in society.⁴⁰

- Negative consequences of the economic recession for children can already be seen in form of cutting services and public expenditure in the Member States. We welcome the EU's support on drafting a jointly agreed Plan of Action to combat child poverty in times of economic crises, obliging the Member States to draft national plans of action for child poverty. We welcome the EU's support to extend these plans to ensure adequate social support structures for early prevention in all areas where children spend their time.
- In line with the above, we urge the EU to give special attention and support to setting minimum standards for social welfare in place. For instance, loss of a home has enormous consequences for a child, including possible loss of friends and familiar school environment, further burdening the social welfare systems. Thus, we urge the EU to put measures in place requiring the Member States to ensure adequate social support structures for early prevention in all areas where children spend their time, especially for those at risk of ending up in poverty.
- We also welcome the EU's continued support to promoting equality and putting discriminatory measures in place. There is need to ensure equal standards to access social benefits in the Member States, regardless of one's income levels, or whether persons are immigrants or refugees. We would also like to underline the importance of universal access to education.
- We will also take this opportunity to point out that future efforts to tackle child poverty are not successful, if research and data collection based on commonly set indicators is not supported. There is a real need for up-to-date, comparable data on both level of child poverty and analysis of causes and effects of child poverty. We also welcome support to child budgeting analysis both within the EU and in third countries. Further, the EU as the largest donor in the world must ensure that it provides adequate funding to tackle child poverty and its root causes, and live up to its MDG commitments. Further, referring to our recommendations to explore early warning mechanisms in times of economic recessions, we recommend

⁴⁰ For example in Sweden, The recession of 1991 hit children from foreign backgrounds particularly severely: poverty in this category rose from 29.4% in 1991 to 43.7% in 1997. In the years after the recession, the economic situation of these children has improved less and more slowly than that of children from a Swedish background.

that the EU puts clear policy measures in place, which support carrying out data collection and child-oriented consequence analyses that are comparable between the Member States before effecting any spending cuts that affect children.

III. Other questions

Communication

28. What are the ways of communicating effectively with children and adults on children's rights? Are you aware of good practices or initiatives relating to informing and raising awareness of children on their rights? Are you aware of cross border initiatives in this area (e.g. cooperation, or participation in common projects, with organisations in other Member States, exchanges of good practices, etc.)?

The UNCRC stresses the children's right to influence in several of its Articles:

- The right to have thoughts, opinions and ideas taken into account and being given due weight in accordance with the child's age and maturity (Article 12);
- The right to express thoughts, opinions and ideas (Articles 13, 14);
- Access to information (Articles 13 and 17);
- The right to receive and impart information (Article 13);
- The right to freedom of association (Article 15).

Firstly, it is important to understand that children are not a homogenous group. Competencies and capabilities of children vary greatly not only according to their age, but also according to their physical and mental development, their life experiences and the circumstances and environment they grow up in. The child's 'inner strengths', often referred to as the child's resilience, and the way the immediate surroundings respond to the child also influence the child's competencies. Further, the surrounding culture and circumstances influence what is expected of children at a certain age and what they can cope with.

The concept of *children's evolving capacities* is introduced in Article 5 of the UNCRC, expressing that a proper balance needs to be found between children being respected as active agents in their own lives while also being entitled to protection. Children's evolving capacities means that children at different ages, development levels (physical and mental) and in different circumstances mature differently. As children acquire enhanced competencies they need less direction and can increasingly take responsibility for decisions affecting their lives. All children regardless of their evolving capacities have the same rights. The question here is to what extent the child itself has the competency to realise these rights and if not, where the responsibility to exercise these rights are placed and how to exercise them on behalf of another person.

Integration of opinions and views of children and youth in policies and strategies concerning them, as well as ensuring professionalism when dealing with children

should be in central focus in all actions. As an overarching principle, meaningful child participation should include both a) involvement children in a meaningful way, as well as b) creation of spaces and environments suitable for children. Save the Children focuses on both of these areas in its programmes. Below we provide some general principles of communicating with children, including both *ways* of communication and *means* of communication. In addition, we give selected examples in the area of creating child friendly spaces and involving children in policy discussions. More examples are also mentioned under question 29.

As a starting point, views of children should be actively listened to with equal respect and consideration as those of adults. More specifically, when consulting children, the used language should take into consideration the age and the cognitive stage of the target audience, as well as the environment in which children are. As a general measure, messages are most successfully conveyed when the used language is simple and straight-to-the-point. Informing children on their rights, including empowerment of children and youth to take initiatives in issues that concern them through schools and by providing trainings to teachers is effective especially in Europe⁴¹. Moreover, visual images and written texts are an effective way of communicating with children in the European context. Usage of peer research methods and technologies, such as videos develop both practical skills of children and socio-cultural codes of conduct. Moreover, it enables the adults to explore both opportunities and challenges in contemporary contexts, such as the social media. Social media can offer a powerful and effective tool for cross-border initiatives and peer education. Within the context of migration, usage of social media would enable children and youth to share information on migration conditions and practicalities. Such initiatives are underway for example in Italy and Egypt.

Save the Children organised a *Consultation on the White Paper on a European Communication Policy* with children in the period of February – November 2006. The exercise culminated in a direct consultation (live web chat) between Commissioner Wallström and children and young people from several European countries. Some of the key messages with regards to effective communication with children arising from that particular consultation were:

- Use the new technologies – use online applications and send information over the internet
- Don't send out questionnaires in the summer
- Ask more focused questions or use multiple choice
- Ask fewer questions
- Make the questionnaire more age specific

⁴¹ Nordic Study on Child Rights to Participate 2009-2010. UNICEF 2010.

- The questionnaire can perhaps work better when used in conjunction with facilitators that open an informative debate on Europe, and stimulate discussions within youth groups.

While innovative ways and means of communication should be supported and developed, cultural and social backgrounds together with the age of the target audience ultimately determine which means and channels of communication are effective. In third countries, where both quality of education and access to formal schools are limited, it is important that rights education and promotion of children's rights is done through community-based initiatives and sensitising of government officials and professionals dealing with children. Further, internet and social media offer powerful tools to share information, but it is important to note that it still remains an elitist means of communication in third countries. African cultures for instance are traditionally oral cultures, thus usage of community theatre, story telling and radio remain the more effective means to convey messages to children.

As discussed before, communication with and to children should be expanded to definitions of both directly addressing children and fostering child friendly environments. In addition to what has been mentioned before, these aspects of communication should be integrated in emergency response strategies. Emergencies, including natural disasters and armed conflicts, are extreme situations often encouraging for and guided by behaviour and actions aiming to survival of an individual. In emergency situations, children are usually hit the heaviest, bearing the consequences of destroyed infrastructure and loss of family members. As part of our Global Child Protection Initiative, Save the Children has established child friendly spaces in conflict and natural disaster areas, where children are usually in acute need for both psycho-social support and material assistance while often left out from the national disaster response schemes. Child friendly spaces offer safe environment for children, activities and social networks, psycho-social support by trained and qualified adults, peer-to-peer education as well as practical and contextualised skills for both adults and children to deal with the situations. Child friendly spaces have been established for example in:

- Myanmar after the Cyclone Nargis in 2008. 165 child friendly spaces were established in 11 townships, offering services for over 35 000 children.
- In Tbilisi, Gori and Shida Kartli in Georgia in the aftermath of the internal conflicts in 2008. 50 child friendly spaces have offered care, activities and psycho-social therapy and rehabilitation services immediately after the conflict. In the second phase the emphasis of the activities has been on awareness raising, improved access to social services for displaced and conflict-affected children and care-givers, capacity building and advocacy.

- In Port-au-Prince and Jacmel in Haiti after the earthquake in early 2009. Close to 20 child friendly spaces are providing support and activities for children with an average of 3,038 children participating daily.

In all example countries Save the Children has worked with and through local organisations, providing local authorities practical skills to deal and communicate with children. In addition, Save the Children is working in clusters with other international organisations, such as UNICEF and World Vision in Myanmar and Georgia. The role of the child friendly spaces is twofold: While food and non-food aid, health care and psycho-social support is acutely needed when a disaster strikes, services aim to include training on life skills and assisting in rehabilitation and re-integration as well as in emergency preparedness. Save the Children is also gradually putting more emphasis on advocacy in emergency preparedness specifically with regards to child protection in countries that are at risk of natural disasters or armed conflicts through our Global Initiative for Emergencies.

Save the Children has published several handbooks and toolkits with regards to effective communication with children and establishment of child friendly spaces. Save the Children was also closely involved in the drafting of UN Study on Violence against Children, during which several consultations with children were held globally. During the process, guides and toolkits for effective communication with children were published. Save the Children's publications on communication with children include:

- Child Friendly Spaces in Emergencies, a Handbook for Save the Children Staff⁴²
- Steps towards Learning, a Guide to Overcome Language Barriers in Children's Education⁴³
- So you want to consult with children? A toolkit of good practice.⁴⁴

⁴² Save the Children. 2008. http://www.savethechildren.ca/200810_cfs_handbook1.pdf

⁴³ Save the Children UK. 2009. http://www.savethechildren.org.uk/en/docs/Steps_Towards_Learning_LR.pdf

⁴⁴ Save the Children. 2003. <http://www.savethechildren.net/alliance/resources/publications.html>

Child participation

29. Are you aware of good practices or initiatives relating to the participation of children in the development of policies that affect them?

Save the Children has numerous examples of both communicating with children and positive and effective child participation worldwide. We have a long experience in involving children at community, national and international levels from micro-level activities to influencing international policies and human rights instruments. We present only selected examples of Save the Children's work on child participation, and invite the EU to request for more examples in specific areas.

Save the Children has initiated programmes aiming to both introduce and strengthen child participation in legal and policy matters that concern them. Our key approaches include building and strengthening of local, national and international child rights reporting mechanisms, and creating spaces for children to express their views to decision-makers. In our on-going programmes, numerous activities are taken forward to both involve children and advocate for child participation. Save the Children is continuously evaluating its programmes, and one of the key areas across the organisation is to increase accountability to children.

As mentioned above, Save the Children organised several regional consultations during the preparations of the UN Study on Violence against Children. Altogether 260 boys and girls from various backgrounds took part in the consultations in the Caribbean, South Asia and the Pacific, all sub-regions of Africa, Latin America and from the Middle East. The consultations aimed to gather information and children's recommendations to stop violence occurring at homes and within the families, in schools and other educational environments, in other institutional situations including children in conflict with the law, in the communities and on the streets and in work places. The consultations were organised during 2005. Publishing of the UN Study on Violence against Children (2006) was a global milestone in the efforts to combat violence against children. The report can be found in:

[http://www.crin.org/docs/UNVAC World Report on Violence against Children.pdf](http://www.crin.org/docs/UNVAC_World_Report_on_Violence_against_Children.pdf)

Save the Children also organised an extensive consultation on the Communication from the Commission, Towards an EU Strategy on the Rights of the Child in 2006-2007. The consultation process supported children and young people to say what they think about how the Communication should be put into action and how they would like to participate in activities to achieve the Strategy's objectives. Questionnaires were disseminated electronically through various children's rights organizations and networks as well as by MEPs. Based on nearly 500 responses from children across Europe, Save the Children prepared a

paper “*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*”. The paper is available on [http://www.crin.org/docs/You could always begin by listening to us SC Child Consultation%202007.pdf](http://www.crin.org/docs/You_could_always_begin_by_listening_to_us_SC_Child_Consultation%202007.pdf)

We would also like to take the opportunity to again refer to the Council of Europe initiative Building a Europe for and with Children 2006-2011 (in http://www.coe.int/t/transversalprojects/children/Default_en.asp), under which several actions to improve meaningful child participation has taken place. One of the on-going activities is drafting of EC Toolkit on Meaningful Child Participation. Save the Children has been actively involved in the process.

Some of our examples of the initiatives in the area of child participation and accountability to children are:

- Globally, the Save the Children UK’s third annual global children’s panel meeting was held in London (March 2010). The panel of 13 children and young people from 6 of our programme countries are brought together to advise our directors and trustees. This year the panel discussed accountability. Plans are in place to further strengthen accountability mechanisms in the panel countries.
- In Myanmar, after careful piloting of mechanisms for complaints handling, information sharing, and participation, we have started to develop ‘Information Centres’ in 100 villages. These are beneficiary feedback systems where children and young people are consulted on protection, nutrition and health and participate in evaluating our programmes.
- In Brazil, we involved 5,300 adolescents and young people in organised groups to participate in the monitoring of public policy and programmes focusing on education.
- In Zanzibar, 16,000 children participated in the election of a national children’s advisory bureau, half of whom were girls. We are currently leading a child consultation programme to incorporate the views of over 500 children on the Children’s Bill. In Tanzania five districts have organised children’s councils in 97 wards. The councils are organised within the existing local government structure and full district children’s councils were established in March 2010.
- In Ecuador, we supported five advisory youth councils to advocate for their rights and share lessons with other organisations. 81 communities in 12 cities across 12 municipalities participated in awareness campaigns for the rights of boys and girls to education, protection and participation.
- In Kenya, the Children’s Voices conference was organised in July. The theme of the conference was *Your Constitution, Our Constitution – Our Future*, bringing children’s concerns on the new draft Constitution of Kenya to the attention of the Parliamentarians. The children gave all the panelists and the Parliamentarians present scrolls with their key messages and opinions on the

draft Constitution. Copies of the scroll were also sent to the President, the Prime Minister and the Vice President through the Secretary of Children's Affairs.

- In several countries children participate in drafting of the State Party and shadow reports to the UNCRC Committee. For example, children from Kenya participated in the drafting of the Kenya State Party Report and travelled to Geneva where the report was examined. In the event, children were given the opportunity to express their views directly to the UN Committee on the Rights of the Child.
- Save the Children and its partner organisations have been lobbying for children's participation in the operations of The African Committee on the Rights and Welfare of the Child of the AU. Currently, guidelines are being drafted for children's participation in the bi-annual ordinary sessions of the Committee and in drafting of the State Party and alternative reports at the national level. The reports are examined by the ACERWC in their ordinary sessions.
- FAST, and Inspiring Change Programmes, implemented in the UK. Principles of children's participation in the programmes have been described under the question 25;
- Child Trafficking Response Programme (CTRP), implemented in Bosnia-Herzegovina seeks to empower children, adolescents, parents and communities to forge a more protective environment for children. Direct work with target groups use and facilitate opportunities for regular consultations with children on issues such as appreciation of quality services provided and received, self-efficacy and thoughts around their rights. In the drop-in-centres, operated under the programme, children and adolescents themselves take control and help shape activities and consultative methodologies with and for children on issues affecting their lives. Activities targeted to parents and other adults aim to facilitate the communication between children and adults on their rights and other CTRP themes. Children and adolescents have also themselves designed and carried out local-level awareness raising campaigns, supported by the CTRP.
- Every year, Save the Children Romania carries out the National Forum of Children and Youth, an event that facilitates the dialogue between representatives of children and authorities. For two days in parallel workshops, children and adolescents from all around Romania are debating on different themes related to their rights and are identifying the most suitable solutions to the problems they encounter. In the 3rd day of Forum, children are meeting the main authorities in order to present their views and recommendations. In 2010, the Forum focused on combating violence against children that occurs in different settings (including school and Internet).
- As part of the consultation on the White Paper on a European Communication Policy, Save the Children organised a live webcast between children across Europe and Commissioner Wahlström in 2006.

In addition, the government of Ethiopia has, with the support of Save the Children, appointed an Ombudsman for children under the Department for Women and Children of the Ethiopian Institution of the Ombudsman. The first Children's Parliament, accountable to the Federal Ombudsman was established in Konso in Southern Ethiopia in September 2006. The Parliament has 100 members. The members include both school children and children out of school. In addition, vulnerable groups, such as children with disabilities are represented in the Parliament.

Establishment of the Children's Parliament has significantly increased awareness on the rights of children and during the past years, and the Konso Children's Parliament has become a major child rights actor in the area. The Parliament accepts complaints and facilitates responses by the relevant government body. The complaints and other children's issues are examined and handled in the General Assembly, where children present the issues to the authorities of the Woreda (administrative district). The Woreda Council has provided an office to the Parliament within the premises of the Woreda administration and is giving budgetary support to the operations of the Parliament. Two seats have also been given to the Members of the Parliament in the Woreda Council meetings where children's issues are handled. Allowing children to influence the decisions that affect them indicates a significant change in the attitudes of adults in both considering and realising children's rights in the area.

With the encouraging results, Save the Children has supported establishment of Children's Parliaments in other regions in Ethiopia, and supported exchange visits of the Children's Ombudsman to for example Kenya, where Children's Parliaments do not yet exist. The civil society in Kenya is now actively lobbying their government for the establishment of Children's Ombudsman under the Children's Department in the Ministry of Gender, Children and Social Affairs. In Ethiopia, national guidelines for Children's Parliaments are currently being drafted.

Save the Children has also published several documents, guides and toolkits for effective child participation. These include for example:

- *Minimum Standards in Children's Participation* in 2007⁴⁵, which is a tool for formal communication with children. The tool was developed in East Asia and the Pacific, through six years of practice.
- General practice standards for children's participation have been set on the basis of our experience across the world. *Practice Standards in*

⁴⁵ http://seap.savethechildren.se/upload/scs/SEAP/publication/publication_pdf/child_participation/Operations_Manual_on_Children's_participation_in_consultations-December_2007.pdf

*Children's participation*⁴⁶ gives detailed tips to child participation in a meaningful way.

30. How would you improve child participation in relation to the EU Strategy on the Rights of the Child?

The draft EU Strategy on the rights of the child states: 'The Commission will promote and strengthen networking and children's representation in the EU and globally and it will gradually and formally include them *in all consultations and actions related to their rights and needs*'. (Page 9; 2nd paragraph). Save the Children welcomes the EU to support and set an example on child participation by considering the following:

- Children's participation can be facilitated through different forms of engagement with children. In the draft Strategy only *consultation* is mentioned. Although this level of engagement may in some instances be the most appropriate, we welcome the EU to consider other levels of participation, which is an important step in achieving *better cooperation with key stakeholders, including children*, as mentioned on page 7, second point.
- Inclusion of accountability to children as a key component of *better cooperation* between the different stakeholders, to be referred to in the *Resources and Reporting section (III.2)*. This will ensure that children not only are consulted in the work of the EU, but also are allowed to influence it.
- Setting principles and standards according to which the right of children to participate will be facilitated (see above). The link between children's participation and child protection should also be made clear in the strategy, given that the right to safe participation must be paramount in any participation initiatives, but also because inclusive participation enhances the protection of all children, including vulnerable ones (Questions 16, 20 and 21). Particularly with regards to the adoption process of EU Strategy on Child Rights, Save the Children recommends that opportunities for children to express their views on the contents of the draft strategy are created prior to final approval of the strategy. While recognising the laborious nature of the exercise, Save the Children urges the EU to ensure that child friendly texts are available already in the drafting phase, and that the child friendly versions are tested with the respective age groups. Such a process can be effectively used as a best

⁴⁶ www.savethechildren.org.uk Practice Standards in Children's Participation

practice example to the governments and regional institutions after the adoption of the strategy.

- As a general measure, Save the Children urges the EU to integrate children's participation throughout the programme cycles of external actions, including development of strategic objectives, planning and assessment of the programmes, development of impact and success indicators, and monitoring and evaluation, especially when considering new proposals. The EU should consider the General Comments to Article 12 and their practice standards for meaningful participation.

By encouraging the Member States to support child participation in schools and their communities, only in terms of expressing their opinion or participating in the decision making process, but also by creating opportunities for children to be in charge of "making a difference".

Lastly, we would like to encourage the EU to seek input from consultations and other initiatives where children's views on issues relevant to the EU Strategy on Child Rights have already been gathered. Such consultations include for instance 1) the regional consultations that were conducted in relation to the UN Study on Violence, 2) discussions held in Children's Parliaments in the EU Member States and third countries, and 3) child participation work carried out by NGOs, such as the National Forum for Children and Youth in Romania.