Dear Mr Catania,


The European Children’s Network (EURONET) would like to thank you for your invitation to contribute to the forthcoming EP report on the situation of fundamental rights in the EU, and in particular its chapter on “social rights”.

The European Children’s Network welcomes the fact that the LIBE Committee is committed to consult with civil society, and more specifically with children’s rights NGOs, in the preparation of the report of the European Parliament (EP report).

In response to your request of 22 February 2008, the European Children’s Network would like to raise some general concerns which are essential to be addressed in the forthcoming EP’s report and more specific violations of children’s rights within the EU during the past four years.

**General Concerns for the EP Report on Fundamental Rights**

The European Children’s Network believes that the European Parliament should streamline the structure of the report with the EU Charter of Fundamental Rights. The reasons for this are:

- The EU Charter of Fundamental Rights is a key reference document for protecting fundamental rights in the EU, together with other European and International Conventions, including the United Nations Convention on the Rights of the Child (UN CRC) and its Optional Protocols. With the ratification of the Lisbon Treaty, the EU Charter will have a stronger legal status as well as the rights of the children, referred to in Article 2 of the Lisbon Treaty.
• Fundamental Rights are indivisible, interdependent and interrelated. The EU Charter of Fundamental Rights throughout its chapters preserves this universal and holistic approach to fundamental rights, which needs to be respected and defended by the EP. In line with this and with the UNCRC, a holistic approach should also be adopted when considering children’s rights in the EP report by referring to the whole spectrum of rights (social, economic and cultural rights as well as civil and political rights).

The European Children’s Network would like to draw your attention on the following key documents when drafting the EP Report on Fundamental Rights:

• The Concluding Observations delivered by the UN Committee on the Rights of the Child in the past four years to EU Member States when examining State’s Parties reports on the implementation of the UNCRC. http://www2.ohchr.org/english/bodies/crc/sessions.htm

• The EURONET report "What about us? Children’s Rights in the EU: next steps" (www.europeanchildrensnetwork.eu)

Specific concerns: Children’s Rights Violations reported by EURONET’s member organisations

The European Children’s Network has carried out consultations with its national and transnational member organisations across the European Union on the violations of children’s rights. This has resulted in several recommendations that EURONET would like you to take into account when drafting your report on violations of specific children’s rights.

EURONET’s member organisations have expressed concern on a whole range of violations of children’s rights in the EU Member States. The main ones are described below.

Violence against children and Child Labour (Articles 19, 28, 32, 34, 35, 36, 37 UN CRC and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography1)

Violence against children, such as family violence, abuse and sexual abuse of children, corporal punishment of children and child abuse in institutions was reported by EURONET member organisations across the European Union.

• During the past year, in Austria several cases of violence to children within the family have been recorded. The National Coalition for the implementation of the UNCRC has called on the Austrian government for a child rights oriented legal reform and improved coordination and cooperation to prevent and protect children from family violence.

• In 12 EU Member States legislation does not protect children from all forms of violence, including all corporal punishment (in the family, in other forms of care, in schools and in the penal systems) as was recommended

---

1 Optional Protocol to the UN CRC on the sale of children, child prostitution and child pornography are signed but not ratified by the Czech Republic, Finland, Germany, Luxembourg, UK, Ireland, Hungary and Malta.
by the United Nations Study on violence against children (2006), although 7 Member States have committed themselves to full prohibition. For instance, EURONET’s UK member organisations (Save the Children UK and NSPCC) note with concern that the UK legislation continues to justify violence against children by seeking to limit its use rather than to end it completely.

- In many EU States where all forms of violence against children are legally banned, there are still not sufficient efforts for implementing the institutional and legislative framework for preventing and combating child abuse. As an example, the Romanian National Institute of Statistics (2004) indicates that 70,000 children are still involved in the worst forms of labour in the urban and the rural areas. In the urban areas a considerable number of children beg on the streets to support their families.

- Child Helplines across Europe emphasize with concern that the third reason for children to contact their services is abuse and violence: 15.6% (= 202,030 calls) of all calls in 2006. Child Helpline International collects data from its global member network and consolidates it in the flagship publication *Connection to Children (CTC)* ([www.childhelplineinternational.org](http://www.childhelplineinternational.org)).

<table>
<thead>
<tr>
<th>Reasons children contacted helplines in Europe (Source: Child Helpline International 2006)</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peer Relationships</td>
<td>283577</td>
<td>21.9%</td>
</tr>
<tr>
<td>Sexuality</td>
<td>222516</td>
<td>17.2%</td>
</tr>
<tr>
<td>Abuse and Violence</td>
<td>202030</td>
<td>15.6%</td>
</tr>
<tr>
<td>Psycho-social, mental health</td>
<td>160407</td>
<td>12.4%</td>
</tr>
<tr>
<td>Family Relationships</td>
<td>152586</td>
<td>11.8%</td>
</tr>
<tr>
<td>Information requested</td>
<td>84663</td>
<td>6.5%</td>
</tr>
<tr>
<td>School Related</td>
<td>68562</td>
<td>5.3%</td>
</tr>
<tr>
<td>Homelessness/Runaway’s/Basic needs</td>
<td>26126</td>
<td>2.0%</td>
</tr>
<tr>
<td>Physical Health</td>
<td>26835</td>
<td>2.1%</td>
</tr>
<tr>
<td>Child substance use and abuse</td>
<td>33122</td>
<td>2.6%</td>
</tr>
<tr>
<td>Legal Matters</td>
<td>14873</td>
<td>1.1%</td>
</tr>
<tr>
<td>Commercial Exploitation</td>
<td>2551</td>
<td>&lt; 1%</td>
</tr>
<tr>
<td>HIV/AIDS infected/affected children</td>
<td>3610</td>
<td>&lt; 1%</td>
</tr>
<tr>
<td>Differently-abled children</td>
<td>9475</td>
<td>&lt; 1%</td>
</tr>
<tr>
<td>Discrimination</td>
<td>3516</td>
<td>&lt; 1%</td>
</tr>
<tr>
<td>Total</td>
<td>38991</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

**EURONET recommends that those Member States that have not done so ensure that children have full protection from abuse under the law.**

**Child Poverty (Articles 26, 27, 28 UN CRC)**

Child poverty across the EU is still unacceptably high. In the UK 3.8 million children live below the poverty line and 1.3 million children face severe poverty. Moreover, in the UK child poverty levels rose in 2007 -for the first time in seven years. Similarly in Sweden there are increasing problems related to unequal distribution of resources and welfare among different groups of children. Ethnicity is a watershed in welfare, child poverty, educational performance and
housing segregation. Children in single households are, together with children with parents born abroad, among the most vulnerable groups. 

**EURONET urges that EU governments, in particular the ones with high poverty rates, allocate additional funds to reduce child poverty considerably.**

**Asylum-seeking children (Articles 7, 8, 10, 11, 22, 35 UN CRC)**

Several member organisations have expressed concern about the status of child refugees in their country. These concerns stem, in part, from an overwhelming increase in the number of unaccompanied children in detention, in breach of Article 37 of the UNCRC. As an example, in Austria over the last years over 300 unaccompanied children have been placed in detention pending deportation. In 2006 in the UK 1,235 children were detained with their families\(^2\) for between 7-268 days. In addition, in the UK there is increasing concern over the development of dual systems for care and support –one for citizen children and one for asylum seeking, trafficked and other children subjected to immigration controls. Unaccompanied or separated children are in most EU countries particularly vulnerable. For example, in Sweden, children who are hiding from authorities upon refusal of their application for asylum or living in the country without appropriate papers are denied their right to education and to health care, which is contrary to the principle of non-discrimination of the UNCRC (Article 2) and it is not in their best interests (Article 3 UN CRC). 

**EURONET calls on EU Member States to end the detention of asylum-seeking children in families in immigration removal centres and ensure that all asylum-seeking children are treated without discrimination.**

**Discrimination of Children (Articles 2, 28, 30 UN CRC)**

Many children in the EU are still discriminated against on different grounds. These include street children belonging to ethnic minorities, particularly the Roma population, and children belonging to migrant groups. They are very likely to suffer from multiple forms of discrimination where social stigma is made worse by their ethnic and/or migrant background. Girls are particularly vulnerable as they are more exposed to trafficking and sexual exploitation. Discrimination of migrant children, ethnic minority children, street children and disabled children across the EU results in lack of equal access to education and health care. In Romania there are still cases of children deprived of identity documents who are discriminated, mainly children belonging to the Roma ethnic group or to the category of street children. 

**EURONET recommends that the principle of non-discrimination should be applied to all groups of children.**

**Children in Juvenile Justice (Article 37, 40 UN CRC)**

Many children ending up in the justice system of their country are deprived of their liberty. As an example, in England and Wales in February 2007 8,828 children were held in custody. In Romania almost 45% of the total number of children deprived of liberty is held in police arrest or placed in detention. Besides, children in pre-trial detention, which may last a few months, are not enrolled in

---

any form of school education or vocational training. In the UK children are routinely brought before the adult magistrate court in a range of circumstances instead of juvenile specialised judges and in Austria the specialised Vienna Juvenile Court was closed. Defence for Children International and the Howard League for Penal Reform has recently published a report "Violence against Children in Conflict with the Law", a study carried out in Belgium, England and Wales, France and the Netherlands (2008).

**EURONET recommends that detention and custody of children should only be used as a last resort and no child should be tried as an adult.**

**Children in Care ( Articles 3, 9, 20, 21, 25 UN CRC)**

Children with inadequate or no parental care are at risk of being denied a caring and protective environment and they face many violations of their fundamental rights. Appropriate legislative, political and financial measures must be ensured to provide adequate alternative care options, with priority to family- and community-based solutions. Children living in poverty are over-represented among the children separated from their parents. Therefore programmes aimed at preventing children from falling out of their family and community must be supported. In addition, support should be given for the development of quality standards for children in alternative care at national level. These should comply with existing international standards developed by the UN and the Council of Europe and some NGO initiatives, for example the “Quality4Children” standards developed in Europe through a joint initiative of FICE, IFCO and SOS Children’s Villages. Lastly, States should be supported and encouraged to reform (national) child care systems, by moving away from large institutions and instead developing and strengthening effective family- and community-based alternative care as well as preventive and protective social services.

**EURONET recommends that the development of policies and actions aimed at strengthening the capacity of families to care for their children should be supported, as well as the development of quality standards for children in alternative care and reform (national) child care systems.**

**Children’s Participation ( Article 12 UN CRC)**

Not all children in the EU have the possibility to participate and express their views in matters affecting them. This can be due to the lack of awareness among children of child representative institutions. For instance, in Romania about 70% of the children are not aware of or have never heard of the Local Youth’s Councils, Pupils’ Governments, etc. Within schools over 50% of the pupils do not have the opportunity to freely express their opinions to a sufficient or large extent. Moreover, within Europe child participation is even more difficult for specific groups of children. Due to their emotional vulnerability, street children are very likely to be manipulated. The opportunities for street children to express their views in adequate fora are insufficient and they need help to develop critical thinking and to formulate their opinions.

**EURONET recommends that children should be made aware of their right to participation and be able to express their views in all matters affecting them, giving due weight in accordance with their age and maturity (Article 12 UN CRC and Article 24 of the Charter of Fundamental Rights).**
For a full consultation of EURONET members’ contributions, these will be shortly published on the EURONET website under the Policies & Activities section: European Union and Children’s Rights.

We hope to be able to count on your support for the rights of children to be addressed in the forthcoming report of the European Parliament. We are looking forward to have a constructive dialogue with you about the EP Report on Fundamental Rights.

Yours sincerely,

Mieke Schuurman
Secretary-General
The European Children’s Network (EURONET)