Dear Mr Catania,

**Re: European Parliament own initiative report on the situation of fundamental rights in the EU for the period of 2004-2007**

The European Children’s Network (EURONET) thanks you for your invitation to contribute to the forthcoming European Parliament (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 consulting with civil society, and more specifically with children’s rights NGOs, in the preparation of the report of the European Parliament.

In response to your request of 22 February 2008, the European Children’s Network makes some general recommendations to be taken into account in the forthcoming report, as well as highlighting some of the key violations of children’s rights within the EU during the past four years.

**A. Base the report on agreed European and international human rights standards**


- The EU Charter of Fundamental Rights is a key reference document for protecting fundamental rights in the EU, and covers children’s rights in Article 24. If and when the Lisbon Treaty is ratified, the EU Charter will have a stronger legal status, as will the rights of children in the EU legal framework. Children’s rights are included in Article 2 of the Treaty, the EU’s objectives.
- Fundamental rights are indivisible, interdependent and interrelated. The EU Charter of Fundamental Rights throughout its chapters preserves this

1 Some revisions have been made to the original letter
universal and holistic approach to fundamental rights, which needs to be respected and defended by the EP.

- The United Nations Convention on the Rights of the Child (UNCRC) is the key international reference for children’s rights, and has been ratified by all 27 EU Member States. In line with the UNCRC and its Optional Protocols, a holistic approach should be adopted when considering children’s rights in the EP report including 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 to 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 to EU Member States, when examining State’s Parties reports on the implementation of the UNCRC over the past four years. [http://www2.ohchr.org/english/bodies/crc/sessions.htm](http://www2.ohchr.org/english/bodies/crc/sessions.htm)


B. 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. Member organisations have expressed concern on a range of violations of children’s rights in the EU Member States. 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.

Some of these issues of concern are set out below. Please note that this is not a comprehensive list, but an overview of the key issues raised by members in preparation of this contribution. We will be happy to provide further information on request.

(i) Protection from all forms of violence against children (Articles 19, 28, 32, 34, 35, 36, 37 UNCRC and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography)

Governments across the EU are still failing to fully protect children from violence, including (among other forms of violence) corporal punishment against children within the home, child sexual abuse, child labour, child trafficking and the abuse of children living in institutions.

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2 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.
For example, according to Child Helpline International, abuse and violence is the third most important reason for which children contact child helplines in Europe, accounting for 15.6% of all calls in 2006.

EURONET strongly urges the European Union to actively demonstrate support to the UN global deadline of 2009 for the universal abolition of all forms of violence against children, so as to ensure that all Member States review their legislative process to make the abolition a reality for all children in the European Union.

(ii) Corporal Punishment: an alarming prevalence across the EU Member States (Article 19 UNCRC)

EURONET members highlight the ongoing high prevalence of corporal punishment against children in the home, which is one of the most accepted forms of child rights’ violations persisting across the EU today, and for children "means pain, harshness and tears". In 13 EU Member States legislation does not protect children from all forms of corporal punishment as was recommended 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 corporal punishment against children by seeking to limit its use rather than to end it completely.

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3 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)).


5 Save the Children Romania (2005), *Children say NO to violence*. 

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<table>
<thead>
<tr>
<th>Reasons children contacted helplines in Europe</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>

(Source: Child Helpline International 2006)
Where legal and institutional frameworks for preventing and protecting children from corporal punishment against children within the home exist, commitment and resources are required to implement these in practice. In Romania, the law prohibiting corporal punishment entered into force in 2002. According to a 2006 UNICEF report, 73% of parents still admit to the use of corporal punishment as a discipline method. In Italy corporal punishment is outlawed by a Supreme Court ruling. However, 69% of the population interviewed in a 2004 study said that it was acceptable for parents to smack their children, including 7% who believe it is always acceptable and 62% who believe that there are some circumstances in which it is acceptable.

Across Europe, children consulted on the issue of corporal punishment said that: "It’s painful and sets a wrong message for other people.” (Girl, aged 7), "A big man should not hit a small man” (Boy aged 6), "If a child does not behave, don’t beat him/her with a belt, explain why he/she does not behave as he/she should” (Girl aged 13)

"If you smack dad, he gives you a row...why can dad smack the child?”(Boy, aged 6) EURONET urges EU Member States to ensure that national legislation fully prohibits corporal punishment in the home.

EURONET encourages EU Member States to adequately resource awareness raising campaigns and positive parenting programmes to support parents in finding alternative, non-violent methods of setting boundaries for children.

(iii) Children in situations of exploitation and worst forms of child labour (Article 32 UNCRC)

Children are still involved in the worst forms of child labour in some EU Member States. The Romanian National Institute of Statistics (2004) indicates that in the urban and rural areas an estimated 250 million child labourers are engaged in the worst forms of labour for profit or are forced to work in order to survive. In Bucharest it is estimated that at least 500 children live permanently on the streets, and that at least 1,500 are working on the streets during the day, to return home to their families at night, making a total of 2,000 street children in Bucharest.

EURONET calls on EU Members States to give effective implementation to the EU’s Young Workers directive, which requires Governments to protect the health and safety of under 18s.

(iv) Children subject to immigration control (Articles 7, 8, 10, 11, 22, 35 UNCRC)

The treatment of separated children seeking asylum and children in asylum seeking families is a cause for real concern across Europe. For example, the use of detention for both separated children and children in families is often not used only as ‘a matter of last resort and for the shortest possible time’ as required by

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7 Judge Ippolito, Supreme Court of Cassation, 18 March 1996).
8 Interviews with children by Save the Children UK
9 Save the Children Romania (2005), Children say NO to violence
10 Children’s essay competition, My advice on how to be a good parent, Save the Children Lithuania, 2008.
11 Interviews with children by Save the Children UK
12 COUNCIL DIRECTIVE 94/33/EC of 22 June 1994 on the protection of young people at work.
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 the first nine months of 2006 in the UK 1,235 children were detained with their families\textsuperscript{13} for between 7-268 days.

In addition, in the UK, for example, 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 particularly vulnerable in most EU countries. In Sweden, children who are hiding from authorities after being refused asylum are denied their rights to education and to health care, which is contrary to the principle of non-discrimination of the UNCRC (Article 2) and is not in their best interests (Article 3 UNCRC).

**EURONET calls on EU Member States to treat children seeking asylum and other children subject to immigration control, in line with the principles and provisions of the UNCRC.**

**(v) Children in conflict with the law (Article 37, 40 UNCRC)**

Children in conflict with the law are particularly likely to have their rights breached. For example, far too many children are deprived of their liberty and held for long periods of time in breach of Article 37 of the UNCRC. 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 are held in police custody or placed in detention. Furthermore, children in pre-trial detention, which may last a few months, are not enrolled in any form of school education or vocational training. Another frequent problem is that children are routinely brought before adult courts in a range of circumstances instead of in front of juvenile specialised judges. 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, France, the Netherlands, England and Wales (2008), which identifies a number of areas where children are not protected.

**EURONET recommends that detention and custody of children be used as a measure of last resort and for the shortest appropriate time, that no child be tried as an adult and that specialized units for children within the justice system be established.**

**(vi) Child Poverty (Articles 26, 27, 28 UNCRC)**

Child poverty across the EU is still unacceptably high. For example, 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 of parents born abroad, among the most vulnerable groups.

**EURONET urges EU Governments to urgently implement measures to reduce child poverty, including through the allocation of additional**

\textsuperscript{13} Home Office (2007) Asylum Statistics United Kingdom 2006
resources. Child poverty must also remain high on the EU’s priority list and be a key focus of the Lisbon Agenda.

Children in Care (Articles 3, 9, 20, 21, 25 UNCRC)
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 rights. Appropriate legislative, political and financial measures must be ensured to provide adequate care options, with priority to family- and community- based (rather than institutional) solutions. Guaranteeing high quality social services to support children and families is also key. 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.

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

(vii) Discrimination of Children (Articles 2 UNCRC)
Children in the EU are discriminated against as a group because of their age as well as on a number of different grounds, for example, because of their ethnic group, particularly Roma children and Gypsy/traveller children; gender; disability; sexual orientation, religion, immigration status or socio-economic group. Children can also suffer multiple forms of discrimination. Discrimination of migrant children, ethnic minority children, street children and disabled children across the EU for example, results in lack of equal access to education and health care and in Romania there are still cases of children deprived of identity documents due to discrimination, mainly children belonging to the Roma ethnic group or to the category of street children.

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

(viii) Child Participation (Article 12, 13 UNCRC and Article 24 of the Charter of Fundamental Rights).
Children’s right to participate and express their views in matters affecting them is far from being implemented, across Europe. For instance, in Romania about 70% of the children are not aware of or have never heard of the Local Youth Councils and Pupils’ Governments, which are just one way in which children are able to help ensure their views are heard and acted upon. Within schools over 50% of the pupils do not have the opportunity to freely express their opinions to a sufficient or large extent. Across the continent, it is particularly difficult for the most vulnerable children to have their voices heard, for example children subject to immigration control, children in conflict with the law, children living in poverty and street children.

14 For example the “Quality4Children” standards developed in Europe through a joint initiative of Foster Care Organization (IFCO) and Federation Internationale des Communautés Educatives, Sos Villages des Enfants...
EURONET recommends that governments actively promote awareness among children of their rights, including the right to participation, and ensure that children are able to express their views in all matters affecting them, giving due weight in accordance with their age and maturity. All decision-making bodies should strive to meet their obligations relating to children’s participation rights.¹⁵

EURONET will later this year publish an analysis of the most recent concluding observations of the UN Committee on the Rights of the Child for the 27 EU Member States. This will provide a comprehensive overview of the most common violations of children’s rights in the EU. We will of course send you a copy of this analysis for your reference as soon as it is completed, and hope it will be helpful for the European Parliament’s future work in relation to children’s rights.

We hope to be able to count on your support for the rights of the over 100 million children in the European Union 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)

¹⁵ A comprehensive explanation of children’s right to participation can be downloaded at: http://www.unicef.org/crc/files/Right-to-Participation.pdf