

**Opinion of the Committee of the Regions on 'Local and regional cooperation to protect the rights of the child in the European Union'**

(2010/C 267/10)

THE COMMITTEE OF THE REGIONS

- notes that Article 24 of the Charter of Fundamental Rights of the European Union explicitly recognises the rights of the child; *moreover*, the fundamental Rights of the Child represent a horizontal, cross-cutting issue, touching upon multiple dimensions, and must therefore be mainstreamed as a cross-cutting horizontal priority into all relevant European and national policies;
- notes that the objective to effectively respect the Rights of the Child cannot be achieved without a comprehensive partnership which includes all the actors concerned, in particular the EU institutions, the Member States, NGOs and other players active in this field, including the children themselves, but first and foremost the Local and Regional Authorities (LRA). LRAs are in the frontline of ensuring children rights' on a daily basis and have key competences in this field;
- calls on the Member States to pay more attention to ensuring the Rights of the Child, including respecting the basic conditions required for the development of children. In this regard, the LRAs have a unique opportunity to develop their own policies, and serve as examples both for their own countries and the EU itself;
- calls on all relevant stakeholders to gather more complete sources of information and further improve the data collection and analysis techniques of the Rights of the Child indicators. LRAs should be consulted at all stages of this process, both as providers of quantitative and qualitative input as well as in their capacity as key final users of this tool;
- notes the positive role played by National Children's Ombudsmen and other similar bodies in the area of child rights protection, as well as the possible benefits which the LRAs and other relevant stakeholders can gain from two-way communication and close cooperation with these officials;
- Child poverty can deprive children and their families of their rights and limit future opportunities.

**Rapporteur:** Mr Arnoldas Abramavičius (LT/EPP), Mayor of Zarasai District Municipality

## I. POLICY RECOMMENDATIONS

### THE COMMITTEE OF THE REGIONS

1. notes that children represent one fifth of the European Union's population, therefore the creation of favourable conditions for their growth and development, including the protection and promotion of their rights, should be among the main priorities of the EU, its institutions and the Member States;

2. notes that Article 24 of the Charter of Fundamental Rights of the European Union explicitly recognises the rights of the child; *moreover*, the fundamental Rights of the Child represent a horizontal, cross-cutting issue, touching upon multiple dimensions, and must therefore be mainstreamed as a cross-cutting horizontal priority into all relevant European and national policies. Believes that the UN Convention on the Rights of the Child could be used as a framework that would not just come into play where rights are being violated, but also be broadly applied to promote the development and opportunities of all children and young people;

3. notes that the institutional and legal framework for the respect of the Rights of the Child, including the ratification of the UN Convention on the Rights of the Child and the European Convention on Human Rights as well as other key international agreements in this area by all Member States, is sufficiently well developed within the European Union. However, this does not prevent new challenges and threats manifesting themselves in this area, which thus requires new policy measures, well-coordinated actions and the constant monitoring of all these;

4. notes that the objective to effectively respect the Rights of the Child cannot be achieved without a comprehensive partnership which includes all the actors concerned, in particular the EU institutions, the Member States, NGOs and other players active in this field, including the children themselves, but first and foremost the Local and Regional Authorities (LRA). LRAs are in the frontline of ensuring children rights' on a daily basis and have key competences in this field;

5. notes that implementation of the Rights of the Child falls predominantly under policy areas where both the EU and the Member States enjoy competences (e.g. social policy, education and youth, health, the area of freedom security and justice etc.); therefore stresses the importance that action taken at the EU level respect the subsidiarity and proportionality principles and be implemented in the spirit of multilevel governance; EU action should take such a form as to foster debate, the exchanges of best practice, as well as comparative research, monitoring and evaluation;

6. supports the intention of the European Commission to focus as a matter of priority on the fight against violence, the protection of vulnerable groups of children such as unaccompanied minors and victims of trafficking, and those faced with the risk

of poverty and social exclusion. However, the CoR notes that in all these areas, it will not be possible to achieve the set goals if there is no partnership with all the relevant actors, especially LRAs;

7. notes that there is also a need for early health promotion efforts to pre-empt some of the problems which can arise when children and young people live in risk environments;

8. welcomes the Commission's aim to prepare a Communication on the Rights of the Child as well as the methodology chosen for this goal – the organisation of a public consultation on this issue. Moreover, the CoR looks forward to cooperating with the Commission in the framework of the Steering Group of the EU Forum on the Rights of the Child and within the Forum itself;

9. welcomes the provisions of the Stockholm Programme (Multi-annual Programme for an Area of Freedom, Security and Justice and Protecting the Citizen), adopted by the European Council in 2010, which have included the protection and promotion of the fundamental rights of children as a priority issue;

10. while regretting that LRAs and their role has not been explicitly mentioned in the Stockholm Programme, stresses the importance of taking the needs and knowledge of LRAs into account when formulating the Action Plan on the implementation of the Stockholm Programme;

11. actively supports the Annual Dialogue on Multi-level Protection and Promotion of Fundamental Rights, co-organised by the European Commission, the EU Agency for Fundamental Rights (FRA) and the Committee of the Regions, as a tool for overcoming the shortcomings in the implementation of a European strategy on the rights of the child and to ensure the effective involvement of LRAs in European cooperation on the issue of children's rights;

12. welcomes the Rights of the Child (hereinafter RoC) indicators, developed by the European Union Agency for Fundamental Rights as an important step towards implementing more informed and evidence-based policies. However, draws attention to the remaining shortcomings of these indicators; they only briefly touch on the LRAs' area of competence, and are therefore of limited use for LRAs;

13. regrets that although all EU Member States are parties to the International Labour Organisation's (ILO) Worst Forms of Child Labour Convention, it is unclear how many children are victims of trafficking and labour exploitation. Therefore, as part of the 2010 European year for Combating Poverty and Social Exclusion, the CoR emphasises the need to ensure better coordination between relevant bodies and specialised agencies at all levels so that they can more effectively manage child exploitation;

14. notes the need to further stress the key role played by LRAs in the area of child rights protection, in particular regarding access to education, health care, social protection and young people's access to the job market;

15. notes that LRAs shall be considered to be essential partners under the EU's consultation procedures, especially as they are well-placed to inform public opinion and encourage dialogue with local communities, in order to strengthen the level of protection of child rights and organise information campaigns on the rights of the child launched at regional and local level with financial support from the EU, with a view to raising children's awareness about their rights;

16. notes the valuable role played by European and national level NGOs active in the field of the Rights of the Child;

17. welcomes policy labelling initiatives, such as the UNICEF concept of the Child Friendly City, which provides for the implementation of the UN Convention of the Rights of the Child in action at local level and includes both measures to assure the rights of the child and their integration in relevant decision making processes;

18. recommends that LRAs fully exploit existing structures facilitating cooperation and the exchange of best practice, such as organised civil society, academia and policy makers active in the field of the rights of the child. In this respect, innovative measures to promote cooperation and more effective partnerships between LRAs across different EU Member States should be supported at European level and the exchange of good practices promoted therein;

19. calls on the Commission to include examples of best practices across the Member States in European Union documents in the area of the protection of children's rights. Accordingly, the provisions of the European Charter of Child-Friendly Cities and those of the CoE Policy Guidelines on the National Integrated Strategies for the Protection of Children against Violence should be reflected in the EU strategy of the Rights of the Child, while highlighting the need to place more emphasis on the best way of translating policy commitments into practice;

20. notes the important role played by the Council of Europe in the field of the Rights of the Child and urges the EU institutions to strengthen cooperation with the CoE;

### **Legal and administrative framework**

21. taking into account the complexity and multidimensional nature of the concept of children's rights, the CoR stresses the need to tackle this issue first and foremost as a tool for ensuring a safe, comprehensive and beneficial environment for child development to help them become full-fledged, conscious and socially responsible members of their respective local communities, Member States as well as the entire multicultural European society;

22. calls on the Member States to pay more attention to ensuring the Rights of the Child, including respecting the basic conditions required for the development of children. In this regard, the LRAs have a unique opportunity to develop their own policies, and serve as examples both for their own countries and the EU itself;

23. notes that some of the most vulnerable groups of children are exempt from the measures used to ensure the rights of the child. This is particularly important in the case of the so-called 'invisible children' – the children from families without legal residence status as well as street children;

24. notes that it is of crucial importance to ensure that the Member States' police authorities work together effectively and to fully exploit the potential of softer society-based measures, such as the Missing children hotline 116000. The CoR calls on the Member States to make free '116 numbers' publicly available, and promote them among citizens;

25. calls on all relevant stakeholders to gather more complete sources of information and further improve the data collection and analysis techniques of the Rights of the Child indicators. LRAs should be consulted at all stages of this process, both as providers of quantitative and qualitative input as well as in their capacity as key final users of this tool;

26. taking into account the lack of comprehensive information on the protection of the Rights of the Child in the Member States, calls on the Commission to develop, publish and regularly update a 'Rights of the Child Scoreboard', as a tool covering the improved Rights of the Child indicators and providing reliable, comparable and up-to-date information on the level of RoC in the Member States. The Scoreboard could be based on the methodology of the already-existing Internal Market Scoreboard, indicating the transposition of Internal market directives. This tool would not only serve as a reference point for research, but also - by highlighting best practice - could become an important impetus for policy change in the Member States, overcoming the lack of mandatory *acquis*, acting via the Open Method of Coordination, as promoted in the White Paper on European Governance;

27. calls on the Commission to promote the concept of the Rights of the Child as well as the cooperation of EU and non-EU local authorities in this field within the framework of the EU's external policies. To this end, cooperation should be encouraged with the Council of Europe as well as with other EU external cooperation frameworks, including but not limited to the European Neighbourhood Policy, Union for the Mediterranean, EU-Africa dialogue and cooperation with African, Caribbean and Pacific countries, thus contributing to an improvement in the quality of life in EU partner countries, first and foremost focusing on the countries along the EU's external borders;

### Ensuring basic rights and coping with the key challenges

28. notes the positive role played by National Children's Ombudsmen and other similar bodies in the area of child rights protection, as well as the possible benefits which the LRAs and other relevant stakeholders can gain from two-way communication and close cooperation with these officials;. At the same time, it calls on the Member States to strengthen the institution of the Children's Ombudsman in line with the recommendations made by the European Parliament and international organisations;

29. notes that poverty can represent a decisive impediment to universal access to equal opportunities that must be tackled in order to ensure the effective protection of children's rights. Child poverty can deprive children and their families of their rights and limit future opportunities. Action must therefore first and foremost focus on children from the most vulnerable social groups and ensure the right to quality education for all, so that every child is given the proper opportunity to develop;

30. notes that LRAs could help tackle this issue effectively by promoting child-sensitive and multi-dimensional social protection systems, as children can be better protected if they and their parents also have access to decent living conditions and healthcare. The most cost effective approach involves both prevention and social protection. In particular, measures such as fee-waivers for orphans and vulnerable children has enabled increased access to educational and health services. The CoR therefore recommends that European institutions, international organizations, specialised associations and national public authorities are strongly encouraged to support the capacity of LRAs to carry out these crucial activities;

31. urges the Commission to prepare and adopt recommendations on tackling child poverty. This could be developed on the basis of wide public consultations in order to ensure the widest possible coverage, the maximum involvement of relevant stakeholders and to reflect the variety of possible approaches;

32. in the context of the increasing mobility of the EU workforce and intra-EU labour migration, the CoR notes the need to ensure the rights of migrant children, especially as regards the competences of LRAs. This includes but is not limited to assistance in the process of migrant family reunification, family counselling, social, education and healthcare services for migrant children, assisting them in the process of adaptation with life in their destination country and integration within local and schooling communities;

33. notes the potential benefits arising from the successful integration of intra-EU migrant children into the relevant social strata of the destination countries. Successful action in this field can result in increased knowledge of both native and migrant children about other EU Member States, augmented social capital, increased tolerance both in migration origin and destination countries. The CoR therefore calls on LRAs and the Member States to pay more attention to this issue and to convert the challenges posed by intra-EU migration into opportunities;

34. notes the threats posed by the sadly still existing phenomena of human trafficking, particularly where this concerns children. Calls on the Commission and the Member States to devote all possible effort – including the enactment of pertinent EU level legislation - to combat this type of crime and to ensure the maximum possible protection to its victims in close cooperation with LRAs, as they are primarily responsible for the provision of important assistance such as education, social care and psychological therapies as well as strengthening cooperation with law enforcement and judicial bodies;

35. notes the need to provide adequate protection for unaccompanied minors;

36. notes the need to improve juvenile justice, to develop age-appropriate methods for juvenile crime prevention, intervention and reintegration, and to separate juvenile offenders both physically and in organisational terms from the adult offenders;

### Information and education measures

37. stresses the importance of providing comprehensive education for all, including both adults and children, on the issues of the Rights of the Child, thus contributing to a better understanding of the very nature of children's rights, and the process of raising the awareness and consciousness of young citizens;

38. taking into account the indivisibility of social rights and responsibilities, the CoR recommends paying more attention to the wider context in which the Rights of the Child exist – namely the concept of human rights and social responsibilities. Furthermore, it recommends promoting the concept of the responsibilities that children have towards their family, community, country, parents, elders, younger children, less advantaged people, the environment as well as other key structures within contemporary society;

39. underlines with regard to RoC policies that children shall be treated as partners, capable of providing valuable feedback. This feedback should be used for national and European policy updates. LRAs can play a key role in this respect, as intermediaries and facilitators, using already existing good practices such as local children's councils, enabling them to have an appropriate institution for making their views heard;

40. welcomes the Commission's initiative to develop six platforms for communication, enabling children and young people to state their views and stresses the need to develop this initiative and to include LRAs as the actors who have the best local expertise and capacity to maintain this structured communication;

41. notes the need to ensure the right of the child to access quality education, live in a safe and comfortable environment and to enjoy protection from all forms of physical and psychological violence, and notes the key role of LRAs in assuring these rights;

42. notes the need to ensure the right to quality education for both physically and mentally disabled children as well and restates the importance of initiatives aimed at promoting their independence and ensuring their full integration into the social environment, as set out in Article 26 of the Charter of Fundamental Rights of the European Union. Two diverging concepts exist in the field of education: one, which proposes the development of special teaching and training programmes, and another which proposes the maximum possible integration of disabled children into general mainstream schooling. The CoR calls on the LRAs, national authorities, pedagogical academia, NGOs as well as on all relevant stakeholders to engage in a Europe-wide debate on possible solutions and best practices in this field, and to make its results available to all those who wish to improve their expertise in this field. To this end, attention is drawn to experiments with integrating disabled children that offer real opportunities to all and do not generate any form of marginalisation or exclusion, and which should be encouraged;

43. notes the importance of quality education and continuous training for social and other specialists who work with children;

44. notes the concerns relating to violation of the Rights of the Child, reflected in a number of ways, ranging from bullying that tends to generate a copycat effect reproducing inappropriate behaviour, to other forms of psychological and physical violence exerted by children towards other children, and all types of abuse, especially at school;

45. considers that children's proper development is at risk if they spend too much time on virtual social networks and immersed in computer games and virtual worlds. Such virtual activities often reduce children's opportunities for developing social skills and acquiring the knowledge they need. All the institutions concerned should therefore take due steps to ensure that children develop an understanding that information technologies and virtual worlds are primarily tools for achieving real-world goals;

46. draws attention to the benefits that 'street life' can have on the comprehensive development of children, such as learning to use public space, and to grow, socialise and interact with each other and their communities, and points to the reverse dangers of such street life, which in some areas and cities of Europe can degenerate into youth gangs;

47. in the context of the above two points, the CoR calls on the LRAs of the Member States to engage more actively in the exchange of best practice on the organisation of extracurricular activities for children, as a means of developing their social and professional skills. Examples of best practice shall be further promoted at national and European level, fostering respective orientation of national and European instruments;

48. calls on the Commission to involve as many stakeholders as possible in the process of developing the Rights of the Child Scoreboard, including the relevant European Union agencies, non-governmental organisations, LRAs and the Committee of the Regions;

49. considers that in view of the rapid development of Information Technologies (IT) and the technological possibilities for using such technology to perpetrate various forms of child abuse, the promotion of a safer internet should be considered to be a key task for the EU;

50. stresses the fact that the concept of a safer internet should include the fight against child abuse and child-pornography on the internet, as well as other, widespread forms of violence which occur in the virtual world, such as cyber bullying;

51. considers that the education of children and adults who interact with and influence children can significantly help prevent and tackle internet-related child abuse. Key attention must be paid to training children and adults, especially those who work with children - such as professionals in the area of healthcare, education and social work - on the safe use of the internet, recognizing cyber crimes and other internet-based malevolent activities, and on how to report to the relevant authorities;

52. draws attention to the need to protect children from negative social environments, and in particular from environments that promote the consumption of psychotropic substances (alcohol, tobacco, drugs and other substances that are harmful to mental and physical health). Local and regional authorities have a key role here: they are the first link in the social security chain, working to ensure the peaceful and safe development of children. The local and regional authorities have a responsibility to observe, identify and assess potential risks and to use all available resources to avert them. National and European institutions, for their part, including the Children's Ombudsmen, non-governmental organisations and other social and economic partners, need to support local and regional authorities in this field in various ways and to promote negative social attitudes towards the consumption of psychotropic substances.

### **Financial and support measures**

53. Stresses that LRAs shall be regarded as essential partners in the development and implementation of the European Strategy on the Rights of the Child, as well as in the other European initiatives in the field of children rights;

54. considers that all programmes and tools developed within this Strategy must be available to regional and local administrations;

55. welcomes the positive effect of European funding and support instruments, such as the Daphne programme towards the protection of the Rights of the Child, yet regrets the scarcity of resources, inadequacy of information on financing and support possibilities provided. The results of this programme shall be strategically linked to the implementation of the EU Strategy on the Rights of the Child and used to shape future policies;

56. draws attention to the fact that local and regional authorities across Europe have already accumulated significant experience in using EU assistance for the protection of the Rights of the Child, in partnership with other actors. The results of such activities shall be strategically linked to the implementation of the EU Strategy on the Rights of the Child, regularly published, discussed and used as valuable input for relevant policy updates;

57. calls on the Commission to improve the communication and information on existing support and funding schemes

available for LRAs, foreseeing the support possibilities for initiatives related to the Rights of the Child, both explicitly oriented, such as the Daphne III Programme, as well as those where it can be identified among other priorities, such as the cross-border cooperation programmes, urban development programmes, (e.g. URBACT II), etc. All financial resources, available under different EU budget headings and in different fields, should be made clearer and be communicated more effectively, avoiding duplication, thus increasing the efficiency of the activities carried out.

Brussels, 10 June 2010.

*The President  
of the Committee of the Regions*  
Mercedes BRESSO

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