

**8TH EUROPEAN FORUM ON THE RIGHTS OF THE CHILD
(BRUSSELS, 17 AND 18 DECEMBER)**

**TOWARDS INTEGRATED CHILD PROTECTION SYSTEMS THROUGH THE IMPLEMENTATION OF
THE EU AGENDA FOR THE RIGHTS OF THE CHILD**

GENERAL BACKGROUND PAPER

1. INTRODUCTION

The Commission Communication "[An EU Agenda for the rights of the child](#)¹" was adopted in 2011 to ensure the effectiveness of children's rights and to step up efforts in protecting and promoting the rights of the child. It contains actions to make the justice system more child-friendly and to protect children when they are vulnerable and are subject to or at risk of violations of their rights.

In the course of the implementation of the EU Agenda, the legislative framework² has evolved, among others, with the entry into force of the EU anti-trafficking directive³, the adoption of the EU victims' rights directive⁴, and recasts of legislation in the field of asylum and migration. These instruments reflect the provisions and language of the Charter of Fundamental Rights and the UN Convention on the rights of the child and emphasise that the best interests of the child must be a primary consideration. In addition to the application of the Brussels IIa Regulation⁵, they show that a well-functioning child protection system is a prerequisite for children's effective access to support services and respect of their rights.

Furthermore, the 2013 Commission Recommendation on investing in children⁶ took a comprehensive view of child protection issues and placed a strong focus on early intervention and preventive measures. In a broader context, several Member States are currently engaged in reforming their child protection systems.

The [7th European Forum on the rights of the child](#)⁷ in 2012 concluded that child-centred systems which ensure interagency and multidisciplinary coordination are key in addressing the protection needs of diverse groups of children. The 8th Forum will further explore what an integrated approach means in practice and identify key elements of future EU Guidelines on child protection systems, guided by the principles and themes highlighted in the EU Agenda.

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0060:FIN:EN:PDF>

² See compilation of EU acquis on the rights of the child
http://ec.europa.eu/justice/fundamental-rights/files/eu_acquis_2013_en.pdf

³ Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA;
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

⁴ Directive 2012/29/EU on establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA;
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>

⁵ Regulation 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation 1347/2000;
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:338:0001:0029:EN:PDF>

⁶ Commission Recommendation on Investing in children: breaking the cycle of disadvantage, C(2013) 778 final;
http://ec.europa.eu/justice/fundamental-rights/files/c_2013_778_en.pdf

⁷ http://ec.europa.eu/justice/fundamental-rights/rights-child/european-forum/seventh-meeting/index_en.htm

2. OBJECTIVE OF THE 8TH FORUM

The **8th European Forum on the rights of the child** aims to further address the need for integrated and coordinated child protection systems, across a range of policy areas. All children have the right to be protected from harm (violence, abuse, neglect and exploitation) and the Forum will focus on the exchange of good practice in specific areas and work towards EU guidelines on child protection systems, taking into account the child protection needs of all children.

EU engagement could be most valuable in supporting national child protection systems, maintaining a focus on children when they are vulnerable, and facilitating the exchange of good practice and increased coordination among actors and across policy areas. Taking due account of the role of the EU and its competences, the objectives of the Forum are:

- to explore how the EU can further support child protection systems;
- to facilitate connections and exchange of experience, practice and information among different national and EU actors, including from one Member State to another, whilst building up general knowledge of child protection and child protection systems;
- to promote better and more widespread use of non-judicial means, such as mediation, to resolve situations of conflict in the best interests of the child;
- to gather input for future EU Guidelines on child protection systems, as per the [EU Strategy towards the eradication of trafficking in human beings 2012-2016](#)⁸;
- to foster Member States' efforts to strengthen their child protection systems and apply them to different areas where children are subject to or are at risk of violations of their rights, in particular with regard to cross-border aspects.

3. STRUCTURE OF THE FORUM

High level political messages and expert interventions on the functioning of child protection systems will take place in the afternoon of 17 December.

The entire programme on 18 December will be dedicated to more concentrated and specialised discussions in **four parallel sessions**:

1. The role of child protection systems in ensuring the best interests of the child in cases of **parental child abduction**
 - This session will focus on practical outputs and try to pinpoint factors for successful outcomes in problematic cross-border cases. It will focus on optimising non-judicial mechanisms to promote the best interests of the child including the better use of mediation, tackling information deficits for children and parents, gathering good practice in informing parents of legal aspects of parental responsibility (before conflict even arises), and prevention of and responses to parental abductions.

⁸ The EU Strategy towards the eradication of trafficking in human beings 2012-2016 provides for development of guidelines for child protection systems in 2014 (See section 2.1(3) http://ec.europa.eu/home-affairs/doc_centre/crime/docs/trafficking_in_human_beings_eradication-2012_2016_en.pdf)

2. The role of child protection systems in meeting the needs of **children on the move**
 - Following on from discussions at the 2012 Forum, and in the light of legislative and policy developments in the intervening year, the aim of this year's session is to focus on practical and operational steps to ensure that we take an integrated approach to protecting children on the move.
3. The role of child protection systems in protecting children from violence – **bullying and cyber-bullying**
 - School bullying and cyber bullying have been identified as major threats to children in terms of violence, including by children themselves. This session will focus on underlying causes, actors involved, possible preventative measures and policy responses to these phenomena.
4. The role of child protection systems in protecting children from violence – **female genital mutilation (FGM)**
 - This session workshop will be preceded by the November adoption of the Communication "Zero-tolerance of female genital mutilation" and will reflect on the best interests of the child, especially in relation to criminalisation and prosecution of FGM. It will also provide for discussions on how to best protect girls at risk, taking into account the lack of data and knowledge on where the practice takes place.

Background papers will be prepared for each session, identifying specific issues for discussion.

A number of cross-cutting principles and themes identified in the EU Agenda, such as the best interests of the child and child participation - as well as the overarching need for better data - will be addressed in each session as will the role of the EU and the development of future EU guidelines on child protection systems.

4. CHILD PROTECTION SYSTEMS

Child protection systems should take an **integrated approach** that places the **child at the centre** and ensures that the necessary actors and systems – education, health, welfare, justice, civil society, community, family – work in concert to protect the child. Such an integrated approach is tailored to respond to a variety of situations an individual child can encounter, always with the **best interests of the child** as a primary or the paramount consideration.⁹¹⁰

Although the scope of child protection systems - designed as a result of needs, resources allocated, cultural, social and historical factors - differs among the Member States, they share common features and encounter common challenges.

⁹ Article 3, Convention on the Rights of the Child (CRC).

¹⁰ See CRC Committee General Comment 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)

http://www2.ohchr.org/English/bodies/crc/docs/GC/CRC_C_GC_14_ENG.pdf.

A child protection system is multidisciplinary and multiagency. Its components are:

- legal and policy framework
- data and knowledge
- resources (staff, financial, infrastructure)
- prevention and response services
- coordination
- oversight and accountability
- participation of children
- family and community involvement

The following recurring themes and conclusions concerning child protection systems noted in the concluding observations of the 7th Forum should serve as guiding principles for our discussions:

- An integrated approach to child protection places children at the centre and ensures that all actors and agencies work in concert;
- The importance of non-formal actors in child protection systems, especially families, should not be under-estimated. More should be done to provide information to children and their parents in an accessible manner, on their rights, and also on the roles and responsibilities of those involved in their situation or case;
- Child participation in different sectors and settings¹¹ is a precondition for an effective child protection system; it should be facilitated especially as regards children who are most vulnerable, including those with whom alternative means of communication are necessary;
- In a cross border context, we should seek to optimise interagency and transnational cooperation and coordination: by making better use of cooperation protocols and exchanges of good practice, and making concerted efforts to facilitate the identification of cross-border professional counterparts;
- In terms of capacity-building, the provision of targeted and multidisciplinary training to a broad range of professionals, on the rights of the child, on rights-based child protection and on communicating and working with children, would help to better protect children;
- There should be more focus on evidence-gathering, particularly with regard to approaches or intervention models that work, and then ensuring that information is disseminated and the tried and tested models re-used;
- The need for early intervention and a preventative approach;
- EU funding can serve to test new approaches, foster good practice and encourage training of professionals and child-rights based policy choices;
- An EU contribution and involvement in horizontal aspects such as models on guardianship, guidelines on child protection systems, coordinated work on age assessment, exchange of good practice, etc. are of value.

¹¹ Including judicial and administrative proceedings, juvenile justice systems, child protection, custody decisions, adoption and alternative care, asylum and immigration, individual health decisions in the provision of health services, local government and services, child employment, school and education, play, recreation, sport and cultural activities, media, environmental protection and sustainable development, and all levels of policy- and law-making, as suggested in The Implementation Handbook for the Convention on the rights of the child; <http://www.unicef.org/crc/files/Implementation%20Checklists.pdf> (p.172-173).

5. THE WAY AHEAD

The Commission seeks to address the issues outlined in the 8th Forum background papers in cooperation with Member State authorities, international organisations, ombudspersons for children, civil society, practitioners and academics.

Forum participants are invited to explore how the EU and other actors can contribute to ensuring an integrated approach to child protection in the Member States. Concrete suggestions and contributions are sought with a view to developing future EU guidelines on child protection systems.