



FUNDAMENTAL RIGHTS, JUSTICE AND CITIZENSHIP

“Save the Children aims to raise the issue and status of children in all societies to ensure that they are treated as the citizens of today not just tomorrow and in doing so we push children and their rights up the political agenda.”¹

– Save the Children,
the Child Rights Governance Initiative

The EU is an important actor in relation to children's rights. A number of precedents confirm the obligations of the EU to protect and promote children's rights in all of the policy areas where the EU has the competence to act.²

The Lisbon Treaty provides that respecting the rights of children is an objective of the EU, both internally and in its relations with the wider world. The European Court of Justice has expressly recognised 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 (UNCRC).³ The Charter of Fundamental Rights of the EU guarantees the protection of children's rights by EU institutions, as well as by EU countries when they implement EU law.⁴

The EU has also made far-reaching commitments to children's rights in a number of policy documents. Save the Children believes that the EU must allocate adequate financial resources to implement its obligations and commitments towards children. The EU itself has connected these to funding commitments, for example, in the Stockholm Programme and the EU Agenda for the Rights of the Child.

¹ resourcecentre.savethechildren.se/content/crgi

² Save the Children EU Office (2011), Governance fit for Children – To what extent have the general measures of implementation of the UNCRC been realised in the EU Institutions?

³ C-34 / 09 Gerardo Ruiz Zambrano v Office national de l'emploi (ONEM), judgement of 8 March 2011. The Court clarifies the implications of the fundamental status of citizenship of the Union of children in relation to the rights of their third-country national parents. Summary of the judgement: ec.europa.eu/dgs/legal_service/arrets/09c034_en.pdf. See also C-540 / 03 European Parliament v Council of the European Union, judgement of 26 June 2006. Immigration policy – Right to family reunification of minor children of third-country national – Directive 2003/86/EC – Protection of fundamental rights. Summary of the judgement: ec.europa.eu/dgs/legal_service/arrets/03c540_en.pdf

⁴ ec.europa.eu/justice/fundamental-rights/rights-child/index_en.htm

Investment in Children in the MFF 2014-2020

FUNDAMENTAL RIGHTS, JUSTICE AND CITIZENSHIP

Save the Children recognises the measures that the EU has already taken to allocate funding to children's rights. However, without disaggregated and comparable data that shows how much of the EU's spending actually reaches children, it is impossible to assess how successful the EU has been in terms of implementing its commitments to children. In addition to securing new funding for children, Save the Children recommends that the Commission introduces budget monitoring mechanisms, including budget analysis on the basis of disaggregated data on children, in order to identify and address gaps in the current financial allocations for children.

This briefing promotes EU funding for children in the area of Justice and Fundamental Rights and Citizenship, in particular in the areas of child protection, child rights governance and child-friendly justice. Funding through the proposed Justice and Rights and Citizenship Programme 2014-2020 can provide added value in complementing Member States' allocations and ensuring that children enjoy their rights as set out in the UNCRC.

"In order to hold [the EU] accountable for public spending - including their investment in sectors necessary for the fulfilment of children's rights - it is necessary to have accurate, reliable and relevant budget and spending data."

Overseas Development Institute (ODI) 2011,
Investment in children, p. 27

Protecting children against all forms of violence

"Throughout the world, children experience many forms of physical or psychological violence, such as physical and humiliating punishment, sexual abuse, trafficking, hazardous work and forced marriages. Many children face multiple protection problems. Violence can happen in all settings: in the home and family, in schools and educational settings, in care and justice systems, in work settings and in the community.

Violence against children can have far reaching and devastating implications on the survival, health and development of the child."⁵

It is estimated that 26 % of children and young people face physical violence in childhood.⁶ Violence can have far-reaching and devastating implications on children's survival, health and development, and is a blatant violation of the rights of children that the EU has committed to protect and promote.

Save the Children believes that the EU can play a significant role in contributing to and strengthening the protective environment around children through its future Justice and Rights and Citizenship Programme. We therefore recommend a continuation of the EU Daphne Programme, with the aim to combat violence against children, young people and women, and that specific allocations are made towards supporting national child protection systems in Member States.

Child rights governance

Child rights governance aims to support States to put in place the system of laws, policies, institutions, financial allocations and processes necessary to make children's rights a reality. Good governance for children's rights facilitates a vibrant civil society and allows children to participate in the decision-making that concerns them. Such infrastructure contributes to sustainable and effective action to prevent and address children's rights violations as well as the State's governance and stability.

Save the Children welcomes the proposed Rights and Citizenship Programme's specific objective to promote the respect of the rights of the child. We believe that the Programme can strengthen and improve different elements of the "child rights infrastructure", which is necessary to deliver all rights for all children in all circumstances. The programme can also increase awareness of children's rights and help build an aware and supportive public and promote good practice and

⁵ Save the Children EU Office (2012), Keys to creating a safe place for Children – The Role of the EU

⁶ NSPCC, Exploring potential interventions to reduce harmful effects of domestic abuse on children, fra.europa.eu/fraWebsite/attachments/FRC10-WG-Julie_Taylor.pdf

Investment in Children in the MFF 2014-2020

FUNDAMENTAL RIGHTS, JUSTICE AND CITIZENSHIP

guidance in implementing EU law and policies, as well as empowering children to become active citizens of today.

Civil society organisations (CSOs) play a fundamental role in promoting and supporting the fulfilment of children's rights, child protection and child-friendly justice. We strongly recommend that the EU continues to secure action grants and operational grants to child rights organisations and children's networks that pursue objectives of the EU Programmes and help implement the EU's commitment to children.

“The general measures of implementation identified by the Committee and described in the... [General Comment No. 5] ... are intended to promote the full enjoyment of all rights in the Convention by all children, through legislation, the establishment of coordinating and monitoring bodies – governmental and independent – comprehensive data collection, awareness-raising and training and the development and implementation of appropriate policies, services and programmes.”

Committee on the Rights of the Child,
General Comment No. 5, 2003

Child-friendly justice

Child-friendly justice is a powerful tool to positively shape the lives of and outcomes for children in contact with the law. Child-friendly justice minimises the challenges that children face at each step in each aspect of a legal proceeding. Respecting child-friendly justice principles does not only limit the traumatic experiences children may face in the legal system, it can also secure children's rights to access to justice.

The EU can play an important role in promoting restorative justice models and child-friendly justice systems to the highest possible standard throughout the EU.⁷ It can also bring added value to Member State

action by allocating resources to foster coordination and inter-agency cooperation. Such action can include the training of professionals involved in the administration of justice systems including those pertaining to migration and asylum matters. Other examples the EU can support include research and systematic data collection on children involved in judicial proceedings, and supporting coordination mechanisms, such as Children's Houses⁸ and children's ombudsmen.

Recommendations

Save the Children calls on the EU to:

- ✓ **Secure resources for long-term and sustainable action** by introducing specific objectives on children's rights and child protection to the proposed Justice and Rights and Citizenship Programmes 2014-2020, including action to combat all forms of violence against children.
- ✓ **Fund action to strengthen national child protection systems**, including national and transnational inter-agency cooperation and coordination.
- ✓ **Allocate resources to strengthen national infrastructure for children**, including awareness-raising, training, cross-border and interagency collaboration and exchange of good practice.
- ✓ **Allocate resources to promote child-friendly justice and victim protection**, including training and cross-border collaboration and exchange of good practice.

nile deprived of their liberty (The Havana Rules); the UN Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)

8 Coordination mechanisms like Children's Houses 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 and can guarantee a child-friendly environment at the beginning of investigations. An evaluation of operations indicated a clear improvement in the coordination of the response to child abuse and crisis support in general. Children's Houses in Sweden for example have enabled better coordination of the work of the involved authorities and improved quality of the services from a child's perspective. Children are given a more prominent role at the beginning of the investigations, in a safe and child-friendly environment.

7 E.g. action to promote and implement the Council of Europe Guidelines on child-friendly justice systems; the UN Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines); the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); the UN rules for the protection of juve-

Investment in Children in the MFF 2014-2020

FUNDAMENTAL RIGHTS, JUSTICE AND CITIZENSHIP

- ✓ **Introduce budget monitoring mechanisms**, including budget analysis on the basis of disaggregated data on children, in order to identify and address gaps in the current financial allocations for children.
- ✓ **Introduce qualitative and quantitative indicators to measure the EU's impact and the achievement of its objectives**, such as the level of increased child protection and access to child protection systems, access to child-friendly justice, the level of effective re-socialisation of offenders, in particular of juvenile offenders and the number of cases of cross-border cooperation in relation to child sexual exploitation and child trafficking cases.
- ✓ **Secure action grants and operational grants to child rights organisations and children's networks** that pursue objectives of the EU's Programmes and help implement the EU's commitment to children.
- ✓ **Establish effective partnership principles for CSOs**, securing CSOs' involvement in preparation, planning, monitoring, implementation and evaluation. Such principles should be mandatory; and include mechanisms to secure CSO accountability and reporting mechanisms.

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