



# The EU *acquis* and policy on rights of the child

*These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union*

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1

# ***EU acquis on rights of the child***

1. Lisbon Treaty
2. Charter of Fundamental Rights
3. EU Agenda for the rights of the child

## ***EU acquis on rights of the child***

Lisbon Treaty:

Article 3.3 of the Treaty on European Union sets an objective for the EU to promote the protection of the rights of the child

The Charter of Fundamental Rights of the EU has the same legal value as the Treaties

## Article 24 of the Charter

*Recognises children as **independent and autonomous holders of rights** (right to protection and care necessary for their wellbeing, right to express their views freely).*

*The **child's best interests** must be a primary consideration in all actions relating to children, whether taken by public authorities or private institutions.*

*Every child has the right to maintain a personal relationship and direct contact with parents.*

# EU Agenda for the rights of the child (2011)

*Reaffirms commitment of all EU institutions and EU MS to promote, protect and fulfil the rights of the child in **all relevant EU policies***

*Standards and principles of **UNCRC** guide EU policies and actions*

Evolution of *acquis*:

most recent EU legislation (e.g. victims' rights directive) has strong provisions for children, aligned with the UNCRC.

# EU Agenda for the rights of the child, cont'd

EU commitment requires a coherent approach across all relevant EU actions...using Treaties, Charter, UNCRC as a common basis for all EU action.

Child rights perspective must be taken into account in all EU measures affecting children.

EU action should be exemplary.

Called on renewed commitment of all actors.

# Compilation of EU acquis on rights of the child

Link to acquis rights of child (updated October 2017):

[http://ec.europa.eu/justice/fundamental-rights/files/acquis\\_rights\\_of\\_child.pdf](http://ec.europa.eu/justice/fundamental-rights/files/acquis_rights_of_child.pdf)

# A child-rights based approach

*...is one which furthers the realisation of the rights of children as set out in the UNCRC by developing the capacity of duty bearers to meet their obligations...and the capacity of rights holders to claim their rights, guided at all times by the rights to non-discrimination, consideration of the best interests of the child, life, survival and development and respect for the views of the child.*



# Child protection systems

*Strengthening child protection systems, 10 principles discussed at the 9<sup>th</sup> European Forum on the rights of the child:*

- 1. Every child is recognised, respected and protected as a rights holder, with non-negotiable rights to protection.*
- 2. No child is discriminated against.*
- 3. Child protection systems include prevention measures.*
- 4. Families are supported in their role as primary caregiver.*

## Child protection systems, cont'd

5. *Societies are aware and supportive of the child's right to freedom from all forms of violence.*
6. *Child protection systems ensure adequate care.*
7. *Child protection systems have transnational and cross-border mechanisms in place.*
8. *The child has support and protection.*
9. *Training on identification of risks is delivered to a wide range of people working for and with children (including all teachers, health sector professionals, social workers, etc).*
10. *There are safe, well-publicised, confidential and accessible reporting mechanisms in place.*

[http://ec.europa.eu/justice/fundamental-rights/files/2015\\_forum\\_roc\\_background\\_en.pdf](http://ec.europa.eu/justice/fundamental-rights/files/2015_forum_roc_background_en.pdf)

# When funding organisations that work directly with or for children

*Within organisations working directly for and with children, child protection policies and reporting mechanisms should be in place. The **Keeping children safe child safeguarding standards** provide good guidance. Grant applicants for projects working directly with and for children must submit evidence of their child protection policy and are encouraged to adhere to these standards. [http://ec.europa.eu/justice/fundamental-rights/files/rights\\_child/standards\\_child\\_protection\\_kcsc\\_en.pdf](http://ec.europa.eu/justice/fundamental-rights/files/rights_child/standards_child_protection_kcsc_en.pdf)*

# The protection of children in migration

***12 April 2017 Commission Communication on the protection of children in migration:***

[https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170412\\_communication\\_on\\_the\\_protection\\_of\\_children\\_in\\_migration\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170412_communication_on_the_protection_of_children_in_migration_en.pdf)

## Some notable directives

*Directive 2016/800/EU on procedural safeguards for children suspected or accused in criminal proceedings*

*Directive 2011/93/EU on child sexual abuse and exploitation*

*Directive 2011/36/EU on trafficking in human beings*

*Asylum and migration law*

# A closer look at...the Victims' rights directive

*Specific provisions for children Articles 22, 23 and 24:* For the purposes of this Directive, child victims shall be presumed to have specific protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles 23 and 24, child victims shall be subject to an individual assessment as provided for in paragraph 1 of this Article.

# Implementing the victims' rights directive:

*Examples of good practice: children's houses  
Zagreb Child Protection Centre*

[http://ec.europa.eu/justice/fundamental-rights/files/rights\\_child/9th\\_a\\_m\\_spanic.pdf](http://ec.europa.eu/justice/fundamental-rights/files/rights_child/9th_a_m_spanic.pdf)

*Iceland Barnahus (Children's house)*

[http://ec.europa.eu/justice/fundamental-rights/files/rights\\_child/9th\\_b\\_gudbrandsson.pdf](http://ec.europa.eu/justice/fundamental-rights/files/rights_child/9th_b_gudbrandsson.pdf)

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