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9th European Forum on the rights of the child

Coordination and cooperation in integrated child protection systems

3-4 June 2015

REPORT

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1. INTRODUCTION

The 9th European Forum on the rights of the child further explored the theme of child protection systems launched at the 2012 Forum, focusing on coordination and cooperation, and taking account of work done since 2012. The background paper for the Forum proposed 10 principles on what child protection systems should achieve. [Read the background paper here.](#)

The conference brought together a wide range of stakeholders, experts and perspectives (**247 participants**), roughly broken down as follows. See [Annex 2](#) for more details

Civil society organisations	93
MS authorities as well as Norway and Iceland (Ministries, child protection agencies, judiciary, etc.)	53
EU institutions EP (1 MEP), COM (JUST, HOME, EMPL), EEAS, EESC, FRA, FRONTEX, EASO)	31
International organisations (Council of Europe, UNICEF, OHCHR, UNHCR, WHO, Council of Baltic Sea States, Red Cross)	27
Academics on rights of the child/child protection/child welfare	17
Ombudspersons for children (BE, BG, EE, EL, FR, HR, IE, IT, LT, LU, LV, NL, NO, PL, SI, UK/their offices)	18
Practitioners working for and with children	8

The first day of the Forum was dedicated to high-level speeches, while the second day focused on more specialised discussions on different stages of integrated child protection systems, relating to prevention (Session 1), identification, reporting and referral (Session 2), investigation, treatment, follow-up and judicial involvement (Session 3), and effective procedures (Session 4).



2. DAY 1 – 3 JUNE 2015

Mr Paul Nemitz, Director for Fundamental Rights and Union Citizenship, DG Justice, opened the Forum and welcomed the speakers and participants.

2.1. Ms Vera Jourová, European Commissioner for Justice, Consumers and Gender Equality

Ms Jourová, via video message, underlined that it is her priority, as well as an EU priority, to help Member States prevent and respond to violence against children in particular through full implementation of EU laws. She said that the Forum should serve as a springboard in a continuum to optimise cooperation and coordination, taking account of the 10 principles. She reminded participants that we must treat children as children, as rights holders, act in their best interests and involve them directly in matters that concern them and we must fulfil their rights without discrimination. [See Commissioner Jourová's video message here.](#)

2.2. Mr Tibor Navracsics, European Commissioner for Education, Culture, Youth and Sport

Mr Navracsics reminded participants that violence against children is often hidden, with an estimated 90% undetected. He said that children have a non-negotiable right to protection and we need to exploit the full potential of EU instruments to respect those rights. He said that the 10 principles are grounded in international standards. He remarked that there had been good progress on youth participation, but the same cannot be said for child participation and we all need to step up our efforts there. Prevention is key and the 2013 Commission recommendation on investing in children, which took a rights based approach, demands more attention. EU school policy underpins Article 28 UNCRC on the child's right to education, and work on early childhood education and care underlines the value of it being made accessible to all children and for it to be of high quality. The EU 2020 target is that 95% of pre-school children of 4 and above should be in ECEC. EU funding, in particular European Structural and Investment Funds, play a role. Commissioner Navracsics concluded by reminding us that coordination and cooperation – by people – is clearly the linchpin of all aspects of child protection. [Read Commissioner Navracsics' speech here.](#)



2.3. Ms Anna Maria Corazza Bildt, Co-Chair of the European Parliament Intergroup on the Rights of the Child

Ms Corazza Bildt underlined the role of the European Parliament and recalled the comprehensive work programme on the rights of the child as set out in the [European Parliament Resolution of November 2014 on the rights of the child](#) and informed participants of the establishment of the Intergroup on children's right of which she is co-chair. She underlined her commitment to the protection of children from all forms of violence against children, which regrettably is very prevalent. She said we also need to talk about violence against children committed in conflict zones, such as in Ukraine right now, where children are being killed. She welcomed the power present at the Forum in

terms of commitment, knowledge and clout, as well as the focus on violence against children. Coordination is key to effective interventions. In this context, she welcomed DG Justice and Consumers' essential coordination role on rights of the child within the Commission. Ms Corazza Bildt outlined efforts to make every MEP a champion for rights of the child. The next intergroup meeting in June 2015 will focus on the situation of children in migration in the Mediterranean region. In concrete terms, the



Parliament seeks to mainstream rights of the child across legislation and policy and to reinforce key principles and concepts, such as the best interests of the child, and said that children must be treated as children first and foremost.

2.4. Mr Reinis Uzulnieks, Parliamentary Secretary for Welfare, Latvian Presidency of the Council of the European Union

Mr Uzulnieks outlined Latvian priorities with regard to child protection, with a focus on prevention. He welcomed European Commission and FRA work in this area and said that cooperation with civil society is essential to improve prevention. We need to address risks and prevent violence against children, in line with the four overarching principles of the UNCRC (non-discrimination, best interests of the child, child participation and the child's right to life, survival and development. He said the 10 principles set out in the reflection paper will serve to improve policy and make it more balanced and suggested that the principles be integrated in the European Structural and Investment Funds to achieve better results. He provided several examples of actions underway or completed in Latvia and underlined that, as set out in the reflection paper, it is necessary to address root causes of violence and focus more on prevention. He also cited the Icelandic example of children's houses (to be showcased in Session 3 on Day 2) as a means to take evidence from child victims in a child-sensitive manner. He said that Latvia is one of the 19 EU MS which have prohibited corporal punishment in all settings, but he said some parts of society still believe it is acceptable to hit children. He said that the reflection paper and its principles reinforce the UNCRC and together we should implement it in practice. [Read Mr Uzulnieks' speech here \(in Latvian\)](#).



2.5. Ms Susan Bissell, Associate Director and Chief of Child Protection, UNICEF

Ms Bissell acknowledged the milestone reached by the EU both in terms of the achievements under the [EU Agenda for the rights of the child](#) and the elaboration of the principles on child protection systems. She welcomed the systems approach taken and reminded us all that ending violence against children does not 'just happen': it is the result of political will, financial investment and having the right policies in place. The UNICEF experience is that addressing child protection challenges issue by issue is inefficient and ineffective. She summarised recent UNICEF work on violence against children and encouraged

implementation of the [UNICEF report Ending violence against children: six strategies for action](#),

Ms Bissell underlined the opportunity afforded by [universal Sustainable Development Goal 16.2 \(end abuse, exploitation, trafficking and all forms of violence and torture against children\)](#) and in that context informed participants of plans to establish a global child protection



partnership, together with a trust fund. The partnership will include governments, international and national civil society organisations, academics and researchers, the private sector, foundations, leaders from the faith-based community, children and youth and members of the UN family. On behalf of UNICEF, Ms Bissell invited the EU and EU Member States to join the partnership. With regard to EU actions, Ms Bissell said that we must ensure that the 10 principles are actionable and measurable and sustainable, they should become EU policy – EU *acquis* – so that they are binding, and they must be firmly integrated in a future EU child rights strategy. She said that the challenge now will be to make them work, and to ensure that in practice they are applied at EU and national level. She said that we *can* end violence against children in Europe and in the world and asked "if not now, when?" [Read Ms Bissell's intervention here.](#)

2.6. Ms Gabriela Coman, State Secretary of the Ministry of Labour, Romania

Ms Coman retraced Romania's legacy and history back to pre-accession 1997, drawing on research in Europe on reasons for removal of children. Multi-dimensional poverty and social exclusion are still big factors in countries of East and Central Europe (CEEC), but there are other factors, hence the need for an integrated national response, with a strong



focus on prevention. The impact of poverty is very high, with poverty being a driver in over 40% of the cases for children being taken into care, contrary to international standards. In implementation of the national strategy for the promotion and protection of the rights of the child (2014-2020) mechanisms have been put in place to ensure an integrated national response, including via a national coordination council. At local level, more is being

done on prevention of separation, by targeting basic, integrated social services to support families, identification of risks and vulnerabilities of children and their families, and involving and mobilising communities to become aware and supportive of the child's right to freedom from all forms of violence. A model of a minimum package of integrated services at community level is being promoted. In general, children need to have less contacts with alternative care systems, to spend less time in them and to leave with long-term, sustainable solutions. Ms Coman acknowledged that there are stark challenges for Romania though, in terms of financial resources, staffing, poor and uneven development of social services, rural and urban disparities, weak monitoring and evaluation capacity, sectoral approaches in planning and programming, a lack of coordination and social norms. [Read Ms Coman's intervention here.](#)

2.7. Mr Tam Baillie, Children's Ombudsperson and Chair of the European Network of Ombudspersons for Children (ENOC)

Mr Baillie referred to the principles and commented on the usefulness of the reflection paper. He mentioned children living in situations where there is domestic abuse as we



know there is a link to a heightened risk of violence against these children and an increased risk of neglect for those children living in households where there is substance or alcohol misuse. Whilst the paper rightly concentrates on systems for children, how we train and vet our workforces is an important element of keeping children safe. The UK is still reeling from the revelations of children being systematically abused whilst in care

and the need to have even tighter monitoring of our workforce. He said this is a cross border issue because of the greater freedom of movement of labour and the need for systems to be able to carry out cross border checks. In the UK the main area of difficulty is those children who we miss – often children living in situations of neglect, where the threshold for intervention does not register because it is not of a sufficiently acute nature. He said - and this is common to many countries - that one of the main weaknesses in our systems is a failure to listen to children.

2.8. Ms Snežana Samardžic-Markovic, Director-General of Democracy, Council of Europe

She underlined that children's rights are human rights and we need shared standards to implement them. The joint cooperation between CoE and the EU on child-friendly justice has been exemplary. She outlined Council of Europe tools including monitoring mechanisms, awareness-raising, etc., and listed three key principles: access to justice, child participation and zero tolerance towards violence against children. She recalled that the rights of children deprived of their liberty must be respected and reiterated the fact that more needs to be done on child participation. Ms Samardžić-Marković said there must be political commitment to ban all forms of violence against children. The hands of adults must



nurture and help children rather than harm them. She welcomed the European Parliament call for legal bans on corporal punishment and welcomed the joint CoE/COM call for good practices/resources on the elimination of corporal punishment. She outlined tools in the CoE arsenal to protect children and said that for the future, social rights and the fight against child poverty and social exclusion are crucial, as are the rights of children in the digital world. The Council of Europe welcomed the 10 principles which will serve as useful guidance as we move forward. Collective efforts are needed, meaning a real partnership of all those here today.

Mr Costas Giannopoulos, Smile of the Child (GR) stressed that child protection services in Greece are under pressure due to the financial situation. He stated that it is children and their families that are ultimately suffering. He enquired whether there will be any action plan to save the children and families in Greece from their continued suffering, with violation of rights of children related to education, violence, and bullying (in particular).

Ms Gabriela Coman, commenting on Member States under pressure, stated that also in Romania there are many similar issues. Particularly there are challenges in the police and the justice sector when it comes to child-friendly justice and particularly the right of a



child to be heard. There are some good examples from many Romanian NGOs that have been successful in opening two hearing centres and who are particularly active in ensuring that the child is heard in any kind of situation (including justice and police).

Mr Paul Nemitz stated that we share the same fate to adapt policies to the means that are available. It is clear that in those MS that depend on

the per capita revenues, there will be relatively more/relatively less public funds available, for any policy, including policies relevant to children. He stressed that we are here at the Forum to make the best use possible of the means that we have at our disposal and to work within the limitations present. Even within a situation of difficult means we have to do our best to implement rights of the child.

Ms Jin Threms Vilgaard, Against Child Trafficking (DK) enquired whether the UN Convention on the rights of the child is seen as European Union *acquis*. **Ms Margaret Tuite** explained that while the EU is guided by the Convention on the rights of the child, and absolutely supported by the EU, it is not formally a part of the EU *acquis*, because it has been formally ratified. Furthermore, at present, it is not possible for the EU to accede to the Convention as there are no means for regional parties to accede to the Convention.

Ms Linda Maizener, Ministry of Justice (FR), asked Mr Uzulnieks to elaborate about the Icelandic model of the burden of proof in sexual offences. **Mr Bragi Guðbrandsson** from the Government Agency for Child Protection in Iceland explained that the Icelandic children's house or Barnahus is a child-friendly, multi-agency and



multidisciplinary centre where child victims of sexual abuse have access to comprehensive services, including forensic interviewing, medical examination and therapy. The idea behind the houses is to construe a child-friendly way of maximizing children's rights without jeopardizing rights of due process and the presumption of innocence. You can make arrangements for child-friendly provisions to adhere to these principles as well as support and help to the child and his/her family. Children's houses will be discussed in Session III on Day 2.

Ms Jillian van Turnhout, a Member of the Upper House of the Irish Parliament, welcomed the focus on investment in early childhood education and care (ECEC) by Commissioner Navracsics enquired how much he is working with Member States to encourage this policy choice of investment. She explained that in Ireland has set up an



inter-parliamentary group to work on this issue. She also expressed interest in the Intergroup that MEP Corazza-Bildt discussed and particularly their work on the digital agenda and child abuse material online, inquiring whether the MEP had any plans to engage with national parliaments, which host many very active child rights activists. **Commissioner Navracsics** replied that ECEC is a very topical issue which was on the agenda of a recent Ministers of

Education Council session, where the issue was debated. He stressed his commitment in the process with Member States, as he comes from Hungary where kindergarten is compulsory for three-year-olds until they start school. When we focus on the socialisation role of education, we have to focus on ECEC. This is the most efficient way to have good citizens in a stable and democratic society. All the efforts that have been implemented at Member State in this regard are fully supported by the European Commission. **MEP Corazza Bildt** welcomed the question from Ms van Turnhout and stressed the importance of the Lisbon Treaty, which provided more powers for national parliaments, not less. She said that she has been active in encouraging the [internal market and consumer protection committee \(IMCO\)](#) and the [civil liberties, justice and home affairs committee \(LIBE\)](#) to have joint meetings, for instance on the consumer rights directive including the impact on children (e.g. direct marketing to children), where they organised a joint meeting with national parliaments. She emphasised that she welcomes and encourages joint meetings with national parliaments, it is hugely important that they happen not only ex post but also ex ante, because national parliaments will interpret and implement EU law. It is better to have dialogue at the beginning of the legislative process, and there are different forums for this, including joint meetings. She highlighted that joint meetings were held on data protection as well, and invited national parliaments to propose meetings on issues of interest. In the end it is often about making your voice heard. She expressed her interest in discussing more on the situation in Ireland as well.

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3. DAY 2 – 4 JUNE 2015

MORNING PLENARY

3.1. Ms Chiara Adamo, Head of Unit for Fundamental rights and rights of the child, DG Justice and Consumer

Ms Adamo set the scene for the parallel sessions by reminding participants of the definition of violence against children in Article 19 of the UNCRC, and of what we mean by integrated child protection systems. She summarized the [10 principles for child protection published to guide and inform discussion at the Forum](#)¹. In short, these are



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.
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.

3.2. Ms Georgia Dimitropoulou, EU Fundamental Rights Agency (FRA) – presentation of FRA mapping of national child protection systems in EU28

Ms Dimitropoulou presented the preliminary findings of the FRA mapping, focusing on cooperation and coordination, child participation, needs of children in vulnerable situations and children with multiple disadvantages, prevention. More than 30% of EU MS do not have a consolidated legal act on child protection, or a comprehensive national policy framework on child protection. Multiple legal and policy instruments address diverse groups and issues. Equity of care remains a key challenge, in particular for children with disabilities, children from a minority ethnic background, in particular Roma children, children in contact with the justice system, separated/unaccompanied children, and children in poverty. The increased and increasing role of the private sector creates

¹ http://ec.europa.eu/justice/fundamental-rights/files/2015_forum_roc_background_en.pdf

new challenges, e.g. how to achieve effective public inspection and monitoring. In terms of staffing, aside from the expected shortages, there is a lack of specialisation and training, a lack of appropriate vetting, monitoring and supervision. There is a lack of positive measures such as accreditation and guidance. In the context of identification, reporting, referral and assessment: reporting obligations are not comprehensive enough. On effective procedures (monitoring and data collection), there is a noted absence of independent inspection and monitoring bodies, and data collection and the development and implementation of indicators require more consistent efforts.



We do not address specific needs but refer instead to "appropriate funds" but what does this mean? We should be precise about the budget needed and ensure that money is efficiently allocated as a great deal seems to be wasted at present. For example, there

should be a budget for how much Member States, the Commission, etc. will spend to resolve trafficking. Ms Dimitropoulou agreed that this was an issue FRA faced with the study as it is not always clear how much is spent at a national and local level on child rights and protection. The evidence-based approach for measuring what works will assist with this process, and the development of indicators will enable better planning.

Discussion:

Mr Valeriu Nicolae, World Vision MEERO (RO), said that often we do not address specific needs but refer instead to "appropriate funds" but what does this mean? We should be precise about the budget needed and ensure that money is efficiently allocated as a great deal seems to be wasted at present. For example, there should be a budget for spending by Member States, the Commission, etc. to resolve trafficking. Ms Dimitropoulou agreed that this was an issue FRA faced with the study as it is not always clear how much is spent at a national and local level on child rights and protection. The evidence-based approach for measuring what works will assist with this process, and the development of indicators will enable better planning.



Ms Maria Roth, Babes-Bolyai University, Chair of the UNCRC Policy Centre (RO), said that the FRA database prepared during the study is excellent, and it would be useful to create one that includes indicators of CPS and good evidence-based practices. This would not be expensive to establish and could be done in the context of programmes such as Daphne. Ms Dimitropoulou replied that FRA has been working on indicators since 2007, and support the idea of common indicators with a hope to move in that direction. A database would indeed help with national cooperation. Ms Adamo mentioned that indicators would be covered in parallel session IV.

Note: Detailed reports on the four thematic sessions are annexed to this report. Session summaries are briefly outlined below. See [Annex 1](#) for more details.

3.3. Session No 1 – Prevention of violence against children

The five panellists in this session covered, inter alia, health, the prohibition of corporal punishment, early childhood education and care, and deinstitutionalisation and current care provision in Ireland. Details were given of a study in 14 Member States on investing in children's services, including examples of what works in terms of integrated CPS. DG Regional Policy (REGIO) gave a presentation on the use of [European Structural and Investment Funds \(ESIF\)](#) in the context of child protection and childcare. The panellists and co-chair included child rights experts, an academic, and representatives of NGOs and international organisations. There was much emphasis on cooperation between the various sectors e.g. health and education. An overarching message was that the prevention of violence against children - as opposed to later intervention - is considered beneficial both in terms of a child's lifecycle (breaking the cycle of disadvantage) and to reduce the cost to society. However, there is little recognition of this at the level of policymakers as a means to, inter alia, address child poverty.



The points discussed included the fact that some governments are devolving responsibility for their work to NGOs, and that budgets have been and are still being cut. The role of local government was emphasised in contributing to CPS and working with communities. However, there can be a lack of trust, often due to previous experiences, sometimes over generations, in state institutions. Those working in roles supporting children must be recognised and rewarded for the contribution they make, and there should be greater emphasis on training to ensure those working with children are sufficiently skilled. More focus is needed on indicators and data to ensure appropriate evidence-based policy-making. Links were made to the 10 principles set out in the Forum reflection paper and to the questions in the session background paper, especially the role of parents/family and the right to be heard. Only 19 EU Member States have prohibited corporal punishment against children, whereas legislation is the cornerstone of prevention. Finally, a request for a new EU Agenda on the rights of the child was applauded by the participants.

3.4. Session No 2 – Identification, reporting and referral

Participants in this session discussed the identification, reporting and referral stage within a child protection system. Covering a broad range of issues, the red thread through all interventions and comments from both the panel and participants were the need for inter-agency and multi-disciplinary cooperation between different actors and the needed focus on children in vulnerable situations, particularly children on the move. Five panellists introduced different issues, from their own perspectives (child health practitioner, hotline staff, honorary research fellow, and border guard).



Some of the points discussed were: the advantage of sharing, using, and collecting similar data sets, the importance of inter-agency cooperation and coordination between all the different actors, where the child is put at the centre, the challenges for border guards to identify a child at risk in a timely manner and the need for continued training in this regard, particularly when they are unaccompanied, the role that hotlines can play for children, their families, and for reporting illegal online content, such as child sexual abuse online, the importance of looking at all children, different groups of children at risk including particularly stateless and undocumented children including those in families, who may not have access to the "normal" procedures and the challenges of identifying and supporting also these children.

Looking ahead, there was strong consensus on the proposed principles underpinning an integrated child protection system, many of which the presenters embedded in their presentations and their daily work. It was also debated whether these principles could be applied by a range of different actors, where there was a discussion on the particular engagement of NGOs in providing support services, and funding shortages they were experiencing. In that light, the potential role of the private sector, particularly in the IT/internet sector was to be further explored.

3.5. Session No 3 – Investigation, treatment, follow-up and judicial involvement

The five expert panellists at this session all embedded the principles in their presentations and showed how they were relevant for their work. All presentations put in stark relief the reality of the impact on children of working well, or not, together. We began with an overview of ECtHR case law on child protection, which showed the potential of case law to drive progress forward. We then had a more indepth look at judicial cooperation – national and crossborder - and cooperation with other disciplines and sectors from the perspective of one Member State. We then looked at the role of a guardianship authority responsible for unaccompanied children in investigation, treatment and follow up. Finally, we had presentations from Iceland and Croatia on children's houses, which provide child-sensitive integrated services for child victims of crime, and are of high relevance for Directives 2011/36/EU, 2011/93/EU and Directive 2012/29/EU.



Discussions made the best use of the valuable expertise in the room, particularly as some others were in the process of or wishing to set up children's houses.

Session No 4 – Effective procedures

Participants in this session discussed a broad number of issues relating to effective procedures, including inter-sectoral coordination, data collection, research and the development of measurable objectives. Five panellists from different backgrounds (Member State ministries, observatories, academia) made presentations, including on inter-agency cooperation, the development of evidence-based policy making through data collection, the importance of research, as well as a case-study for trans-national cooperation.



Some of the points discussed were: challenges to coordination including the absence of a key coordinating body, the advantages and disadvantages of, competition between agencies, the workloads and capacities of the different sectors, the lack of clarity on roles and responsibilities, and differences in legal systems (in the transnational setting). It was also noted that certain challenges can result in disparities in response, for example where different administrative/geographical units within one country operate in different ways resulting in very different outcomes for children. Looking ahead, it was suggested, amongst others, that clear responsibilities need to be defined for all actors, that central government needs to support local actors in their delivering responsibilities, and that people need to work together and create

opportunities for shadowing.

3.6. Forum Conclusions: Ms Margaret Tuite, Commission coordinator for the rights of the child, Fundamental rights and rights of the child, DG Justice and consumers

Rapporteurs (the co-chairs) from the four sessions reported back to plenary on their sessions.

Ms Margaret Tuite concluded the Forum by assuring participants of the EU's continued commitment to rights of the child. She recalled that the continued and persistent focus on integrated child protection systems over the last three years has yielded dividends with much greater shared understanding on the different aspects. In response to questions on the future strategy, she said that without pre-empting any policy decisions by the Commission, the Commission will continue to work on rights of the child. She said that feedback on the principles would be welcome, but that before submitting feedback, participants should ensure it is aligned with the UNCRC and General Comment No 13. *(Post-Forum note: on 17 June Forum participants received an email asking them to provide any feedback by 11 August 2015 at the latest, to JUST-CHILDREN-RIGHTS@ec.europa.eu.)*



Discussion:

In answer to a question from parallel session I regarding the principles, **Ms Tuite** advised the participants that the Commission Interservice group on the rights of the child was consulted during their preparation. The principles have now been put forward for discussion at the Forum, and this is the opportunity for Forum participants to provide feedback. She announced that an email would be sent to all participants after the Forum for additional feedback on them and how they can be used in line with the UNCRC and General Comment No. 13. **Mr Catalin Bogdan, Asociatia Romana pentru Custodia Comuna (RO)** asked if this would include not-for-profit organisations. Ms Tuite confirmed that it would.

Ms Daniela Buzducea, World Vision (RO) commented that we must invest in each individual child. What is the minimum each child can expect in a common EU labour market? What will be the outcome for society when children have the same levels of aspiration but very different levels of benefits and quality of life, including within Member States? **Ms Tuite** replied that the ESIF presentation was given so that Forum participants would be aware of what is possible, and that we all have a responsibility to ensure the Funds are well-used.

Dr Pekka Pere, Fathers for Children (FI) mentioned that statistics are the basis of democracy and policy. Child protection agencies should start collecting data on violence as it is not yet addressed. In this context, his Association would regard data on parental alienation as important.

Mr Costas Giannopoloulos, The Smile of the Child (EL) queried whether child victims of (sexual) abuse are supported by a multidisciplinary approach. He commented that this is a health issue.

Mr Kevin Byrne, independent expert on child protection (IE) considered that the principles have been validated during the Forum. The next step should be to ensure they are accepted in CPS at a national level for which there needs to be a dissemination strategy. He said we are talking here about intersystems, some of which will be more resistant to adopting them.



Ms Zahra Albarazi, Institute on Statelessness Inclusion (UK) greatly appreciated the principles. However, she considered that they do not completely embody the most vulnerable groups of children. For example, principle 2 on discrimination does not cover children who do not have a legal status or a nationality. Principle 3 could be broadened to include undocumented children and those without birth registration as this would serve as a mechanism to prevent violence. **Ms Tuite** replied that the grounds of discrimination of the Treaty were used in preparing the content of the principles.

Dr Georgios Nikolaidis, Institute of Child Health (EL) stated that they have tried to tackle the difficulties in introducing effective procedures as addressed in parallel session IV, for example, they now have common definitions, procedures, and a software tool to handle child maltreatment case surveillance; this can be shared with other parties. As a child protection community, there has been progress in the state of the art e.g. research, establishing which procedures work. The challenge now is for the EU to implement and harmonise; there should be minimum requirements for child protection to ensure unity of the EU concept.

Mr Ioannis Dimitrakopoulos, FRA considers the next step to be addressing coordination and cooperation within the EU institutions and bodies as improvements are needed, such as between the DGs dealing with different aspects of CPS. CPS should address all children including the less fortunate e.g. those that live with problem families. ESIF can be used to improve the situation, especially in Member States that have fewer resources and face greater weaknesses. The Commission could promote more facilitation and cooperation between Member States e.g. via guidance. The question is how rights of the child can be achieved EU-wide through more effective and efficient CPS.

Joanna Paabumets, Ministry of Social Affairs (EE) considers that integrated CPS is a new standard to be built upon, especially taking into account the recent ECtHR decision to assess whether CPS are sufficiently effective. Member States have to take responsibility for this. **Ms Tuite** replied that this had been addressed in parallel session III where examples of child protection case law were given; the onus is on Member States as duty bearers and there is much work to be done.

Ms Kristin Hedström, ChildFund (SE) commented that it is clear from the Forum that more needs to be done on cooperation, including through a follow-up to the EU Agenda on the rights of the child, which would be very welcome. It could be used to set out how the EU will achieve the Sustainable Development Goals (SDGs) e.g. ending the exploitation and trafficking of, and violence against, children. The EU will have to respond to this target.

Mrs Naana Otoo Oyortey, Foundation for Women's Health Research and Development (UK) also questioned the next Agenda. She commented that child protection is critical in development terms in third countries, and the Agenda would be a means to champion this issue in third countries.

Dr Dinesh Sethi, WHO Regional Office for Europe (UK) appreciated the strong emphasis on prevention at the Forum, which is needed to achieve the SDGs. ECEC emphasis is critical. The principles emphasise multi-sectorality. Greater commitment is needed from health sector for prevention of violence against children.

Prof. Ton Liefwaard, University of Leiden (NL) asked what role academia can play in coordination and cooperation. In some countries he suggested that academics can offer much more child-rights oriented pre-service education and training for the next generation so they will already be aware of and expert in rights of the child when they start working in this area. He will continue to work on the academic network that will benefit this work and suggested that participants could challenge their universities to place more attention on rights of the child. He queried whether more academic institutions would be present at the next Forum. **Ms Tuite** replied that this is a very important message, and that there is an existing network of academics for postgraduate studies on rights of the child, but rights of the child also need to be better embedded in undergraduate courses that are not focused on rights of the child.

Ms Rebecca O Donnell, Child Circle (IE) commented that at this year's Forum we have seen the practical work of the agencies e.g. the guidance on guardians from FRA. A feedback loop to the agencies and the Commission would be useful to collect participants' views on how the guidance is perceived and how they see it being used. A feedback loop to authorities and governments would enable them to understand the appetite and resources being leveraged regionally as this work should not be seen as a *fait accompli*. The follow-up to the Agenda on the rights of the child should see the principles incorporated in a formal, public and very visible document.

Mr Benoit Van Keirsbilck, Defence for Children International (BE) endorses Ms O'Donnell's position on the Agenda. Concerning the non-discrimination principles, not having legal documents to stay in a country should not be the basis for discrimination against a child. As the UNCRC states, this does not constitute a legal basis for discrimination. Regarding the definition of the role of CPS in the reflection paper, the overarching goal is to protect children from violence. He considers this as defensive and that the goal should be broader: creating conditions for non-violent education. The 10 principles should also include remedies as referred to in the access to justice seminar.

Finally, he requested that institutional violence be better addressed in the reflection paper; Member States have a huge responsibility to tackle this.

Ms Laura Parker, Children and Families Across Borders (UK) commented that resources are a major problem for all NGOs and increasingly for governments. Academics could undertake very hard economic analysis in the form of cost-benefit analyses and longitudinal studies on the economic impact of exclusion. We need a compelling economic case to win over EU Ministries of Finance. She also agreed with comments of Mrs Otoo Oyortey, and stated that to make progress at a strategic international level we need to win over departments of international development and aid agencies. Abuse is about social exclusion, and the rights case and economics case combined at a global level are needed to succeed. **Ms Tuite** replied that under internal-external coherence in the new EU Action Plan on Human Rights and Democracy, there will be a strong focus on children e.g. strengthening CPS.

Ms Tuite closed the Forum by commenting that the EU institutions are firmly committed to rights of the child as it is a Treaty objective and indeed there is the EU Agenda for the rights of the child. Ms Tuite thanked all speakers and participants for their active participation.

Annexes

Annex 1: Detailed session reports

Annex 2: Details on Forum participation

4. ANNEX 1– DETAILED SESSION REPORTS

4.1. Session No 1 – Prevention of violence against children

The session on the prevention of violence against children was chaired by **Lara Blake of DG Justice and Consumers**, and co-chaired by **Maria Herczog, President of Eurochild**. Approximately 75 participants attended the session, representing (inter alia) EU institutions, Member States, Ombudsperson's offices, NGOs, child protection authorities, and researchers. The discussions were introduced by five speakers on the panel, followed by a presentation on European Structural and Investment Funds (ESIF).

Mr Peter Newell presented the work being undertaken by his organisation to [prohibit all corporal punishment of children in the EU Member States](#) (MS). Violent punishment of children in nine MS continues; it is the only form of interpersonal violence in the family that remains legal, and it represents harmful discrimination. Referring to the 10 principles in the reflection paper, he requested that they have a more formal status as several are relevant in the context of corporal punishment (children as rights holders, prevention measures including legislation, families as caregivers, public awareness). Fifty-three per cent of children in the EU are living in the 19 EU MS that offer them protection against corporal punishment. Yet only a few of the countries have an exemplary way of linking prohibition with the education of parents, addressing the danger of physical punishment, and encouraging non-violent relations with children. Parents need to change their mind-sets away from the traditional acceptance of punishment.



The [Daphne call for proposals](#) to be issued later in 2015 on trans-national projects against corporal punishment will increase awareness of the issue, and the joint work of the Commission and the Council of Europe (CoE) on this topic is beneficial. Pressure in the EU is mounting, as reflected in the European Parliament 2009 resolution to, inter alia, ban corporal punishment in all MS. Peter mentioned Sweden as being a pioneer in bringing together State authorities to work on universal prohibition; 47 CoE States have publicly committed to this. He pointed out that integrated CPS e.g. early intervention are failing and violating children's rights. We should move faster to this universal goal, which might mean shaming countries into taking action.

Mr Dinesh Sethi referred to the 10 principles as a guiding light with many calls for action. His presentation focussed on the [WHO Investing in children: The European child maltreatment prevention action plan 2015-2020](#). He addressed the lifelong impact of disadvantage, and the cost of child maltreatment (est. 4% of a country's GDP). The inter-generational transmission of violence must be prevented as child maltreatment is often a hidden form of violence where 90% goes undetected. There are many triggers for parents, including mental illness, drug taking, alcohol abuse, witnessing of violence against women or parental violence, acrimonious splits, etc. The impact of adverse childhood experiences can be vast, including early death and disease. A survey of 15,000 college students demonstrated that many of them had adverse childhood experiences, and

these are the privileged ones. It was found, for example, that four or more adverse childhood experiences resulted in a 49-fold increase in the risk of suicide. The action plan sets an aspirational regional target to reduce child maltreatment and homicides by 20% by 2020. He requested that there be more focus on resilience, and that the Commission should support collective action to implement the Commission Recommendation Investing in Children and the European child maltreatment prevention action plan. In response to a question about violence not being discussed in health terms, he mentioned that screening by professionals can represent a form of intervention. However, support services must also be available. The WHO is working on guidelines to promote detection, including high levels of evidence; this work should be ready next year.

Ms Ankie Vandekerckhove made the link between the quality of [early childhood education and care](#) (ECEC) and protection from violence in her presentation, recognising however that ECEC cannot and should not be the sole sector to prevent violence as this is the responsibility of society as a whole. She stressed that ECEC should be a legal entitlement, with education starting at year zero, linked to parental leave regulations, and it should be participative for both parents and children. High-quality ECEC can have a great impact on children e.g. security, wellbeing (holistic development), and early intervention is preferable. Ankie mentioned progressive universalism with (not targeted) services available to all families to ensure the



social mix between families and guarantee access for all. ECEC has benefits for parents, including lower stress and frustration, with a resultant lower risk of violence in the home. It also increases opportunities for parents to socialise, meet one another and talk about raising children in daily life. Parents need to understand the benefits of education. The UNCRC states that raising children is a combined effort of parents and the State i.e. the State should invest in ECEC. In addition, [General Comment No. 7 \(Implementing child rights in early childhood\) \(2005\) of the UN Committee on the rights of the child](#) refers to the fact that ECEC should complement the parents' role and not take over. Parents often turn to childcare centres for advice as they are less official and less threatening than official services. The Family Centre Model in Sweden and other countries, and now being introduced in Flanders, is multi-disciplinary with social, health, and childcare workers all in the same location or service. Parents can use the services when they need to, and it gives them opportunity to meet others i.e. fulfilling a social function. However, access must be coupled with quality.

Ms Réidín Dunne addressed the [shift in Ireland from institutions to family homes](#). She reinforced the message that children must be treated as rights holders. They can be protected against violence through de-institutionalisation. Historically, children in Ireland were placed in large, religious institutions with no government intervention; they were considered to be the property of their parents and of the State. The 1970 Kennedy Report was one of the catalysts for change from a punitive to a caring model, and ensuring the best interests of the child. Today, the majority of children in care in Ireland are in foster care, and a smaller number are in relative care (e.g. with their grandparents). Residential care today means small houses in the community with 3-4 children, none under the age of 12, but this care is sometimes provided by private, profit-making services. Fifteen children are currently in a secure or locked facility as their lives are under threat, and these placements are subject to a high court judgement. Such facilities are staffed by social care workers with NGO monitoring.

There is still progress to be made, for example, children without a care plan are not monitored, and there are still children without a social worker, with both scenarios representing a violation of their rights. There should be a statutory review of care every



six months but it does not always happen. Children fall under the responsibility of different government departments, which complicates the situation and should be simplified. Before coming to the Forum, Réidín spoke to some children about their experiences of living in care. Comments included the following: once they leave care, they do not

know how to budget for themselves; the care setting is the child's home whereas it is just the workplace for staff; when children leave care, they lose their home. Réidín emphasised again the right for children to be heard as independent rights holders. She explained that children have to have access to their own information in line with the Irish Child and Family Agency requirements where procedures are streamlined to ensure similar application across the country.

Mr Alfonso Lara Montero presented the findings from the [European Social Network's project on children's services](#). The project consisted of peer reviews, country profiles, cross-country analysis, and a questionnaire that was used in 14 MS. The peer reviews identified strengths and gaps, and were used to formulate proposals for improvements to children's services. He gave examples of integrated CPS in Sweden, UK, Spain, and Poland. In Sweden, there is a common system for local social services to investigate and document the risk of child maltreatment. This has resulted in a common assessment for better, more uniform outcomes, and regular monitoring and inspection (the Health and Social Care Inspectorate inspects children's homes and foster families). In Scotland, the chosen example was on early intervention with children's needs at the centre and a joined-up approach between services. Local child protection authorities ensure that child protection procedures are followed by all the relevant agencies. This has resulted in, a partnership between local authorities, services and associated agencies who are responsible for meeting the needs of "looked after children". For Catalonia, Alfonso focused on a regional-local government agreement, a risk prevention model, and a unified child abuse register; outcomes include follow-up of young people who have left care. In Poland, with the aim of protecting small children from harm, educational and psychological support is provided for parents, especially where there is a risk of abuse. This involves close cooperation between healthcare centres, crèches, schools, and pedagogical and psychological assistance centres. Local authorities have had a stronger role since the start of 2015 as they are now responsible for recruiting family assistants. However, "ownership" for child protection is unclear.

Alfonso then gave some examples of the child's right to be heard, such as training of professionals to ensure the child's views are taken into account in policy-making and service design, children's involvement in foster care/residential home issues, and a telephone and email address in Sweden for children in care. here is progress in understanding the nature and extent of child abuse and neglect, and the need for support

for families in complex situations as a duty of local public social services. However, staff training (decision-making and judgement) is vital, including the ability to assess parenting capacity e.g. to be alert to "disguised compliance". He then presented some recommendations: the need to identify national contact points for cross-border child protection issues, the contribution of social services to protect children and the right of victims to have skilled and effective social work support. Alfonso requested that the EU undertake more work on cross-border criminal cases and on risk assessment.

Mr Andor Urmos presented the [European Structural and Investment Funds \(ESIF\) and the transition to community-based care](#) and the available budgets. The ESIF contribute to the Europe 2020 strategy and objectives for smart, sustainable and inclusive growth; they are thus aligned with the country-specific recommendations. The needs of target groups at greatest risk of discrimination or social exclusion (disability, racial or ethnic origin, etc) are addressed, as are the underlying causes of institutionalisation (poverty, etc). Priority for the budget allocation goes to Central and Eastern European Member States, reflecting regional disparities among and within MS. However, the funds do not necessarily reach the regions that most need them. There is now more focus on strategic programming: MS have to provide strategies otherwise payment is suspended by the Commission. For social inclusion and community-based services, NGOs often inform the Commission if there is an issue with funding allocation/investment. In terms of infrastructure, there is a focus on sustainability e.g. school construction as there has been some inefficient investment, which needs to be addressed. Ex-ante conditionalities include national Roma integration strategies, national/regional strategic health policy, and the national strategic policy framework for poverty reduction. Partnership is at both national and European level (European Expert Group on Deinstitutionalisation; structural dialogue with Eurochild, etc.). In terms of deinstitutionalisation, challenges include insufficient data, needs assessments of disabled persons, as well as links to labour market integration.

Several issues were raised in the discussions during this session which showed the magnitude and different dimensions of the problem:

- **Poverty** was naturally the main cross-cutting issue in terms of violence against children and the impact it has on children's life-course and continuing disadvantage in health, education, etc. There is an ongoing erosion of family support services at government level (social welfare and protection, finance, capacity). Structural Funds are available but the situation is not changing; grass roots action is needed. Early intervention and prevention of violence against children - as opposed to later intervention - are considered beneficial both in terms of a child's lifecycle (breaking the cycle of disadvantage) and to reduce the cost to society. However, there is little recognition of this at the level of policymakers as a means to address child poverty. Targeted interventions are needed to reduce inequality
- The importance of **parenting skills** and positive parenting to implement the ban on corporal punishment and prevent violence against children



- **Integrated governance structures** are needed in the context of integrated CPS, i.e. looking at coordination and cooperation among experts in the field, and at different layers of services (welfare, justice, education, healthcare). However, this is set against a trend of national authorities devolving responsibility for core tasks to NGOs
- **Lack of trust** in the authorities (e.g. family and social support): it is clear that there is room for improvement to ensure parents are not "named and shamed" and that they have the confidence to approach social services when they need support with no risk of repercussions. There is a far higher level of trust in informal childcare centres. Local authorities also need to build trust with local communities, etc
- The need for high-quality **ECEC**; more recognition/reward for those working with children
- The **right to be heard**, e.g. more surveys to ask children about their experiences and to ensure that their rights are respected
- Changing **social norms** (violence, etc) requires both legislation and campaigning e.g. parents need to be shown alternative behaviours and to be co-educated. But change cannot be imposed. Children must be consulted and have the right to be heard
- In terms of **parental alienation**, it can be hard for parents to keep in touch with their children, and children suffer as a result. The EU and CoE have made great efforts in mediation, dispute resolution, and family group conferencing as the emotional costs are enormous. Missing Children Europe provide support to families in situations such as this
- There was consensus on the need for a new **EU Agenda for the rights of the child**
- More focus on **indicators and data** to ensure appropriate evidence-based policy-making. The UN Committee has a working group on budgeting, expenditure and child rights to establish how much is spent on intervention and prevention. Child protection agencies should keep records of the number of children who contact them, etc.
- **Capacity-building** (e.g. extended family support) to handle the higher number of children as deinstitutionalisation continues

Session No 2 – Identification, reporting and referral

Session 2 was on identification, reporting and referral. The Session was chaired by **Ms Ellen Gorris** from the **Fundamental rights and rights of the child unit at DG Justice and Consumers** and **Ms Andrea Vonkeman** from the **UNHCR Bureau for Europe** in Brussels, who acted as the co-chair/rapporteur.

The aim of this session was to discuss broadly the proposed questions in the background paper, and to reflect on the proposed Principles and how they could serve to improve coordination and cooperation, as well as child participation and reinforce current child protection systems. Particular attention was paid to identification of children in vulnerable situations. This session addressed the first interaction of a child with a child protection system. The integrated systems-approach is of crucial importance to ensure that all actors are playing their part to ensure a child is timely identified, documented and referred to appropriate follow up services where the child receives the best possible support he in line with his or her needs.

Five [presentations](#) were given and they were followed by questions and discussion.

George Nikolaidis from the Institute of Child Health in Greece [presented](#) the CAN via MDS project, which stands for Coordinated Response to Child Abuse and Neglect via Minimum Data Set. This project, developed in accordance with ISO norms and UNCRC Article 19 and General Comment No 13, aims to improve the collecting and sharing of similar data sets, as for the moment there is a situation of multiple recording of data where datasets are not compatible with one another, particularly in the welfare sector. This means that there is no evaluation of the quality of data, and that data is not comparable, potentially resulting in an underestimation of the magnitude of a problem. The CAN via MDS project designed a 5-dimensional system, where they can retrieve data from pre-existing sources. They have developed training manuals for countries to apply the system, including on a unified database using common methodologies and common definitions. He called for momentum to make use of this tool, as this kind of record keeping would be very useful for practitioners in child protection systems in their daily work and ultimately could serve to better protect children.



Claudio Kavrecic from FRONTEX, [presented](#) the VEGA handbook on border guards, and emphasised the importance of recognizing children at risk and in need of protection at an early stage. He emphasised the complexities surrounding the triggering of the referral mechanism for children at risk, as border guards need to make very difficult decisions in an very short time span. This was particularly challenging when it concerns an accompanied child. Border guards need to be particularly on the lookout for children who are a potential victim of human trafficking. The moment at the border is vital to ensuring protection as once a child crosses the border, the changes of saving this child diminishes substantially and comes close to zero. Training on risk factors, children at risk, and identification is essential for border staff but also for ground personnel, and Frontex has started to make this part of their standard operations.

Activating the referral system is key in ensuring that a child is protected, but it is also necessary to take concrete steps towards arresting the perpetrators.

Nadine Finch an Honorary Research Fellow at the University of Bristol [discussed](#) the child protection systems in the UK, focussing on England and Wales. She explained that the UK has a quite advanced child protection system, which had benefited from positive innovations developing at a local level in response to new forms of child abuse and varying forms of risk. She noted that children at risk may be part of hidden populations, such as those who had been trafficked or undocumented migrant families and that it is important to try and identify the whole range of risks that may apply to an individual child. . She discussed the need for a Multi-Agency approach to safeguarding and explained that in many parts of England and Wales, there were both , Local Safeguarding Children Boards and Multi-Agency Safeguarding Hubs (MASH) and explained how in Anglesey in Wales, different actors (social workers, the police and courts, educational and health services) came together to response to concerns about child trafficking. She also explained that where a MASH was in place, different professionals were co-located and shared data and intelligence and that, where there was particularly sensitive information, this would be held in a separate data room. Each referral was triaged within the MASH and urgent cases dealt with within 4 hours. She also discussed children in particular vulnerable situations, including Roma and children in migration and noted that no child should fall through the cracks, which occurred when professional actors were not working together. In addition, she noted that most children are not equipped to self-identify when there is a problem. Therefore, it is necessary to establish an adequate identification and referral system. She closed with briefly mentioning the independent child trafficking advocate trial in England in which advocates have similar powers to legal guardians.

Kristof Claesen [presented](#) the work of the Internet Watch Foundation (IWF), a reporting hotline for online child sexual abuse material. He explained the complexity of fighting sexual abuse online, depicting the many obstacles the organisation has to overcome. He mentioned by way of fictional example a potential case of a child in Asia who is being abused and the material depicting the abuse is uploaded online, but on a site



which is hosted in Russia. The website in turn is linked to an account traced to Canada. When someone then reports this image or video to the IWF, the UK hotline, cross-border and cross-sector coordination become crucial to find the perpetrators and rescue the child. He explained that they have a team of 30 staff working out

from the UK, including 12 staff on analysing online content. The hotline can receive anonymous reports of online material, as well as proactively look for online child sexual abuse material (to their knowledge as the only hotline in the world). When they find child sexual abuse material hosted in the UK, they liaise with UK law enforcement to ensure that the content is taken down. If it is hosted outside the UK, they will liaise with other

hotlines, who in turn can liaise with their national law enforcement authorities. At the same time, IWF work with an array of private actors and companies (telecommunications, website hosts, social media platforms, etc.) in the industry, where a certain URL will be put on a blacklist until the content is taken down. The content is then inaccessible through channels operated by the companies and actors that are part of the IWF network. They are also now working on a new tool to proactively look for online material, through the development of a hash list, which will include a sort of digital "fingerprint" of certain images. This will enable them to search entire internet spheres identifying where these images are stored. He concluded his presentation by presenting a real-life success story of tracing down Darren Legget, who had posted online child sexual abuse material, and who, within 7 days from the material being posted, through cooperation between the UK and Germany, was arrested.

Costas Giannopoulos of the Greek NGO “The Smile of the Child” (SOTC) [presented](#) the work of his organisation, focusing on the National Child Helpline 1056 and the European Hotline for Missing Children 116 000 that they are running, both recognized as Emergency lines and interconnected to the 112 Number. He discussed the different complexities of working as an NGO with all of the actors, explaining also the origins of the organisation, which are firmly built on the perception that when actors work together they can ensure good outcomes. He explained that SOTC works nation-wide 24/h a day, the only organisation so active next to government authorities such as the police, ambulances, etc. They employ 435 professionals as staff and are supported by 2000 active volunteers. Amongst their many activities, which are organized around 3 main pillars, namely, medical care, welfare and direct intervention, they operate the two lines through National Centers for Immediate Social Intervention, according to the principle of the best interest of the child, offering free social, emotional and administrative support to children victims of abuse, neglect, any kind of exploitation and missing children. Thanks to the generous sponsorship of big companies who support their everyday work, SOTC puts technology at the service of children throughout the country offering services 24/7, 365 days/year by qualified scientific staff and ensuring confidentiality, friendliness in the approach and trust between the caller and the staff. They cooperate with all bodies working on child protection systems through formal agreements, and already have operationalized the principles of the Forum reflection paper in their work. Among others, SOTC promotes the lines through digital services, informative sessions in schools, and the Yousmile e-platform, all of which ensure child participation. They also support refugees and their children, and always try to find the best way possible to protect a child. They have now also set up a multidisciplinary day-care centre, The House of the Child, to help children who have been abused.



Several issues were raised in the discussion that followed and there were some useful exchanges on practices and measures. The following issues drawn from the discussion were put forward as main messages taken from the Session.

Many of those are also reflected in the Principles, which were also reported back to the plenary by Andrea Vonkeman:

- Particular attention is needed for **children in vulnerable situations**. Some of these situations discussed included, child trafficking, children in migration (including stateless/undocumented in families), children seeking asylum, victims of child sexual abuse. Some children may have multiple vulnerabilities or specific needs hence the need for an integrated child protection system, a holistic, multi-disciplinary approach
- **A child protection system should support all children**, and should first and foremost be focused on the specific needs of a particular child, around which all of the actors have a certain role to fulfill, cooperate and share information. The importance of **non-discrimination** was stressed, where all the systems and referral mechanisms are set in motion for all children, and where relevant actors keep an open view of the type of violence that children may have been subjected to, and whose situation may change. Systems also need to be prepared to deal with new challenges that the system may not have been designed to address in the first place. A certain degree of flexibility of the system would be required.
- The **engagement of non-State actors**, particularly NGOs in providing child protection services, as well as the general community in reporting and identification of possible abuse, was highlighted. A particular challenge is the **lack of resources** within systems, with many NGOs filling the gaps left by the State, with many being severely understaffed.
- There is a need for **training in identification** of children at risk for professionals and for **awareness-raising** of society at large (including private companies, particularly airlines who could play a role in identifying trafficking victims, but also telecommunications companies, website hosts, social media websites). It was also discussed that children sometimes cannot **self-identify**, and **this was an obstacle** particularly for undocumented children (who are alone or in families), and the need to ensure that they also have access to support.
- Particular emphasis was put on the **need for cooperation** between the different services. The importance of **trans-national cooperation** was also discussed, highlighting the importance of NGO networks in this regard as well.
- Safe and well-publicized **reporting mechanisms** need to be available, and their value was highlighted in the two presentations on hotlines, as they can provide direct support to children and provide a platform for the wider community to report abuse should this occur or be suspected.



- Ensuring adequate levels of **child participation** creates an important opportunity for integrated child protection systems. Listening to children, they become an important source for actors about what is wrong and how they can and should be helped.
- Further engagement with **the private sector** (IT/Internet service providers, etc.) was seen as an opportunity as well as a challenge for the future, particularly in areas where it is absolutely necessary e.g. in the case of online child sexual abuse material.
- Finally, new and already existing **EU acquis** relevant to child protection, including the EU Victim's Rights Directive, provides an opportunity for child protection systems in preventing and addressing violence against children and should be utilised more effectively.

4.2. Session No 3- Investigation, treatment, follow-up and judicial involvement

Session 3 was on investigation, treatment, follow-up and judicial involvement (paras 51-54 of the UN Committee on the rights of the child General Comment No 13). The session was co-chaired by **Margaret Tuite, Commission coordinator for the rights of the child**, and **Olivia Lind Haldorsson, Child Circle**, who also reported back to plenary.

The five expert panellists at this session all embedded the principles in their presentations and showed how they were relevant for their work. All presentations put in stark relief the reality of the impact on children of working well, or not, together. We began with an



overview of ECtHR case law on child protection, which showed the potential of case law to drive progress forward. We then had a more indepth look at judicial cooperation – national and crossborder - and cooperation with other disciplines and sectors from the perspective of one Member State. We then looked at the role of a guardianship authority responsible for unaccompanied children in

investigation, treatment and follow up. Finally, we had presentations from Iceland and Croatia on multi-disciplinary and inter-agency services, including children's houses, which provide child-sensitive integrated services for child victims of crime, and are of high relevance for Directives 2011/36/EU, 2011/93/EU and Directive 2012/29/EU. Discussions made the best use of the valuable expertise in the room, particularly as some others were in the process of or wishing to set up children's houses or similar services.

[Professor Ursula Kilkelly, School of Law, University College Cork](#), set out the legal framework at international and European level with regard to child protection. Recalling that children are rights holders under the UNCRC and general human rights instruments, and that the State is the duty-bearer, she underlined that children often need support to exercise their rights, for example in accessing court in the first place. Using four European Court of Human Rights (ECtHR) cases ([Costello Roberts v UK \(1993\)](#); [A v UK \(1999\)](#); [Z v UK \(2001\)](#); [O'Keeffe v Ireland \(2014\)](#)) to illustrate her points, she said that consensus now exists around child protection in European and national law, and a strong rights-based approach to child protection is visible, illustrating a line of case law that was progressive. While the first case (*Costello Roberts v UK*) was about a private school, the State had to consider its responsibility. While discussions on the threshold to be reached were difficult, the Court was very clear on abdication of responsibility to anyone and this constituted ground-breaking application of human rights law at the time.

The second case (*A v UK*) on physical punishment concerned private parties only, where a UK boy was beaten by his stepfather, who was prosecuted for assault. The Court found that the law did not adequately protect the applicant against treatment or punishment contrary to Article 3 of the Convention. Some commentators have said that it should have led to complete abolition of corporal punishment.

The third case (*Z v UK*) was a case of familial abuse and neglect, in which social services were involved with the family over many years. Notwithstanding that

involvement, the children suffered horrendous and permanent harm and the State was sued for its failure to take action to protect them. This was a complex case where social services *were involved and engaged*, and there were issues around the discretion and professional judgement of social services. The court had to assess the line of duty to protect children from harm and in particular to assess the duty of the State. The Court thus developed its reasoning and found that the State had a particular duty to protect children in a vulnerable situation, who were at the mercy of adults in many respects. The Court found that the State had a duty to take effective measures to protect children, including all reasonable steps to protect, where the State had knowledge or *ought to have had knowledge*. The case served to increase understanding of the vulnerability of children where children are in school or other settings. This now constitutes the standard with regard to the State as duty-bearer in the area of child protection.

The fourth case (O’Keeffe v Ireland) is a 2014 judgement on child abuse that occurred in 1973 in a school setting. In Ireland schools are private although salaries are paid for by the State. There had been no effective means of follow-up on a complaint of child abuse. Difficult issues to grapple with, given the rather historical nature of the case, included whether the case should be judged against the standards of 2014 or 1973. The ECtHR said clearly that the State system should have involved reasonable steps to prevent ill-treatment of which the state *had or ought to have had knowledge*. It found failures in detection and reporting mechanisms. The Court found that the State’s system was inadequate and this case also highlights the extent and quite onerous nature of responsibility of the State as duty-bearer to put in place effective measures to reach out to children to hear what children have to say, i.e. to have accessible and effective complaints mechanisms in place.

There is now consensus that States understand what they have to do. That consensus makes it difficult for States who act outside the framework to justify their action. These are very important cases, in terms of how they develop consensus and translate into standards. They underline that children have a right to protection from all forms of violence. Under the ECHR, this right crosses boundaries into the private sphere of the family. They matter. They matter to ensure that systems to protect children from violence are effective. Article 3 ECHR (*No one shall be subjected to torture or to inhuman or degrading treatment or punishment*) requires states to be proactive and preventive in their laws, policies and practice.

In response to a question from **Karin Fagerholm (Save the Children Sweden)** on whether the case law required a total ban on corporal punishment in response, Professor Kilkelly said that under the ECHR standards are not always specific enough. The facts (in A v UK) concerned a severe set of circumstances and on points of principle the Convention on the rights of the child was used, even before [General Comment No 8](#) was issued bringing into focus greater consensus on this as a human rights issue. The number of States out of line on this will matter when it comes to court again.

Benoit Van Keirsbilck (Defence for Children International) welcomed the overview on case law and underlined the necessity for all States to ratify all conventions and optional protocols, including Optional Protocol No 3 of the UNCRC. With regard to access to justice at national level, he said that given the many



possibilities for legal action (European Committee of Social Rights (ECSR), ECtHR, UN Committee on the rights of the child), it is a challenge for practitioners to decide where to go, and he asked if there were any good criteria to help them choose. Professor Kilkelly suggested that practitioners should choose wisely with regard to which mechanism can best assist to further realise the rights of the child. Professor Kilkelly underlined the importance of the Council of Europe Guidelines on child-friendly justice, awareness-raising of lawyers, the importance of awareness and sensitivity of European court judges to children's rights aspects, and finally to the role of national and international courts. The fact that the UNCRC is almost universally ratified should be given much greater weight in court. Instruments 'speaking to each other' would lessen the nature of a State's 'choice' regarding implementation.

Mr Francisco Javier Forcada Miranda, Directorate-General of International Legal Cooperation and Interfaith Relations, Ministry of Justice, Spain, who had practised for 25 years as a judge, 12 years of which were in family law, focused in his presentation on crossborder judicial cooperation from the perspective of one Member State. He started with a case study to illustrate the fairly common type of issues that come up in a dispute on cross-border relocation outside the jurisdiction. In this case the holders of parental responsibility live apart in Paris and the 7-year-old child lives with the mother, with the father having access rights. The mother receives a great job offer in Finland and plans to move to Helsinki in one month's time with the child. The father disagrees on the grounds that the child's extended family, education and social life are all well established in Paris. The child is confused. In the Brussels IIa Regulation currently under review, there is no article on relocations and this is a gap in EU legal instruments. Principles 3 (child protection systems include prevention measures), 7 (child protection systems have transnational and cross-border mechanisms in place) and 9 (training on identification of risks) are relevant. Mr Forcada Miranda underlined that the most important thing is for the parents to reach an agreement. If we turn to the potential of mediation, according to a [2014 European Parliament Report \(Rebooting the Mediation Directive\)](#), mediation is not really working optimally. Should mediation be voluntary or compulsory in such cases? In any event, where mediation does occur, close relations with all those involved in child protection and the judiciary are much needed in such cases. Coordination and cooperation mechanisms must be in place and used taking account of Principles 4 (families are supported in their role as primary caregiver) and 6 (child protection systems ensure adequate care). Interactions with the guardian, social workers, central authorities and welfare authorities need to be optimal. In such cases, the ECtHR takes account of soft law. There are expectations with regard to review of Brussels IIa, and with regard to including provisions on relocation. Relocation orders/arrangements/contact provision orders should be able to be enforced abroad taking account of Principle 9 (Training on the identification of risks) and 10 (there are safe, well-publicised, confidential and accessible reporting mechanisms in place). It could be useful to consider the drawing up of parenting plans as a preventive measure in the light of Principle 3 (child protection systems include prevention measures).

Turning to the judge's perspective, the judge needs to ensure that the child's views are taken into consideration, and that the child's rights to information, counsel and representation, and the best interests principle are upheld (Principles 1 (every child is recognised, respected and protected as a rights holder, with non-negotiable rights to

protection), 2 (no child is discriminated against), 6 (child protection systems ensure adequate care) and 8 (the child has support and protection)). Current gaps in good practice/protocols and coordination need to be taken into account (Principle 7 (standards, indicators and tools and systems of monitoring and evaluation). Judges need tools to ensure that a child can maintain contacts with both parents. Some work is done in the context of the [European Judicial Network in Civil and Commercial Matters](#) but this falls somewhat short and judges need more tools to carry out their tasks.

Mr Forcada Miranda highlighted the difficulties when hearing a child, particularly in view of the power imbalance and the danger of hearing children only when they agree with us, as well as the consequences for children if we do not hear the child before making a judgement/order. He referred to the [2010 European Court of Justice Aguirre Zarraga case C.491/10](#) judgement which stipulates that "...it is not a necessary consequence of the right of the child to be heard that a hearing before the court of the Member State of origin takes place, but that right does require that there are made available to that child the legal procedures and conditions which enable the child to express his or her views freely and that those views are obtained by the court..." Discussing the consequences, impacts and changes resulting from that case, he underlined that children can be heard in various different ways: direct hearing by a competent authority, indirect hearing by a specially appointed person, representation by a guardian *ad litem* or informal access to court. He said that the child's right to be heard is still an issue for discussion.

Mr Forcada Miranda then turned to matters of direct judicial communications and national networking. Tools serving better cooperation and coordination oil the wheels of integrated child protection systems. He said that practical tools are needed to promote the consistent interpretation of child protection systems and pointed out that time-saving tools ensure the best use of resources and their allocation to ensure adequate care (Principle 6). He said it is essential that child protection systems have transnational mechanisms in place (Principle 7). This is where networking comes into play. Roles and responsibilities need to be crystal clear, mechanisms for the exchange of information need to be place and tools available to assess the situation and to ensure coordination with other stakeholders, as outlined in the reflection paper challenges.

Mr Forcada Miranda said that judges can consider the establishment of direct judicial communications (DJC) for several reasons, e.g.

- to assess the best interests of the child and ensure the right to be heard;
- to restore family links; to exchange information on the child's situation;
- to keep abreast of country of origin information;
- to transfer a case to another court better placed to hear the case
- to identify the competent court
- to deal with child abduction and custody proceedings under Brussels IIa and the 19 October 1996 Hague Convention scope, where direct judicial communications are regulated.
- Judicial cooperation, networking, clear roles and responsibilities, exchange of information.

In terms of national good practice to develop the legal basis, he cited the Spanish draft bill of April 2015 authorising Spanish jurisdictional bodies to establish direct judicial cooperation in the context of Articles 11, 15 and 55 of Brussels IIa. He said that the [October 2014 89th plenary meeting of the European Committee on Legal Cooperation](#)

[\(CDCJ\) of the Council of Europe](#) proposed to undertake a comparative study with a view to identifying best practices. Finally, he reminded participants of some of the challenges faced by judges wishing to establish direct communication with a judge in another jurisdiction, such as language barriers and effective secured electronic cooperation. There are several national Spanish networks in operation such as REJUE, REDUE, RESEJ and the Prosecutors' Network, serving to link stakeholders, to support the focal points of other networks, to provide training, to act as intermediaries and to gather data.

Ana Pinto, Instituto de Apoio à Criança (PT) remarked that they work with parents who have questions, but judges or lawyers do not have time to hear them. In response to a question from **Lauris Neikens, Ministry of Welfare (LV)**, on compilations of case law on child protection at national and international level, Professor Kilkelly said that much has been written on navigating case law and recalled that the [Council of Europe has a database on child-rights related case law](#). Margaret Tuite said that the [European Case Law Identifier \(ECLI\)](#) will be useful in the long term as it was developed to facilitate the correct and unequivocal citation of judgements from European and national courts and to improve search facilities for case law. The ECtHR is currently working on implementation and the European Court of Justice has already implemented. The EU Fundamental Rights Agency (FRA) said that by end 2015 they will publish a joint European Union/Council of Europe [Handbook on European child rights case law](#), by type. There was some discussion on training for judges on rights of the child and on how to integrate crossborder aspects.

Liedewij de Ruijter de Wildt, from the Nidos Foundation in the Netherlands

presented Nidos' work in the continuum of investigation, treatment, follow-up and judicial involvement, both at national and international level. Nidos is the national guardianship institution for unaccompanied child refugees, asylum seekers and



undocumented migrants and there were 1650 new clients in 2014. Nidos is currently responsible for about 3000 children, most of whom are over 15 years of age. Ms de Ruijter de Wildt explained Nidos' interventions with respect always to the 10 principles, starting with a first set of four (principle 1 (every child is recognised, respected and protected as a rights holder, with non-negotiable rights to protection), 2 (no child is

discriminated against), 5 (societies are aware and supportive of the child's right to freedom from all forms of violence) and 6 (child protection systems ensure adequate care)). Nidos guardians are professional guardians, with a *legal* responsibility, who are mandated to fulfil a central role engaging with other actors surrounding the child. They provide long-term continued care and are responsible for the mental and physical wellbeing of the child and the child's development until the child reaches 18. Each fulltime guardian would have a maximum of 24 children under her/his responsibility. Nidos is organised at a national level, with a number of regional offices spread over the country. Nidos as an institution is appointed by the children's judge to act as guardian. The work of Nidos is at the intersection of child protection and migration. With respect to Principles 4 (families are supported in their role as primary caregiver), 6 (child protection systems ensure adequate care), 8 (the child has support and protection) and 9 (training on identification of risks), she said that there are cultural differences, vulnerabilities and safety risks that need to be taken into account (for example when

working with Syrian girls who are victims of early/forced marriage), psychological problems, resilience issues, and promotion of the child's best interests.

There are questions around links with the extended family or being alone, survival, orders or goals and expectations set by families, and psychological problems brought on by chronic stress and trauma. Nidos has guardians, behavioural scientists, legal advisers, etc., working together on care plans for children. Around 50% of the children Nidos is responsible for live in host families that the host parents are often of a similar ethnic background. Screening of host families focuses more and more on preventing risk factors for abuse, and Nidos implements a child abuse prevention strategy and a clear safeguarding policy. For children who are victims of trafficking, Nidos seeks to empower the children to leave the trafficking ring and cooperation and coordination among many actors are vital, both at national and international level.

Looking for example at the situation of Syrian girls who are victims of forced/early marriage, this is a new situation and group and can give rise to diverse outcomes. For one 14-year-old girl who was married and wanted to live with her husband, it was a challenge to find bridging solutions until the girl reached 16, the legal age for marriage in the Netherlands. The bridge needed to be acceptable to the family to avoid violation of the family honour and respect the child's best interests. A meeting was organised with the girl, her husband and parents and the brother of the husband to discuss how to respect the child's best interests. As a result, the girl lived with her husband's brother and the husband lived on his own in same village. In another case a girl of 14 did not want to live with her husband, and she is now living in a shelter for victims of trafficking.

With a more indepth look at cultural differences, Ms de Ruijter de Wildt said that most children come from extended family cultures in which the family honour is very important high expectations result in a lot of pressure on the child. The Nidos methodology is to do cross-border networking, and get the family network involved in the guidance and future plans from the start, with a focus on a durable and safe outcome for the child. When looking at return, this requires a double commitment from the child and her/his family and monitoring must always be part of the picture. All 10 principles applicable to these children. Nidos carries out advocacy towards the child on legal procedures and return and the opinion of the child is central. In order to respond to the specific vulnerabilities of children who have faced traumatic and stressful experiences, guardians are trained in psychopathology, chronic stress, suicide prevention, coping and resilience techniques and identification of risks. Guardians are supported by behavioural scientists and the development of a transcultural psychologist network.

A third example looked at a child in a procedure for a permit to stay, who is alone and vulnerable, and outlined the comprehensive tasks of the guardian.

Under the EU co-funded CONNECT project, a tool was developed for support of collection of children's views on protection and reception services, as well as a tool for guardians and other actors working in the best interests of the unaccompanied child (www.connectproject.eu).

With regard to Principle 7 (child protection systems have transnational and cross-border mechanisms in place), Nidos is co-founder of the European Network of Guardianship Institutions (ENGI www.engi.eu). Nidos has been actively involved in several EU level projects, working with the European Commission, the European Parliament, the Council of Europe, the European Asylum and Support Office (EASO) consultation on vulnerable

groups and the FRA. In that context, Nidos expressed some wishes for future action to be taken at EU level to:

- give guardianship for unaccompanied child refugees, asylum seekers and undocumented migrants a solid base
- facilitate the smooth and effective exchange and transfer guardianship to other countries
- further develop training
- put reception and living in families into practice more widely
- coordinate work on the elimination of trafficking in human beings
- ensure that post-return monitoring stays on the agenda
- get placing under supervision on the agenda
- make family assessments a consistent component.

In response to questions from **Ruth Farrugia of the President's Foundation for the wellbeing of society (Malta)**, on practical details, such as on how long it takes to appoint a guardian from the date of entry of the child, Ms de Ruijter de Wildt said that a guardian is appointed on arrival, at central (first) reception in the Netherlands, and then a family judge is asked right away to designate the guardian. With regard to Dublin family reunifications, Nidos has a Dublin helpdesk/specialist and works with Dublin units in other Member States.

Professor Ton Liefwaard, Leiden University, referred to the child's right, under Principle 1, to have authority over him or her monitored, including that of a guardian and asked Nidos to explain how the quality of work is monitored and to what extent children have the opportunity to formally or informally influence the quality or make a complaint. Nidos is part of the Dutch youth care system. Children can make a complaint and every year, Nidos asks the children how they perceive the care provided to them, through interviews with them. They are also asked to fill in a form once they turn 18 and are no longer under guardianship, to assess what has changed as a result of their leaving guardianship. For example, the feedback from the children that they were not happy in large scale reception centres has been of help to change the system and no longer place children in this type of reception but in small scale centres or in families.

Lauris Neikens (Latvia) asked for clarifications with regard to the role of the guardian for children living in foster care and asked if any children had been adopted. Nidos replied that the guardian has legal responsibility, while the foster parents provide day-to-day care. There have not been any adoption cases for many years. There were 2-3 cases where very young children had been living with families for 10-15 years and these factors led to adoption.

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[Mr Bragi Guðbrandsson, Director General of the Government Agency for Child Protection, Iceland](#), welcomed EU work on child protection and the fact that the 10 principles were firmly rooted in the UNCRC and other international standards. He said that their uniqueness stems from the point of departure, namely the perspective of protection from violence. He said that the Barnahus model reflects many of the principles, inter alia 1, 5, 6 and 8. With regard to Principle 6 (child protection systems ensure adequate care), hallmarks of the Barnahus include competent professionals, standard-setting, referral and reporting mechanisms, and with regard to Principle 8 (the child has support and protection), the Barnahus appoints a case manager responsible for liaison among the different sectors. The Barnahus reflects an evolving approach, which has assumed a key role in justice and child protection in most of the Nordic countries. At present there are 50 locations in Iceland, Sweden, Norway and Denmark and the model is recommended by the Council of Europe ([Lanzarote Committee](#), [Congress of Local and Regional Authorities](#), [Guidelines on child-friendly justice \(2010\)](#)), and by [ISPCAN](#), the International Society for the Prevention of Child Abuse and Neglect.

Mr Guðbrandsson highlighted the uniqueness of child abuse investigations, in particular the vulnerability of the child victim: child victims do not normally bring charges against their offenders, the secrecy of the abuse, the child victim's difficulties in disclosure. Secondly, there is usually a lack or absence of evidence other than the child's disclosure:

medical evidence exists in less than 10% of cases and is conclusive in less than 5% of all cases. Other hard evidence rarely exists. Addressing child abuse and neglect (CAN) is not only a judicial issue but requires comprehensive and multiagency intervention. The child victim's disclosure is key, and we must be mindful of previously victimising procedures which were very harmful for children. However, repetitive and unstructured interviews can distort the child's account and presents an additional harmful experience in the absence of child-friendly facilities, e.g. when interviews are held in police stations. The child victim's disclosure/narrative is key to ensure the safety of the child, provide assistance to the child with the aim of physical and psychological recovery, uncovering the crime in terms of criminal investigation, prosecution and sentencing, and preventing the perpetrator from reoffending. How can the best interests of the child be optimised given the negative connotations of a visit to a police station, and the feelings of guilt that such a visit engenders.

The mission of the Barnahus is to assure child-friendly interventions and to optimise the best interests of the child without compromising due process. This means multi-agency collaboration involving the government agency for child protection, police, prosecutors, hospital, social services, and child protection services.

Mr Guðbrandsson described the services of the Barnahus, entailing, under one roof, medical exams and evaluation; joint investigations/interviews/court statements/child protection service interviews; victim therapy; family counselling/support; consultation and advice to local child protection services and finally education, training and research. Acute forensic medicals are performed at the university hospital.

He noted that the Barnahus is situated in a residential area as the child has to feel safe and relaxed, as evidenced by research on levels of anxiety. On arrival at the Barnahus, exploratory interviews are carried out, given that not all cases result in judicial proceedings. Exploratory interviews are carried out at the request of child protection services, where disclosure is absent/very weak or ambiguous; an offender has not been identified, or the offender is below the minimum age of criminal responsibility (15). With regard to court testimonies, the judge is in charge of the procedure (due process). The child's disclosure is elicited by a trained forensic interviewer according to an evidence-based interview protocol and videotaped. The procedure is observed by: the defence, the prosecution, the police, the child protection services, the child's legal advocate. While most services are delivered under the Barnahus roof, Barnahus therapists can go to rural areas to provide therapy.

Mr Guðbrandsson underlined that the model is viable for different cultures and legal arrangements. For example, in the Swedish system the Barnahus dealt with all CAN cases from the start, whereas Iceland started with child sexual abuse only. In Sweden, children's houses are managed by local government and forensic interviews are conducted by police under the auspices of the prosecutor. In Norway, the Barnahus started in 1997 with a very interesting governance. They are operated by police districts, they are not regulated by law and the state budget was allocated for a limited time period. Police carry out interviews and coordination is very structured, with formal meetings before the child attends the centre, and then with regular coordination meetings. In Norway dentists are now also involved as dental health is an indicator for neglect. In Denmark, Barnahus started in 2013 to deal with cases of CAN. Laws were passed, mandating local authorities to be part of the Barnahus, and setting up five Barnahus regions in Denmark. Denmark is the only country with laws mandating the structure. Research concludes that the Barnahus model ensures better outcomes for children,

engenders increased trust and confidence in the evidence, outcomes very positive in particular for children.

Ms Ana Marija Spanic, Child Protection Center of Zagreb, described the work of the centre whose role is to provide help and support to neglected and abused children, as well as children at risk of abuse, and their families. Common reasons for referral include suspected abuse and/or neglect, witnessing domestic violence, and high conflict divorce, and, to a lesser extent, other traumatic events, bullying, complicated grieving, behavioural problems/conduct disorders, attention deficit/hyperactive disorders, learning disabilities, and problematic sexual behaviour. The team includes 11 psychologists, 4 psychiatrists, a neuro-paediatrician, 2 social workers, 2 social educators, a speech therapist, 6 nurses and a lawyer. The main activities include assessment and treatment of children and families, publishing and raising public awareness, education and training of professional, research and scientific work and forensic evaluations. The Centre is a governmental institution, which is part of the health care system so it is free of charge for all beneficiaries. Children's centres need to be well resourced and not be subject to precarious budgets.



Ms Spanic underlined the importance of cooperation, saying that the process of complete recovery is not possible without coordination of institutions within the system and the close cooperation of professionals. For example, four times a week, there are team meetings to discuss all cases. Each professional draws up their own report and then a team report. Some experts do forensic evaluations at order of court. Without a properly integrated child protection system, the Centre could not work. The Centre works closely with police, prosecutors, court, schools, kindergartens, parents, doctors, NGOs, citizens, child welfare centres and health institutions. Ms Spanic reminded participants of the burden on the child to keep the family together, on top of the abuse suffered. Disclosure often comes about as a result of hearing about other cases and it must be said that often families and communities do not trust children. Sometimes more harm is done by lack of trust in what the child says than the abuse itself. Ms Spanic illustrated her points with a case study, linking also to the 10 principles.

Sharing insights, Ms Spanic said that within a child protection system, professionals do not have to be experts in everything, but should know who the experts are and where to find them. She said that there are urban/rural disparities in Croatia. Eastern Croatia is very poor and often people, especially Roma children, are not aware of their rights and do not have a specialist to turn to when in need. It is thus essential to ensure that preventive measures are in place as a starting point. All forms of violence against children must be prohibited, as was done in Croatia 16 years ago. Due to the lack of specialists and professionals in Croatia, it is essential to multitask and to be flexible and available, often 24/7. Ms Spanic underlined that families are the first child protection system and should be supported. Easily-accessible family support centres are very important. By making individuals more child-sensitive, we are changing society, and awareness-raising is a key component of a child protection system. Ms Spanic described the stigmatisation that still exists around child abuse and neglect, and children would rather say "I'm at the dentist" than "I'm going for therapy". Society has a responsibility to

ensure that child victims know it is not they are not to blame, the abuse is not their fault, and to assuage and remove their guilt. Enablers for good outcomes include: protocols, clear roles and responsibilities, in-time reactions of all collaborators, strong networks, lasting cooperation during all phases (reporting, assessment, treatment and follow-up), feedback and extended cooperation.

Finally, Ms Spanic outlined some of the challenges faced.

- Although standards are in place, indicators are lacking on child protection.
- There is a lack of programme evaluation also.
- While everything is in place to allow judges to avail of the services offered at the Centre, there is a directive that children must be examined in child-friendly facilities and with assistance of court experts, but in court. This has an enormous impact on children and can result in the child having to retell their story many times, which significantly increases the risk of re-traumatisation.

A solution could be for the state authorities to compel judges to use the Centre in the light of Directive 2012/29/EU, to ensure that all professionals are adequately trained (and this is an area where the centre will be doing more over the next few months), to create stronger networks and seek to reinforce resources.

Discussion:

In response to questions from **Ms Miglena Badzhieva from International Social Service (BG)**, Mr Guðbrandsson said that a child would not live in the Barnahus during the process, but would typically stay 90 minutes during an interview/examination/therapy session. Sometimes child victims are placed in foster care. On the importance of legislation, he said that in Iceland there is a law on reporting, whereby suspected CAN must be reported to one of the 27 child protection units in Iceland. Where a report is considered valid, it is referred to the Barnahus. If there is clear disclosure of sexual abuse by someone close to the child, often the report is often made to the police. The first step in such a case would be to contact the police. Where reports are ambiguous report, referral to the Barnahus for an exploratory report would be likely. A psychologist is trained in forensic interviewing protocol to make the child capable of disclosing trauma. Repeat interviews may be necessary for some cases, e.g. children with disabilities or children who are reluctant to disclose, depending on the conditions for repeat interviews. Norway conducts sequential interviewing. For the Barnahus to operate in Iceland, there were no changes in law, and this was also the case in Norway and Sweden. It is not about changing people's roles but getting people to fulfil their role differently. There are clear divisions of labour, but people work together. One of the challenges is the area of confidentiality, where it would be better to regulate this by law.

Mr Jukka Makela from the Finnish National Institute for Health and Welfare, which is working to implement a Children's house in Finland, commented on reporting requirements and the fact that in Finland there might be 900 allegations a year to be processed by only three people, Ms Spanic underlined that therapy is forensically-sensitive. It is very important to not start therapy before court proceedings are completed. Forensically-sensitive therapy means focusing on the symptoms and avoiding the story, so as not to leave the child without any therapy. Research conducted on which aspects of therapy work best for the child revealed that relationships are key aspects, and all work done to alleviate sadness, lack of sleep, pain and guilt. The aim is to make things better and then to move to integrated therapy post-court case. Mr

Guðbrandsson said that in Iceland most cases are not referred to the police for criminal investigation. For example, with regard to domestic violence or physical abuse, other interventions may work better. However, for child sexual abuse, a different approach is taken, to bring the full force of the justice system into play, meaning that the Barnahus work is complementary to judicial processes. Therapeutic interventions are so important for the child.

Mr Graham Ritchie, Office of the Children's Commissioner for England, commented on disclosure-led responses to sexual abuse. He said that we know from research that many victims do not disclose and asked if the Barnahus model has increased disclosure levels. In response Mr Guðbrandsson said that it has certainly made a difference. There are over 250 cases a year, for a population of 80,000. As part of his role as Chair of the Lanzarote Committee, he looks at figures. There may be the same number of cases for a country with a population of millions. Child abuse is not 10 times more common in Iceland, it has the same prevalence as other countries, but the difference is the levels of awareness and the awareness on the centralised interventions on these issues. Iceland also goes to great efforts to share reliable information with the public, thus removing the reluctance of parents and professionals to report. Matters of child abuse are discussed in the media every week, but discussion is not sensational. Given that media are provided with information and data, the discussion is grounded in fact. Bad reporting is usually due to the lack of reliable information and a reluctance to share information and have a dialogue. He remarked that King's College Hospital has put forward proposals to set up five Children's houses in the Greater London Area.

Ms Astrid Podsiadlowski of the EU Fundamental Rights Agency said that in their recent research, the Zagreb Centre was repeatedly cited as a good model. She said their research reveals that some children gave positive feedback on police station interviews, if the police were trained. Mr Guðbrandsson said that they have carried out research on this, looking at the Barnahus model versus child-friendly facilities in the court of Reykjavik. Findings were that some children were traumatised, but not all, by visits to courts or police stations. However, no child is traumatised by going to a children's house. The Barnahus scored higher in all respects and is overwhelmingly a more positive experience for the child.

Ms Regina Jensdottir, Council of Europe, asked how the Barnahus implements child participation. Mr Guðbrandsson said that they have a reference group of 16-20 year olds who had attended the Barnahus and meet on a regular basis. This group proved crucial when the Barnahus needed money for new facilities last year. The reference group asked the government for a meeting and the Barnahus then got the necessary funds. Ms Spanic said that in Zagreb they have children's boards to share views and plan implementation. The board goes to the prime minister and the president and would ask for changes, for example.

Ms Karin Fagerholm, Save the Children Sweden, said that Swedish law makes it more difficult to coordinate and collaborate, e.g. secrecy laws, on sharing information in the best interests of the child. All agencies have their own registry. There are now specially trained individuals, but what about judges who are not specialised in trauma, and how traumatised children speak, and then hand down inappropriate decisions. Mr Guðbrandsson said that with regard to confidentiality issues, there is a need to insist that different professions should be able to exchange information. Obtaining permission from parents is sometimes a good workaround. Training is very important, to avoid judges considering, for example, that they "need to see the tears in the child's eyes", if they are unaware that a symptom of a traumatised child is to suppress emotion.

Professor Ursula Kilkelly, University College Cork, pointed to a number of Commission studies and projects on training for professionals and referred to an EU-funded CORAM project, which constitutes an important model to develop, pilot and test training for child rights.

On the question of specialisation, and judicial training, the need to move beyond mainstreaming expertise and have pockets of excellence rather than an environment where children feel safe to express their views and participate was discussed. There are barriers in how we approach this type of issues and it is necessary to look beyond barriers, and adapt systems appropriately, with a focus on thinking differently and finding solutions. The importance of the law and legal implementation of the UNCRC cannot be underestimated. Law-making is very important in raising awareness on how things need to be done. Judges recognise children's needs, they recognise the child's fear and need to be protected and supported, but they often lack knowledge on how to do it.

Velina Todorova, State Agency for Child Protection (BG), said that the issue of guardianship for unaccompanied children was a hot topic in Bulgaria, for which there is no solution under the current legal framework. She asked Nidos if this should be a new profession and asked how recruitment is carried out, and what the requirements for guardians are, and who pays them. Ms de Ruijter de Wildt said that in the Netherlands guardians have social worker qualifications, so are paid like them. They undergo annual training for accreditation purposes, with formalised training on unaccompanied children. Part of the training is developed by unaccompanied children themselves.

Ms Dorothea Czarnecki, ECPAT (DE), asked if panellists had any experience in dealing with child victims of trafficking, given police reluctance to even investigate, the complications in terms of taking of evidence and issues of time and resources. Mr Guðbrandsson said that if you are to discover trafficking, you need to have the child's disclosure. How are children on the move treated? In general, we subject them to repeated interrogations. He said that, in his view, we are not likely to succeed to discover such cases unless we change our model and asked why services do not work together to gain the child's trust? Trafficked children are afraid. Ms Spanic said that lots of trafficking cases are indeed hidden. Ms de Ruijter de Wildt said that Nidos has a specialist in the team focusing on trafficking and they implement special procedures and host victims in special shelters for their protection.

Mr Pål Bergstrøm, Director General of child welfare services (NO), said that the Barnahus model is on all the front pages for two cases; one of child sexual abuse and the other of domestic violence. One case concerns a 30-year-old kindergarten employee, where 11 children have been identified as victims. The Barnahus model was praised for the handling of such cases. In the domestic violence case, concerning three boys, where there is no standardised protocol or routine on thresholds in Norway. Some child protection services refer directly to the police and others have a very high threshold. What should the threshold be? What standardised routines should be in place? Are there alternative strategies other than engaging the police? In the light of the recent case, these questions are now being addressed in Norway and it is clear that services need to be integrated, including child protection services and the police.

Ms Fabienne Richard, GAMS (BE), said that the question of follow-up is very important. For example, the context of female genital mutilation (FGM), the summer is a period when girls are at most risk and there are examples of preventive follow-up action being taken one summer but not afterwards, and the girl then being a victim of FGM. If we look at Principle 8 (the child has support and protection), how long should follow-up actions take place for? Mr Guðbrandsson said that, in cases such as this, it is important

to integrate judicial and child protection systems. We may not respect the rights of children abroad as we do for our own, resulting in double standards.

4.3. Session No 4 – Effective procedures

Session 4 was on effective procedures. The Session was chaired by **Ms Chiara Adamo, Head of Unit of the fundamental rights and rights of the child unit at DG Justice and Consumers** and **Mr Bill Bell, head of child protection at Save the Children UK**, who acted as the co-chair/ rapporteur.

The aim of this session was to discuss broadly the proposed questions in the background paper, and to reflect on how the proposed Principles and how they could serve to improve coordination and cooperation, as well as child participation. This session first sought to define "effective procedures", and what aspects it covers. It was concluded that this roughly relates to 1) coordination, 2) data collection, 3) research and 4) objective-setting.

Five [presentations](#) were given and they were followed by questions and discussion.

Anniki Lai, Head of Department of Children and Families at the Estonian Ministry of Social Affairs [presented](#) inter-agency and inter-sectoral cooperation in Estonia, including strategic frameworks and planning procedures. She presented some main principles and implementation process of the Children and Family Policy Strategic Framework, which include focus on the best interests of the child, emphasis on prevention and early-intervention, evidence-based policies and interventions, and holistic, intersectoral and multidisciplinary approach.

She also highlighted that coordination is needed across sectors and between national, regional and local levels, which is a challenge for many states, as there is often a coordinating body with insufficient authority, lack of clear mandate and a lack of human and financial resources. Other challenges she highlighted are the need



to build common "language" between sectors, and the difficulty to break down borders between sectors, as well as the continued waste of money on ineffective practices due to the fact that investments into prevention and evidence-based interventions are still depending on political will and decisions. She also discussed engaging with civil society and the private sector, as well as getting evidence into policy and practice. She concluded that the precondition for success is strong leadership to drive child rights policy to the right direction, both at political and bureaucratic level.

Marc Bauer, Social Worker at the International Social Service (ISS), German Branch, [presented](#) effective procedures in child protection in an international context. He highlighted the special position of the German branch, mandated by the German Government as central contact point to deal with cases with a transnational dimension as an example of good practice for cooperation between the statutory and voluntary sectors. He discussed the workings of ISS and provided some examples of international child protection cases, in a cross-border setting relating to custody and child abuse, amongst others. Their key activities relate to cross-border family conflicts (parental responsibility, custody), child protection services, migration, and intercountry adoption (tracing for

one's origin and birth families). He discussed many challenges for cross-border cooperation, including differences in legal and social systems, international legal provisions, heavy workload and lack of personnel in local authorities and courts (and often expensive legal procedures), lack of full access to social services for persons with uncertain legal status, and the fact that child protection services have no influence on migration policies.

The advantages of working within the ISS-Network were also highlighted, including low-threshold access to consultation and



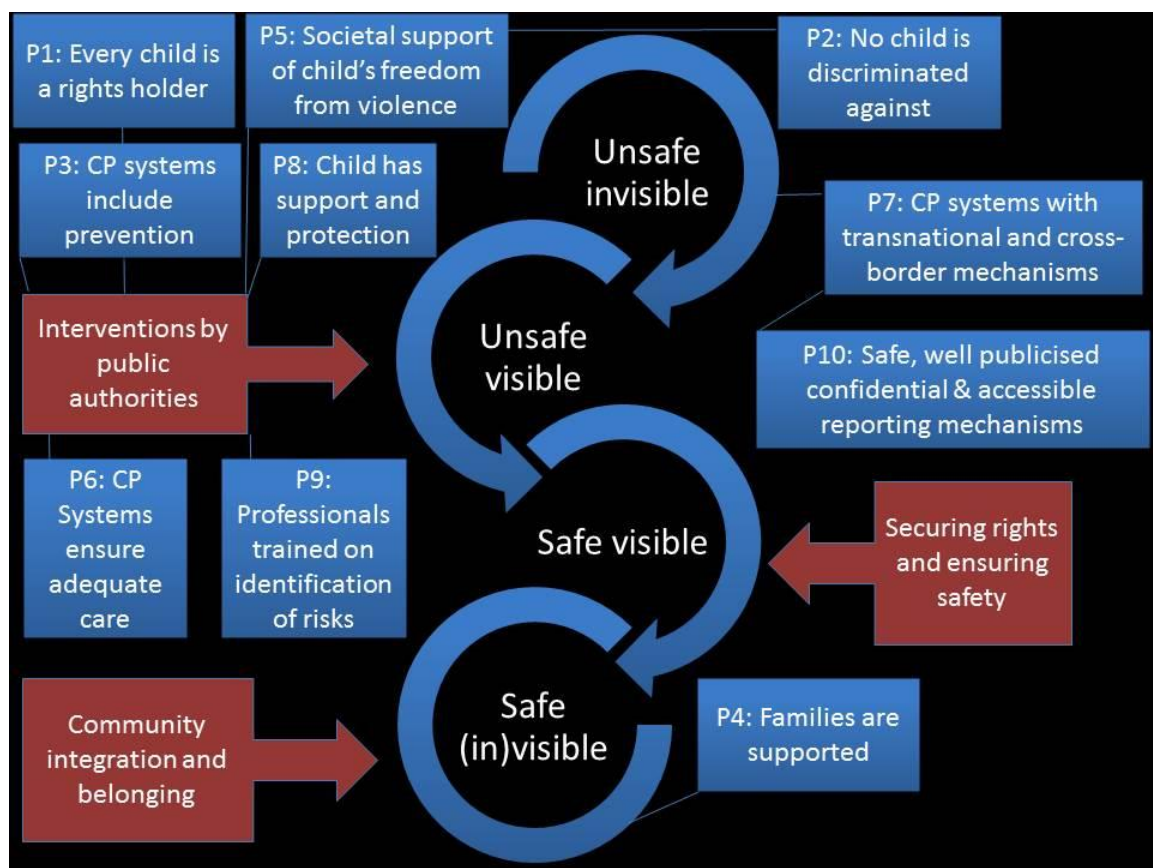
and information, support and services from working partners all over the world, exchange of experience and contacts, and help and support for professionals and families and most importantly, for children in difficult situations. Finally, Mr Bauer pointed to gaps in the current Brussels IIa Regulation, mainly concerning child protection issues and its implementation in cases of cross border placement of children.

Flora Bolter, Research Officer at l'Observatoire National de l'Enfance en Danger (ONED), [presented](#) observation as a tool to promote synergies. She gave a brief overview of how child protection is organised in France, as well as the role of ONED as an observation system. Local inter-agency units are required to send anonymous, individual data about their beneficiaries to both ONED and local observatories on a yearly basis. They work with a system of 130 variables defined by law to keep track of trends in child protection. The definitions and methods defined by this system have necessitated a common work by professionals from the different institutions, which has led to a number of interesting practices at local and national level. She discussed policy challenges, including state-level coordination, local discrepancies, overall disparity, and policy gaps (relating to unaccompanied foreign children and young adults between 18 – 21), as well as the broader issue of blind spots in the system, relating them to many of the proposed Principles of the reflection paper.

Michele Clarke, Lead Social Worker at the Department of Children and Youth Affairs in Ireland, [presented](#) the Irish authorities experience with integrated child protection systems, in particular evidence-based policy-making and data collection. The key message of the presentation is that child care policy should be informed by meaningful data. Findings of individual investigations are useful as learning vehicles, but unless the findings represent a trend they should not overly influence national policies and organisational restructuring. Examples were provided on the differing standard of the Irish childcare services portrayed from an investigation report and from national performance and quality information. Quality data for children in care includes family placements and stable attendance in education, and what happens for young people on leaving care. The presentation looked at the significant progress evident from national data on children in state care, underpinned by a focus on children's rights, the

need to raise standards for all children, and the importance of improving data to inform policy, international comparison, resource allocation and outcomes.

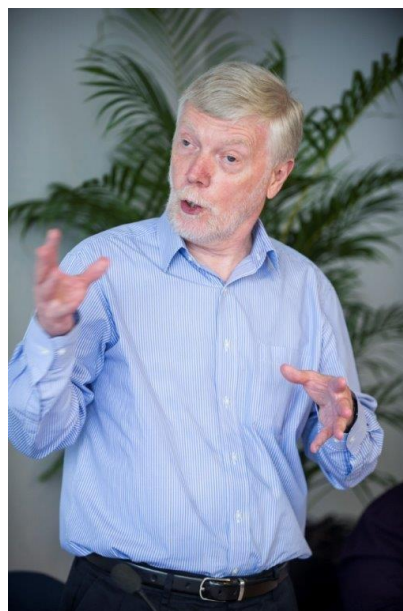
Ravi KS Kohli, Professor of Child Welfare at the University of Bedfordshire, presented on the topic of research horizons. He started his presentation with highlighting the big issue: how to bring the gift of an ordinary life to children in extraordinarily difficult circumstances. He presented an elaborate scheme (see below slide), through which children are helped to move from contexts where they may be unsafe/invisible, to ones where, through the application of the principles by public authorities, they can be safe and choose to be visible/invisible. He discussed three broad themes: (1) borders, (2) movement (liquid children who are never in one place), and (3) time (how much does time cost?). All require clarity, coherence and continuity. He discussed some dilemmas and paradoxes. How does writing the 'grammar book of good practice' lead to the language of goodness being used as well? What happens if children do not want to be seen or heard? Complexity of ambivalence to children on the move: 'these are children, but they are not our children'. Public authorities may not be the answer or have the answer. We also need to learn from things that go well. For instance, how do some agencies manage to invest time cost-effectively in a child? How do we manage to design protocols of cooperation that helpfully follow children who are on the move? He finished his presentation by discussing an example of child trafficking advocacy in the UK.



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Several issues were raised in the discussion that followed and there were some useful exchanges on practices and measures. The following issues drawn from the discussion were put forward as main messages taken from the Session, which were also reported back to the plenary:

- Many different **challenges** were identified. For instance:
 - The absence of a key national coordinating body
 - Competition and difference of cultures between agencies.
 - The workloads and in general the capacity of the different sectors.
 - Lack of clarity on roles and responsibilities.
 - In trans-national settings, differences between legal systems.
 - A decentralization process can pose challenges if inadequately supported but offers many advantages if done well.
- These challenges can lead to **disparities in response**, creating inequity in response and treatment.
- What needs to happen:
 - **Clear responsibilities** need to be defined for all actors
 - **Central government needs to support local actors** in delivering their responsibilities
 - **People need to help each other.** They need to work together and create opportunities for shadowing.
 - We need to **help all children**, including those that are highly mobile ("liquid children").
 - There is a need for the **intelligent collection and interrogation of data.** We need to ask ourselves: where is the most useful and therefore worthwhile data to collect?
- Finally the **importance of research** was stressed. We need to understand 'why' and not only 'what'.



Speakers' and panellists' presentations and background papers for the Forum and the individual sessions are available here: http://ec.europa.eu/justice/fundamental-rights/rights-child/european-forum/ninth-meeting/index_en.htm

5. ANNEX 2 – DETAILS ON FORUM PARTICIPATION

Overview of applications

Accepted	Refused	Cancelled	Estimated no-show	Estimated total participants
292	78	16	29	247

Status of applications based on organisation type²

			Accepted	Refused
Academic			17	9
EU Institution			43	4
Independent expert			5	2
International organisation			29	6
Member State authority			58	5
NGO			101	37
Ombudsperson			18	
Other			13	13
Practitioner			8	1
Unidentified				1
			292	78

² As selected by applicant from dropdown list

Status of applications based on nationality

Nationality	Accepted	Refused
Albania	1	
Australia	0	1
Austria	4	1
Bangladesh		1
Belgium	24	9
Brazil	1	
Bulgaria	15	
Canada	2	
Croatia	3	
Cyprus	2	
Czech Republic	6	3
Denmark	3	1
Estonia	8	1
Finland	7	2
France	15	1
French Guiana	1	
Germany	15	7
Greece	12	2
Haiti		1
Hungary	7	
Iceland	2	
India	1	
Ireland	16	
Italy	14	14
Latvia	10	4
Lithuania	4	
Luxembourg	3	
Malta	5	
Republic of Moldova	1	
The Netherlands	13	4
New Caledonia	1	
Nigeria		3
Norway	7	1
Poland	8	1
Portugal	6	5
Romania	10	1
Serbia	1	2
Slovakia	4	1
Slovenia	3	
Spain	11	5
Sweden	7	2
Switzerland	2	1
UK	34	4
Ukraine	1	
USA	2	
TOTAL	292	78