

**Conference on children's rights behind bars – human rights of children deprived of liberty: improving monitoring mechanisms – Defence for Children International (DCI)**

# **Children's rights in the policies of the European Commission**

15 February 2016, Brussels

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

Lisbon Treaty:

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

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

# Article 24 of the Charter

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

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

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

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

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

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

Evolution of *acquis*:

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

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

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

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

EU action should be exemplary.

Called on renewed commitment of all actors.

# A child-rights based approach

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

# Children with disabilities

*Extract FRA report December 2015:* Respondents felt that violence and neglect can easily be hidden in institutions. They criticised monitoring mechanisms for lacking rigour, noting that inspections of institutions are often not systematic, and are reactive rather than preventive – for example, only after the media reports on abuse or deaths in institutions. Some respondents also claimed that certain monitoring bodies lack competence or independence.

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2015-violence-against-children-with-disabilities\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2015-violence-against-children-with-disabilities_en.pdf)

# Children with disabilities

*Extract from FRA report:*

***"Monitoring visits are not as intensive as they should be. It sometimes can happen that monitoring bodies or the inspectors do not come to an institution for a few years."***



# Children in detention in the news

*IE: Lack of adult supervision -> prison*

<http://www.independent.ie/irish-news/courts/judge-has-no-option-but-to-imprison-boy-16-for-burglary-because-of-the-lack-of-adult-supervision-in-his-life-34441924.html>

*NL: lack of staff -> children locked in rooms all day, 'paid off' in Coke/crisps:*

<http://www.volkskrant.nl/binnenland/jongeren-in-gesloten-jeugdinrichtingen-omgekocht-door-groepsleiders~a4243301/>

*Children in migration:*

<http://www.globaldetentionproject.org/sites/default/files/The%20Uncounted.pdf>

# Access to justice

*EU research – children's involvement in criminal, civil and administrative judicial proceedings (also covered police custody and PTD):*

## ***Criminal justice results published in June***

**2014 – reports:** <http://bookshop.europa.eu/children-in-criminal-judicial-proceedings>; **data:** [www.childreninjudicialproceedings.eu](http://www.childreninjudicialproceedings.eu)

## ***Civil and admin June 2015: reports:***

<http://bookshop.europa.eu/children-in-civil-judicial-proceedings>;  
<http://bookshop.europa.eu/children-in-administrative-judicial-proceedings>; **data:** [www.childreninjudicialproceedings.eu](http://www.childreninjudicialproceedings.eu)

# Future directive on procedural safeguards for children

***Article 10 on deprivation of liberty Article 11 on Alternative measures, Article 12 treatment in case of deprivation of liberty (separation from adults, access to education, exercise of family life, development and future reintegration, etc.)***

[http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST\\_15272\\_2015\\_INIT&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_15272_2015_INIT&from=EN)

# EU funding rights of the child

*2015 Call now open:*

[http://ec.europa.eu/justice/grants1/calls/2015\\_action\\_grants/just\\_2015\\_rchi\\_ag\\_prof\\_en.htm](http://ec.europa.eu/justice/grants1/calls/2015_action_grants/just_2015_rchi_ag_prof_en.htm)

***Deadline for applications: 4 May 2016***

# Bulgarian Helsinki Cttee EU-funded project (BG, RO, PL, HU), 2014:

**Bulgarian Helsinki Committee** *At the end of the project, the participating organizations summarized their experiences in a common study which was presented in December 2014 to professionals working in the field of detention of children.*

<http://www.helsinki.hu/en/szabadsaguktol-megfosztott-gyerekek-kelet-kozep-europaban/>

# EU funding priorities, current call

*Proposals on **detention and reintegration post-detention** are expected to boost child protection and justice system changes and improvements that are sustainable and strengthen interagency and multidisciplinary coordination and cooperation. Reintegration projects are expected to address **pre-release planning and services, re-entry preparation and community-based services upon release, including the monitoring of outcomes for children.***

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*Proposals on **diversion from criminal law proceedings in court** are expected to boost system changes and improvements that are sustainable and strengthen interagency and multidisciplinary coordination and cooperation. Proposals must be aligned with Article 40 UNCRC and General Comment No 10 (2007) on children's rights in juvenile justice. Proposals should clarify **the aims of the diversion programme, the referral decision points, the scope of intervention, entry/exit criteria, etc., and specify which aspects of diversion, including the monitoring of outcomes for children,** will be addressed.*



# EU funding priorities, current call

*Proposals on **capacity building for lawyers/legal advisers representing children in judicial proceedings** are expected to boost the numbers of lawyers/legal advisers with specialised knowledge able to promote and protect the rights of the child, including those operating in legal clinics and human rights organisations.*

# When funding organisations that work directly with or for children

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

# Ongoing FRA research children in migration detention EU28 (Nov 2016)

*Detention conditions of children and monitoring of facilities. It covers both unaccompanied children and children with families, looking at, e.g. short-term arrest/detention with parents/ conditions/access to education/ healthcare/ identification of child victims of trafficking or in need of international protection/remedies and complaint mechanisms/monitoring by child protection authorities*

# The practical guide

*Very welcome, clear and comprehensive, great contribution to standard-setting and systemic improvements.*

*Deserves wide dissemination and use.*

*DG JUST would reference it in relevant funding priorities.*

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**Children's rights on Europa:** [http://ec.europa.eu/justice/fundamental-rights/rights-child/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/rights-child/index_en.htm)

**Compilation of EU acquis on rights of the child:**

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

**DG Justice calls for proposals (grants):**

[http://ec.europa.eu/justice/newsroom/grants/index\\_en.htm](http://ec.europa.eu/justice/newsroom/grants/index_en.htm)