



European
Commission

12th European Forum on the rights of the child

Where we are and where we want to go

2-3 April 2019

REPORT

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europe child now
future protection school environment
welfare fundamental rights online bullying
dialogue liberty digital world
education vulnerability participation forum war
tolerance safeguarding diversity health
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family young people



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Introducing the 12th European Forum on the Rights of the Child

The 12th European Forum on the Rights of the Child took place on 2 and 3 April 2019 in Brussels. The Forum was organised by the European Commission and brought together more than 280 participants, including representatives from national and local authorities from EU Member States (as well as Iceland, Liechtenstein, Norway, Switzerland and the Western Balkans), international organisations, NGOs, Ombudspersons for children, practitioners, academics and EU institutions and agencies.

This year's Forum was titled: **Where we are and where we want to go**. The backdrop to this Forum was the 30th anniversary of the adoption of the United Nations Convention on the Rights of the Child (UNCRC), and the 10th anniversary of the entry into force of the European Union Charter of Fundamental Rights (the Charter). In addition, 2019 is a year of transition in the EU institutions, as the European elections are taking place in May and a new Commission will come into office by the end of the year. In light thereof, this year's Forum was an opportunity to take stock of what has been achieved so far in the EU with regard to children's rights, as well as to look ahead and identify priority areas for the EU's collective future work to further strengthen the protection of children's rights.

The first day of the Forum opened with a high-level plenary session to take stock of today's situation with regard to the protection of children's rights in the EU, thus focusing on what has been achieved and where progress can be highlighted. The opening session was followed by two plenary panel discussions on gaps and challenges in different areas where children's rights are affected. Three parallel sessions followed, addressing three broad themes that were identified as a priority for current and future work at the level of the EU: **1) the protection of children in migration, 2) children's rights in the ever-changing digital world, and 3) children and young people's participation in the EU political and democratic life**.

On the first day of the Forum, the workshops focused on challenges and problem definition. On the second day, participants reconvened to think about good practices and recommendations for future actions. In these workshops, in addition to the time devoted to discussion, participants were given the opportunity to provide input through post-its and graphic contributions, which were collated and shared. The Forum ended with two plenary sessions. The first was a reporting session from the workshop discussions; the last focused on the future in the form of a conversation about further strengthening the protection of children's rights in the EU.

Nine children and young people from EU Member States participated in this year's Forum. Some of them presented findings from the [Europe Kids Want survey](#) as well as their own views on priority areas for the EU; others presented during workshops or participated in the plenary discussions. It was noted that this was the first European Forum on the Rights of the Child with such active child and youth participation.¹



¹ In the 2017 edition, eight young people participated (one below the age of 18).

PLENARY SESSION I

The protection of children's rights in the EU: where do we stand today?

The first plenary session opened with statements from **Věra Jourová**, European Commissioner for Justice, Consumers and Gender Equality; **Anna Maria Corazza Bildt**, Member of the European Parliament and Spokesperson for the rights of the child; **Gabriela Coman**, President of the National Authority for the Protection of the Rights of the Child and Adoption, Romania; **Gabriella Battaini-Dragoni**, Deputy Secretary General of the Council of Europe; and **Charlotte Petri Gornitzka**, Deputy Executive Director of UNICEF. As with all other plenary sessions, this session was moderated by **Adrio Bacchetta**, Independent Consultant at Sandstone Consulting.



1. Progress and ambitions

All speakers emphasised that it is important to keep in mind the progress on the rights of the child that has been made over the last 30 years, but also to see what remains to be done. It is necessary to acknowledge that the **achievements of today will be the foundations for the work that lies ahead**. The discussions of this Forum are important for discussing and defining future goals and ambitions and influencing policy choices. As almost 19% of the EU population is below the age of 18 years, it should be recognised that the work of the EU has an impact on children.

2. Where do we stand today?

2.1 Achievements

It was noted that human rights and **children's rights were enshrined in the EU *acquis* from the start**,² and many initiatives were taken to strengthen the protection of these rights. Ms Jourová, who met children and young people participating in the Forum just before the opening session, underlined the importance of giving space to and following up on voices expressed by the young generation. She pointed out that a lot of emphasis was put on promoting child-friendly justice, for instance through the adoption of the Victims' Rights Directive.

Ms Corazza Bildt noted the importance of the 2013 Child Rights Manifesto for the work of the European Parliament. The European Parliament was glad to join the Romanian presidency of the Council of the EU this year in promoting children's participation and involvement at the EU level (during an event which took place on 20 November 2018).

² See for example Article 3 of the Treaty on European Union and Article 24 of the Charter of Fundamental Rights of the European Union. In addition, the UN Convention on the Rights of the Child has been vital for children's rights in the EU.



Ms Battaini-Dragoni briefly discussed the [Council of Europe \(CoE\) Strategy for the Rights of the Child \(2016-2021\)](#). Moreover, she underlined the importance of the adoption of *legal* standards, as this best ensures the protection of children's rights. She also pointed out the **platforms for collaboration** that have been established between the EU and the CoE over the last three decades. Shared commitment resulted in joint action; this was demonstrated, for example, through the creation of the CoE guidelines on child-friendly justice, which prompted further work by the European Commission and research by the EU Agency for Fundamental Rights. Together, the EU and the CoE can **multiply the effect** of their instruments across the Member States.

Ms Petri Gornitzka highlighted several achievements in Member States in which the **cycle of disadvantage was broken** for children; often, particular attention was paid to especially vulnerable children, including children in institutional care, children in migration, and Roma children. All in all, the EU has **mainstreamed children's rights** across all its policies.

2.2 Challenges

However, at the current pace, countries around the world will miss important targets, such as those set in the UN Sustainable Development Goals (SDGs). In addition, Ms Corazza Bildt also pointed out that there are currently EU Member States that **consider going backwards** by revising the laws that have been adopted, for instance in the area of gender equality. There are thus still key (legislative) issues to address.



Many of the key issues to address revolve around the themes that were identified as a priority for current and future work at the level of the EU. Ms Corazza Bildt noted that *protection of children in the digital world* will be one of the key issues of our time, and requires strong commitment. Ms Jourová noted that the theme of the protection of *children in migration* has been a priority since the migration crisis. However, the child protection framework is still fragmented across the Member States. This needs to be improved; children in migration need access to health care and education, and their best interests need to be taken into account for all decisions concerning them. Ms Petri Gornitzka noted that, whatever their reason to migrate, **children in migration are children first**. With regard to *child participation*, it was mentioned that talking about children should be substituted by the practice of **talking with**

children. Ms Coman described the steps taken in this regard under the Romanian presidency of the Council of the EU, which considers child participation as a priority. Ms Jourová pointed out the study that the Commission will launch by the end of 2019 to explore how child participation in the democratic life at EU level can be strengthened. The Bucharest Children's Declaration, which will be further developed at a Children's Summit on 6-7 May 2019 under the auspices of the Romanian presidency, can hopefully be used as a basis for this study.

3. Recommendations

Ms Jourová encouraged the **young people in the EU to be vocal**. The recent demonstrations organised by young people for governments to take action on climate change are a good example in this regard. Ms Jourová noted that what the children and young people present at the Forum have in common, is that they all **contribute in their own way to shaping the future of Europe**. **Politicians and policy-makers should be prepared to listen** to young people, as the young people themselves know better than anyone what they need. Ms Battaini-Dragoni noted the importance of **empowering children** instead of merely protecting them, for instance so that they understand and can face the challenges posed by the digital world. Ms Corazza Bildt **encouraged the Member States to act more, better and faster**, to ensure that children's rights are a serious part of the political agenda in the EU. Ms Petri Gornitzka urged the EU to **strengthen monitoring of EU investments** and how this affects children, and to report on this issue regularly.

THE EUROPE KIDS WANT SURVEY



After the first plenary session, the Europe Kids Want survey was introduced by Barbara Nolan, Head of Fundamental Rights Policy Unit, Directorate-General for Justice and Consumers. This [survey](#) was conducted jointly by UNICEF and Eurochild. So far, it has received over 20 000 responses from children and young people (up to the age of 30) from over 23 countries (mostly in Europe). The survey asked for the views of children and young people on various topics. The [report of this survey](#) outlines interesting findings related to the concerns of children and young people regarding their future and well-being. In addition, some of the survey's findings and children's views were presented by three young people from the EU: **Lucija Brajković**, Member of the Children's City Council of Opatija (Croatia); and **Shundell Leming** and **Lieke Hermans**, both Youth Panel Members of UNICEF (the Netherlands).

Ms Brajković stated that she would end all the poverty and social exclusion in the world if she had a magic wand. During her work for the Children's City Council of Opatija, the key message she established together with her young colleagues was that they wanted **a world without poverty, war and discrimination**. The key message for adults to take away was: **"Take care of us children, because children take care of you as well."**



Ms Leming noted the importance of the **involvement of children in decision-making**. She stated that children's potential in this regard is currently not being recognised. In addition, she mentioned three more specific issues that merit attention. The first topic is *migration*. The Europe Kids Want survey showed that two out of three children feel positive towards people from other countries. Unlike some adults, **children do not struggle to welcome newcomers**. In addition, 63.1% of respondents chose 'making new friends' as one of the most important things that would help them feel at home if they had to move to a new place. It is important to **provide a basis for integration and connection**, for instance in the school environment. The second topic is that of *climate change*. She stated that "We are already late and we can no longer wait." Of the respondents to the survey, more than 40% chose climate change among their main concerns. The third and final topic, which was not included in the survey, is *children and young people's well-being*. One in five students in the Netherlands has had serious thoughts about suicide. Anxiety, depression and burn-outs are issues of concern among young people. Ms Leming asked: "Can this get more serious? **Isn't this as important as Brexit?**" She would like to see every child happy, as children are the future and already matter today.

Ms Hermans pointed to the [prevalence](#) of *suicide* among young people in the EU. In 2014, 1 265 young people between the ages of 15 and 19 committed suicide. This amounts to approximately three children a day. She pointed out that the latest data on the EU level stems from 2015 and asked: **"Why aren't we talking about this more?"** In addition, she linked this issue to some of the findings from the survey related to common worries of children and young people. Ms Hermans ended by emphasising that according to the survey, only 7.3% of young people feel that adults in their city or town always listen to them when making decisions.



PLENARY SESSION II

The protection of children's rights in the EU: what key challenges ahead of us?



The second plenary session consisted of a conversation among **Marta Santos Pais**, United Nations Special Representative of the Secretary-General on Violence against Children; **Michael O'Flaherty**, Director of the European Union Agency for Fundamental Rights; **Nigel Cantwell**, Founder of Defence for Children International; and **Sonia Livingstone**, Professor at the London School of Economics and Political Science.

The main question of this session was: What key challenges are ahead of us? To this end, the discussion in this plenary session was structured as three rounds of questions to be addressed by the speakers and other participants: 1) What is the **scope of needs** that must be addressed regarding children's rights in the EU? 2) What are the **gaps in the protection of children's rights** today in the EU and why do these gaps

exist? 3) What are the **priority areas for future work** at the EU level and what are the challenges and opportunities in addressing them?

1. Scope of needs

Ms Santos Pais noted that the scope of needs has not changed since the UNCRC was drafted and Mr O'Flaherty admitted he was discouraged by the lack of progress that has been made since then. Mr Cantwell, however, pointed out that the UNCRC brought substantial progress in comparison to the era before its implementation. It resulted in disparate rights being brought into one treaty that could be defended and promoted. Mr Cantwell stated: "Without being over-optimistic: we have come a long way and we are on the right lines. (...) Little by little, we are moving forward."

Ms Santos Pais illustrated the scope of needs with the issue of *violence against children*. Children often do not feel comfortable enough to discuss their violent experiences. In addition, **children do not always know the law and how they can use it**. Research by the CoE with *migrant children* has shown that most of the time, they are not given any information. Children ask to be provided with easily understandable information (e.g. by using illustrations). The use of online tools could also be beneficial in this regard. Ms Santos Pais concluded: "**The scope of needs is very wide, but the opportunities for change are equally strong.**"

According to Ms Livingstone, it is important to consider **the implications of the digital world**, both now and in the future. Most European children are online, where they develop skills but also experience certain risks for the first time. Many of the offline problems that have been addressed for a long time are now moving online. She stated: "**We still see the risks for children online rising, but the opportunities are not rising commensurately.**"

Mr O'Flaherty pointed out that the repeated emphasis on *child participation* is justified as there is still much that can be done in this area. He noted that there is no aspect of public life that does not impact children and that **participation should be ensured more systematically**. Another issue that urgently needs attention is *poverty*. There is a huge geographic disparity in the EU when it comes to children living in, or at risk of, poverty; a new and joined-up perspective on this issue is very necessary. Finally, *children in migration* need much attention, notwithstanding the efforts on the EU level that have been made so far.



2. Gaps in the protection of children's rights

Mr O'Flaherty stated that, with regard to *participation*, **investments need to be made in appropriate tools** that automatically enter into force during key moments in decision-making. In this manner, participation will be automatic and structural, rather than tokenistic. These tools need to be implemented locally but should be supported nationally and regionally. Moreover, **the right data should be gathered** to inform policy-makers and to strengthen children's rights in an evidence-based manner.

For the issue of *migration*, there are clear steps to be taken, such as reintroducing **rescue missions**. Mr O'Flaherty also highlighted the necessity to establish a more respectful manner of conducting **age assessment**. **Guardianship support** should be granted immediately when it is established that a migrant is a child. A Forum participant pointed out that **statelessness** is another gap to address in this context, as children in migration are at a particular risk of statelessness. In a more general recommendation, a Forum participant stated that children in migration in principle should be entitled to **the same level of care** as other children in a particular country. In many Member States, however, the migration crisis gave rise to a parallel system.

Both Mr O'Flaherty and Ms Santos Pais noted that (quality) *education* is an important gap to address. The youth unemployment figures demonstrate that **we are not educating for work**; problems with integration indicate that **we are not educating for integration**. **Adults should also be properly educated**, for example with regard to the issue of violence against children.

Mr Cantwell addressed two gaps that were not explicitly mentioned in the UNCRC. The first one related to *children who act as carers* in their families. The idea of children taking on responsibilities which may impede the exercise of their rights was not explicitly dealt with; these children should not be separated from their family and put in alternative care, but should rather be supported in exercising their rights. The second gap relates to *children's search for their origins*. The number of intercountry adoptions peaked in the mid-2000s. Many of the children adopted then are reaching adolescence or adulthood now and want to find out about their origins. The search for origins is also relevant to children who were taken into care under circumstances that did not allow for proper registration, for example due to illicit practices.

Ms Livingstone noticed that there is a *gap in the conversation* that is taking place today. Big **tech companies** are not joining the conversation, yet they often interfere with the traditional lines of protection of children's rights. There is also a *gap in the knowledge* with regard to the kind of policy bridges that can be built: experts in children's rights need to think about the questions and demands they have for those big tech companies. Ms Livingstone also gave an example: in the [background paper](#) for this Forum the useful resources were listed; however, surprisingly, [General Comment No. 16 on State obligations regarding the impact of the business sector on children's rights](#) was not included. The **consequences of children and agencies storing personal information on proprietary networks** are insufficiently included in the conversation and the current knowledge.



Ms Santos Pais pointed out that the UNCRC can always provide a point of reference to establish what can be done better. It is important for governments to *protect children from violence* on all levels. Often in the EU, children are not asked for their views when drafting a policy regarding this issue. There is often no comprehensive policy for addressing all forms of violence against children; institutions working on different forms of violence do not sufficiently exchange information and take steps in parallel. Moreover, the response to these issues is often **reactive instead of preventive, and punitive instead of restorative**. Ms Santos Pais also pointed out a **lack of research** into the current state of these issues. She stated: **“When are we going to involve, ethically and responsibly, children in research, to tell us about the risks and solutions? If we do so, we will undoubtedly be better informed and do better.”** Another Forum participant also advocated **“comparable and compatible methods of data collection on violence against children.”**

3. Priority areas for future work

Finally, the aim was to identify priorities, along with the related challenges and opportunities, for future work at the EU level. The speakers and Forum participants identified the following priorities, challenges and opportunities:

- To get the conversation on children's rights in the digital world started. To this end, the [CoE's work in this area](#) could provide inspiration. Another issue to address is the position of children under the General Data Protection Regulation. The Forum participants were also invited to respond to the [call for submissions](#) regarding the General Comment on children's rights in relation to the digital environment.
- To consider the accession of the EU to the UNCRC, as this would enable better assessments of the state of affairs in the EU.
- To monitor the progress that is being made under the SDGs. Attainment of the SDGs should be put on the EU political agenda. Children and young people should be formally included in this process.
- To address the need for data collection, especially as regards violence, as the EU should move forward on the basis of knowledge and evidence.
- To address the issue of children with disabilities. The use of funds allocated for this issue should be monitored. The position of children with disabilities should be brought in line with international norms.
- To address the recent trend of criminalising search and rescue operations in the Mediterranean Sea carried out by NGOs and other private entities.



PLENARY SESSION III

The protection of children's rights in the EU: what key challenges ahead of us?



The third plenary session consisted of a conversation between **Manfred Nowak**, Professor and Independent Expert leading the UN Global Study on Children Deprived of Liberty; **Martina Erb-Klünemann**, Local Court Judge in Hamm/North Rhine-Westphalia, Germany; **Nuala Mole**, Founder and Senior Lawyer at the AIRE centre; and **Stephan Auer-Stüger**, Member of the Vienna City Council.

As for the second plenary session, the theme of the third plenary session revolved around the key challenges ahead of us. The session opened with statements by the speakers, after which they answered questions raised by other Forum participants.

1. Children deprived of their liberty

Mr Nowak noted that regarding the topic of the ongoing UN Global Study, i.e. children deprived of their liberty, there has been little achievement and awareness. In principle, the UNCRC stipulates that children should not be behind bars. In practice, there are still concerns in this area, for example regarding the **migration-related detention** that still takes place in some Member States.³ Mr Nowak noted: **"I have learned that prison walls serve two purposes: they lock people in, but they also lock the public out."** There is not much empathy in society for children deprived of their liberty; to change this, more **awareness** should be raised. It is known that the impact of deprivation of liberty on mental and physical well-being is much greater for children than it is for adults. As the negative consequences of deprivation of liberty for children are known, the focus should be on **diversion into the child welfare system**. To this end, stronger support from the state for (foster) families is necessary. The survey that was sent out for this study highlighted the **need for regular data collection**. It should be monitored whether there is progress in lowering the number of children deprived of their liberty.

2. Cross-border court cases involving children

Ms Erb-Klünemann presented the perspective of a practitioner dealing with cross-border cases in court. Unsurprisingly, there has been an **increase in the number of cross-border cases**. Children are moving – accompanied or unaccompanied by their families, and legally or illegally. Cross-border cases are the most high-conflict cases in the family court. If parents lose track of the interests of the child in these proceedings, the professionals should try to focus thereon. In these cases, it is important that there is **international cooperation**, for instance by exchanging information between national courts of different states. The [recent developments](#) concerning the proposal of the Commission to revise the Brussels IIa Regulation will be an important step in this regard. As there are still too many parental abduction cases, **effective preventive measures** are needed. With regard to the unaccompanied children, it should be noted that the EU has already done a lot in this regard. However, too often, the national professional still does not have sufficient **trust in other Member States**. This notion of trust should be further developed, for instance through the exchange of information. Finally, judgments should be issued in **clear language**. Ms Erb-Klünemann also raised the question of whether it would be beneficial to investigate if a second judgment should be provided for the child.

³ See in this context also [Joint General Comment No. 4 \(2017\) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families](#) and [No. 23 \(2017\) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return](#), in which it is stated that deprivation of liberty of children because of their or their parents' migration status is never in the best interests of the child.

3. Emerging issues concerning children's rights

Ms Mole emphasised that the **traditional family has changed**. In all recent developments (e.g. concerning surrogacy and assisted reproductive technology), it is important to remember the child, as the **litigation is often focused on the adults involved**. In cases coming before the Court of Justice of the European Union and the European Court of Human Rights, it should be established whether the national courts have heard the children in a satisfactory manner. Ms Mole also pointed out that the judges handling migration and asylum cases should have **sufficient knowledge on children's rights and best interests**. One of the neglected areas of European concern is the **children of imprisoned parents**. Both the imprisonment itself and the management of the prison sentences (e.g. by placing parents far away from their children) can negatively impact these children. Finally, the **age of voting should** be lowered. It is strange that children are entitled to take important decisions at the age of 16 (e.g., in most Member States, the decision to get married), yet they cannot vote.

4. Child participation

Mr Auer-Stüger presented the approach to **child participation** in the city of Vienna. In the recently launched project '[Werkstadt Junges Wien](#)', young people participate in workshops and address questions such as: What works in Vienna, and what does not work? What are the most pressing issues for the city? In what kind of Vienna would you like to live? The implementation of this youth strategy will also be **monitored by the young people**. Mr Auer-Stüger highlighted the need to **address the issue of child poverty locally**. In Vienna, this is done through providing free health care, education, and decent housing. Mr Auer-Stüger called for the EU to establish a Child Guarantee as proposed by the European Parliament.



WORKSHOPS

During the first and second day of the Forum, three parallel workshops took place, addressing three broad themes that were identified as a priority for current and future work at the EU level. Each workshop was moderated by a Commission colleague with experience in the field. On the first day, the discussion focused primarily on the problem-definition and understanding of the issue at stake. On the second day, participants reflected on good practices, solutions and proposals for future action. The workshops were followed by a plenary reporting session, which is included in the next section of this report.

WORKSHOP 1 The protection of children in migration



MODERATOR: **Isabela Atanasiu**, Policy officer, Asylum Unit, Directorate-General for Migration and Home Affairs.

1. Challenges and problem definition



Presentations were given by **Rafael Joesipov**, Member of the Trusted Juniors group, NIDOS; **Antigone Lyberaki**, General Manager, Solidarity Now; and **Zsolt Szekeres**, Legal Officer, Hungarian Helsinki Committee. Subsequently, participants were invited to ask questions and give input, both in plenary and in writing on post-its.

First, Ms Atanasiu described the background to this workshop. While some progress has been made since the 10th European Forum on the Rights of the Child on the protection of children in migration (2016) and the adoption of the Communication on the protection of children in migration (2017), the protection of children in migration remains an area in which not enough progress has been made. She stated: **“We are still addressing short-term problems and do not have a long-term perspective, and we want to change this.”**

Mr Joesipov addressed this topic from both a personal and a professional capacity. He came to the Netherlands in 2001 as an asylum seeker, together with his brother. He stated: “It was a difficult time, because I came to a new country where everything was different. It took some time to integrate.” Indeed, Mr Joesipov emphasised that it is important for migrants to be granted the **time** to integrate. **Education** was very important to his integration process. Also, having a trusted person (either a family member or someone else) helps during this process.

Ms Lyberaki told the participants how civil society started raising the issue of formal and informal education and school enrolment of migrant children in 2016. Since then, many Member States have taken this issue up. The contribution of NGOs in ensuring access to education remained vital, as became clear during Ms Lyberaki’s presentation of the educational strategy that was devised in Greece by Solidarity Now.

The presentation explored how it was not just important to convince politicians that it was desirable to have these children in school; it was also important to convince the migrants themselves. Education gives a sense of continuity that migrants may not always long for. She also emphasised the importance of including migrant children in the normal education system rather than creating a parallel education system of lesser quality. Another topic addressed by Ms Lyberaki was that of missing children. In order to address this issue, Solidarity Now became part of the ‘Blue Dot Network’, consisting of safe places for children and families along the way to northern Europe. They used storytelling and social media to distract the children from networks of smuggling. Ms Lyberaki also mentioned the issue of administrative detention. She underlined that many of the unaccompanied children pretend to be adults to avoid administrative detention. When doing so, the children do not receive appropriate protection and information about their rights.

She recalled recent decisions issued by the European Court of Human Rights on inhumane conditions for children in migration in Greece.⁴ In addition, they have to endure long waiting periods, which is one of the main reasons children abscond from the shelters. Finally, Ms Lyberaki highlighted the **right to childhood**. This should be addressed in the context of children in migration as well, as these children frequently assume adult roles that are well beyond their responsibilities.

Mr Szekeres presented the challenges of guaranteeing children's rights and the rights of all asylum seekers in Hungary. He stressed that given the **recent political developments** in many countries, this is something many human rights activists will be dealing with in the future. When facing the migration crisis in 2015, changes in the national legislation were introduced in Hungary, with a negative impact on the protection of the rights of children in migration (e.g. anti-NGO legislation) and resulting in the systemic weakening of checks and balances and safeguards for these children. Changes in the legal system were complemented by developments in society through anti-migration propaganda funded by the government. Mr Szekeres noted that unaccompanied children are usually the only group with some remaining prospect of integration. He presented several **durable solutions for protecting children's rights** under illiberal regimes: 1) Do not forget why children's rights matter; 2) do not lower your standards; 3) cooperate with your allies; and 4) do not shy away from using the law.

During the discussion that followed, several challenges were identified. These included **the lowering of standards for the protection of children's rights** in the face of emergency issues. The legislation should acknowledge that when **formal ways of migrating are lacking**, people will find illegal ways to end up where they want to go. A **unified guardianship system** with consistent quality is needed across Europe. Moreover, young migrants themselves have stated that they need **individual, long-term care plans** (extending beyond the age of 18) from the moment of arrival. In addition, they need to have a say in this for it to provide durable solutions. It should not be forgotten that children in migration are children first. Finally, **changing the narrative** or public opinion in the EU regarding migrants will be a very important challenge in winning the battle concerning the rights of this group.

Many of the post-its provided by the participants at the end of this workshop reflected the challenges identified above. In addition, the following interesting points were raised:

- “How do we get children's rights to have greater weight than the maintenance of borders and control of migration?”
- “There is a need for European solutions: cross-border, multidisciplinary.”
- “Placing unaccompanied minor children in institutions imposes serious risks on their protection and adds to the stress and trauma they have experienced.”
- “It is widely recognized that child detention is a violation of human rights. How do we convince Member States to end these practices and implement alternatives to detention?”
- “Lack of after-care: we do not listen to their needs and we dehumanize migrants (we do not speak to them as persons).”
- “Failure to address childhood statelessness in the EU child rights agenda – When is it in a child's best interests to be stateless? Never!”

4 See for example the recent case of [H.A. and Others v. Greece](#).

2. Good practices and recommendations for future actions



Presentations were given by **Rania Mustafa Ali**, Living Together initiative, co-led with Terre des Hommes; **Sandra Zampa**, Vice-President, Italian Refugee Council; and **Adam Elsod**, Chairman of The Young Republic.



Ms Atanasiu started by summarising the main points that were derived from the input of the participants on day one of the workshop. These comments could be clustered around the following topics: a lack of opportunities to regularise immigration status within the EU; a lack of procedural safeguards and access to justice; a lack of proper accommodation and services; and the political context existing in some of the Member States, resulting in a lack of political will to create durable solutions for children.

Ms Mustafa Ali recounted her personal experiences of arriving in Austria as a refugee from Syria. She explained that **isolation and prejudice** made the experience difficult, and that it is not easy to integrate when you are as isolated as most refugees are. She presented the [Living Together initiative](#), which she co-leads with Terre des Hommes. She noted that it is important to talk about different groups living together, as a wrong perception of migration is prevailing in public discourse. She stated: **“Youth can be at the forefront of social change, but to achieve this they need a place to voice their concerns and experiences.”** However, the concerns and experiences of the whole community – both of the migrant community and of the hosting community – should be heard and valued. The Living Together initiative provides an opportunity for this, as youth can talk about living together as groups from different backgrounds.

Ms Zampa presented the new Italian law on protection measures for unaccompanied children, Law 47/2017 or ‘the Zampa law’.⁵ The law is broad and ambitious in scope and has made children’s rights something that can be upheld legally. Importantly, Ms Zampa explained, **“the law states that a foreign child is not a foreigner and not a migrant: it is merely a child.”** Based on this law, voluntary guardians have been appointed to protect the interests of the children. More than 4 000 citizens are now involved in this guardianship system. This has had a positive impact on integration and it could also be beneficial for countries facing xenophobia and hostile political rhetoric towards migrants. The law also stipulates how age assessment procedures should be carried out. Children are given access to local health care and education and training systems, and will continue to enjoy support between 18 and 21 years of age. Another participant in the workshop noted that this Italian law is currently the most advanced in Europe in terms of consistency and **potentially provides a model for other countries**. Ms Zampa also pointed out the need to carry out resettlement procedures under the Dublin Regulation more quickly, as **time is precious** to the young migrants. In addition, it should be ensured that the young migrants can reach the destination they are thinking of in full safety, to prevent them from travelling further in dangerous and illegal manners.

Mr Elsod presented the work of [The Young Republic](#), an organisation that aims to build a more inclusive democracy in Europe. When it started in 2015, it was still strange to talk about the political participation of young refugees. Mr Elsod explained that “The focus at the time was on food and blankets.” The fact that this has changed has been a positive development. He noticed the **importance of public narratives**. Over the past five years, this narrative on migrant children has been a ‘pity narrative’ or a ‘charity narrative’. This is dangerous, as it pacifies the young migrants. The Young Republic therefore advocates **structured participation**, which is not ad hoc and tokenistic but rather planned and strategic, and which makes use of the already existing structures in the EU. Making use of structured participation also contributes to durable solutions. Young migrants should not just be heard about the story of their flight; they should be enabled to give input regarding the policy that affects them. The Young Republic makes use of **non-formal education** through ‘GAMIFY’, a programme for human rights education (both for young migrants and for locals) through serious gaming.

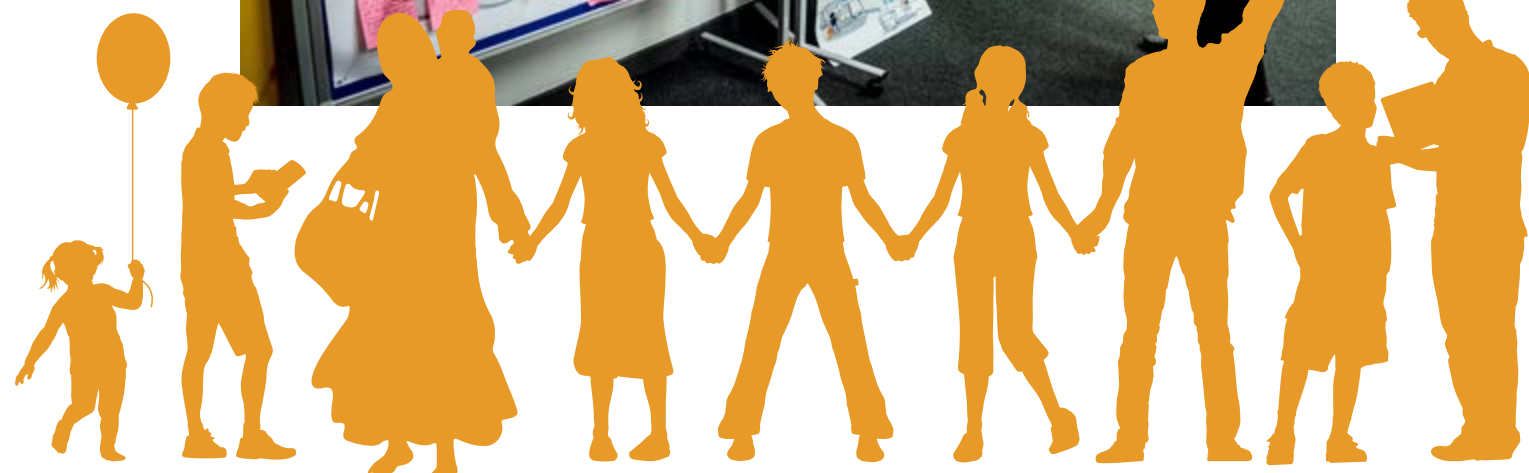
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⁵ See for an English translation of the law: <https://www.garanteinfanzia.org/sites/default/files/law-no-47-of-2017-on-uams-en.pdf>

During the group discussion that followed, a participant pointed out the importance and benefits of **vocational training**, as this offers young migrants autonomy and helps their integration. Moreover, young migrants should be **provided information** so that they know their rights and opportunities. In addition, it was highlighted that much focus goes on unaccompanied children, however the **rights of children living with their families** must also be protected. Another group that must not be forgotten is that of **undocumented children**. It was pointed out that many of these children are, in fact, in **school**. This could be a good place to reach them.

Many of the post-its provided by the participants at the end of this workshop reflected the opportunities identified above. In addition, the following interesting points were raised:

- “The focus must be on practical and effective not theoretical and illusory implementation of any (good) existing laws – before adopting any more.”
- “Ensure migrant children can access all public services + alternative care as nationals, regardless of their legal status.”
- “Procedures with safeguards that hear the child and properly consider their best interests in immigration and asylum procedures (as early as possible; including before return decisions) to find a durable solution (regularisation, family reunion, return with assistance and safeguards).”
- “Children and youth as key vehicle for effective, inclusive and peaceful society and long-term integration.”
- “Linking different experts from different fields: guardians, social workers, lawyers, etc. (enhancing Europe-wide cooperation).”



WORKSHOP 2

Children's rights in the ever-changing digital world



MODERATOR: June Lowery-Kingston, Head of Accessibility, Multilingualism and Safer Internet Unit, Directorate-General for Communications Networks, Content and Technology.

1. Challenges and problem definition



Presentations were given by **Regína Jensdóttir**, Council of Europe Coordinator for the Rights of the Child; **Andrea Cox**, Director, DigiQ; and **Liz Gosme**, Director, COFACE Families Europe. Subsequently, participants were invited to ask questions and give input, both in plenary and in writing on post-its.

Ms Lowery-Kingston stated that, according to forecasts, in 2020 there could be 6 billion connected devices in the EU. While the digital era has offered many opportunities, Ms Lowery-Kingston also highlighted some of the risks that she established based on the first two plenary sessions: use (e.g. overdependency); harmful content and harmful behaviour (e.g. child sexual abuse); the impact of the business model on children's rights; the question of effective consent and age verification tools; lack of knowledge on the impact of these rapidly changing technologies on us as individuals (including the issue of mental well-being) and as a society; the lack of data; and the administrative and legislative backlog compared to the actual technological developments. EU policies have evolved from a focus on protection to a focus also on empowerment. The main strategy instrument is the [European Strategy for a Better Internet for Children](#), which dates from 2012. In addition, an EU-wide series of initiatives was launched in 2018 under the name of #SaferInternet4EU. There is also consultation and cooperation with both the Member States (the Expert Group on Safer Internet for Children) and industry (the Alliance to better protect minors online). In terms of legislation, the most notable EU instrument is the 2011 Directive on combating the sexual abuse and sexual exploitation of children and child pornography. In terms of research, the EU Kids Online network is [continuing its research](#) on a national basis in 25 Member States, and also maintains relations with the Global Kids Online initiative. Under the new Commission, these activities will continue under the [new Digital Europe programme](#).

Ms Jensdóttir presented the initiatives of the CoE in this area, most notably the [Guidelines to respect, protect and fulfil the rights of the child in the digital environment](#). These Guidelines were adopted under the CoE Strategy for the Rights of the Child (2016-2021). The emphasis was put on the **protection of the rights of the child**, rather than on the protection of children as such, to maximise the opportunities while at the same time minimising the risks. Children were at the heart of developing the Guidelines. Before drafting the Guidelines, a gap analysis was conducted, which led to the understanding that a **comprehensive approach** was needed: children's rights were not adequately considered in international instruments and policy documents, and there was a lack of (cross-national) policy coordination. In addition, the work done until then had been overly focused on child internet safety, and children were not sufficiently included in the development of policy. In the drafting process for the Guidelines, 200 children, including children with disabilities and Roma, from eight Member States were involved in the consultation. Children were unanimous in stating that everyone should have **access to the internet** and that it should be free of charge and non-discriminatory. For children, the abuse of their data, and thus **data protection and privacy**, are issues of concern. They want **child-friendly and understandable terms & conditions of use**. These and other issues will become publicly available when the Implementation Guide for policy-makers (to be published in 2019) is disseminated. In addition to children being consulted throughout the process, civil society, the business sector and parliamentarians were also involved. The Guidelines comprise concrete recommendations for states, including as regards the national legal framework, with its cooperation

and coordination measures, as well as fundamental principles and rights of children. Through this instrument, the CoE has created a safety net for states to be able to introduce legislation which is compliant with the rights of the child.

Ms Cox started by recalling the need to educate and empower children in the digital environment. She suggested three hypotheses based on her experiences in Slovakia: **1) Kids are smarter than we think (and also have more interest); 2) sometimes policies are created in a way that results in distrust from children; and 3) we focus on the wrong skills.** She highlighted several challenges, such as the fact that IT fitness tests conducted in Slovakia have demonstrated that children have not developed the skill of **critical thinking** very well. This should be addressed through **education**. However, the average age of teachers has increased in recent years and the majority of teachers have admitted they are not necessarily ‘friends of technology’, which shows the need to empower the education sector. Adults also often think children experience more negative things in the digital environment (e.g. cyberbullying) than they actually do. This highlights the need to listen to children more. A final challenge is that this agenda does not have one single owner, but rather the responsibility is **spread over different actors and industries.**

Ms Gosme presented the perspective of COFACE Families Europe, which monitors the impact of EU initiatives and legislation on the lives of families. They try to ensure that the digital environment serves the general interest of European citizens and families and have proposed the [13 Digitalisation Principles](#). In this context, they proposed, for example, the idea of **creating special online accounts for children**, in which no personal data is processed. In addition, as the overall environment online is not conducive to **quality information**, they try to encourage both different business models and digital citizenship. Ms Gosme acknowledged that maintaining a safe digital environment is a shared responsibility, and that it is necessary to maintain pressure on industry. She stated: **“We need to mix education, regulation and self-regulation.”**

In the discussion that followed, several comments were made. In terms of the problem definition, it was mentioned that this is an issue not just of child safety but also of **children’s healthy development**. Spending too much time online impacts children’s development and, potentially, their mental well-being. In addition, **pre-verbal children** should be included as part of the agenda as well. Finally, **information in the digital environment** usually does not include child-friendly versions.

Many of the post-its provided by the participants at the end of this workshop reflected the challenges identified above. In addition, the following interesting points were raised:

- “Speed of technology change vs. administration/legislation time lag.”
- “When discussing how to better protect children online, digital literacy is definitely a priority and a challenge – including for parents. What more could the EU do to further enhance its role and impact in this regard?”
- “‘Sharenting’ – parents not respecting children’s privacy.”
- “We should try to educate children for the online world as we do for the real world. Many schools (if not the majority) use little to no technology even though they have the possibility (sometimes because the teachers are not trained).”
- “Hardware inequalities lead to privacy inequalities (cheap phones often run spyware).”

2. Good practices and recommendations for future actions



Presentations were given by **Steffen Eisentraut**, Head of International Affairs, Jugendschutz.net; **Heddy Ring**, Sustainability Manager, Telia company; **Gail Diadrie Rego**, Head of Communication and Membership, Missing Children Europe; and **Jef Leysen**, Account Director, FamousGrey, Notfound.org.



Mr Eisentraut gave a presentation on child protection and participation on social media which was **directed mostly at IT companies**, covered in the report '[How safe are children and young people on social media?](#)'. He mentioned several recent developments that can be of particular risk for children, including promotion of political extremism that is made attractive through elements of popular culture, and sexual harassment of children through online services. There are several steps that IT companies can take, such as the implementation of **effective complaint management systems** and **age verification tools**. Moreover, children should be addressed in community guidelines through communication they can understand. As capacities of children are evolving, IT companies should provide **age differentiated protection mechanisms** such as private profiles for children that give them more options from year to year.

In addition, **safe default settings for children** are of paramount importance (e.g. private instead of public profiles). In line with what Ms Gosme stated before, Mr Eisentraut emphasised that these issues are a shared responsibility. He noted that political pressure can often be helpful. At the same time, it is still very important to obtain input from the business sector itself, as this sector and the business models applicable are very varied.

Ms Ring presented examples of steps that can be taken by the industry. She provided a brief overview of the approach of the telecommunications company Telia to children's rights online. They align all their business strategies with the SDGs, as they believe digitalisation plays an important role in achieving these. Moreover, they use the [Children's Rights and Business Principles](#) as a framework. As they acknowledge they are not experts in children's rights online, they **work closely together with experts**, for example with NGOs in their Children's Advisory Panel. Children are also involved through different initiatives, such as an invitation to a strategy meeting of the board of directors. Ms Ring highlighted the need to develop technologies both to keep children safe online, and also to empower them. Protective initiatives developed by Telia included the voluntary blocking of child sexual abuse material and the development of manners to detect and report this material on the company's internal IT equipment. An empowerment initiative was a partnership with the Norwegian start-up No Isolation, to develop robots which enable children to participate in school classes and birthday parties when they are not physically able to attend these in person. She noted that **the positive potential of technology for children's lives is still largely untapped**. Ms Ring identified several keywords for moving forward: **collaboration across industries (NGOs, governmental organisations); child participation; increasing awareness among children, families and teachers; and finding new and innovative ways to use technology for keeping children safe and also to empower them**.

Ms Rego presented several initiatives of Missing Children Europe in which technology plays an important role. One example is a recently developed app called '[Miniila](#)', to help support children in migration. This app tells migrant children, in the right language, where they can find support services such as food, shelter and health services. This prevents them from relying on the wrong sources, usually smugglers and traffickers. Another initiative was the '[NotFound](#)' app, which was launched in 2012. The initiative allows a picture of a missing child to appear automatically when a website that has downloaded the app gets a "page not found" message. Mr Leysen explained how this app was a good example of getting an important message across in a time in which there is an information overload. Moreover, this app made use of 'wasted space' online (the 404-page), which is also important in a time in which media costs are running exceedingly high.

During the discussion following the presentations, it was pointed out that, although some industry players do wonderful work on a voluntary basis, it is difficult as civil society to get the full picture: there is a lack of transparency concerning the initiatives taken and how effective they are. Therefore, the need to adopt further legislation and to **"regulate the internet"** was emphasised. A proposal that was made, is the establishment of an **independent monitoring body** that can investigate and evaluate the industry initiatives.

Many of the post-its provided by the participants at the end of this workshop reflected the opportunities identified above. In addition, the following interesting points were raised:

- “Persistence: not to ever get tired of recalling international standards/obligations.”
- “More cooperation among all stakeholders: the digital well-being of children is a common responsibility.”
- “Opportunity to use the digital world for the benefit of disadvantaged children to close the gap between the haves and have-nots.”
- “The data shared concerning this topic is so alarming that it should be put on a report to justify this as the main theme of next year’s Forum.”



WORKSHOP 3

Children and young people's participation in the eu political and democratic life



MODERATOR: Valeria Setti, Commission Coordinator for the Rights of the Child, Fundamental Rights Policy Unit, Directorate-General for Justice and Consumers.

1. Challenges and problem definition



On this day, presentations were given by **Roberta Metsola**, Member of the European Parliament; **Kevin Byrne**, Independent Child Rights Expert; and **Liisa Männistö**, Senior Specialist, Ministry of Justice, Finland. Subsequently, participants were invited to ask questions and give input, both in plenary and also in writing on post-its.

Ms Metsola was asked to share her experience of going into politics at quite a young age, and her thoughts on how politicians can listen to children. She recounted her experiences, in which it became clear that it is possible for children to become politically involved at a young age, but that **perseverance** is necessary. She also noted that young people who are thinking about becoming involved often men-

tion the **recent surge in aggression and hostilities online**. Ms Metsola stated: "People have become emboldened by their keyboard, and they feel that they are not responsible for what they say because there is a screen instead of a person in front of them." For people entering the political arena, these practices can be very damaging. Ms Setti noted that these comments are also relevant in relation to one of the other major themes, namely that of *children's rights in the digital environment*.

With regard to the question of how politicians can listen to children, Ms Metsola noted that **visiting schools** has been one of the most interesting experiences she has had in her capacity as Member of the European Parliament.

Ms Männistö highlighted several challenges concerning children and young people's participation in political and democratic life, based on two studies (the [Youth barometer in Finland](#) and the [Flash Eurobarometer](#)). The first challenge is the fact that there are **growing inequalities in participation** among young people. There is also an **accumulation of participation**: participants who have participated in the activities of at least one organisation, are much more likely to have volunteered, than those who have not participated – and vice versa. Another challenge is the fact that there is a clear **gap between what young people think is an effective way to influence, and how they try to influence themselves**. Young people consider the traditional ways of influencing (i.e. standing for elections, voting and actively participating in youth councils or organisations) to be the most effective, but often try to make an impact themselves through different means. This leads to the question of whether children and young people have sufficient channels to participate. According to Ms Männistö, the priority challenge is the participation of children and young people in vulnerable situations (e.g. migrant children, children in alternative care, and children with disabilities), who do not even appear in the surveys and thus remain invisible to us.

The point of **inclusive participation** was also highlighted by Mr Byrne. He was asked to present the [research](#) he conducted on behalf of the European Commission, and to touch upon the notion of meaningful and inclusive participation. He noted that research is nowadays seen as one of the main forms of participation in political life: it is seen more and more as a tool for citizens to express their opinions. In the research Mr Byrne conducted, 486 studies on Roma children in 17 countries, carried out between 2014 and 2017, were investigated and assessed based on the criterion of the extent to which their approach was child's rights based. To this end, eight criteria were derived from the UNCRC, and all studies

were evaluated according to these criteria. Mr Byrne highlighted some of the study's most interesting findings. Two main problems were identified: **1) the majority of the research on Roma children did not meet the criteria drawn from the UNCRC; and 2) the majority of the research offered Roma children very few opportunities to make their voice heard.** He stated: **"The methodologies used were very restrictive, not really allowing children to freely participate."** Mr Byrne established several challenges to address going forward. The first one was the research environment, in which the focus should be on **establishing evidence-based policy** instead of operating from a 'policy-based evidence' approach (i.e. first establishing the policy, and then doing the research to justify it). Another challenge is the fact that, although research often presents itself as being objective, the majority of research does seem to incorporate **bias**. For example, in the research, not one study could be found that looked at the positive aspects of Roma life.

Many of the post-its provided by the participants at the end of this workshop reflected the challenges identified above. In addition, the following interesting points were raised:

- "Understand that we as adults should not only listen to children's voice but also turn their voice into actions."
- "A major challenge for the involvement of the young people in politics: breaking the influence and networks of those who monopolized the power."
- "Children's involvement is time-consuming and expensive and complicated, but always a good investment."
- "Racism in European societies. I was a child when it was pointed out to me, by another child, not an adult, that 'I am Gypsy'."

2. Good practices and recommendations for future actions



Presentations were given by **Lena Stamm**, Senior Researcher and Policy Advisor, German Institute for Human Rights; **Petra Deranja**, Mayor of Children's City Council, Opatija, Croatia; and **Tudor-Alexandru Panait**, Romanian Junior Ambassador to the European Union.

Ms Stamm presented a youth consultation process which was conducted in drafting an action plan called 'Agents of change' (2017-2019) on children and youth rights in German development cooperation activities, for the German Ministry of economic cooperation and development. The objectives of this process were to give young people an opportunity to voice their opinions on development cooperation, and also to obtain good principles concerning children and young people's participation. The children and young people's participation took place on an advisory level. The young people drafted very concrete ideas and proposals with regard to development cooperation activities. Based on this experience, Ms Stamm identified several challenges for participation processes involving children and young people. The first one was to **get the young people on board, and – for longer-term processes – to keep them on board.** In addition, to ensure a youth-friendly process, **sufficient children and young people** should be included, and **the adults involved also need to be prepared and trained** in terms of possible issues concerning children's participation. The decision-making processes after the children and young people's participation would also have to be **transparent.**



Ms Deranja (15 years old) explained how she had been participating in different ways for six years. She talked about her work for the Children's City Council of Opatija, which identifies the opinions, needs and wishes of children in their city. Because the Children's City Council of Opatija is also granted a **budget**, it could achieve many projects, including the development of a map of the playgrounds in the city and the development of 'suitcases of children's rights' which contain educational games. Some improvements could still be made. Ms Deranja noted, for example, that the **educational system often was not sufficiently informed about child participation.** She stated: **"Children are often not informed enough on their rights and adults should also be educated to include children."** In addition, she shared

her challenges in feeling secure enough to give her suggestions and opinions. According to Ms Deranja, **if there is political will, if the children are provided with mentors to prepare them and if the children are also informed and encouraged with regard to participation**, every city could have a Children's City Council.

Mr Panait (17 years old) shared his experiences on the Romanian Children's Board. The Board focused on a Europe in which children are heard and taken seriously, and in which children are a part of the future. To this end, they have developed the first draft of the Bucharest EU Children's Declaration, which will be finalised during the Children's Summit in Bucharest on 6 and 7 May 2019. According to Mr Panait, the Declaration makes clear that there is a **huge gap between legislation and reality**. Because **action should be taken fast**, the Declaration also provides some solutions in this regard. Mr Panait expressed his hope that this initiative of the Romanian presidency of the Council of the EU will be continued during the Finnish presidency and the subsequent presidencies.

During the discussion following the presentations, the importance of **creating a culture of participation** was pointed out. To this end, the education children receive should be improved, and they should be empowered to voice their opinions. This is especially important for vulnerable children as they often do not know their rights. A **change in the school curriculum** in the Member States could be an issue for the EU to address. In addition, children should be informed when and how their contributions are taken into account. It is important to not just provide the space for participation, but also ensure a **continuous dialogue** with children. It was mentioned that "Children are not going to continue to participate if they feel or see nothing is going to happen with their voice." In terms of education, it is also important that adults realise that by protecting children's rights, their own rights will not be curtailed. Often **the idea of a 'zero-sum game' of human rights** seems to prevail.

With regard to inclusive participation, certain suggestions were made. These included the possibility of **random sampling** of children for participation, and **spreading calls for participation through organisations on the ground**.

With regard to more institutional participation, it was proposed to make use not just of children's councils, but rather of **integrated councils** in which both adults and children have a place and are given a vote. In addition, the possibilities of strengthening children's participation in the **EU's legislative processes** were mentioned. For example, for the recent Victims' Rights Directive and the Directive on children who are suspects or accused persons in criminal proceedings, children were not heard due to time constraints. This is an issue to address. The work by the CoE with Prof. Ursula Kilkelly in drafting the Guidelines on child-friendly justice was mentioned as an example to draw inspiration from. It was mentioned that child participation during this process was highly beneficial, both for determining the content of the Guidelines as well as for negotiating with the Member States. Disagreement between Member States could often be resolved by referring back to the children's views. Moreover, it was mentioned that outside the family, the institution that children engage with the most is school. The EU could promote child participation in school, for instance by **promoting and democratising school councils**.

While the lack of progress is an issue of concern, it was also mentioned that all steps that *have* been taken so far, are meaningful. Even more **symbolic initiatives** are important, especially in light of the creation of the aforementioned culture of participation. It was mentioned that it is important to get the Member States involved, and also to start by **taking the lead at the EU level**. Again, inspiration can be derived from the work of the CoE, such as the inclusion of child participation in the CoE's Parliamentary Assembly, and opportunities for collaboration between these institutions should be investigated.

Many of the post-its provided by the participants at the end of this workshop reflected the opportunities identified above. In addition, the following interesting points were raised:

- "Using the potential of the networks – formal and informal – to reach the most vulnerable and unreachable children."
- "Propose a children's council to advise the next colleagues of the European Commission."
- "Creating a European institution that monitors child participation at the national and European level."
- "Stricter regulation for countries which fail to comply with a consultation guideline – which may be developed by the EU institutions and would contain recommendations and rules for an appropriate consultation with children."

PLENARY SESSION IV

Reporting from workshops' discussion

In the fourth plenary session, three rapporteurs provided feedback on the workshops. Each rapporteur was asked to first summarise the discussion and conclusions of day one, focusing on problem definition, gaps and challenges, and then to describe the discussions and main conclusions of day two. Other Forum participants were also invited to provide feedback on the workshops.

WORKSHOP 1

The protection of children in migration



RAPPORTEUR: Róisín Pillay, Director for Europe and Central Asia Programme, International Commission of Jurists.

1. Challenges and problem definition

The workshop of day one began by looking at the context in which all those concerned are working on issues relating to children in migration. Many of the people present still had to **manage crisis situations** (e.g. pushbacks at borders; systematic blocks to accessing asylum procedures; reception conditions below the human rights standards). These issues **inhibit attention being paid to more long-term children's rights issues**. The difficult circumstances under which civil society organisations are working in certain Member States, and the frequent **hostile political rhetoric** towards migrants, were also addressed. The **lack of regular migration channels** and the **lack of possibilities of regularisation of immigration status** were mentioned as hindrances to the stable protection of children's rights.

2. Good practices and recommendations for further actions

Turning to some of the possible solutions, there were very useful presentations on experiences with **including migrant children** in policy-making, and **empowering** them to influence the policy debate and participate in the more general discourse. The need to expand and adapt existing systems and to work across services in ensuring that integration of children in migration is indeed a durable solution was emphasised. The importance of **education** was also highlighted from different perspectives; in particular, the usefulness of **vocational training** was pointed out. The value of an **effective system of guardianship** was also addressed. Good practice examples were discussed, such as the new legislation in Italy that has established a new system of guardianship which has helped migrant children with their integration and access to justice. The need to **reduce the (domestic) burdens on children** was also discussed, as this would enable them to truly live their childhood. Indeed, it is very important that children in migration are seen as children instead of migrants and that any durable solution respects and protects their rights. Finally, the need to allocate a sufficient part of the migration **budget for integration** purposes was mentioned.

WORKSHOP 2

Children's rights in the ever-changing digital world



RAPPORTEUR: Hans Martens, Digital Citizenship Programme Manager, European Schoolnet.

1. Challenges and problem definition

Mr Martens reminded the Forum participants that Ms Livingstone encouraged everyone to **see the digital domain not as a separate world**, but rather as something that influences all issues which have an impact on children's rights. He stated: "This is also a difficulty because when you focus on everything, you focus on nothing." The rapporteur also highlighted the lack of leadership and political ownership, as well as the need to have evidence-based policies, including considerations regarding the long-term impact. Particular issues of concern that were mentioned included **fake news, filter bubbles, harmful content, data protection, data privacy** and **online gaming**.

2. Good practices and recommendations for further actions

The **CoE's Recommendation** on children's rights in the digital environment, which was also mentioned during the second plenary session, was found to be a particularly useful instrument. It provides both fundamental principles as well as more detailed measures to be implemented on the level of the Member States. In addition, high-level statements and recommendations such as this instrument can be used by civil society organisations to hold their countries accountable.

It was also pointed out that **children are a lot smarter** than we often think. This underlines the need for *child participation* in this area. Children often tell adults that the digital environment provides **opportunities as well as threats**, similar to the 'normal' environment. At the same time, there is still an important role for **education**, especially with regard to acquiring the **proper skills** needed in such an environment.

Some key questions regarding the topic of this workshop remained open:

- Are all relevant stakeholders, especially from the business sector, already at the table?
- Do we already have the proper evidence to approach the more short-term issues from a perspective which focuses also on the long-term consequences?
- We talked about risks a lot, but what about the innovative use of new technologies?
- Are we doing enough to ensure that children's rights in the digital world are not becoming a separate domain?

WORKSHOP 3

Children and young people's participation in the EU political and democratic life



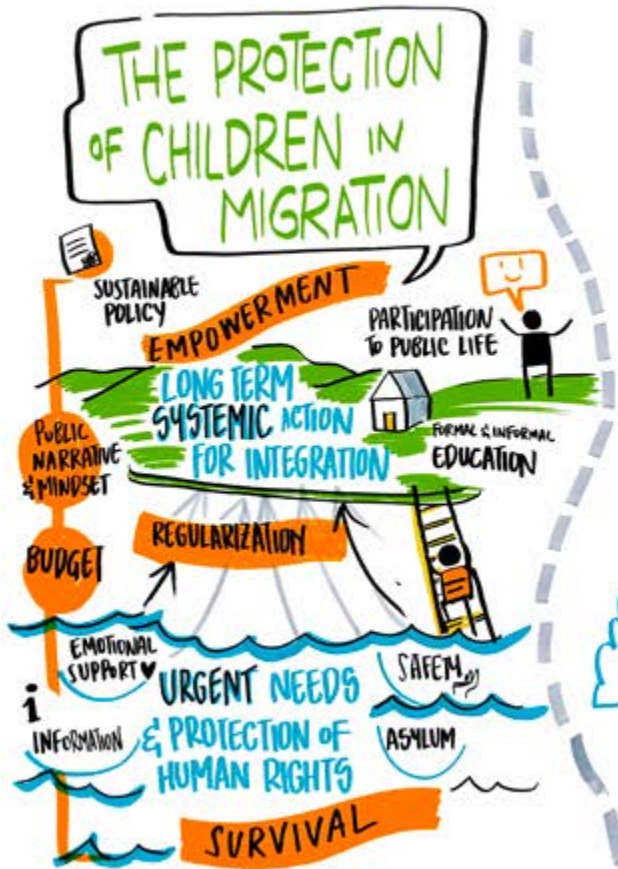
RAPPORTEUR: **Jana Hainsworth**, Secretary General, Eurochild.

1. Challenges and problem definition

Several challenges were addressed in the workshop. One of them was the question: How do we **create synergies** between the initiatives that are taking place at the local, national and European level? It is impossible to envisage participation in the EU political and democratic life without participation in the local context. While local initiatives certainly seem possible everywhere, they are **contingent upon the willingness of adults** to engage with children and young people. In addition, it is important to address the question of how to **democratise** local initiatives (e.g. school councils), for instance by seriously involving children's input in decision-making. Also, the issue of **inclusiveness** remains of importance, as influence through youth organisations can be discerned but not many minority children are usually involved therein. Ms Hainsworth stated: "We tend to concentrate on the children who are already influencing, thereby empowering those already in power." In this context, the question of **financial compensation** was also raised; if children are not financially compensated for participation, only the children that can *afford* to participate will be included. Regarding participation at the national and EU level, it was discussed how **online hostilities and hate speech** can be very discouraging. This is something that needs to be addressed.

2. Good practices and recommendations for further actions

It has been wonderful to see that the Romanian presidency of the Council of the European Union has made child participation a priority. It is important to bring about **a culture in which children are seen as rightsholders**. It would be beneficial to have **mechanisms** in place for EU officials to reach children, as Member States are often not set up very well to facilitate this. While there are some Members of the European Parliament that speak to children of their own accord, this is a minority. It is important to stress that talking to children will make for better politicians. Much more could be done, and the existing initiatives, such as the 'Back to school' initiative of the European Commission, could be better harnessed. In addition, **legislative change** should be part of the conversation. **Children should also be educated about and informed of their right to participate**. The right to participate does not just involve 'traditional' children's rights issues, but for instance also participation in the economic and political machinery that decides on matters such as social security. In addition, as was raised several times during the Forum, **child participation should not be tokenistic, but should be planned and structured**. The protests about the topic of climate change have been an excellent example both of the influence of children and young people on the political agenda, and of the criticism and resistance they have to face on the part of adults.



PLENARY SESSION V

Going forward: a conversation about further strengthening the protection of children's rights in the EU



The fifth plenary session consisted of statements from **Tiina Astola**, Director-General for Justice and Consumers, European Commission; **Caterina Chinnici**, Member of the European Parliament, Chair of the Intergroup on Children's Rights; **Geneviève Avenard**, Chair of the European Network of Ombudspersons for Children (ENOC), Children's Rights Defender in France; **Andrés Conde Solé**, Director, Save the Children, Spain; **Marco Pancini**, Director of Public Policy EMEA, YouTube; and **Laura Lundy**, Professor, Education and Children's Rights, Queen's University, Belfast. Concluding remarks were provided by **Emmanuel Crabit**, Director for Fundamental Rights and Rule of Law, Directorate-General for Justice and Consumers.

The discussion was guided on the basis of the following questions: 1) Considering the current state of children's rights and the progress made so far, related to your field of work, what needs to be achieved in the next 10 years to ensure that long-term progress will be made? And 2) What are the priority goals and initiatives for the next one or two years? Other Forum participants were also invited to share their aspirations for the long and short term.

Ms Astola noticed that while a lot has been done in the field of *child-friendly justice*, it is important to ensure in the long term that the [Directives](#) that were adopted in this regard are **implemented in practice**. In addition, **new legislation** has to be adopted to the benefit of children in difficult situations, such as children in migration. Another issue that merits attention is the position of another vulnerable group, namely that of **Roma children**. In the short term, she hoped that the **child's perspective would be mainstreamed** in the EU's work.



Ms Chinnici started by setting out what has been done so far, as this can be used as foundations for the next decade. The Intergroup on Children's Rights has succeeded in raising awareness concerning children's rights. One of the most important achievements in this respect concerns the Parliament's indication to establish the *European Child Guarantee*, a new instrument for tackling the multidimensional aspects of child poverty. **Sufficient funds** should be allocated for this issue over the next 10 years. Ms Chinnici stated that "Investing in children means investing in our future." Other areas that require attention and effort both in the short term and in the long term are access to justice for children (in the follow-up of Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings), *violence against children* and *children's rights in the digital world*.

According to Mr Conde Solé, in the long term, *severe child poverty* should be eradicated and the number of children living in poverty should be reduced by 50%. Moreover, a *European system of migration government* is necessary. As 70% of people on the move are children and women, we need to have a **gender- and child-based perspective** on this issue. It is important to keep in mind that we need migration from a demographic point of view. *Violence against children* should be addressed more seriously. An issue to address in this regard is the fact that there are currently **no metrics** to measure this. Another issue is the *manufacturing and selling of weapons*. The EU needs to **stop the sale of weapons to countries in armed conflict**. Finally, human and children's rights should be defended in the EU and in the world. These rights are nowadays frequently challenged by the governments of Member States, but the hope is that the EU will return to being the **global leader in preserving and defending these rights** in the next decade. In the short term, it is important to guarantee **significant and sustainable investments regarding child poverty**. Moreover, the

focus should be on **building an alternative to fight the current xenophobic and populist narrative** that can be discerned across the EU.

Ms Avenard noted that 10 years is a long period of time, and that it should not be forgotten that the passing of time in childhood is quite different from the passing of time in adulthood. In addition, while setting priority goals also means making choices and ignoring certain issues, *violence against children* merits particular attention in the long term as this issue is related to a number of different children's rights. **Awareness of the consequences of violence against children** should be raised. **Corporal punishment should be eradicated by law**; hopefully, in the next 10 years, all EU Member States will have adopted legislation to prohibit this. In the short term, she proposed to acknowledge that the *right to participate* does not merely entail the right to collective participation. Rather, **children have the right to be heard** in all decisions concerning them. Moreover, **assessments of the impact on the rights of the child** should be made **compulsory for all proposals in the EU Member States**.

Ms Lundy also mentioned her aspirations for the long term. As has been stated before, **lowering the voting age to 16** should be considered. There is an opportunity for the EU to be a role model in this respect, for instance with the elections for the European Parliament. Moreover, the question of why there is no **institution for children in the EU** should be addressed. As the Europe Kids Want survey showed that only 7.3% of children feel adults in their city or town listen to them when making decisions, in 10 years' time, **every city should have a children's council**. In addition, Ms Lundy stated that "In 10 years' time it should not be possible to have an event about children, without children." Based on research on minorities, the percentage of children present should not be below 30%. Online and technological tools could be very helpful to enhance *child participation*. While much good work has already been done in relation to child participation, it is still patchy; we need more structure and more strategic approaches. However, to end on a more positive note, Ms Lundy emphasised that child participation is not just an issue of a vicious circle; indeed, "there is this kind of ripple effect of child participation."

Mr Pancini noted that from the perspective of a technological company, one of the questions to consider is: What kind of **insurances** can be put in the hands of children and families **to protect their rights online**? One of the challenges to take into account when trying to find global solutions for different markets is the fact that every child is different. It is important that the relevant **tools in this area are available to everyone** and, therefore, free of charge. In addition, there should be a **low barrier to understanding and using these tools**.

In addition to the contributions of the speakers, other participants also raised important goals, initiatives and achievements to ensure progress in the protection of rights of children in the EU. The achievements needed in the long term include the following:

- With regard to child participation, the Romanian Children's Board would like to see a **children's parliament**, which is made up of only children and which is elected by children. It could take the form of a consultative structure which gives input on legislation on children's rights and other matters affecting children.
- **Lowering of the voting age** in more European countries. A participant noticed: "It is a very healthy civic exercise which does not harm anyone."
- The establishment of an EU association on child protection to **support children in cross-border situations**.
- Ensuring **complete deinstitutionalisation**. A participant noted: "A child will never flourish as much in an institution as in a family, and EU funds should not be used to build or expand institutions."
- Depriving children of their liberty should be recognised as a form of violence against children. A participant stated: "**In 10 years' time, there should be no child behind bars in Europe.**"
- Acknowledging the **interconnectedness** or **indivisibility of all human rights**. Ensuring children's rights means also ensuring, for instance, women's rights, migrants' rights and disability rights.



As priority goals and initiatives for the short term, the following were mentioned:

- The increase in child participation by **decreasing adult participation**, for instance by 10% every year.
- Ensuring **child participation from a younger age** than is common at this time. It was mentioned that “children should not be considered relevant only from the age of 16” – rather, children could be asked for their views when they are as young as 10 years old.
- Addressing a lack of child participation, for instance through **sanctions**.
- Increasing diversity. A participant noticed: “Next year **this Forum should be less monochromatic** – it needs to be way more diverse.”
- Using the SDGs to establish priority goals and initiatives for the short term through, for instance, the benchmarks that are included therein. States can be held accountable on the basis of the SDGs.
- Thinking immediately about what the **data needs** are; this would be in line with other comments on the need for adequate data collection. As longitudinal data are required, the collection needs to start today.
- Reflecting on the **quality of alternative care**, since we are in the process of deinstitutionalisation. The deinstitutionalisation process requires appropriate and quality alternative care and programmes to strengthen families. As a leading care issue for the short term, it was mentioned that “**children without parental care still need to be supported after turning 18.**”
- **Informing the public well**, with regard to both deinstitutionalisation and decreasing the number of children deprived of their liberty, and the meaning and goals of these processes. These should not be seen as budgetary saving measures.



In conclusion, Mr Crabit noted that the Forum showed that a multi-disciplinary approach is indispensable. The three broad themes that were identified as priority for current and future work at the level of the EU were indeed found to be highly relevant, although many other challenges remain.

The organisers would like to thank Eva Schmidt who authored this report, distilling and compiling the main messages from two days of discussions.

12th EUROPEAN FORUM ON THE RIGHTS OF THE CHILD

DAY 2

MODERATED BY ANITA BUCURETTA

WHERE WE ARE & WHERE WE WANT TO GO

THE PROTECTION OF CHILDREN IN MIGRATION



CHILDREN'S RIGHTS IN THE EVER-CHANGING DIGITAL WORLD



CHILDREN & YOUNG PEOPLE'S PARTICIPATION TO THE EU POLITICAL & DEMOCRATIC LIFE



MOVE BEYOND OUR PERSONAL & CULTURAL BIASES MINDSET SHIFT

- PANEL
- TINA ASTILA
 - CATERINA DIAMICI
 - GENEVIÈVE ANUNDO
 - ANDRÉS CANDE SAIZ
 - MARCO PANCONI
 - LAVRA LINDOY



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