



EUROPEAN COMMISSION
SECRETARIAT GENERAL

CG4(2008)3/2

**12TH MEETING OF THE COMMISSIONERS GROUP ON FUNDAMENTAL RIGHTS,
ANTI-DISCRIMINATION AND EQUAL OPPORTUNITIES**

*Tuesday 19 February 2008, 16h30 – 18h00
Strasbourg 7th floor, room WIC 700, WIC (IP1)*

RIGHTS OF THE CHILD

Information note prepared under the authority of Vice-President Frattini

Contact person : Ms Luisa Llano Cardenal, tel. 92759

Rights of the Child

The EU has developed various concrete policies and programmes on children's rights. These span both internal and external policies and cover a broad range of issues, such as child trafficking and sexual abuse, violence against children, discrimination, child poverty, social exclusion, child labour, health and education.

The Communication "Towards an EU Strategy on the Rights of the Child" proposes to establish a comprehensive EU strategy to effectively promote and safeguard the rights of the child in the European Union's internal and external policies and to support Member States' efforts in this field.

This approach has been recently supported by the European Parliament in its resolution of 16 January 2008 "Towards an EU strategy on the rights of the child" (report of Ms Angelilli). The European Parliament has introduced additional requests across a wide variety of domains. The feasibility of these requests will have to be analysed in detail but they are largely in line with the content of the 2006 Communication and its follow-up.

European Forum for the rights of the Child

The European Forum for the rights of the child was set up in 2007. The Forum aims to bring stakeholders together to share expertise, information and good practice. The role of the Forum is to assist the Commission in the design of policies for children. It is also meant to give visibility to the role and actions of the national Ombudspersons for children and to allow for children's opinions to be heard and taken into account by decision makers.

The proposed Members of the Forum (80-100 in total) are Member States representatives, Ombudspersons for children, representatives of the European Parliament, the European Economic and Social Committee, the Committee of the Regions, the Council of Europe, Unicef and NGOs. The Forum is chaired by the Commission.

The first Forum meeting on 4 June 2007 in Berlin focused on strengthening membership, and discussed possible mechanisms for future participation of children to the Forum and how to protect children against sexual exploitation. A document describing the terms of reference for the Forum is attached.

The second Forum meeting is planned to take place in Brussels on 4 March 2008 and will address the issue of alert mechanism for missing children and child poverty, with special attention to the situation of Roma children.

A third meeting of the Forum is planned for November 2008 and is likely to address the subject of international adoption.

As regards the participation of civil society to the Forum, the number of NGOs to be invited is fixed at fifteen; ten of these will be permanent members, the other five will be chosen, for each meeting of the Forum, depending on the specific themes on the agenda. In order to select the NGOs, a call for expression of interest will be published in March. This will lead to the selection of the ten permanent members and to a "reserve list" in which five other can be invited.

Child participation to the Forum is crucial and work is on-going to establish an appropriate mechanism to ensure such participation. The interservice group on the rights of the child will continue to work on these issues.

State of play on other activities

In addition to the Forum and to the recent Communication "a Special Place for Children in EU External Action", a number of actions envisaged in the communication "Towards an EU strategy on the rights of the child" have been launched (see annex 2). Amongst others, a Commission Decision reserved the number 116000 for a single telephone number for urgent calls about missing children. Work has been launched with Member States to promote the use of national Child Alert mechanism at cross border level when there is a case which involves another country. The Commission is currently setting up a mechanism to stop payments made with a credit card or an electronic payment when purchasing images of sexual abuse of children on the Internet. A study on the design of indicators concerning children's rights and on relevant data sources was launched recently and is monitored with the help of the European Agency on Fundamental Rights. Other actions concern violence against children, civil justice aspects such as maintenance obligations, parental responsibility, family mediation), criminal justice: fight against trafficking, against sexual exploitation and pedopornography and prevention of the use of drugs. In 2007 work has also been undertaken on poverty and social exclusion of children within the context of the Open Method of Coordination on Social Protection and Social Inclusion which has led to an in-depth examination of policies to fight child poverty feeding into the 2008 Joint report on social protection and social inclusion. Recent initiatives supported by the Commission include the Safer Internet Day on 12 February 2008 (a yearly event taking organised by Insafe, the European internet safety network, to create awareness messages on the safe and ethical use of information and communication technologies, namely of the internet and mobile phones). On 11 February 2008 the GSM Association, the global trade association for mobile operators, has launched the Mobile Alliance against Child Sexual Abuse Content to obstruct the use of the mobile environment by individuals or organisations wishing to consume or profit from child sexual abuse content.

Conclusions

- It remains crucial to ensure effective coordination of the various policies involved through the interservice group chaired by DG JLS.
- The Group of Commissioners is asked to take note of this approach.

Terms of Reference for the European Forum for the Rights of the Child

The creation of a European Forum for the Rights of the Child is foreseen in the Communication “*Towards an EU strategy on the rights of the child*”¹, adopted by the Commission on 4 July 2006.

1. TYPE

The European Forum for the Rights of the Child is a permanent group for the promotion of children’s rights, in internal and external action, and should meet in plenary at least twice a year. The European Forum will be supported, in an advisory capacity, by a steering group, meeting regularly throughout the year to advise on setting the agenda of the Forum, provide expert advice and independent assessment of progress made.

2. OBJECTIVES

The objectives of the Forum are to:

- advise and assist the Commission and other European Institutions, in particular as regards mainstreaming of children's rights in EU legislation, policies, and programmes;
- exchange information and good practice between stakeholders, guided by international and European treaties, in particular the United Nations Convention on the Rights of the Child (UNCRC) and its Optional Protocols², the European Convention on Human Rights³ (ECHR) and the European Charter on Fundamental Rights;

The Forum will adopt, each time consensus can be reached on given topics, conclusions to be sent to the European Commission.

¹ COM(2006)367 of 04.07.2006

² Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; Protocol on the sale of children, child prostitution and child pornography; Protocol on the involvement of children in armed conflict.

³ Full text available at <http://www.echr.Council of Europe.int/ECHR/EN/Header/Basic+Texts>

3. PARTICIPATION

Representatives of the following organisations could be included, bearing in mind that the list of the individual participants may vary according to subjects treated:

Member States Representatives	27
Network of observatories on children's rights (ChildONEurope)	3 ⁴
European Network of Ombudspersons for children (ENOC)	21 ⁵
Ombudspersons from other countries	As appropriate (max 10) ⁶
Representatives of third countries	As appropriate (max 10) ⁷
UN Committee on the Rights of the Child	1
UNICEF	1
Council of Europe	1
Commissioner for Human Rights	1
European Parliament	1 + as appropriate (max 7) ⁸
General Secretariat of the Council of the EU	1
European Committee of the Regions	1
European Economic and Social Committee	1
Fundamental Rights Agency	1
Civil society (NGOs)	15
Children's representatives	p.m.
Total :	80 - 100

Depending on the subjects included on the agenda, experts/academics can be invited to the meeting. For discussion on topics of particular importance, the relevant Ministers could be asked to join the meeting.

4. FUNCTIONING MECHANISM

The Commission will chair the Forum and will ensure its organisation. A Steering Group chaired by the Commission will meet regularly to discuss and prepare the meetings of the Forum. The members of the Interservice Group for children are fully involved in the preparation and take part to the Forum.

⁴ President, Vice-President and Secretary-General.

⁵ ENOC includes a larger number of Members. Only those from a EU countries are concerned here. ENOC will keep its other Members informed.

⁶ As appropriate means that, according to the subjects treated, such participation can be useful.

⁷ ibidem

⁸ Following the 7 EP committees involved in the drafting of the EP opinion on the EC communication.

The steering group is composed of:

Representatives of Member States	3 (Troika ⁹)
Network of observatories on children's rights (ChildONEurope)	1
European Network of Ombudspersons for children (ENOC)	1
UN Committee on the Rights of the Child	1
UNICEF	1
Council of Europe	1
European Parliament	1
European Economic and Social Committee	1
Civil society (NGOs)	3 ¹⁰
Children	p.m.
Total :	13^{(*)11}

The Commission will provide the necessary support to secretarial tasks for the steering group and the Forum. The working languages of the Forum are English and French.

5. CHILDREN PARTICIPATION

A separate note describing a concrete mechanism for children participation to the Forum will be presented to the Group of Commissioners for Fundamental Rights in 2008.

6. FINANCIAL RESOURCES

The Commission will ensure the funding for the Forum.

⁹ The "Europe de l'enfance" group will send its presidency troika to ensure proper continuity and follow-up.

¹⁰ One NGO with a main focus on European matters, one for external policies matters and a third coming from a peer lead organisation of children and youth.

¹¹ **If and when necessary**, experts / academics can be invited

Annex 2

State of play on specific issues

Daphne III

For its tenth year of existence, the Daphne programme starts a new period of activity : 2007-2013 with a global budget of € 116 million. The Daphne programme supports projects aimed at fighting against violence towards children, young people and women.

Hotline 116000

Cases of missing children and abductions can quickly become cross-border phenomena owing to the small size of some Member States. It therefore seemed appropriate to have a single telephone number for urgent calls about missing children. That has now been done thanks to Commission Decision COM (2007) 24912, with the number 116000 being set aside for this purpose.

Putting in place the services corresponding to number 116 remains the responsibility of Member States. In order to boost the setting up of these services, *Missing Children Europe* presented *European Industry Guidelines*, signed by the European landline and mobile phone associations. A *Letter of Intent*, signed by the *European Conference of Postal and Telecommunications Administrations (CEPT)* and by *Missing Children Europe*, will enable the number 116000 to be inaugurated in the 47 Member States of the CEPT. To date (February 2008), 4 countries have attributed the 116000 to an NGO : Belgium, Denmark, Greece and Portugal. Other countries are in the process of doing so.

EU-wide Child Alert mechanism

In addition to this emergency phone number, assistance in the search for missing children is an important issue. Several systems already exist at national level, such as the successful “Alerte enlèvement” mechanism set up by the French authorities and there is a need to examine how promote their use at cross border level when there is a case which involves another country.

The idea would be to promote the establishment of this kind of mechanism in all Member States in order to make sure that they function across borders, which is not a problem technologically, but may become one from a legal political point of view. The political will here, too, is key to making headway in this matter.

A round table with representatives of Member States was held in September 2007. The Commission submitted guidelines describing the mechanism and possible ways of cooperation between Member States. Some Member States have still to submit their comments on these guidelines.

In November, a CATS meeting dedicated some time of discussion about this mechanism. A large majority of Member States supported the idea.

¹² Commission Decision on reserving the national numbering ranges beginning with 116 for harmonised services of social value.

In its report on the Commission communication on children's rights, the European Parliament calls for a budget line dedicated to the set up of such an alert mechanism.

Stopping the sale of child sexual abuse images

The Commission is currently setting up a mechanism to stop payments made with a credit card or an electronic payment when purchasing images of sexual abuses of children on the Internet. In 2005, to implement this mechanism, Europe VISA created, and finances, the CEOP (*Child Exploitation and Online Protection*). It has some hundred employees, mainly computer experts and financial investigators who scan millions of Internet sites in search of illicit content. When such sites are found, information is passed on to the police and VISA which checks with its "card quire" if transactions were made for the companies running these sites.

After several preparatory meetings, a draft document moots the possibility of a ***one-stop-shop*** for all the partners (banks, credit card companies, Internet access providers and national authorities). This *one-stop-shop* would bring under one roof in the detection of illicit content on the Internet, finding the sites involved and informing the banks so as to stop financial transactions and informing the authorities in order to bring offenders to justice.

The financial sector set up a steering group in autumn 2007 to implement the preparatory measures. In 2008, they will submit a project for a Commission funding, in order to create this one-stop-shop