



# 8th European Forum on the rights of the child

## Towards integrated child protection systems through the implementation of the EU Agenda for the rights of the child

### 17–18 December 2013

#### REPORT

#### 1. INTRODUCTION

The 8th European Forum on the rights of the child further explored the theme of child protection systems launched at the 2012 Forum. It sought to identify key elements of the future EU Guidelines on child protection systems<sup>1</sup>, guided by the principles and themes highlighted in the [EU Agenda for the rights of the child](#)<sup>2</sup>.

The conference brought together a wide range of stakeholders and experts working in diverse areas. In total **over 270 participants** attended the annual event, including 90 NGO representatives, 75 Member State officials, 19 ombudspersons or their representatives, 16 representatives of international organisations (UNICEF, UNHCR, OHCHR, UN Committee on the rights of the child, WHO, Council of Europe, IOM, International Committee of the Red Cross, Amnesty International), 13 academics, 1 MEP, 2 MEP assistants, and representatives from the European Economic and Social Committee, the Committee of the Regions, the Fundamental Rights Agency, the European Asylum Support Office, and the European Commission (DG Justice, DG Home Affairs, DG Enlargement, DG Employment and DG Development and Cooperation).

The first day of the Forum was dedicated to high-level speeches, while the second day focused on more specialised debates and exchange of experience on international parental child abduction, children on the move, bullying and cyber bullying and female genital mutilation (FGM) in four parallel sessions.

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<sup>1</sup> Guidelines on child protection systems were first announced in the EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016; COM(2012) 286 final (See section 2.1(3))  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52012DC0286:EN:NOT>

<sup>2</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0060:FIN:EN:PDF>

## 2. DAY 1 – 17 DECEMBER 2013

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

### 2.1. Ms Viviane Reding, Vice-President of the European Commission, Commissioner for Justice, Fundamental Rights and Citizenship

In her keynote speech, Ms Reding stressed that the implementation of the actions outlined in the EU Agenda requires the use of legislation, data collection, funding, support for child participation, and increased cooperation and partnership among different actors, including coordination among the Commission's services. She explained that all of these tools and methods are components of **child protection systems**, which is shorthand to describe the way all actors work in concert across sectors to ensure that diverse needs of children are addressed in a comprehensive manner.

Ms Reding highlighted the wealth of new **legislation** as a key achievement in recent years, namely the [Directive to fight sexual abuse and sexual exploitation of children](#), the [Directive to protect victims of trafficking](#), including children, and the [Directive to safeguard the rights of victims of crime in criminal judicial proceedings](#), including children. In addition, she explained that the Commission recently proposed [new legislation to protect children in criminal proceedings](#) where they are suspected or accused of a crime. Ms Reding said that additional effort is needed to ensure effective implementation of adopted legislation, for example through enhanced networking and dialogue among all stakeholders.

Ms Reding also underlined the recent adoption of the [Communication to fight and prevent FGM](#) and initiatives to address the issue of missing children, such as the 116 000 hotlines. She also commended the work of child helplines (116111) across the EU. **Data collection** and **funding** are important elements of the Commission's integrated approach and Ms Reding highlighted examples of recent actions in these areas.

Ms Reding further emphasised the importance of **cooperation among all actors**, namely the European Parliament, Member State authorities, the Council of Europe, Ombudspersons, UNICEF and other UN bodies, civil society organisations, practitioners, academics and experts as well as increased coordination within the Commission's services and the work of EU Agencies. As an example of good cooperation she mentioned a project conducted jointly with the European Parliament to raise awareness among bi-national couples on parental responsibilities.

Looking ahead, VP Reding stressed the importance of **consolidating** the work done in recent years. With this in mind the EU aims to further support Member States, who have primary responsibility for their child protection systems, by taking a bird's eye view of all the areas in which the EU has made or can make a contribution to child protection. In this vein, VP Reding announced that **EU Guidelines on child protection systems** are to be developed in 2014, following a public consultation to be launched in March 2014.

## **2.2. Ms Jiménez-Becerril Barrio, MEP**

Ms Jiménez-Becerril Barrio stepped in for Vice-President of the European Parliament Roberta Angelilli. She underscored the necessity of legislative work and data collection on a variety of child rights issues, and cooperation among actors. In particular, she underlined the importance of joint efforts by the Commission, the European Parliament and the Member States to work towards integrated and coordinated child protection systems so that all children are protected from harm caused by violence, abuse, abandonment and exploitation. Ms Jiménez-Becerril Barrio stressed the importance of the Victims' Rights Directive and underlined that all themes discussed at the 8<sup>th</sup> Forum are also discussed in the Parliament.

On **international parental child abduction**, she said that there are around 16 million international couples in Europe and 310,000 couples of different nationalities get married in Europe every year. At the same time, statistics show that every year 137,000 of marriages with an international dimension end in divorce. The uncertainty about the applicable law relating to custody arrangements, maintenance obligations, conflicts of jurisdiction and insufficient knowledge of the rights and duties of bi-national couples can exacerbate conflicts between parents to the detriment of the child. The European Parliament Pilot Project, previously mentioned by VP Reding, will provide information for bi-national parents about parental responsibility in case of divorce or separation. The aim is to underline the difference between the legal systems of the Member States and to create a common understanding about the rules governing the custody of children in bi-national situations.

As regards **children on the move**, Ms Jiménez-Becerril Barrio mentioned the importance of gathering data to learn more about the vulnerable children who arrive in Europe unaccompanied and seeking asylum. She underlined the problem of child trafficking and mentioned the [Commission's 2013 report](#) which states that in the period 2008-2010, children made up 15% of all victims of trafficking. On **bullying and cyber bullying**, Ms Jiménez-Becerril Barrio focused on the dangers of the internet perpetuating and facilitating child pornography, child grooming, and content that leads to self-injurious behaviour like anorexia, bulimia, and even suicide. She called for maximum cooperation of all actors and stressed the need to provide children, parents, and teachers with tools to prevent and address bullying. Ms Jiménez-Becerril Barrio voiced the European Parliament support for initiatives to address **FGM** and provide assistance to 500,000 women and girls in the EU and millions around the world. In this respect she again evoked the Victims' Rights Directive and the recent Commission Communication on FGM. She reiterated the need for involvement of a variety of actors, such as governments, justice officials, medical professionals, religious leaders, the media, and men, among others.

## **2.3. Ms Edita Žiobienė, Lithuanian Ombudsman for children**

Ms Žiobienė represented the Lithuanian Presidency of the Council of the EU at the 8<sup>th</sup> European Forum. She gave an overview of her mandate, tasks and responsibilities, underlining that **freedom, independence and autonomy of an Ombudsman's office** is

of key importance. Among the core examples of her daily work, she mentioned investigation of violations of children's rights, which can be based on complaints about violations or on her own initiative. The Ombudsman also controls and supervises the implementation of legal acts related to the rights of the child, and has challenged the conformity of certain acts with the rights of the child. Ms Žiobienė stressed the importance of cooperation among actors working on the rights of the child, such as different ministries, child rights agencies, prosecutors' offices, health professionals, etc. Visiting institutions for children and reporting about the situation of around 4,000 children still living in institutional care in Lithuania is an important part of the Ombudsman's work on children's rights. The Ombudsman's office is also trying to promote a nationwide discussion on the rights of the child among university students and in the media.

Ms Žiobienė spoke candidly about some of the challenges in protecting and promoting the rights of the child in Lithuania. She highlighted the importance of supporting child participation, noting that, in Lithuania, discussion is still taking place about what child participation is and why it is important to hear the views of children. Another obstacle in promoting children's rights derives from the tension between parents' rights and children's rights, for example in discussions on corporal punishment. Finally, because of the views of the Church, parents, or even members of the Parliament, some subjects are particularly sensitive, such as sexual education for children.

#### **2.4. Ms Marie-Pierre Poirier, UNICEF Regional Director for Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS)**

Ms Poirier explained that the traditional approach of focusing child protection efforts on particular issues or specific groups of children offers only fragmented responses. An **integrated child protection system**, on the other hand, emphasises early intervention, prevention, and family support, serves all children and prevents those with multiple child protection problems from falling between the cracks. It also increases coherence of the response, leads to greater efficiencies, takes a holistic view of the child and involves many professionals who bring different expertise and perspectives. Coordinated action of all concerned actors is a precondition for such an approach.

Ms Poirier underlined that States themselves are primarily responsible for the development and maintenance of their national child protection systems. However, no government can do the job alone. UNICEF **supports governments** globally, for example, by promoting innovative approaches to reach marginalised communities, strengthening the professional workforce and cooperating with national actors. She stressed that fighting violence against children requires a solid child protection system. This requires a supportive policy environment, political commitment at the highest level, quality services, financial resources, legislation and its implementation, and challenging of the social norms that promote the continuation of violence. In this context she mentioned UNICEF's new global initiative to [End Violence against Children](#) which calls on citizens, lawmakers and governments to speak out and take action to fight violence against children. The aim of this initiative is to build on existing efforts at national and local levels, highlight best practices, and encourage action.

Noting global progress towards a more **holistic and comprehensive approach**, Ms Poirier stressed that there were many areas where collective and coordinated action by the EU is needed. She called for common European action to strengthen national child protection systems by identifying innovative approaches that work at national level, highlighting successful prevention efforts, facilitating the exchange of good practice, and getting better data. Ms Poirier welcomed EU plans to develop Guidelines on child protection systems as an opportunity to **join forces** and work together on building on existing child protection systems and approaches in a more effective and sustainable manner.

## **2.5. Ms Myria Vassiliadou, EU anti-trafficking coordinator**

Ms Vassiliadou spoke about the issue of **child trafficking**, where children fall victims to various forms of exploitation, such as child pornography, prostitution, child labour, organ removal, forced child marriages, begging, or child selling to engage in criminal activities. Children, regardless of their immigration status, must be safe and protected from criminals who deprive them of their rights, said Ms Vassiliadou, adding that they should be treated first and foremost as children. She expressed the belief that the legislative and policy framework at EU level as regards child trafficking is comprehensive, integrated and forward thinking and that there is a political will to act on this issue.

**Data** on child trafficking published in April 2013 reveal staggering figures as children make up 15% of identified victims; 12% are girls and 3% boys. The most widespread form of exploitation was revealed to be sexual exploitation, the majority of victims being women and girls (96%). Ms Vassiliadou pointed out that numbers of identified victims are on the rise, but the numbers of prosecutions and convictions are going down. This makes trafficking a very high-profit and low-risk crime (in terms of profit, trafficking is worth 25bn euro per year). According to estimates, the global number of victims of trafficking in the last 10 years is close to a million, but Ms Vassiliadou said this was only the tip of the iceberg.

The EU anti-trafficking coordinator also spoke about the **[EU Directive on trafficking in human beings](#)**, which stipulates that all children are considered vulnerable, regardless of their status. Children should get unconditional support, i.e. immediate access to assistance, support and protection, without any other requirements, such as cooperation with authorities. The child's best interests must be a primary consideration and in accordance with the Charter of Fundamental rights, the principle of child participation is enshrined in the Directive. Children should under no circumstances be punished or put behind bars for their involvement in criminal activities as a result of being trafficked. The Directive also establishes extraterritorial jurisdiction, so that Member States can prosecute their nationals for crimes committed abroad. This is a fundamental tool for the prosecution to use in cases of child sex tourism, said Ms Vassiliadou. She **called upon Member States to act with urgency in transposing and implementing** this Directive and its provisions. The deadline for the transposition of the Directive was 6 April 2013. To date 20 Member States have notified transposition, and the Commission started infringement proceedings against four Member States.

Ms Vassiliadou also spoke about the requirement to focus on demand reduction in the context of trafficking. While there is a primary focus on victims and persecuting and punishing the traffickers, it is also important to focus attention on the customer, the client, the user, and the procurer. Member States are obliged to take action to reduce demand.

To complement the legal framework with policy, the EU has, after lengthy consultations with civil society and other actors, adopted the EU [\*\*Anti-trafficking Strategy\*\*](#), which sets out 40 concrete actions. It focuses on protection, prevention, prosecution, partnership and data. The strategy recognises the need for comprehensive and integrated child protection systems and underline that there is **no need for a specific system** to deal with children of trafficking. What is required is a **child protection system** which can cater to diverse needs of **all children** requiring protection, irrespective of their status. Ms Vassiliadou also invited participants to consult a [\*\*Compilation on the rights of victims of trafficking\*\*](#) bringing together 17 pieces of legislation on trafficking in a reader-friendly format.

The anti-trafficking coordinator underlined the value of an on-going civil society engagement and stressed the importance of involving a wide range of organisations, including children's rights organisations, and not only those specifically focused on trafficking issues. She conveyed the usefulness of civil society's monitoring and reporting role, but also stressed the need for civil society reporting to be accurate and based on facts.

Ms Vassiliadou concluded by reiterating a call to the Member States to transpose, implement, and enforce EU rules to combat trafficking.

## **2.6. Ms Marie-Paule Martin-Blachais, Managing director, GIP Enfance en Danger**

Ms Martin-Blachais outlined three challenges to child protection systems: 1. Whether child protection systems are centralised or de-centralised there is a need to **connect** top-down, local, and horizontal implementation which is multi-disciplinary and multi-agency; 2. There is a need for a **holistic approach** by maintaining an integrated child protection system, rather than concentrating on policies in silos; 3. Striving for efficiency and effectiveness of child protection systems and having an **evidence-based approach**. She underlined the importance of data in providing information about the impact of actions and outcomes for young people and information about the children who are in the care system.

Ms Martin-Blachais focused her presentation on the **French child protection system**. She outlined the country's socio-economic indicators, and gave an overview of the administrative set-up at local, *département*, regional and national levels as well as a general framework of child protection in France. The latter is organised around two pillars providing different types of protection: administrative protection, i.e. child protection services, and judicial protection, i.e. specialised jurisdictions (specialised judges dealing with children: both in terms of protection and prosecution). Most

responsibilities in terms of social action and social services, including child protection services, have been transferred from the national level to the level of the *départements*.

Challenges to the child protection systems include cross-sectorial cooperation and coordination among different levels and agencies, implementation of legislation, and data collection on impacts and outcomes of actions for children. For a child protection system **legitimacy** at local and national level is important, which requires political, legal, scientific and professional legitimacy, concluded Ms Martin-Blachais.

## 2.7. Ms Lena Karlsson, Director, Save the Children's Global Protection Initiative

Ms Karlsson highlighted the importance of the EU strategy toward the Eradication of Trafficking in Human Beings 2012-2104 and the future guidance on child protection systems to be developed by the Commission in 2014. She stressed the right of every child to live and thrive in a safe and caring family environment, free from all forms of violence. At the same time she mentioned examples of persistent violations of children's rights in the EU, such as corporal punishment, sexual violence, children living in institutional care, children migrating to and within the EU, especially those who are unaccompanied, trafficking, and violence against children facilitated through cyber technologies.

Ms Karlsson called for a move away from an issue-based approach in child protection, to a comprehensive approach instead. She explained Save the Children's view of what constitutes an effective child protection system. Such a system should be made up of a **set of laws and policies** in compliance with the UNCRC, a **central government coordination mechanism** with a clear mandate to prevent and respond to child protection concerns, adequately **funded** child protection services, **monitoring** at all levels, a committed **workforce** with adequate competences and mandate, **data collection**, and **awareness-raising**. Furthermore, a child protection system should consider the root causes of child protection issues, include **all children**, without discrimination, enable **child participation**, and be based on **coordination between different sectors and actors**, including civil society. **Prevention** of violence is a key component of child protection systems. However, there is also a need for an effective **response mechanism** in cases where a child has been abused. For a child protection system to be effective, participation and partnerships with UN agencies, NGOs and civil society, media and children themselves is crucial, she said. **Transnational cooperation** measures are necessary to ensure the protection of children on the move and to guarantee their rights independently of their immigration status. After outlining the components of child protection systems, Ms Karlsson provided several concrete examples of their functioning.

Ms Karlsson gave a number of recommendations to the EU for the development of the guidelines on child protection systems: the EU should agree on a **definition** of child protection systems, its aims and key components; there should be a strong **trans-national component** in guiding Member States to further develop their child protection systems in order to prevent and respond to violence, abuse, exploitation and neglect of children coherently, especially when children move across EU countries, whether they

are nationals or non-nationals; abuse and exploitation through **new technologies** (for example, child grooming, child pornography, cyber bullying) or sexual exploitation through travel and tourism should also be addressed. Children should be involved in the development of the components of child protection systems and be recognised as agents of change: conditions should be created in order to facilitate **child consultation and participation**. **Civil society** organisations are important actors in child protection and should continue to be involved at local and national level. Systems should be built around **cross-departmental collaboration**, including, for example, education, health and justice sectors. Resources are important and the EU should monitor the investments made by the Member States in their child protection systems. The EU should give guidance to the Member States on common **data and indicators** – aligned with international ones – and States should develop a national data collection and research agenda to inform policies and report on advancements and outcome for children. In order to systematically gain insight into which interventions have been successful and why, and which are the drivers of change, **good practices** should be documented and shared, she said.

## **2.8. Ms Alexis Jay, Independent Chair of the Centre for Excellence for looked after children in Scotland**

Ms Jay gave an overview of the role of social workers, the challenges they face, the systems in which they operate and some examples of good practice.

The **categories of child abuse** social workers deal with are physical abuse, emotional abuse, sexual abuse and neglect. The latter is an area which has seen the greatest and fastest increase in the number of referrals recently. **The role of the social worker** is to take a lead role in following up allegations or suspicions of abuse, carrying out initial assessments of the circumstances, convening multi-agency conferences with education, health, police sectors and others, initiating court actions to safeguard children, coordinating child protection plans for children in public care at home and away from home and safeguarding children in foster care or residential care. **Indicators of risk** which the social workers use in their daily work include domestic abuse, parental alcohol and drug misuse, disability (children with learning disabilities or sensory impairments are known to be more vulnerable to neglect and abuse), mental health issues both for children themselves and for their parents or carers. FGM should always trigger child protection concerns as should as honour-based violence and forced marriages of children. Ms Jay explained that the most pressing concern in the UK is the presence of parental alcohol and drug misuse which shows no sign of declining. These should not be seen in isolation from a holistic assessment of a child's needs, she added. Among the **specific examples** of harm outside the home, Ms Jay listed child trafficking, the risks to children looked after away from home, online safety, missing or runaway children, bullying and others. Ms Jay further focused on **good practice guidance** developed in England of what social workers should do when it is concluded that a child is at risk and cited examples from other EU Member States, such as Sweden, Bulgaria and Ireland.

She listed **key features of child protection systems** from the perspective of a social worker including listening to children, skilled professional workforce, agreed procedures and protocols among professionals and means of resolving dissent among them in case of

their having different views, focus on preventative work, child protection registration and de-registration, risk assessment and risk management, and engaging the wider community by raising awareness of child protection issues and on the need to be alert and take action in case of concerns.

Ms Jay further listed a number of issues and **challenges faced by social services** and social workers in their work in terms of rising caseload numbers, bureaucratic procedures, lack of time for direct work with families, lack of funding, media interest, which can be very negative towards child protection workers, emerging new areas of knowledge and skills and training requirements, and availability of a high quality of supervision. In terms of **cross-border child protection issues**, Ms Jay mentioned free movement of adults for work purposes, where children are left behind, cultural differences, for example as regards disciplining children or the age of acceptable sexual activity, the international nature of child sexual exploitation and its linkages to other forms of crime, the lack of protocols for funding of care in different jurisdictions, difficulties with criminal records checks and qualifications of professionals.

Ms Jay concluded by listing **a set of recommendations** for the EU and Member States, saying they could usefully identify national contacts for cross-border child protection issues, recognise the central contribution of social services in protecting children, promote professional and effective support for victims, exchange good practice and promote learning, promote helplines and online advice and improve systems of intelligence about known sex offenders. Ms Jay highlighted that children should be kept at the centre of the social worker's tasks and that the support of the EU and national governments is needed to help make this happen.

### **3. DAY 2 – 18 DECEMBER 2013**

#### **3.1. Ms Margaret Tuite, Commission coordinator for the rights of the child**

Ms Tuite welcomed the participants to the second day of the Forum. She reiterated the conclusions reached at the 2012 Forum, which recognised the value of integrated child protection systems in providing a protective and empowering environment for all children. She expressed hope that the discussions of the day would yield input for the Guidelines for child protection systems which are to be developed in 2014 and that they would enable all stakeholders present to identify practical and operational solutions and means to work towards achieving common goals.

#### **3.2. Ms Kirsten Sandberg, Chair of the UN Committee on the Rights of the Child**

Ms Sandberg set out how the Committee understands integrated child protection systems and what are the obligations of the States, referring to [Article 19 of the UNCRC](#) and [General Comment No 13 \(2011\) on the right of the child to freedom from all forms of violence](#). She reiterated that the Committee demands of the States Parties that they coordinate their efforts horizontally and vertically, i.e. across sectors and across levels of government. All States are therefore required to have an integrated system for general implementation in place.

A child protection system should protect children from **violence in its widest sense** as spelt out in the above-mentioned documents. All forms of physical or mental violence are covered as well as injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, within or outside the family. While the Committee recognizes the primary position of families in child caregiving and protection and in the prevention of violence, the Committee also recognizes that most violence takes place in the context of families and that intervention and support are therefore required when children become the victims of hardship generated in families. **Other protection rights** should also be integrated in the child protection system: for example, protection against economic, sexual or other forms of exploitation, against drug abuse, and against recruitment in armed conflict.

Ms Sandberg recalled that the **requirement to have an integrated child protection system** in place is spelt out in the **General Comment No 13**. Its objective was to overcome isolated, fragmented and reactive initiatives, to promote a holistic approach and to provide States Parties and other stakeholders with a basis on which to develop a coordinating framework for eliminating violence. States must protect child victims and witnesses from human rights violations, investigate and punish those responsible, provide access to redress human rights violations, and assist parents and other caregivers to secure the living conditions necessary for the child's optimal development. **Article 19** provides that "all appropriate measures" that must be taken. In this sense States are required to set up an integrated, cohesive, interdisciplinary and coordinated system. Such a system must incorporate legislative, administrative, social, and educational measures, the concrete components of which Ms Sandberg discussed in detail as can be seen in her presentation. These measures should cover all interventions set out in Art 19(2), such as prevention, identification, reporting mechanisms, referral, investigation, treatment, follow-up, and judicial involvement.

Ms Sandberg further described the **elements of a national coordinating framework** and the elements that must be mainstreamed in that framework, namely: child rights approach, gender dimension, primary prevention, position of families, resilience and protection factors, risk factors, children in potentially vulnerable situations, resource allocation, coordination mechanisms and accountability.

***Note: Detailed reports on the four thematic sessions are annexed to this report. Session summaries are briefly outlined below.***

### **3.3. Session No 1 – Ensuring respect of the best interests of the child in parental abduction cases**

Participants in the session included Member State representatives, legal practitioners, mediators, NGOs and academics. They discussed the role of different stakeholders in child protection systems in cases of abduction, with the best interests of the child being a primary consideration. An overview of child abduction proceedings was presented from the perspective of a judge, a representative of a central authority and a mediator.

The interventions and discussions stressed the importance of taking account of the best interests of the child, and the need to raise awareness among international couples about the respective EU rules applying to child abduction. Specialised training for all professionals involved in the proceedings as well as enhanced collaboration between the stakeholders was highlighted as necessary to meet tight deadlines of the return procedure.

### **3.4. Session No 2 – The role of Child Protection Systems in protecting children on the move**

Session 2 discussed the role of child protection systems in meeting the needs of children on the move with a broad range of participants, although Member State authorities were under-represented here. Presentations were made by the Fundamental Rights Agency of the EU (FRA), on mapping on guardianship systems in EU28, by a social worker on the Irish model for working with separated children seeking asylum and by an Italian Ministry of the Interior representative of a project to better protect unaccompanied children going missing in one Member State and being found in a second Member State. The following issues drawn from the discussion were put forward as requiring further work: diversity of guardianship and care services, the need to ensure the best interests of the child, the need for better information on the workings of Child Protection Systems in the EU, the need for a balance between security–reception–protection, improving the response to missing children, assuring access to Child Protection Systems, cooperation across Child Protection Systems, ending detention of children, better addressing the needs of undocumented children and the need for better quality data on children on the move.

### **3.5. Session No 3 – The role of Child Protection Systems in protecting children from violence – bullying and cyber bullying**

Participants in this session discussed bullying and cyber bullying through the lens of a child protection system. The main issue discussed was how various actors can cooperate and coordinate their actions when addressing bullying and cyber bullying. Four panellists representing different perspectives (researcher, ombudsman and practitioner/teacher) introduced their views on roles and responsibilities in preventing and responding to bullying and cyber bullying.

Some of the points discussed were: the identification of a broad spectrum of formal and informal actors involved and their accountability, mechanisms that support cooperation among actors, the importance of individual and shared responsibilities for devising appropriate anti-bullying strategies, the need for comparative data across the Member States to inform appropriate policy choices, the role of bystanders in bullying behaviour, the need for prevention, detection and early intervention, training of professionals, the role of society as a whole and the importance of positive role models, the engagement of parents and the participation of children.

### **3.6. Session No 4 – The role of Child Protection Systems in protecting children from violence – female genital mutilation**

The session attracted a broad spectrum of participants representing Member States, national welfare authorities, international organisations, NGOs, researchers and practitioners. The participants engaged in very interesting exchanges on their particular experiences and practices as well as challenges in campaigning and awareness-raising, empowerment of children and young women, prevention, and protection delivered by professionals. Permeating through the different perspectives was a clear need to focus on working directly with the communities concerned, involving children, gathering data, developing holistic approaches and to coordinate efforts by all actors of Child Protection Systems as well as improving training of professionals to ensure better prevention, detection and support to children at risk or victims of FGM.

### **3.7. Forum Conclusions: Ms Salla Saastamoinen, Head of Unit, Fundamental Rights and Rights of the Child, DG Justice**

Ms Saastamoinen closed the conference by summarising the discussions held at the 8th European Forum. She echoed the views of many speakers and participants who spoke of the need for and value of **integrated child protection systems**, saying that only an integrated systems approach to child protection can effectively address diverse protection needs of children in all circumstances. Such a system should enable diverse actors to **collaborate** with each other, **coordinate** their actions across different sectors, and use a variety of **tools and measures** to address violence and abuse. A holistic approach across sectors and levels of government must keep the **child at the centre** and involve many professions who bring different expertise and perspectives, said Ms Saastamoinen.

She further recalled and reiterated the conclusions of the previous edition of the Forum, where participants gained insights into some of the gaps and strengths of integrated child protection systems. She repeated that child participation in different settings needs to be better assured, that more focus needs to be put on prevention, early intervention and family support, that data collection is not yet good enough in general to support evidence-based policymaking and that multidisciplinary teams of specially trained professionals are an essential component of any child protection system.

As announced by Vice-President Reding in her speech, the Commission plans to develop guidance on child protection systems in 2014 to support Member States as duty-bearers, particularly in cross-border or transnational contexts. Ms Saastamoinen confirmed that the Fundamental Rights Agency would carry out a mapping of national child protection systems which would both inform the work on the guidance and comprise a useful tool in its own right. She underlined that the Commission's work would be based on the UN Convention on the Rights of the Child and the perspective of the Committee, including General Comment No 13, in order to **overcome fragmented or issue-based approaches**, to promote a holistic approach and to provide a basis for a coordinating framework to eliminate violence, as explained by the Chair of the Committee on the Rights of the Child in her speech. Ms Saastamoinen invited all stakeholders to take the time to participate in the online public consultation to be launched at the end of March in preparation of the guidance.

Ms Saastamoinen further invited all participants to be guided in their work by the discussions at the 8th Forum and to promote the benefits of an integrated child protection system, such as increased coverage serving all children, while maintaining a focus on those most at risk. As underlined by several speakers, there is a need to **reduce fragmentation** of programmes and policies and increase coherence. The context and particularities of Member State child protection systems must be taken into account and transnational coherence when children move across borders should be improved. **Transnational challenges** must be taken into account in the EU. A focus on social protection and family support as an essential building block of any system should be maintained and child participation should be promoted. The **role of civil society** is crucial as well as **cross-departmental cooperation**. Ms Saastamoinen also underlined the importance of **comparable data and indicators**, as confirmed by many during the Forum. She invited the participants to be mindful of the everyday reality and the challenges that arise for practitioners in the field, especially social workers, particularly in cross-border situations. Ms Saastamoinen further acknowledged that the 8th Forum provided **networking opportunities** for the participants.

## **4. ANNEX**

### **4.1. Session No 1 – ensuring respect of the best interests of the child in parental abduction cases**

The session provided for an overview of the child abduction proceedings presented from the perspective of a judge, a representative of a central authority and a mediator and it built on the discussions held last year on the role of child protection authorities. Several aspects of the child return procedure, as set forth in the 1980 Hague Convention and in the Brussels IIa Regulation, were presented by the panellists and raised several questions from the audience. This session, co-chaired by Michael Shotter, Head of Civil Justice Policy Unit at the European Commission and Hilde Demarré from Child Focus, attracted a broad spectrum of participants representing Member States, legal practitioners, mediators, NGOs and academics who discussed the role of different stakeholders in child protection systems in cases of abduction, with the best interests of the child being a paramount consideration.

**Sir Mathew Thorpe**, the former Lord Justice of Appeal for England and Wales, gave an insight into the child return proceedings from a judicial perspective. He underlined that in order to secure the swift return of the child, efforts have to be made to apply clear and firm rules available under national law. Concentration of jurisdiction might also help to better ensure priority listing, stronger case management and coherent application of the rules by judges. Due to diverging national rules on enforcement, minimum standards could be considered so as to ensure effective enforcement and in particular to avoid delays which frequently impede the procedure. He also advised that a return order could specify the practicalities. In this context he also pointed out to the issue of the appellate process, regulated by national laws, which often tends to prolong the procedures and mentioned the need for more standardised principles concerning relocation. Participants enquired about child participation in the proceedings, especially about the safeguarding of the child's right to be heard. The importance of the European Judicial Network in Commercial and Civil Matters (EJN) was stressed.

**Agris Skudra**, Head of Children Affairs Cooperation Division, Ministry of Justice in Latvia, presented the involvement of central authority in child abduction proceedings. It emerged that central authorities are often the first point of contact with the parents involved and that they frequently give advice before cases emerge. When child return proceedings are launched, the required assistance must be given within the deadlines. Timely handling of the applications is a key factor, especially where there is a need to collaborate in the course of proceedings with a judge, a mediator, the social services or even the police. In this context, Mr Skudra mentioned a new system in Latvia supporting effective enforcement in the family area which also aims at prevention of parental abductions. As the return procedure usually involves central authorities from two Member States, participants agreed that close collaboration between them contributes greatly to efficient proceedings.

**Jamie Walker**, mediator specialised in cross-border parental child abduction and co-chair of the NGO Mediation in International Conflicts Involving Parents and Children in Germany, explained the role of mediation in international family conflicts. She mentioned that cross-border family conflicts usually build up long before an actual abduction; cultural differences can become threatening during a break-up and a parent may wish to return home after a separation. Mediation can therefore help parties to negotiate a mutually acceptable agreement which has the potential to be durable and to settle several issues such as the return of the child, custody, visitation, etc. In that sense mediation can cover a wider range of issues than the judicial procedure of the application of the Hague Convention whose aim is the swift return of the child but not to deal with the longer-term welfare of the child. Discussions revealed that mediation in cross-border child abduction cases is often perceived as challenging due to the extensive preparations it requires: language constraints, logistics, legal and psychosocial support. It also needs to be well prepared in terms of employing specially trained staff. Given the national differences in the rules governing the hearing of the child, participants discussed and stressed the importance of child participation of the child in mediation. Examples of the practice of ensuring a separate hearing of the child and the role of the guardian ad litem were mentioned.

Most of the interventions stressed the importance of taking account of the best interests of the child; their assessment, however, may raise some problems. It was agreed that, as a preventive measure, there is a continuous need to raise awareness among international couples about the respective EU rules applying to child abduction. Speakers also confirmed that specialised training has to be provided to all professionals involved in the proceedings. Finally, enhanced collaboration between the stakeholders involved in the proceedings has to be fostered so as to meet the tight deadlines in return procedures.

## **4.2. Session No 2 –protecting children on the move**

Session 2 discussed the role of child protection systems in meeting the needs of children on the move. The session was chaired by Ms Zoi Sakelliadou from the EU Anti-trafficking coordinator's office and Mr Salvatore Parata from Terre des Hommes EU office acted as the moderator/rapporteur. The aim of this session was to discuss 1) how the EU can better support national child protection systems and 2) what are the key elements that should be included in the guidelines on child protection systems. Three presentations were given and they were followed by questions and discussion.

**Georgia Dimitropoulou** from the Fundamental Rights Agency of the EU (FRA) presented the results of a mapping on guardianship systems in the 28 EU Member States. The study looked at the type of guardianship system, the profile of the guardians, the appointment procedure and the tasks of the guardians. Ms Dimitropoulou noted that some Member States have a different system in place for unaccompanied children. The mapping will inform finalisation of a model for guardians (2014).

**Thomas Dunning** from the social work team for separated children seeking asylum (Ireland) presented the Irish model and stressed that the social worker should act as the prudent parent. He noted that in Ireland the Child Care Act supersedes the Refugee Act and now non-national children receive the same level of care as Irish children. He discussed the challenges they have dealt with through the years and the solutions they have found – thanks to working painstakingly in partnership with other actors - regarding accommodation, asylum, child protection risk assessments, and ageing out and leaving care. Mr Dunning concluded his presentation with recommendations and suggestions, which included having professional guardians and child-friendly interviews.

**Daniele Maria Marcoaldi** from the Ministry of the Interior (Italy) presented the Vigila et protégé (Search and protect unaccompanied children – fight against invisibility) project that has just started with the support of EU funding in response to real situations with regard to unaccompanied children. The project aims to identify best practices for the care and protection of unaccompanied children who run away from shelters/housing, especially in the context of runaways to another EU Member State. The project seeks to better harmonise police and child protection efforts with a view to ensuring that children are protected and assisted. The project will also organise joint training for European police forces on the optimal use of the Schengen Information System (SIS II) in the search for missing unaccompanied children. Five Member States are involved in the project: IT, BG, LV, MT, PT and the Organisation for Security and Cooperation in Europe (OSCE) is also a partner.

Several issues were raised in the discussion that followed and there were some useful exchanges on practices and measures. The following issues drawn from the discussion were put forward as requiring further work.

- 1. Guardianship and care services:** There is a diversity of practice in the 28 EU Member States. In some countries guardians are professional employees whereas in others the system is based on volunteers. Adequate representation of a child and legal representation should be ensured.
- 2. EU Guidelines on child protection systems:** The guidelines aim to support Member States' Child Protection Systems, but will not reinvent an EU Child Protection System.
- 3. Equity of care for all children** and an integrated approach should be ensured: The principle of children first and foremost should be followed, irrespective of status.
- 4. Child protection systems:** Different systems within the EU should be mapped and evaluated to provide an overview of Child Protection Systems in the EU.
- 5. Balance security–reception–protection:** The balance is still to be found, but protecting a child regardless of his/her status should come first.
- 6. Missing children:** This is a difficult question that still requires a lot of thought in terms of cooperation among Member States. More work needs to be done on responses, means and tools to put in place to find missing children.
- 7. Access to social services, healthcare and education:** Access should be assured for all children on the move, irrespective of status. Building trust between a child and authorities requires that confidentiality of personal data and children's testimonies are respected so that informed decisions can be made.
- 8. Cooperation across professional agencies and the role of social workers:** Social workers do crucial work on the ground but cannot take the entire burden on them. A coordinated approach among all actors must be assured. Cooperation among agencies should be strengthened whilst fully involving child protection authorities in immigration decisions in all Member States.
- 9. Detention:** Detention of children is a major concern and should end. Detention is a violation of the rights of the child and an obstacle to basic services and child protection.
- 10. Participants underlined the need to interconnect Child Protection Systems across Member States and also outside the EU.**
- 11. Durable solutions:** More efforts needed on how to determine a durable solution, the tools available to assist in the determination and how best to ensure respect of UNCRC Article 12 (right to be heard).
- 12. Undocumented children:** the issues of family separation, deportation and detention of undocumented children and families were discussed.
- 13. Data collection:** There is a need to collect better data on children on the move, while ensuring that only essential and useful data is sought, with a view to enhancing child protection.
- 14. Post-Stockholm Programme:** questions were raised as to how the rights of the child and child protection systems will be mainstreamed in the JUST-HOME post-Stockholm programmes.

#### **4.3. Session No 3 – protecting children from violence: bullying and cyber bullying**

The session on the role of the child protection systems in protecting children from bullying and cyber bullying was chaired by Mr Aleksandar Romanovic, DG Justice and co-chaired by Mr Niall Cowley, BeatBullying. Some 65 participants attended the session, representing EU institutions, Member States, Ombudspersons' offices, NGOs, child protection authorities, researchers, teachers, and young anti-bullying mentors and ambassadors. The discussions were introduced by four speakers on the panel.

**Ms Heidi Vandebosch (BE)** presented some key findings with regard to bullying and cyber bullying in Europe from the [Health Behaviour in Schoolaged Children](#) survey conducted by the World Health organisation (WHO), the [EU Kids Online study](#), the [European COST action on cyber bullying](#), and her own research. These findings indicate that the prevalence rates for bullying and cyber bullying **vary significantly** across European countries. A second observation based on those figures is that **cyber bullying** (or bullying through digital media such as the internet or mobile phones), is less prevalent than traditional bullying. There are, however, indications that this type of bullying may have **more impact** than traditional bullying, especially as regards the victims' experience of depression, anxiety and stress. The students experiencing the strongest negative impact are those who have experienced a « double dose », i.e. those who suffered both cyber- and "traditional" bullying. In fact, studies have shown a considerable **overlap between cyber bullying and traditional bullying**. Ms Vandebosch also spoke about the **actors** that might or should be involved in anti-bullying strategies: children and young people, teachers, parents, health professionals, the media, researchers, ombudspersons, and even police who might get involved in more serious cases of bullying. She also mentioned ICT actors, such as internet service providers and e-safety organisations.

**Mr René Schlechter (LU)** spoke from his perspective as Ombudsman for children's rights and outlined the missions of his office. Ms Schlechter said that his office was made aware of the gravity of the problem in Luxembourg through discussions with children and teachers on the prevalence and impact of cyber bullying. He said that bullying is clearly an issue of children's rights and underlined that it goes against the basic needs of a person, that victims are often isolated and are made to feel excluded and worthless. Bullying is a complex process, where actors in bullying behavior can often change roles, he said, stressing the role of **bystanders** as key actors in the bullying process.

Mr Schlechter presented two examples of **good practice** (available on slides). He stressed that the biggest challenge in addressing bullying and cyber bullying is finding a balance between addressing these specific issues and having a holistic approach towards protecting children from violence. In any case bullying and cyber bullying must be addressed **comprehensively and with sufficient resources**, he said. The ombudsperson's role is important as it is the office that can build bridges and bring together different formal and informal actors, he added. The UNCRC and other framework documents provide a good basis to deal with complaints, make recommendations and initiate improvements.

**Ms Johanna Hakala (FI)** explained that, as a teacher, she has received training through both [Kiva](#) and the [Mannerheim league for Child Welfare](#). She underlined the need for teachers to get appropriate training to be able to prevent, recognise and respond to bullying.

**Mr Peter Binding (UK)** spoke of his experiences as head teacher in a community school for children aged 11-16. He stressed the importance of the **context** of the school in the community and the need to act when children experience bullying. It is important to **identify and solve issues early**. If such acts are ignored, it means they are condoned, he said. Mr Binding underlined the need for the engagement of the **entire school community** in regular school communication as well as school engagement in nationwide initiatives, such as the safer internet day and national anti-bullying weeks. He also mentioned other initiatives in which students at his school take part, such as exchanges with students in other countries, short films featuring students from the school, drama productions, confidential workshops held by health professionals, and training of peer mentors to support students and give them an alternative to adults' views. Workshops are organised for parents to explain how the internet can be made safer for their child, as well as schemes of learning in citizenship and ICT lessons for students.

Reaching **parents and/or carers** is challenging, and often there is a basic lack of understanding of the functioning of the Internet, i.e. that when something is posted it can be shared a number of times in a number of ways. Parents are not always clear of their responsibility for digital actions and about the level of involvement they should have, such as monitoring the child's Facebook account. As **technology** is rapidly changing, the key issue is to continue to reinforce the main messages about being safe online and the impact that some material may have on others, said Mr Binding. The teaching of **empathy and self-esteem** is a challenge for all educators and support workers, as are strategies that students can use to remain safe. Having an **anonymous reporting system** that enables reporting in a safe environment is important, said Mr Binding. Students who find it difficult to talk can report through the school website using an anonymous system, which also enables parents/carers to contact the school to share their concerns. These are dealt with by the **school child protection officer**. Other staff is trained in this area so that they know how to respond to different situations. **Education and training** are important for all who are involved in the lives of the students. Children, parents and teachers should be continuously empowered to combat bullying in all its forms. In this respect the school also works with other professionals and agencies, such as the staff at the UK safer internet centre.

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

1. The harmful **impacts** of bullying/cyber bullying on mental health and well-being, attainment and attendance in school were underlined and it was noted that bullying behaviour could be a gateway to anti-social behaviour and criminality in adulthood.

2. The importance of comparable **data** to inform policy choices was mentioned by many as well as a need to gain a common understanding of what bullying and cyber bullying are.
3. Among the many **different actors** concerned, some participants believed that in a bullying behaviour more focus should be paid to the role of bystanders. The involvement of different levels of government – local, regional, and national – was underlined. States should also be able to hold the ICT industry to account and promote self-regulation in the private sector.
4. **Early intervention** was stressed, both as regards **early age** and **early stage of** incidences of bullying. Ignoring bullying means condoning it.
5. **Educating children** about equality and non-discrimination, and positive values and norms, was deemed important.
6. **Child participation** was a recurring theme. Children should be at the centre of all anti-bullying initiatives so they can claim ownership of those initiatives.
7. Useful **detection** tools and measures to respond include: child helplines, anonymous online tools, peer mentoring schemes, and youth anti-bullying ambassadors, continuous **training** for professional and volunteer staff, workshops and counselling sessions for parents.
8. Teaching of **resilience** and the importance of positive **role models** (including the role of the media and parenting – corporal punishment) were also highlighted as important factors.
9. All participants agreed on the need for a **comprehensive approach**, encompassing a variety of actors and tools and addressing bullying in the context of **children's rights and violence against children**.

#### **4.4. Session No 4 – protecting children from violence: female genital mutilation**

**Daniela Bankier**, Head of Unit, Gender Equality, DG Justice, chaired, drawing attention to the recent [Commission Communication on FGM](#).

**Christine Loudes**, Campaign Director, Amnesty International EU office, co-chaired and presented the Amnesty International-led END FGM Campaign. She outlined the five key areas that the campaign identified as needing attention from the EU: data collection, healthcare, asylum and international protection, violence against women internally and in EU external relations. She also explained that the campaign calls for an integrated policy at national level, through the five "Ps" (prevention, protection, prosecution, provision of services, partnership). She emphasised that work still needs to be done in the areas of data collection, resources, asylum, training and youth.

**Naana Otoo-Oyortey**, Executive Director, FORWARD (UK), spoke of FORWARD's experience of working with young people to end FGM and the importance of engaging them in campaigns, peer mentoring and participatory research. She also emphasised that we should facilitate the access of young people to support (through signposting and referrals), increase their confidence, leadership and advocacy skills, and use online tools to reach them. She stressed that FGM is a deep-rooted social norm and that key community figures and fathers need to be engaged to end the practice, and that affected women should be encouraged to share their stories.

**Fabienne Richard**, Coordinator, GAMS (BE), spoke about the significant role of healthcare professionals in preventing FGM and providing support. She stressed that detection of risk can take place at childbirth, through pre-school health services and through school. She recommended the integration of the topic into the curriculum of healthcare professionals, the provision of cultural mediators and translators who have been trained on FGM, establishing efficient channels of communication between different services and developing protocols and guidelines for professionals.

Fatima Duarte, President, Commission for Citizenship and Gender Equality (PT), presented Portuguese good practice, involving multiple programmes of action to raise awareness of violence against women and FGM and to consolidate public policies. She mentioned funding for organisations working against FGM, the creation of a postgraduate course on FGM for professionals and the development of guidelines for police. She also referred to a study on prevalence in Portugal being carried out at the moment, as well as an inter-sectoral working group on FGM.

The following conclusions were drawn from the discussions during the session and presented to the plenary:

**Focus on prevention:**

- Particular nature of the practice: deeply rooted social norm
- Need to break the cycle of practice

- Important to work with affected communities
- Empowerment of children and young people is essential (creative approach: theatre plays, fashion shows, social media: young people initiate project)
- Intergenerational dialogue
- Integrate FGM awareness-raising in SRHR education (Sexual and reproductive health and rights)
- Health professionals initiate dialogue with families

**Child protection systems:**

- Traditionally health professionals encounter FGM
- All actors in education, police, health, asylum, cultural mediators need to work together
- Better coordination of all actors (good practice: chain approach in NL)
- Better communication between professionals and services
- Protocols, guidelines and grid for evaluation of risks
- Training of frontline professionals (EU role to set standards on good training)
- Asylum and integration aspects not to be left out
- Need for continued protection from risk (until 18)

**Better and targeted policy making:**

- Data collection and research needed
- Exchanges of good practices
- Integrated work: policies, actors, budget, monitoring evaluation and communities
- Making use of existing platforms, EU institutions and agencies
- Targeted use of EU funding

**Challenges:**

- Coordinated approach at Member State level and between Member States
- Sustainability of actions and initiatives
- Maintaining political attention and commitment to the issue

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Speakers' and panellists' presentations and background papers for the Forum and the individual sessions are available here: [http://ec.europa.eu/justice/events/child-forum-2013/index\\_en.htm](http://ec.europa.eu/justice/events/child-forum-2013/index_en.htm)