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Towards an EU strategy on the rights of the child
(2007/2093(INI))

Committee on Civil Liberties, Justice and Home Affairs

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(*) Procedure with associated committees - Rule 47 of the Rules of Procedure

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

Towards an EU strategy on the rights of the child (2007/2093(INI))

The European Parliament,

- having regard to Article 6(2) of the Treaty on European Union,
- having regard to the conclusions of the European Council meeting held in Brussels on 21 and 22 June 2007 on reform of the Treaties,
- having regard to the future Article 3 of the Lisbon Treaty, which states that the Union ‘shall combat [...] discrimination and shall promote [...] protection of the rights of the child’, and specifies that ‘in its relations with the wider world, the Union shall [...] contribute to [...] the protection of human rights, in particular the rights of the child’,
- having regard to the decision taken by the Heads of States and Governments closing the IGC in Lisbon on 19 October 2007 to give legally binding value to the Charter of Fundamental Rights of the European Union¹, Article 24 of which contains specific provisions on ‘the rights of the child’ and states, in particular, that ‘in all actions relating to children, whether taken by public authorities or private institutions, the child’s best interests must be a primary consideration’,
- having regard to the Union’s decision to accede to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), which provides for sanction procedures in the event of failure to comply with the Convention,
- having regard to the UN Convention on the Rights of the Child and the optional protocols thereto, adopted by the United Nations General Assembly on 20 November 1989,
- having regard to the UN Programme of Action, adopted at the International Conference on Population and Development, Cairo, September 1994,
- having regard to Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights²,
- having regard to the Commission communication of 4 July 2006 entitled ‘Towards an EU strategy on the rights of the child’ (COM(2006)0367),
- having regard to the interim report of the European Parliament Mediator for International Parental Child Abduction of 1 March 2007 alerting the European Commission, the European Parliament and other institutions of the dramatic increase in cases of parental child abduction,

¹ OJ C 303, 14.12.2007, p. 1.

² OJ L 53, 22.2.2007, p. 1.

- having regard to the results of the consultation conducted by Save the Children and Plan International on the Commission communication¹,
- having regard to the Forum established by the Commission following the publication of its communication entitled ‘Towards an EU strategy on the rights of the child’, which met for the first time in Berlin on 4 June 2007,
- having regard to the political declaration adopted in Berlin on 4 June 2007 at the first Forum, which reiterates the desire to systematically take children’s rights into account in the internal and external policies of the European Union,
- having regard to its resolution of 14 June 2006 on non-discrimination and equal opportunities for all - a framework strategy²,
- having regard to the thematic comment No 4 of 25 May 2006 "Implementing the rights of the child in the European Union" by the EU Network of Independent Experts on Fundamental Rights³,
- having regard to the UN Secretary-General’s Study on Violence against Children, presented to the UN General Assembly on 11 October 2006,
- having regard to the UNICEF Guidelines on the Protection of Child Victims of Trafficking of September 2006,
- having regard to Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography⁴,
- having regard to Article 34 and 35 of the UN Convention on the Rights of the Child which concerns the protection of children from all forms of sexual exploitation and sexual abuse and seek to prevent the abduction of, the sale of or trafficking in children,
- having regard to the Commission communication of 22 May 2007 entitled ‘Towards a general policy and the fight against cyber crime’ (COM(2007)0267),
- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Women’s Rights and Gender Equality, the Committee on Foreign Affairs, the Committee on Development, the Committee on Employment and Social Affairs, the Committee on Culture and Education and the Committee on Legal Affairs (A6-0520/2007),

A. whereas the primary objective of the Commission communication entitled ‘Towards an EU strategy on the rights of the child’ is to promote the positive affirmation of children’s rights, in particular the right to one’s own identity, the right to grow up in secure

¹ http://www.savethechildren.net/alliance/where_we_work/europegrp_haveyoursay.html.

² OJ C 300E, 9.12.2006, p. 259.

³ http://ec.europa.eu/justice_home/cfr_cdf/doc/thematic_comments_2006_en.pdf.

⁴ OJ L 13, 20.1.2004, p. 44.

conditions/the right to care, the right to a family, the right to be loved and to play, and the right to health, education, social inclusion, equal opportunities, sport and a clean and protected environment and the right to obtain information on these, with a view to establishing a child-friendly society, in which children can feel protected and actively involved,

- B. whereas Article 24 (3) of the Charter of Fundamental Rights of the European Union states that "every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests",
- C. whereas, pursuant to Article 24 of the Charter of Fundamental Rights of the European Union and Article 12 of the UN Convention on the Rights of the Child, it is important to guarantee all children the right of 'participation' so as always to take account of their experience of and opinions on all matters affecting them, giving due weight in accordance with the age, maturity and intellectual development of the child; whereas this right is absolute and may not have limitations placed on it, and whereas ways must be found of communicating with all children, even children who express themselves in a way that is not easy for adults to understand, for example very young children, children with disabilities and children who speak a different language,
- D. whereas it is essential that children's rights be incorporated and protected in all EU policies affecting children directly or indirectly (mainstreaming),
- E. whereas for children, the poverty and social exclusion of their parents represent serious obstacles to exercising their rights, and whereas there are also many other factors that prevent children from exercising their rights, such as parents who fulfil their parental role less than satisfactorily, the necessity for children to be represented by adults in legal matters, or the fact that the right to health care can only be claimed with the consent of the person who has custody of the child,
- F. whereas adults should provide children with favourable conditions to enable them to have their say, so that they express their views and can be heard; whereas adults should promote children's gestures of peace and friendship and encourage them to associate with other children; whereas time is an important factor in creating conditions conducive to an open attitude and to giving children their say, and not merely at specific events, and whereas the funding of public programmes should take account of this,
- G. whereas the abuse of children's rights, violence against children and trafficking in children for illegal adoption, prostitution, illegal work, forced marriages, street begging, or any other purpose, remain a problem within the EU,
- H. whereas increasing numbers of children suffer from chronic illnesses such as neurodermatitis and allergies, and from respiratory diseases and noise,
- I. whereas children's environmental rights are enshrined in the UN Convention on the Rights of the Child,
- J. whereas the family environment provides a favourable framework for protecting children's

rights, ensuring the healthy development of their personalities, developing their skills and enabling them to acquire the necessary knowledge to exercise their rights and become aware of their duties, and, consequently, every effort must be made to support families by means of appropriate public policies, but whereas, in the absence of such a framework, all children including orphans, the homeless and refugees should, in accordance with the UN Convention on the Rights of the Child, have access to protection within a replacement framework that allows them to grow up without being discriminated against in any way,

- K. whereas the EU strategy on the rights of the child should be rooted in the values and principles laid down in the UN Convention on the Rights of the Child,
- L. whereas the rights of children as autonomous legal beings should be recognised, yet, despite national and international legislation, girls and women are often victims of legal, social and economic inequalities, which affect the exercise of their positive and fundamental rights, such as equal access to education, training and healthcare, safe food and clean water and reproductive rights for adolescents,
- M. whereas fundamental rights and values, including gender equality, should be an essential component of education during childhood and should form the basis of all the other stages of life,
- N. whereas gender mainstreaming must be applied to all policies affecting children, since gender equality begins with the recognition of the equal rights of male and female children, starting from the first years of life,
- O. whereas human rights violations against immigrant women and girls in the form of so-called honour crimes, forced marriages, genital mutilation, or other violations cannot be justified on any cultural or religious grounds and should in no circumstances be tolerated,
- P. whereas children in Europe are exposed at an early age to depictions of horror, pornography and violence in the media, and this can have devastating psychological and social effects on children, such as anxiety, depression, increased aggressiveness and problems at school,

Overview of the strategy

1. Welcomes the Commission's initiative, which makes it quite clear that all conventions on fundamental human rights apply equally to children and adults, as do a series of additional rights, including those enshrined in the UN Convention on the Rights of the Child, which was drawn up with particular reference to the special situation of children and young people;
2. Welcomes the IGC decision of 19 October 2007 to incorporate children's rights as one of the objectives of the EU in the Treaty of Lisbon, thus providing a new legal basis for children's rights;
3. Welcomes the development of the Commission's Action Plan on Children in External Relations, which will come under the approved framework and commitments of the EU

strategy on the rights of the child;

4. Notes that a growing number of areas within the EU's competence affect children's rights directly or indirectly, and calls on the Commission to incorporate into the impact assessment provided for in its communication of 27 April 2005 on 'Compliance with the Charter of Fundamental Rights in Commission legislative proposals – Methodology for systematic and rigorous monitoring' (COM(2005)0172), a section devoted to the extent to which children's rights are taken into account legally;
5. Calls on the Commission to put forward a proposal to create a specific budget line for children's rights, in order to finance work to implement the communication from the Commission 'Towards an EU Strategy on the Rights of the Child', and child-specific projects, such as a European early warning system on child abductions, and a coordination body made up of representatives of the central authorities of Member States mandated to reduce the number of cases of child abduction; the budget line should also include subsidies for NGO networks working in this field and assure children's participation in the work to implement that communication and those projects;
6. Calls for an effective monitoring system backed with financial means and annual reports to ensure the implementation of the commitments set out in the communication 'Towards an EU Strategy on the Rights of the Child and the forthcoming strategy on the rights of the child';
7. Recalls that the success of the future strategy requires long-term commitment and action, increased and effective monitoring of the implementation of children's rights through the development of indicators and the involvement of NGOs and parents' and educational associations and coordination with national and international children's rights initiatives and policies;
8. Calls on the Commission to draw up a comprehensive European Union Child and Youth Report every two years, beginning in 2008;
9. Applauds the Commission's plan to introduce an EU-wide child helpline telephone number and points to the need for this service to be free of charge and available 24 hours a day; calls on the Member States to inform children, through informational measures, about the possibility of using this service;
10. Awaits with interest the Commission's report on the implementation by Member States of the 2003 framework decision on combating the sexual exploitation of children and child pornography;
11. Calls for the protection of children's rights, as laid down in the UN Convention on the Rights of the Child, to be included among the priorities Multiannual Framework of the European Union Agency for Fundamental Rights (hereinafter "the Agency"), and for the Agency to set up a network for cooperation with international institutions, particularly ombudsmen for children and NGOs working in this area as soon as possible in order to take full advantage of their experience and the information available to them;

12. Calls on the Commission, the Agency and the Member States to work in cooperation with relevant UN agencies, international organisations and research centres towards improving the gathering of comparable statistical data on the situation of children in the EU, if necessary by extending Eurostat's mandate, with a view to developing and including a larger number of indicators relating specifically to children on child poverty and social exclusion, for example; children's participation in the collection of data should be ensured;
13. Asks the Commission to provide a breakdown by gender and age of data on all types of discrimination and violence against children, to integrate equality between women and men into all the policies and instruments of its future strategy, including the activities of the Forum on Children's Rights, and to follow up and evaluate these policies, inter alia, by means of gender budgeting;
14. Calls for children's rights to be mainstreamed in the external policies and actions of the EU, including the European Neighbourhood Policy and the Strategic Partnership with Russia, as set out in the forthcoming Commission Staff Working Paper on 'A European Union Action Plan on Children's Rights in External Relations', and in the enlargement process, recognising that these policies are powerful tools providing opportunities to promote children's rights'; calls on the Commission to translate these opportunities into specific objectives in the external work of the Community and the Member States;
15. Calls on the Commission to submit a report on the possible inclusion in all international agreements between the EC and third countries of a specific and legally binding clause on respect for children's rights, as defined at international level.
16. Calls on the Commission to redouble its efforts to assist developing countries in translating the provisions of the UN Convention on the Rights of the Child and the optional protocols thereto into their national legislation;
17. Calls for consideration to be given to the EU's accession to the UN Convention on the Rights of the Child and the two optional protocols thereto, as well as the Council of Europe conventions on the rights of the child, including the ECHR, and those on the exercise of children's rights, adoption, exploitation and sexual abuse, and calls on the Council to adopt a position of principle to enable the EU in future to take part in negotiations on conventions relating in particular to children's rights;
18. Points out that any strategy on children's rights should be rooted in the values and four basic principles enshrined in the UN Convention on the Rights of the Child: protection against all forms of discrimination; the best interests of the child as a primary consideration; the right to life and development; and the right to express an opinion and to have that opinion taken into account, in any matter or procedure affecting the child;
19. Considers it regrettable that not all Member States have yet established an ombudsman for children's rights, as called for by the UN Committee on the Rights of the Child, to promote the upholding of children's rights and the further implementation of the UN Convention on the Rights of the Child, and calls on those Member States who have not yet done so to take this step as soon as possible; takes the view that the EU should make financial support available to the European Network of Ombudspersons for Children

(ENOC), so that the network is able to address more intensively and on an EU-wide basis issues that relate to the rights of the child;

20. whereas the implementation by the national authorities of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility is giving rise to a variety of interpretations; urges the Commission to draw up guidelines and a list of best practices with a view to clarifying and facilitating the implementation of this regulation;
21. Emphasises the importance of full implementation by the Member States and candidate countries of existing international commitments, in particular those under the UN Convention on the Rights of the Child, the UN Convention on the Rights of Persons with Disabilities, which contains specific provisions for children with disabilities, and ILO conventions on child labour;
22. Urges those Member States which have not yet done so to ratify the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children; urges the EU institutions to promote the third-country ratification of the main international child protection instruments, especially those tending to improve the situation of immigrant children;
23. Urges the EU to take an active part in promoting awareness and dissemination of the UN Convention on the Rights of the Child inside and outside the EU by the use of ‘soft power’;
24. Reminds the Member States of the need to comply forthwith with their European and international undertakings regarding the protection of children's rights;
25. Urges the Member States to set up exchange programmes for teachers and pupils with countries outside the EU, particularly in the Middle East and developing countries, and to disseminate and promote children’s rights, drawing attention to the right to education and gender equality;
26. Emphasises the imperative for a differentiated consideration of children’s needs; a good example for such a differentiated scale being the Report Card 7 by the UNICEF INNOCENTI Research Centre, with six dimensions of child well-being, including material well-being, health and safety, educational well-being, family and peer relationships, behaviour and risks and subjective well-being;
27. Urges the Commission and Member States to take action to ensure observance of the rights of mentally disabled children, with particular reference to their right to freedom, education and access to the courts, and to protect them from torture and cruel, inhuman or degrading treatment;
28. Calls on all Member States to ensure that children have effective, independent representation in any judicial or quasi-judicial proceedings concerning them and have a

legally appointed guardian where no responsible, competent and appropriate adult family member is able to fulfil such responsibilities;

29. Emphasises that, since the vast majority of children, especially young children, are cared for in a family, a strategy on the rights of the child must include provisions to promote the welfare of families;
30. Calls on the Commission to develop policies and carry out comprehensive, cross-cutting action aimed at the protection of children's rights so as to achieve interterritorial equity and equal opportunities for children;
31. Proposes that the EU define as 'children at risk' all children who are victims of a social situation that threatens their mental or physical health and/or exposes them to the risks of delinquency, both as actors and as victims;
32. Calls on the Commission and the Member States to take measures (information campaigns, exchanges of best practice, and so on) to prevent children from being put 'at risk', including the prevention of juvenile delinquency;
33. Recalls that the right to education and training is a basic social right, and calls on all Member States and candidate countries to guarantee this right, whatever the child's or his parents' social or ethnic background, physical condition or legal status or that of his parents;
34. Asks that the future strategy include measures for the prevention of gender-based violence focusing, inter alia, on awareness campaigns regarding the equality of men and women, which target girls and boys, parents, educators and vulnerable communities, and have the aim of emancipating girls, securing their equal opportunities and improving the defence of their rights; calls for the promotion of the active participation of boys and men in the abovementioned preventive measures; calls on the Commission to make its development aid policy and trade agreements conditional on the implementation of legislation guaranteeing equality between men and women and the abolition of all types of violence against women and children;
35. Calls on the Commission, in its relations with third countries, to encourage ratification of the international treaties on ending discrimination against women and to promote women's participation in economic, social and political life, thus enhancing their children's wellbeing;

Child participation

36. Welcomes the fact that the Commission has launched a Forum bringing together representatives of the Member States, the European Parliament and the Commission, non-governmental organisations, national and international organisations working in the field of children's rights, and children; believes that child participation should be one of the main aims of the Forum; calls on the Commission to ensure the participation of children and also of ombudsmen for children's rights in the Member States, as well as that of parents' and family associations;

37. Welcomes the fact that the Commission has established an inter-service group and appointed a coordinator for children's rights and calls for the establishment of a coordination unit in the European Parliament in accordance with the provision of the Treaty of Lisbon, to act in liaison with the Commission's inter-service group and to link up and rationalise all parliamentary initiatives and activities relating to children's rights; takes the view that such bodies should also provide a network for the exchange of information and good practices, in relation to the national strategic plans on children being implemented by some Member States; calls for these bodies to establish direct contact with child and youth-led organisations in order to develop, implement, monitor and ensure the meaningful and effective participation of children in all decision-making that affects them;
38. Recalls that children and young people, regardless of age, have the right to express their views; considers that girls and boys alike are entitled to have their say and that that right should be guaranteed in the work undertaken to develop an EU strategy on the rights of the child and that an equal participation of girls and boys should be ensured;
39. Recognises that active participation is closely linked to information; welcomes the establishment of a communication and information strategy that will publish EU measures in a child-friendly manner, accessible to all;
40. Awaits with interest the publication by the Commission in 2008 of its study assessing the impact of existing EU actions affecting children's rights and a consultation document aimed at establishing the main priorities of the EU's future action in the field of children's rights, with the goal of adopting a White Paper; calls on the Commission to take account of the results of the consultation carried at the beginning of 2007 out by Save the Children and Plan International among some one thousand children, which showed that the priority issues, in their view, are violence against children, discrimination, social exclusion and racism, the effects of drugs, alcohol and smoking, prostitution, child trafficking and environmental protection¹; believes that, in addition to these specific priority issues, children's rights to participation and influence must be the comprehensive goal of the strategy; therefore calls on the Commission to develop a process in which all stakeholders involved, including children, are able to take part in the consultation leading up to the definition of the EU strategy on children's rights;
41. Regards it as highly important that information on children's rights is disseminated to children in a child-friendly way and via suitable means; calls on the Commission to:
- develop effective communication tools, including a child-friendly website, to promote the work of the EU on children's rights;
 - set up a permanent and shared information system in order to increase awareness of the situation of children in the EU;
 - create and promote periodic and regular information channels on the situation of children in the EU, such as statistical reports, studies and exchanges of information and

¹ http://www.savethechildren.net/alliance/where_we_work/europegrp_haveyoursay.html.

good practices;

Priorities of the EU strategy on the rights of the child

Violence

42. Affirms that no forms of violence against children in any setting, including the home, can be justified and must be condemned; therefore calls for Community legislation that prohibits all forms of violence, sexual abuse, degrading punishment and harmful traditional practices; condemns all forms of violence against children including physical, psychological and sexual violence, such as torture, child abuse and exploitation, child abduction, trafficking in or sale of children and their organs, domestic violence, child pornography, child prostitution, paedophilia, and harmful traditional practices such as female genital mutilation, forced marriages and honour crimes;
43. Recalls the recommendations contained in the UN Secretary-General's Study on Violence against Children on preventing and responding to all forms of violence against children – in particular, acknowledges the need to prioritise preventive policies and reinforce social services, with special reference to family mediation services, to improve the support offered to victims of violence, to hold perpetrators accountable and to strengthen the collection and analysis of data on this hidden problem; calls for the promotion, within the framework of policies to prevent violence against children, of awareness-raising, information and education campaigns and capacity building activities for professional groups working with and for children;
44. Calls on the Member States either to implement specific legal provisions on female genital mutilation or to adopt laws under which any person who carries out genital mutilation may be prosecuted;
45. Calls on the Member States to act against honour crimes, irrespective of the reason, be it in connection with homosexuality, religion or gender identity, arranged marriages and marriages with minors;
46. Urges the Member States to raise doctors' awareness of harmful traditional practices and to ensure that crimes are punished consistently under the legislation in force, with particular attention being paid to vulnerable groups including immigrant girls and women, those from ethnic minorities and disabled girls;
47. Calls on the Member States to introduce compulsory recording by healthcare workers of all cases of female genital mutilation, and also to record cases where there is a suspicion that genital mutilation may take place;
48. Calls on the Member States to speak out against tradition-based violence against women, to condemn family-induced violations of immigrant girls' human rights, and to check which laws may be applied to hold family members responsible, especially in cases of so-called honour crimes;
49. Maintains that, if violence against and abuse of children is to be diagnosed and

confronted at an early stage, a specific procedural protocol must be introduced for the registration and treatment of such incidents, together with training measures for the medical and healthcare personnel responsible for matters relating to the physical and mental health of children;

50. Supports the appointment of a Special Representative of the UN Secretary General on the Elimination of Violence against Children, with the mandate and resources required to enforce global commitments to end violence against children;
51. Stresses that a legal framework should be established on sexual exploitation and child abuse and that judicial cooperation should be strengthened between Member States, Europol, Eurojust and all competent international bodies;
52. Calls on the Member States to allocate funds for educational and media campaigns targeting parents and professionals and to ensure provision of child-friendly legal, medical and psychosocial services;
53. Calls on all the institutions and the Member States to take an active part in combating child sexual exploitation, child trafficking, paedophilia, the sexual abuse of children via the Internet, child prostitution and sex tourism involving children, taking all the necessary measures to complete the approximation of national legislation based on common minimum principles adopted in Framework Decision 2004/68/JHA, and also in other legislative instruments providing for the involvement of all public and private stakeholders, as set out in the Commission communication entitled 'Towards a general policy on the fight against cybercrime';
54. Affirms that sexual exploitation of children should be considered equivalent to the crime of rape insofar as concerns penal sanctions; considers that aggravating circumstances should be taken into account when a child is a victim of sexual exploitation or abuse;
55. Calls on the Member States to consider gender-neutral legislation when it comes to sexual violence and to consider that buying sex from a child (i.e. a minor) should be criminalised and in accordance with Article 1 of the optional protocol to the UN Convention of the Rights of the Child concerning the sale of children, child prostitution and child pornography adopted by the UN General Assembly on 25 May 2000; stresses that public awareness is crucial in order to combat and reduce demand for child prostitution and child pornography;
56. Recalls its resolution of 16 November 2006 with a recommendation to the Council on combating trafficking in human beings, recital E of which proposes a goal of halving the number of victims of trafficking in human beings in the next ten years, with the overarching aim of eradicating this crime as rapidly and comprehensively as possible;
57. Urges the Member States to take effective legislative and other measures, including the collection of data broken down by age and sex in order to prevent and eliminate all types of violence committed within their territories, in both the private and public spheres;
58. Calls also on the Commission to support the rapid ratification of the abovementioned

Protocol to the UN Convention on the Rights of the Child and the Optional Protocol to the same Convention on the involvement of children in armed conflict;

59. Calls on all the EU institutions and Member States to ensure full protection and assistance for victims of trafficking, with particular regard to finding appropriate durable solution for child victims of trafficking;
60. Calls on the all the institutions and Member States to take an active part in combating trafficking in children for all forms of exploitation including labour (e.g. child labour¹, forced labour, domestic servitude, slavery, bonded labour and begging), forced marriage, adoption and illicit activities (e.g. drug dealing, pick pocketing), sexual exploitation and prostitution, etc.;
61. Calls on the Commission to proceed immediately with an evaluation of the national implementing measures in respect of Framework Decision 2004/68/JHA with a view to a proposal for the immediate amendment of national provisions which are contrary to that Decision, and supports the commitment shown by the Commission which, in conjunction with the main credit card issuing companies, is assessing the technical feasibility of excluding websites involved in online sales of child pornography material to be excluded from the online payment system or introducing other restrictions; calls likewise on other economic players such as banks, bureaux de change, internet providers and search engine operators to take an active part in efforts to combat child pornography and other forms of commercial exploitation of children; calls on the Council and the Commission, with regard to the adoption of the new directive on audio-visual media services², to prohibit child pornography and violence against children in all audio-visual media services; considers that one of the Commission's basic priorities should be to strengthen cross-border operations against child pornography internet sites and to improve cooperation between public authorities and private sector bodies with a view to making a commitment to close down illegal websites;
62. Draws attention to the exploitation of children and minors in fashion, music, film and sport;
63. Calls for the creation, in the interests of the defence of children's rights, of an adequate, effective and proportionate regulation system in dialogue with providers, the media (public and private TV companies, advertisers the press, video games, mobile telephones and the Internet) and industries, aimed, among other things, at prohibiting the broadcasting of harmful images and contents (including cyberbullying) and the marketing of violent video games, which, by encouraging violence and sexism, may cause harm to children's physical and psychological development; points with concern, moreover, to the growing problem of MMS exchanges of pornographic or child-abuse related images; expresses its support for the safer Internet programme relating to the implementation of operational and technical measures for the promotion of the safer use of the Internet,

¹ ILO Convention 182 on the worst form of child labour refers directly to trafficking as one of those worst forms of exploitation.

² European Parliament position at first reading of 13 December 2006 on the amendment of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (P6_TA(2006)0559).

especially by children; within this framework, also calls on the Member States and Internet service providers, in collaboration with search engine companies and the police, to implement blocking technology to stop Internet users from accessing illegal sites related to child sexual abuse and prevent the public from accessing material depicting the sexual abuse of children;

64. Welcomes the beginning of the implementation of a European framework for the safer use of mobile telephones by adolescents and children, which was adopted as a self-regulatory code between leading enterprises in this sector in the EU and which will be followed by the adoption of corresponding national self-regulatory codes; emphasises that this framework constitutes a first important step towards ensuring the protection of minors from specific dangers arising from the use of mobile phones, but that it is essential that the Commission constantly monitor and evaluate its implementation at national level with the aim of evaluating its results and examining the need to adopt a Community legislative initiative;
65. Supports the creation of a uniform classification and labelling system in the EU for the sale and distribution of audio-visual content and video-games intended for minors, so that the European standard serves as a model for countries outside the EU;
66. Recalls that a special label for online games was recently added to the existing European system for age-classification of computer and video games (PEGI); takes the view that the Commission and the Member States should encourage and give greater support to self-regulation of this kind in the labelling of games, in order to provide better protection for minors from inappropriate content and to inform parents of possible risks associated with the games, as well as drawing good examples to their attention;
67. Calls on the Member States to tighten their controls over the content of television programmes shown at a time when the number of child viewers is at its highest and to aid parental control by providing adequate, homogenous information about television programmes; emphasises that information technology gives further possibilities for children to access television programmes at any time, from any computer with an Internet connection; points out that greater consideration is needed to review the mass media's unrestricted right of access to children and the right of the child to access the mass media without restriction;
68. Points out that there has been an alarming increase in all Member States the phenomenon of juvenile delinquency involving juvenile perpetrators and - in most cases - victims, a situation which calls for an integrated policy, not only at national, but also at Community level; recommends therefore, as a necessary measure, that an authoritative survey of the problem be compiled without delay and that a framework programme integrated at Community level then be drawn up, grouping together measures around three guidelines: preventive measures, social integration measures for juvenile perpetrators and judicial and extrajudicial intervention measures;
69. Emphasises that the promotion of 'children's culture' by the European Media and Culture Programmes must be stepped up and calls on the Council and Commission to use innovative projects in child-friendly form to encourage a delight in European culture and

European languages and stimulate children's willingness to learn at an early age; also underlines the importance of media education to promote more informed use of the various media with the introduction of educational content;

70. Calls on the Member States and the Commission, in its future strategy, to draw up a comprehensive prevention plan against youth crime and bullying in schools and other harmful behaviour and the specific problem of youth gangs involving in particular families and schools, the social services working in support of families, sports and youth centres, young people themselves, with a focus on providing opportunities and promoting their active participation in society; recommends that Member States share their good practices with each other;
71. Calls for the establishment of safe, well-publicized, confidential and accessible mechanisms for children, their representatives and others to report violence against children; all children, including those in care and justice institutions, should be aware of the existence of mechanisms of complaint;
72. Calls for Member States to introduce a system of access to information on child abuse convictions to ensure that people who, as a result of convictions on sex abuse charges, should be considered as unsuited to working with children can be excluded, ultimately throughout the Union, from access to certain occupations involving contact with children¹; considers it necessary to introduce measures to avoid further offences, for example when a person convicted of sexual offences against children travels abroad; welcomes, in this connection, the progress achieved in the Council with regard to the exchange of information between Member States on national criminal convictions and calls for the Council to act swiftly to interconnect national criminal records through a European networks;
73. Calls for efforts to tackle the sale and consumption of drugs and alcohol in educational establishments and in their vicinity, and for children to be provided with information about the dangers they present;
74. Requests that Member States determine a common understanding of what constitutes child abuse, given that they have differing legislation concerning the age of consent, for example;
75. Calls for the effective protection of children against sexual exploitation including by considering sex tourism involving children as a crime in all the Member States and to be governed by extraterritorial criminal laws; calls for any EU citizen committing a crime in a third country to be dealt with under a single set of extraterritorial criminal laws applicable throughout the EU, in accordance with the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography;
76. Calls for Europol to be duly mandated to cooperate with the police forces of Member States and countries affected by this type of tourism in order to conduct investigations

¹ In accordance with the European Parliament's legislative resolution of 1 June 2006 on prohibitions arising from convictions for sexual offences committed against children (OJ C 298 E, 8.12.2006, p. 220).

with a view to identifying those responsible or such crimes and to this end calls for the creation of European liaison officer posts; calls for adequate measures for the rehabilitation and social integration of the victims of sexual exploitation who have been liberated from their exploiters; calls as well for more comprehensive information on child sex tourism in the Member States;

77. Encourages Member States to set up a legislative framework to penalise child sex tourists and calls on the Member States and the Commission to explore the possibility of adopting a concerted EU strategy against child sex tourism and to sign and promote codes of conduct in the hotel and tourism industry, such as the ECPAT¹ Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism of 21 April 2004;
78. Highlights the fact that a large majority of child victims of trafficking for commercial sexual exploitation reasons such as prostitution and the production of child pornography, as well as in the case of forced marriages, are teenage girls, which consequently makes human trafficking a major gender issue; emphasises, moreover, that even within groups involved with attempts to control and stop human trafficking, conventional attitudes about the relationship between the sexes and traditional perceptions of the roles of women and girls are still present;
79. Calls on all Member States to regard a child who has witnessed domestic violence as a victim of crime;
80. Calls on all Member States that have not yet done so to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children adopted by the UN in Palermo in 2000 and to take all necessary measures to provide protection for child victims of human trafficking, inter alia by permitting victims of trafficking to remain in their territory on a temporary or permanent basis;
81. Recommends that the future strategy should give particular importance to the medical, psychological and social care of children who are victims of neglect, abuse, ill treatment, exploitation and direct and/or indirect violence, taking the best interest of the child and the gender dimension into account; recalls that the impact of indirect violence on children's well-being and prevention of such violence should be included in the Commission's work; stresses that these issues are often linked to poverty and social exclusion among families and that new social policies with a greater stress on solidarity are needed if these problems are to be tackled;
82. Calls on the Commission and the Member States to investigate the role played by demand for both sexual exploitation of children and other forms of exploitation of children; calls, once this is ascertained, for measures to be taken to reduce this demand, inter alia by campaigns directed at the public; looks upon trafficking in children as a form of organised crime, and therefore calls for joint efforts by the Member States to combat such crimes; calls on the Member States to give priority to children's right to protection;
83. Calls all the Member States to recognize that girl children are disproportionately

¹ ECPAT stands for End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes, international support network.

represented among the sexually exploited and that efforts against sexual exploitation of children therefore must implement a gender perspective;

84. Takes the view that the recognition that gender relations between girls and boys in the early stages of life is a precursor to gender equality in other phases of the life circle;
85. Calls for alternatives to imprisonment to be provided for in relation to minors, with due consideration for the seriousness of the offence committed, and for re-education measures, such as youth community service, to be guaranteed for the future social and occupational reintegration of such persons, taking due account of the need to teach children that they have rights, but also duties, while observing that the detention of minor offenders should only be undertaken as a last resort and for as short a period as possible; calls also for educational measures to ensure social and vocational reintegration; takes the view that re-education measures should aim inter alia to provide the young person with the knowledge and tools needed to deal with the real situation in which they have to live, which means making their responsibility to respect the rights of others clear to them, as well as their responsibility to abide by the laws and rules laid down by society; regards it as essential for the possible development of young people into responsible individuals to involve them and give them the right to influence their own situation and the issues that concern them;
86. Notes that the age of criminal responsibility is not currently the same in all the Member States and requests that the Commission undertakes a study concerning the differing views among Member States of the age of criminal responsibility; their treatment of young offenders and their effective strategies concerning prevention of juvenile delinquency;
87. Stresses the need to provide legal practitioners in the juvenile justice sector (judges, lawyers, social workers and police officers) with specific training;
88. Expresses the wish that a specialised section on children's rights will be set up in the European Court of Human Rights;
89. Requests the Commission and Member States to recognise that the problem of thousands of street-children is a serious social issue which infringes the provisions of the UN Convention on the Rights of the Child;
90. Calls on the Member States to implement serious measures to ban all different forms of exploitation of children including exploitation for prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery or servitude, use of children associated with begging, illegal activities, sport and related activities, illicit adoption, forced marriage or any other forms of exploitation;
91. Calls for action to be taken on the problem of the international abduction of children, who are often fought over by parents following separation or divorce, giving prime consideration in all circumstances to the best interests of the child;
92. Stresses that Article 3 of the UN Convention on the Rights of the Child states that 'In all actions concerning children, whether undertaken by public or private social welfare

institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration'; a reading of the Hague Convention on Child Abduction demonstrates that the interests of the child are understood to mean a rapid return after abduction; however, the interests of the child encompass more than simply a rapid return, for example a secure direct physical environment, a climate of affection, a supportive, flexible family structure, appropriate role modelling by parents, continuity of upbringing and care, as well as decent living conditions; the Hague Convention on Child Abduction takes no account of these criteria, for example, it does not consider who the abducting parent is, whether or not they provide adequate care, how old the child is, how long the child has already spent in the other country, whether the child goes to school and has made friends there, etc. The conclusion is that despite the 'good' intentions of the Hague Convention on Child Abduction and the new Brussels II Regulation (Regulation (EC) No. 2201/2003), the rights of the child are often not well protected; calls on the Commission to take action to guarantee the rights of the child better here too, and urges it to make proposals to this effect;

93. Calls for appropriate and swift measures to be taken to look for and identify missing and abducted children; including the use of the Schengen Information System to prevent them from crossing borders; welcomes the European communications hotline for missing children and the corresponding action of NGOs and encourages the Commission to promote the creation of a European open telephone agency for children and young people with problems;
94. Calls on the EU institutions and the Member States to implement UN General Assembly resolutions A/RES/46/121, A/RES/47/134 and A/RES/49/179 on human rights and extreme poverty, A/RES/47/196 on observance of an international day for the eradication of poverty, et A/RES/50/107, on observance of the International Year for the Eradication of Poverty and proclamation of the first United Nations Decade for the Eradication of Poverty, and Un Economic and Social Council documents E/CN.4/Sub.2/1996/13, E/CN4/1987/NGO/2, E/CN4/1987/SR.29 and E/CN.4/1990/15, on human rights and extreme poverty, E/CN.4/1996/25, on the right to development and E/CN.4/SUB.2/RES/1996/25 on the realisation of economic, social and cultural rights;

Poverty/Discrimination

95. Recalls that 19% of children in the European Union live below the poverty line and that appropriate assistance measures geared to the needs of children must therefore be taken, including measures to support their families and calls on the Member States to adopt ambitious and achievable targets for reducing - and eventually eradicating - child poverty;
96. Advocates creating suitable structures in the Member States for helping children and parents adapt to changed family circumstances;
97. Calls on the Commission to take steps to allow children to enjoy their childhood years and take part in children's activities without suffering social discrimination or exclusion;
98. Reminds Member States of their duty to help and protect children by protecting all children from the risk of malnutrition, disease or ill treatment regardless of their social

situation or legal status, or that of their parents;

99. Calls on the Commission to seek integration of strategies specifically addressing child poverty, youth unemployment and social inclusion of minorities within all relevant development strategies including Poverty Reduction Strategy Papers and Indicative Programmes;
100. Calls on the institutions concerned to provide children with an opportunity to make a real contribution to fighting poverty; calls, with a view to combating children's poverty more effectively, for all the parties concerned, including the poorest children, to be given a genuinely active part in the planning, setting up and evaluation of such projects to eradicate extreme poverty;
101. Stresses that action against the commercial sexual exploitation of children – i.e. trafficking in children for sexual purposes, child pornography and child sex tourism should be made one of the strategy's major objectives for action both within and outside the European Union, in particular in the light of the Millennium Development Goals; points out that poverty is often one of the many causes of and reinforces social exclusion, discrimination and endangering of children; takes the view, however, that commercial sexual exploitation of children has its real origin in the demand for sex with children and in organised crime, which is prepared to exploit situations that place children at risk;
102. Calls for consideration to be given to providing psycho-social care and emotional support to children living in difficult situation such as armed conflict and crisis situations, displaced children or children living in extreme poverty;
103. Calls on the Member States to exercise their duty to assist and protect all children against the risks of malnutrition, disease and abuse, whatever their social and/or legal status or that of their parents;
104. Calls on the Commission to submit a proposal for a directive covering all forms of discrimination referred to in Article 13 of the EC Treaty and all areas covered by Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin¹;
105. Calls on the Commission and Member States to pay special attention to all forms of discrimination concerning children, including discrimination against children suffering from learning difficulties (e.g. dyslexia, dyscalculia, dyspraxia) or from other various handicaps;
106. Welcomes the existence of many NGOs and voluntary workers, which create friendship and solidarity ties between the least-favoured children and children from different social backgrounds in order to combat extreme poverty and social exclusion; calls on the EU institutions and the Member States to ensure that the poorest children can also benefit from Community projects and that the European Voluntary Service's projects provide such organisations with more opportunities to take on young voluntary workers;

¹ OJ L 180, 19.7.2000, p. 22.

107. Calls for Roma children and children belonging to other national minorities in particular to be covered by targeted measures, in particular with a view to ending the discrimination, segregation, social and school exclusion and exploitation of which they are often victims; calls also on the Member States to make efforts to eliminate the overrepresentation of Roma children in institutions for mentally disabled; calls also for the promotion of schooling campaigns, measures to combat the high levels of early school leaving and preventive health protection and assistance projects, including vaccinations;
108. Takes the view that the EU should set itself the objective of ensuring that there are no homeless children or street children in the EU; calls for appropriate and targeted measures to be taken to assist homeless children and street children, since most of them are badly traumatised and socially excluded, do not receive formal education or health care, are particularly vulnerable to becoming the victims of human trafficking (such as prostitution, organ trafficking and illegal adoption), drug addiction and crime or are often forced to beg;
109. Asks the Commission and the Member States to recognise the thousands of street children and children forced to beg as a serious social and human rights issue and also calls on the Member States to introduce sanctions against those responsible for the degradation of children forced to beg;
110. Calls on the European Union, the Member States and organised civil society associations to ensure that each child is given the opportunity to form part of a children's group or association in order to meet other children and think with them; calls, on this basis, for support measures taken by adults seeking to ensure that every child feels part of the group and can express himself within it, to be set up; calls therefore on the Member States and relevant local authorities to encourage projects which are aimed at enabling children to express themselves in this way, such as children's local councils or parliaments, while ensuring that the most excluded children are involved;
111. Calls for consideration to be given to the possibility of devising a Community instrument on adoptions, developed in conformity with the UN Convention on the Rights of the Child and other relevant international standards, that improves the quality of care with regard to information services, the preparation of international adoptions, the processing of international adoption applications and post-adoption services, bearing in mind that all international conventions on the protection of children's rights recognise the right of abandoned children and orphans to have a family and be protected;
112. Calls on the Member States to act in order to guarantee the basic right of children to have a family; urges the Member States, therefore, to act in order to identify effective solutions to prevent the abandonment of children and offset the placement of abandoned children and orphans in institutions; when finding a new solution for a child, the best interest of the child, as laid down in the UN Convention on the Rights of the Child, should always be the primary consideration;
113. Takes the view that adoption can take place within the national country of the child, or by finding a family through international adoption, in accordance with national legislation and international conventions, placement in institutions should only be used as a

temporary solution. Alternative family care solutions could be foster families; urges the Member States and the Commission, in cooperation with the Hague Conference, the Council of Europe and children's organisations, to establish a framework to ensure transparency, effective monitoring of these children's development and to coordinate their actions in order to prevent child trafficking; urges the Member States, in this context, to give special consideration to children with special needs, e.g. children in need of medical treatment and disabled children;

114. Emphasises the social exclusion experienced by many perpetrators who are minors, which in many cases makes their smooth social reintegration impossible; encourages Member States, therefore, to introduce measures in favour of young adults who were previously in orphanages or child care establishments so that they benefit from support measures to help them plan their professional future and facilitate their integration into society;
115. Observes that those children who are acting as carers for parents or siblings with specific needs should be entitled to specific targeted support;
116. Points out that the future EU strategy should recognise the important role of the family as the basic institution in society for the survival, protection and development of the child; takes the view that the full account should be taken of children's rights in issues regarding the conciliation of work and family life and working time, with particular focus on the circumstances of mothers with disabilities and mothers of children with disabilities, as well as in the formulation of policies for the public and/or private support of the children and their parents in order that both parents are able to take on and share responsibility for bringing up and caring for their children; is of the opinion that recognition should be given to the fact that an increasing number of people now live in alternative family structures that do not correspond to the traditional nuclear family, consisting of a mother and father and their biological children;
117. Takes the view that children's rights should be taken into account fully in the conciliation of work and family life and working time issues;
118. Urges the Member States to remove all restrictions on the right of parents to have contact with their children resulting from nationality differences, particularly in connection with the choice to speak a language other than the official language within a given country; takes the view that the removal of restrictions on multinational families in which there is a conflict between the parents should entail unrestricted freedom to speak in the language chosen by the child and the parent, with due respect for any requirements that meetings be supervised which may have been imposed by the courts;
119. Welcomes the introduction of children's ombudsmen and calls on all Member States to facilitate such an introduction at national and local level;

CHILD LABOUR

120. Stresses that it is essential to ensure that those children who are legally old enough to be in employment are remunerated on the basis of equal work for equal pay;

121. Calls on the Commission to ensure that deliberations by human rights committees and sub-groups set up under trade and cooperation agreements focus on the problem of child labour and the protection of children from all forms of abuse, exploitation and discrimination;
122. Emphasises the need to ensure that all policies, both internal and external, both at Member State and at EU level, should have regard to the elimination of child labour in all its forms; believes that full-time education is the best means to tackle the problem, for girls as well as boys, both in terms of preventing such abuse and also in breaking the cycle of illiteracy and poverty into the future;
123. Strongly condemns all forms of child labour, slavery and bonded labour and other forms of work which adversely affect children's health and safety; calls on the Commission and the Council to link the European Union's trade with, and development aid to, third countries more closely to such countries' implementation of the ILO Convention on the prohibition of, and immediate measures to eliminate all forms of child labour;
124. Points to the fact that products being sold in the EU may be produced by child labour; calls on the Commission to implement a mechanism by which victims of child labour can seek redress against European companies in the national courts of the Member States; calls on the Commission to enforce supply-chain compliance and especially to come forward with mechanisms that make the main contractor liable in Europe in cases of violation of UN conventions on child labour in the supply chain; to this end, calls on the EU to use the generalised system of preferences (GSP) procedure as one way of combating more effectively the exploitation of child labour which occurs in various regions of the world, with special measures for dangerous work which a large number of children are forced to do;

Children of immigrants, asylum seekers and refugees

125. Calls for special attention to be given, and in the best interests of the child, to the situation of refugee, asylum-seeking and migrant children, and children whose parents are asylum seekers, refugees or illegal immigrants, to ensure that such children can enjoy their rights regardless of the legal status of their parents and that they do not suffer from the adverse effects of a situation for which they bear no responsibility, and that their special needs are addressed; taking special care to preserve family unity in case it is the best interest of the child;
126. Calls for unaccompanied minors to be paid special attention in the context of all forms of immigration, since organised crime makes use of every opportunity to bring a child into a country in order to exploit it; takes the view that Member States should therefore be vigilant and ensure that there are child protection policies for every imaginable situation;
127. Is concerned at the multiple violations of rights affecting girls from a migrant background; urges Member States to ban headscarves and hijab at least at primary school, in order to anchor more firmly the right to be a child and to ensure genuine and

unenforced freedom of choice at a later age;

128. Calls for access to education for immigrant children and for the establishment of programmes and resources, from an intercultural perspective, with particular focus on situations of vulnerability and unaccompanied minors;
129. Points out that international standards on child protection are applicable to unaccompanied minors arriving in European Union territory via irregular immigration procedures; calls on all local, regional and national authorities and on the EU institutions to cooperate as far as possible in protecting these unaccompanied minors; calls on the Commission to establish international cooperation and assistance procedures with the third countries of origin so as to ensure that minors are properly returned to these countries and calls for mechanisms to be established to protect these minors once they have returned to their countries or origin, both within their biological families and through mechanisms or institutions that will offer them effective protection;
130. Calls, in the context of the adoption, under the codecision procedure, of new instruments on which the common asylum system will be based, for the protection of children's rights to be given a prominent position and for specific measures to be drawn up for them, taking due account of their vulnerability and providing, in particular, adequate access for children to the asylum system, guidance to child-related procedures, due regard to the individual grounds for asylum of a child within an asylum seeking family and broader scope for family reunification within the asylum process;
131. Draws attention to the particular situation of migrant children separated from both their parents or their previous legal or customary primary caregiver and calls to consider the need for a dedicated EU measure addressing the right to assistance of all lone children, addressing access to the territory, appointment and role of guardians, the right to be heard, conditions of reception and family tracing measures and potentially might also address durable solutions;
132. Draws attention to the fact that children unaccompanied by adults, stateless children, as well as children not registered at birth, are at particular risk and calls on the Member States to take special measures on the basis of what is best for the individual child, as defined, in particular, by the UN Convention on the Rights of the Child and by the Office of the United Nations High Commission for Refugees;
133. Draws attention to the role of education, which should be egalitarian and without the use of violence or corporal punishment; urges the Commission to allocate the resources needed to prevent violence of any kind in refugee communities, especially gender violence and sexual exploitation, by setting up programmes for education and awareness-raising on gender issues, human rights, sexual and reproductive health, female genital mutilation and HIV/Aids, targeted at minors of both sexes;
134. Stresses that there is a discrepancy between what the law requires and what is actually practised as regards the implementation of European asylum instruments and that huge differences remain in the way children with refugee status are treated in the different Member States;

135. Highlights the fact that 5% of asylum seekers are unaccompanied minors, which indicates the need to appoint well-trained legal guardians for unaccompanied children to represent their best interests following their arrival in the host country; calls for an improvement in living conditions for children in reception facilities; is disappointed by the lack of child-sensitive asylum procedures;
136. Notes that many of the risks faced by refugee children are equally faced by children who have been forcibly displaced within the borders of their own countries;
137. Insists that children should only be returned to their country of origin when their safety and security are assured, and emphasises the need for family tracing and family reunification; stresses that their return must be prohibited where there is a danger of serious harm being done, through, for example, child labour, sexual exploitation, violence or the risk of female genital mutilation, social exclusion or involvement in armed conflict;
138. Stresses the need to improve the data collection on children seeking refugee status, children residing illegally in the territory of another state but not seeking refugee status and the outcome of asylum procedures and the future of such children following the adoption of a final positive or negative decision on their asylum request, in order to ensure that such children do not disappear into obscurity or become the victims of crime;
139. Underlines the negative consequences of emigration and the precarious situation of children left alone in their countries by parents who have emigrated; stresses the need to ensure comprehensive care, integration and education for such children, as well as family reintegration whenever possible;
140. Calls on the Commission to make a study on the possibility of offering European citizenship to children born in the EU regardless of the legal status of their parents;
141. Recalls that administrative detention of children should be an exceptional measure; stresses that children accompanied by their families should be detained only as a last resort, for the shortest possible period of time and only if such detention is in their best interests, pursuant to Article 37(b) of the International Convention on the Rights of the Child, and that unaccompanied minors should not be detained or sent back;
142. Recalls that migrant children have a right to education and to enjoy themselves;

Right of the Children to Information and Education

143. Calls on the Commission and Member States to draw up an effective system to ensure that, at home and in schools, and to a degree appropriate to their age and intellectual development, children are made aware of and may exercise their rights;
144. Calls on the Commission and Member States to facilitate access for young girls to information and education about reproductive health and reproductive health services;
145. Urges Member States to take every necessary measure to ensure the quality of their childcare facilities, including continuous professional training as well as training in children's rights, good working conditions and a decent pay for those caring professionally

for children as these facilities and their staff provide children with a strong foundation for their future, whilst also being of benefit to parents, particularly with regard to the workload of working and single parents - this in turn contributes to a decrease in poverty among women and subsequently among children;

146. Calls on the Commission and Member States to make a concerted effort to help partner countries to achieve the target of free, universal primary education (MDG 2) and calls on the Commission and the Member States to provide the necessary funding for the Education for All - Fast Track Initiative;
147. Highlights the need for special attention to be paid to MDG 3 on gender equality and for the education of girls, the recruitment and training of local female teachers, the elimination of any male bias in curricula, the location of schools closer to the communities they serve and the provision of appropriate sanitation facilities; stresses that schools should be zones of safety where the rights of children are respected, and that sexual harassment and violence in and around schools should be vigorously prevented and dealt with;
148. Calls on the Member States to promote intergenerational communal living projects (intergenerational houses) in order to enable children to grow up with elderly persons, and in return to enable elderly persons to benefit from a social support network and to contribute to the children's development by sharing their knowledge and experience;
149. Emphasises that the right to education is a basic requirement for children's social development and must be accessible to all children on the basis of their individual capabilities and irrespective of their ethnic and social origin or their family background;
150. Considers that children should have access to education regardless of their status and/or their parents' status; underlines the importance of granting such access to migrant and/or refugee children;
151. Emphasises that the future strategy should recognise the right to education on the basis of equal opportunity and non-discrimination;
152. Encourages the Member States to prioritise the inclusion in educational curricula of material related to human rights and the shared values which are the bedrock of democratic citizenship;
153. Calls for the strategy's priorities to include the adoption of a consistent set of measures to ensure that children with disabilities are always able to enjoy their rights, with a view to ending all forms of discrimination and promoting their school, social and occupational integration at all stages of their life;
154. Also recommends to the Commission and Member States that they study the specific needs of disabled pupils and implement a tailor-made schooling programme to encourage their integration into society;
155. Calls on the Commission and Member States to give particular consideration to the integrated education of children with disabilities, thereby ensuring their smooth social

integration whilst still at school and increasing the tolerance of healthy non disabled children towards disabilities and social discrepancies;

156. Calls for steps to tackle with greater determination issues relating to discrimination, social diversity, the teaching of tolerance in schools, education in healthy living, food education, prevention of the abuse of alcohol, drugs, medicinal and psychotropic products and other intoxicating substances and appropriate education relating to sexual health;
157. Notes that providing early care for children in collective institutions (crèches, schools) is one of the best ways of solving the problem of balancing working and family life and is also a means of ensuring, at an early stage of children's development, that they have the benefit of equal opportunity and become socialised;
158. Points out that the banning of girls from taking part in school tuition and sports such as swimming on cultural grounds is not justified by any culture or religion and must not be tolerated;
159. Calls on Member States to give all children free or affordable access to play and sport facilities possibilities appropriate to their age;

Health

160. Points to the worrying fact that obesity, especially among children is on the rise in Europe; underlines that estimates show more than 21 million children are overweight in the EU with this figure growing by 400,000 each year; calls on the Commission to bring forward proposals to regulate aggressive and misleading advertising and to improve the provisions for nutritional labelling of processed food in order to tackle the growing obesity problem;
161. Calls for Member States and their relevant authorities to do their utmost to ensure that children experience a healthy physical environment, given the disproportionate effect that pollution and poor living conditions have on the young; due attention should also be paid to conditions of children's learning environment, and appropriate standards should be introduced;
162. Recalls children's right to health and, in particular, adolescents' right to sexual and reproductive health and stresses that the protection of maternal health must be an integral part of the future strategy on the rights of the child, which should promote living and working conditions suitable for pregnant and breastfeeding women and insist on compliance with the existing legislation protecting the rights of female workers, as well as equal and universal access for all women to quality pre- and post-natal care in the public sector in order to reduce maternal and infant mortality and transmission of diseases from mother to child; stresses the vital importance that maternity leave has for a child's development, particularly on account of the child's bond with its mother not only during the early months following birth but also during the first years of its life;
163. Welcomes the fact that the Commission recognises that children, from birth to adulthood, have very different needs at different developmental stages of their lives;

recalls children's right to the highest attainable standard of health and, specifically, adolescents' right to sexual and reproductive health and family planning education and services and that it must therefore be an integral part of the future strategy on the rights of the child;

164. Notes that children's rights, as laid down in the UN Convention on the Rights of the Child, refer to all human beings below the age of 18 and that specific needs on sexual and reproductive health and rights of adolescents have to be acknowledged;
165. Underlines the importance of promoting policies on sexual and reproductive health in order to reduce and possibly avoid sexually transmitted infections (including HIV/AIDS), unwanted pregnancies and illegal and unsafe abortions for young women, and avoid lack of understanding on the part of young people of their reproductive health needs;
166. Calls on the Commission and the Member States to take steps to protect children whose parents suffer from AIDS and highlights the need to meet MDG 5 (to improve maternal health), MDG 4 (to reduce child mortality) and MDG 6 (to combat HIV/AIDS, malaria and other disease); also urges investment in research into and development of paediatric anti-retroviral formulations, in the provision of anti-malarial bednets and in the promotion of immunisation through the GAVI Alliance (formerly known as the Global Alliance for Vaccines and Immunisation);
167. Calls the Member States to provide sexual education, information and counselling in order to increase the awareness and respect for one's sexuality, and to prevent unwanted pregnancies and the spread of HIV/AIDS and other STDs, and to facilitate the access of and information of different contraceptives;
168. Calls for Member States to ensure that all children and adolescents in and out of school are provided with tailored and comprehensive scientific information on sexual and reproductive health in order to make informed choices on issues related to their personal well-being, including the prevention of STIs and HIV/AIDS;
169. Encourages the Member States and the Commission to promote, both within and outside the Union, equal access for children of both genders and to health care, with particular emphasis on disadvantaged children and those from ethnic or social minorities;
170. Calls on the Commission and the Member States to increase their efforts to combat alcohol-related harm for women and children, by:
 - a) providing better information to women on foetal alcohol spectrum disorders,
 - b) providing adequate health service and counselling for women with alcohol problems during and after pregnancy as well as for women and children in families with alcohol and substance-abuse problems,
 - c) introducing stronger regulations on advertisement for alcoholic beverages and sponsoring of sport events by the alcohol industry, in the form of advertisement prohibitions between 6 a.m. and 9 p.m., and by prohibiting alcohol advertisements with children's content (computer games, comics), so as to not communicate a

positive image of alcohol to children, and

- d) prohibiting alcohol beverages which in their design are hardly different from sweets or toys, since children cannot make the distinction between alcoholic and non-alcoholic beverages;
171. Calls on the Commission and Member States to ensure that conditions are created to enable every child to have access to all kinds and levels of health service, and where necessary to take positive measures to enable disadvantaged groups to benefit from healthcare service options from which they would otherwise remain excluded;
172. Recalls that Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding¹ sets out employment rights for pregnant and breastfeeding women, requiring employers to take all appropriate steps to ensure that neither the women nor the unborn child is exposed to a health risk in the workplace;
173. Calls for research into and the assessment of environmental effects on the hormonal, neurological, psychological and immune systems, the introduction of child-friendliness tests in all urban and transport planning, the positive labelling of imported toys not produced by child labour;

Birth registration

174. Acknowledges the right of every child to be registered at birth as a legal recognition of his/her existence and of his/her right to acquire nationality and identity, irrespective of their gender or ethnic origin, or of their parents' nationality or status as refugees, immigrants or asylum seekers;
175. Recognises that birth certificates help to protect a child against rights violations that stem from doubts about his/her age or identity; considers that reliable birth registration systems hinder the trafficking of children and their organs, curb illegal adoption and prevent the overestimation of a child's age for the purposes of early marriage, under-age military recruitment, sexual exploitation, child labour² and the judicial treatment of minors as adults;
176. Highlights the fact that the "invisibility" of non-registered children increases their vulnerability and the likelihood that violations of their rights will go unnoticed;
177. Deplores the existence in some countries of gender discrimination in birth registration, with laws and practices operating that are contrary to the Convention on the Elimination of All Forms of Discrimination against Women, and which include the denial of registration to single mothers, refusal of the mother's nationality and discrimination in the registration of girls without a school education where access to registration is based on the

¹ OJ L 348, 28.11.1992, p.1.

² defined in article 32 (1) of the Convention on the Rights of the child

education system;

178. Calls on the Commission and on both children's rights and humanitarian aid organisations to join in action to raise awareness of the need for birth registration in third countries; notes that the absence of a birth certificate may prevent children from obtaining recognition of possible inheritance rights and from gaining access to education, healthcare services and material assistance from the state; calls for the promotion of measures to ensure that such services are provided universally until the completion of the official registration process;
179. Calls on the Commission to urge states to establish permanent registration systems operating from the national to village level, available free of charge to the entire population including those living in remote areas, through the provision of, inter alia, mobile registration units where appropriate, adequate training for civil registrars and the allocation of sufficient resources to finance these initiatives;
180. Calls on the Community institutions and the Member States to increase their efforts to ensure the effective coordination of policies to encourage birth registration, in particular with the involvement of the United Nations and dependent agencies, with a view to the agreement of a common agenda that will foster an effective worldwide response;

Children in armed conflicts

181. Stresses the crucial need to implement the EU Guidelines on Children in Armed Conflicts;
182. Urges the Member States to adopt the Rome Statute of the International Criminal Court into their national laws and to investigate, prosecute and punish all who have unlawfully recruited children into armed forces or groups, or used them for active participation in conflict situations, in order to ensure that every effort is made to end the culture of impunity in respect of those crimes;
183. Welcomes the adoption of the 2006 "Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups" as an update of the 1997 Cape Town Principles, and urges all states to adopt them;
184. Considers that measures are needed to ensure that children who are deprived of their liberty are treated in accordance with international humanitarian and human rights laws, taking account of their special status as children, and to prohibit the detention of children with adults, except for parents with small children; in this respect, underlines the need to promote training programmes for raising awareness among the agents and staff of the legal and police systems of the countries where the use of boys or girls as child soldiers has been noted;
185. Stresses the need for children to be treated in accordance with the rules of juvenile justice as well as the need to seek alternatives to judicial proceedings; calls for specialist juvenile prosecutors and lawyers active in the field of social law to assist children in court;

calls for the establishment of truth and reconciliation commissions;

186. Calls for the reintegration, and the physical, social and psychological rehabilitation of former child soldiers and other children affected by armed conflicts, their reunification with their families, alternative care for those for whom reunification is not an option, educational catch-up courses and the dissemination of information on HIV/AIDS; underlines the need to address specific failings in the reintegration of girl soldiers, who are sometimes socially rejected and marginalised, by allocating special resources to set up programmes for education, sexual health, psychological support and family mediation;
187. Stresses the need for Member States to take joint diplomatic action wherever there are reports of children being recruited into military units or armed groups;
188. Notes that emergency provision for children in conflict-affected fragile states rarely extends to appropriate education and calls on the Commission to support education activities, including implementation of the minimum standards outlined by the Inter-Agency Network for Education in Emergencies, both in emergencies and in the transitional phase from crisis to development;
189. Stresses that the lack of a final settlement of frozen conflicts creates a situation in which the rule of law is neglected and human rights violations are committed in the areas concerned, and that this constitutes a major impediment to ensuring that all the rights of the child are respected; calls for steps to be taken to address the specific needs of children and their families in areas of frozen conflict;

Children and democracy

190. Stresses the right of children to grow up in a free and open society where human rights and freedom of expression are respected and where death sentences are no longer imposed, particularly on under-age individuals;
191. Stresses that the position of children in non-democratic states is very precarious and calls on the Commission to give consideration to this group of people;
192. Calls on the Commission to look at the issue of raising the political awareness of children and young people in third countries where democracy is restricted, so that these young people can develop into politically aware citizens;
193. Calls on the Commission to stress the importance of young people being able to voice their opinions on a voluntary basis through (political) youth organisations;

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194. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the 'Europe de l'Enfance' Intergovernmental Working Party on the European Network of National Observatories on Childhood (ChildONEurope), the Council of Europe, the United Nations Committee on the Rights of the Child, UNICEF, the International Labour Organisation (ILO), the United Nations High Commissioner for

Refugees (UNHCR) and the World Health Organisation (WHO).

EXPLANATORY STATEMENT

I. INTRODUCTION

First, your rapporteur wishes to welcome the Commission's publication of its communication announcing the establishment of a strategy to safeguard the rights of the child. This is a sign of its determination to make this issue a priority of EU action, to recognise children as fully fledged subjects of law, whose interests must be specifically taken into account in all policies and measures adopted at EU level¹, and to create instruments to promote their rights.

This report seeks to respond to that communication by taking a stance on some of its suggestions and putting forward others. In addition to more general 'strategic' aspects, which will be discussed in the first part, the report mentions a number of specific areas within the remit of the Committee on Civil Liberties, Justice and Home Affairs, in which children's rights will require targeted action.

The Strategy should be promoted and developed by means of a positive affirmation of children's rights, such as the right to a family, education, social inclusion, health care, equal opportunities and sport, with a view to laying the foundations for a 'children-friendly society', in which children can feel protected and actively involved.

Your rapporteur wishes to point out that the aim of this report is not to draw up a list of problems to be resolved or rights to be taken into account as a matter of priority.

It is primarily intended as a basis for discussion on the Commission Communication, taking into account the numerous debates which have taken place within the EP in various contexts (meetings with shadow rapporteurs and with the working group bringing together the various committees' draftsmen for opinions, interviews with experts), and in particular the joint hearing of 17 April 2007 and the first European Forum on the Rights of the Child held in Berlin on 4 June 2007.

Moreover, the main priorities for the Union's further action will be defined, following a wide-ranging consultation which the Commission intends to initiate, on the basis of a document which should be published in 2008.

II. BROAD LINES OF A STRATEGY TO PROTECT CHILDREN'S RIGHTS

1. Legal framework

Children's rights form an integral part of human rights which the EU and its Member States are required to respect under the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), as referred to in Article 6(2) of the Treaty on European Union. The Member States have also all ratified the 1989 United Nations

¹ As Mrs Santos Pais, Director of UNICEF's Innocenti research centre, pointed out in her opening speech at the hearing of 17 April: 'Children require distinct and systematic attention and their consideration cannot be diluted or neglected when policies are shaped and budgetary allocations made'.

Convention on the Rights of the Child, which is the principal reference on matters relating to child's rights. However, it should be noted that, while it is more specific, the UN Convention, unlike the ECHR, has no sanctioning mechanism to guarantee its enforcement.

The European Union has not yet adopted any specific legal basis on the rights of the child.

It should be stressed, however, that the Constitutional Treaty, were it to be approved, would give the European Union a far more adequate legal framework with regard to children's rights: Article I-3 of the Treaty on 'The Union's objectives', which contains direct references to children's rights and, in particular, Article 24 of the Charter of Fundamental Rights of the European Union (entirely devoted to the 'rights of the child') would become binding provisions.

If the European Council decides to convene a new IGC, Parliament will be required to deliver its opinion pursuant to Article 48 of the TEU. At that point, it will need to make sure that established children's rights are not called into question, but on the contrary reaffirmed and even consolidated.

Consideration should also be given to the EU's acceding not only to the ECHR, as has been envisaged, but also to various Council of Europe conventions, as mentioned by the Council of Europe representative at the hearing of 17 April¹. It would, for instance, be worth exploring the possibility of the Community and/or European Union eventually acceding to the Conventions on Cyber Crime², the Exercise of Children's Rights³, Adoption⁴ and Sexual Exploitation⁵. It would also be useful to consider what provision could be made in the future for accession to the United Nations Convention on the Rights of the Child.

The fact remains that, even in the absence of a specific legal basis, many instruments have been adopted at EU level which directly or indirectly affect children's rights. It is therefore important to set up a monitoring mechanism at the time of adoption and transposition of these instruments in order to guarantee that children's rights are duly taken into account in the drafting of instruments and that follows the implementation of these instruments to ensure that children's rights are respected in their application. This is what is meant by 'mainstreaming'.

2. Mainstreaming

In April 2005 the Commission adopted a communication aimed at improving compatibility

¹ Mrs Taylor made the following statement: 'We would very much like to see the European union become party to suitable Conventions, thus reinforcing our political and practical cooperation in this context, and giving extra impetus to their ratification by Member States'. The text of the speech is available on the following website: http://www.europarl.europa.eu/hearings/default_en.htm

² Article 9 refers to child pornography offences.

³ This Convention, aimed at protecting the 'best interests' of children, provides for procedural measures to enable children to exercise their rights, in particular with regard to family proceedings (custody, visiting rights, affiliation, guardianship) before a judicial authority.

⁴ The revision of this Convention, reflecting legal and societal developments, is in progress, in particular with regard to consultation of the adopted child wherever possible, the minimum age of persons adopting, and a person's right to know his or her identity and origins. The revised Convention on Adoption will be submitted to the Committee of Ministers in 2007.

⁵ This convention is currently being adopted and the prospect of Community and/Union accession is currently being considered in the Council

between its legislative proposals and the provisions of the Charter of Fundamental Rights¹. This shows that the Commission is pursuing three objectives: checking systematically and thoroughly that *all* fundamental rights have been respected in the drafting of all legislative proposals; promoting a 'fundamental rights culture'; making the results of the Commission's monitoring of fundamental rights more visible to other institutions and to the general public.

In a report drawn up on this communication², the European Parliament called on the Commission to create a specific section on fundamental rights in its impact assessment. This request should be reiterated and adjusted in the sense that it would be useful, in relation to certain legislative proposals, for the Commission to give special consideration to the possible impact of relevant provisions on children. Clearly, it should be possible for civil society representatives and international organisations specialised in this area to be heard on such proposals. This is all the more important when one considers the added value of the specific first-hand experience with which civil society representatives and international organisations can provide the Commission's staff in detecting the potential dangers which seemingly harmless proposals might entail for children's rights³.

It would also be important for Parliament to set up a specific body, whose composition remains to be determined, or a Representative/Ombudsman, who could act as a link with the representatives of civil society or other organisations specialised in the protection of children's rights. Such organisations could contact this body or Representative whenever they wished to submit proposals and suggestions regarding the promotion of children's rights (see below).

3. Participation

In the field of children's rights, 'participation' is a key word and basic right, which appears as a leitmotiv in the brochures and statements of NGOs, institutions and international organisations specialised in this area. In the rapporteur's view, this term is linked to a basic democratic principle, which is that citizens have a right to take part in decisions which concern them.

Regrettably, this principle of participation is often ignored despite the fact that children are often best placed to identify and understand the challenges and problems that concern them in particular on what happens at school, in the streets, in youth clubs and even in families, and have no lack of ideas on how to improve such situations.

This report emphasises and seeks to demonstrate that, when children are allowed to express their views freely in any matters affecting them in accordance with the relevant right⁴, they are ready to do so, and with excellent results.

This was first put into practice as part of a wide-ranging consultation initiated by Save the

¹ Communication on compliance with the Charter of Fundamental Rights in Commission legislative proposals. Methodology for systematic and rigorous monitoring. COM(2005) 172 final, 27.4.2005.

² European Parliament resolution of 15 March 2007 on compliance with the Charter of Fundamental Rights in Commission legislative proposals: methodology for systematic and rigorous monitoring (2005/2169(INI)).

³ See in this connection the 2005 summary report on the Network of Independent Experts on Fundamental Rights, p. 17 ff.

⁴ Article 12 of the Convention on the Rights of the Child.

Children on the Commission communication, whose results were made available at the joint hearing of 17 April 2007.

The rapporteur is calling for the Commission, in accordance with what is announced in its communication, to set up, with the assistance of the organisations and persons closest to children, a rapid, efficient and effective mechanism for consultation/involvement of children on all matters affecting them directly.

4. Establishment of an interinstitutional process

To ensure that the protection of children's rights is more visible and effective, steps should be taken to improve the operation of bodies already set up for this purpose by the various institutions and to step up communication and cooperation between them. This may also entail, if necessary, setting up new bodies.

Within the Commission administration, for example, a coordinator for children's rights was recently appointed, whose activities needs to be backed up by a unit with sufficient qualified staff and financial resources. Another possibility, following on from the current group of Commissioners on fundamental rights, would be to introduce, when setting up the next Commission, a Commissioner for human rights, who would also be specifically responsible for the protection of children's rights¹, and who would have responsibility for centralising and coordinating all legislative, administrative, media and other activities relating to the protection of children's rights.

Other bodies have been set up in recent years, notably in 2000 within the Council, in the form of a Permanent Childhood and Adolescence Intergovernmental Group named 'L'Europe de l'Enfance'² designed to be a forum for exchange and comparison of data on childhood, which meets informally every six months at the invitation of the country holding the EU Presidency.

The European Parliament has also set up a discussion forum on childhood issues, in the form of an 'Alliance for children's rights', made up of parliamentarians from a variety of political and geographical backgrounds, who meet every two months, and a 'Family Intergroup'.

Such initiatives, however laudable they may be, may seem inadequate, especially in view of their lack of visibility and the absence of any coordination between them. The rapporteur therefore considers that the activities of these various bodies should be coordinated, strengthened and publicised, possibly by setting up a joint website.

As regards the European Parliament, consideration could also be given, as mentioned above, to setting up a body to coordinate activities relating to the protection of children's rights, possibly by establishing a committee with inter-institutional representation, with an administrative unit responsible for providing support for his work.

¹ The establishment of a high-level representative for the protection of children's rights was also previously called for by the European Parliament. See, in particular, the European Parliament resolution on trafficking in children and child soldiers (B5-0320/2003) adopted on 3 July 2003.

² http://www.childoneurope.org/_fr/index_fr.htm.

It is also important to establish closer links with various international organisations, such as the Council of Europe, which has been responsible for many initiatives relating to children's rights, including the launching of campaigns against violence¹ and the adoption of various recommendations, resolutions and conventions, thus making this institution a leading partner in the establishment of a strategy for children's rights. The same applies to certain United Nations agencies, in particular UNICEF, which produces excellent studies on a wide range of aspects of the protection of children's rights.

In this context, it will also be the responsibility of the newly set-up Fundamental Rights Agency to network with these organisations, the Council of Europe's Commissioner for Human Rights, civil society and specialised institutions such as the European Network of Ombudspersons for Children (ENOC), in order to optimise its research on the protection of children's rights, benefit from the experience, knowledge and information gained by other bodies and thus avoid unnecessary duplication.

5. Collecting statistical data

In its communication, the Commission announces its intention to carry out a large-scale assessment of obstacles preventing children from fully enjoying their rights. This assessment should provide a basis for a public consultation in 2008 and lead to the definition of the main priorities for the European Union's future action. Clearly, any such analysis, as well as the establishment and assessment of strategies, policies and programmes targeting children, in particular the most disadvantaged among them, will require reliable, exhaustive, detailed and up-to-date statistics.

There are, however, serious shortcomings in this area at EU level², and even more serious obstacles to collecting reliable statistics on children outside the EU, which means that a number of measures should be adopted to improve the collection of statistical data. The European Commission could envisage extending Eurostat's mandate in order to include a larger number of indicators relating specifically to children, in close cooperation with the Member States, which should also improve their own statistical instruments. Children's participation would also be particularly useful in this context and consideration should be given to the best means of systematically collecting information on their point of view on certain issues. Information collected through children's phone helplines could also be identified. Obviously, adequate funding would need to be made available for this purpose. In this respect, the commitment made by the Commission in its communication 'to allocating the necessary human and financial resources to implement this strategy' is to be welcomed³.

The Fundamental Rights Agency will also have a vital role to play in this context. Like its predecessor, the EUMC, it will be required to develop methods and standards to improve the comparability, objectivity and reliability of data at European level, in cooperation with the Commission and the Member States⁴.

¹ In January 2006 the Council of Europe set up a coordination unit responsible for promoting children's rights and the protection of children against violence, www.coe.int/children

² See, in particular, the brochure published by Euronet 'Children's Rights in the EU', p. 36.

³ Aforementioned communication, p. 13.

⁴ Article 4(1)(b) of Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights.

6. Closer cooperation with stakeholders: the FORUM

Similarly to the provision made in the regulation setting up the Fundamental Rights Agency, Article 10 of which establishes a 'fundamental rights platform' to provide a means of exchange of information and pooling of knowledge bringing together various types of human rights bodies, the Commission communication provides for the creation of a 'Forum'.

This Forum, which may be placed under the aegis of the Agency, should, according to the Commission, contribute to the design and monitoring of EU actions and act as an arena for exchange of good practice. It should bring together the Member States, United Nations agencies, the Council of Europe, independent institutions for the promotion of children's rights, civil society and children themselves.

It will be the Commission's responsibility to organise the Forum in such a way as to ensure that the many persons concerned are adequately involved and that proceedings are run smoothly and efficiently.

For this to be the case, it would be desirable to set up a small high-level consultative group of experts to contribute to research and analysis and, drawing up agendas for Forum meetings. This group should include legal experts and experts on children's rights who could put forward specific proposals on legislative acts which might be adopted at Community level to implement the Forum's proposals. It would also be useful for the Forum's tasks and powers to be specified. If the Forum were to issue recommendations, this would therefore involve setting out, in a set of internal rules, how such recommendations should be followed up, identifying the bodies responsible for putting them into practice and evaluating the progress made in implementation. In this context, the relevant parliamentary committees could play an active monitoring role.

Clearly, in order to be able to work properly and efficiently, the Forum will require funding from the Community budget.

7. Establishment of a mechanism to monitor progress

The Commission's decision to publish an annual progress report on the implementation of the proposed strategy is to be welcomed. This report should provide Parliament with a working tool, in particular with regard to its annual reports on the human rights situation inside and outside the EU, for the purpose of monitoring respect for children's rights at Community level in a systematic and detailed manner.

In accordance with a UNICEF proposal¹, the European Parliament should, for its part, monitor progress by periodically holding hearings on specific aspects of the promotion of children's rights.

Here again, the Fundamental Rights Agency will have a vital role to play and it will be

¹ See the speech by Mrs Santos Pais at the hearing of 17 April 2007
http://www.europarl.europa.eu/hearings/default_en.htm

important to ensure that the monitoring of respect for children's rights is given a prominent place in the multi-annual work programme which it should draw up at the beginning of its work and on which the European Parliament will be consulted shortly¹.

III. SOME PRIORITY FIELDS WHICH SHOULD FORM THE CORE OF THE STRATEGY

1. Combating all forms of violence

No violence against children can be justified. This is the key idea in the report by Prof. Pinheiro which was presented at the hearing on 17 April and which the rapporteur fully endorses².

This is why it is essential not only to penalise those who commit the violence but also to formulate a strategy aimed at preventing violence against children.

The European Union has already established several important tools to combat violence against children: the programmes DAPHNE and AGIS³; the action plan on trafficking in human beings⁴; Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings⁵; the Council Decision of 29 May 2000 to combat child pornography on the Internet⁶; Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography⁷; and various measures to combat sex tourism involving children.

With regard to this last aspect, Commissioner Frattini announced at the hearing on 17 April 2007 that the Commission was working with travel agents to step up measures to curb the flow of sex tourists from Member States, which the rapporteur welcomes, although she would also like to see procedures established to improve coordination of extraterritorial prosecutions. Commissioner Frattini announced the forthcoming publication of a communication on Internet crime, which was adopted on 22 May 2007.

As regards sexual exploitation of children, it may be recalled that the Council of Europe is currently adopting a Convention on the protection of children against sexual exploitation and abuse, with regard to which the EU Member States have coordinated their position through the Article 36 Committee. In this context, it has been suggested that the Community and/or the EU could accede to it. The rapporteur can only add her encouragement for this; she hopes that a position of principle will be adopted on the subject to enable the EU to participate in the negotiation of future conventions concerning aspects of criminal law, particularly conventions

¹ Article 5(1) of Council regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights.

² Sérgio Paulo Pinheiro supervised the UN study on violence against children. The study may be consulted on various sites, including <http://www.unicef.org>.

³ The aim of this programme is to help police, the judiciary and victim assistance professionals from the EU Member States and candidate countries to set up European networks and exchange information and good practices.

⁴ EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings, OJ C 311, 9.12.2005.

⁵ OJ L 203, 1.8.2002.

⁶ OJ L 138, 9.6.2000.

⁷ OJ L 13, 20.1.2004, p. 44.

to protect children, and ratify them.

There is an urgent need for a system to protect children against sexual abuse, involving effective and coordinated arrangements to ensure that people who are unsuitable for working with children because of a relevant conviction can be excluded from access to certain types of job. The rapporteur therefore wishes to see the Council step up judicial cooperation between Member States in matters relating to the sexual exploitation of children and child pornography, with the exchange of information on previous offences being improved at EU level and a set of minimum obligations being laid down for Member States. This is essential in order to ensure that a ban on working with children imposed on anyone convicted of sexual offences in one Member State has legal effect in the other Member States.

As regards child pornography on the Internet, in conjunction with some banks and the major credit card companies the Commission is looking into the possibility of barring sites selling child pornography material from the on-line payments system. This is a praiseworthy initiative that deserves our full attention and should be taken further. Where a bank – often after having been alerted by the credit card company that carried out the initial check – cancels its contract with an on-line vendor of child pornography material, the bank should be authorised to notify other financial institutes, in keeping with the 'best interest of the child' principle. With this in mind, a database containing continuously updated details of child pornography vendors should be set up. Details of such vendors should also be forwarded immediately to the police in the relevant Member State, to Europol and to Interpol. Furthermore, public information and awareness-raising campaigns should be conducted with a view to protecting children and ensuring that offenders are punished.

With reference to images of violence carried on the Internet, a strict self-regulation system should be introduced for sites carrying pictures or videos of bullying. Web site managers should monitor the content carried on their sites and ban 'cyberbullying', which fosters violence among young people and the humiliation of students and teachers. In this connection, the rapporteur welcomes the Safer Internet Plus (2005-2008) Community programme, which promotes safer use of the Internet and new on-line technologies and under which a network of hotlines has been set up to assist children coming into contact with illegal and damaging content.

The same approach should be taken with the other media, particularly television, in order to ensure oversight of and restraints on the broadcasting of images and other content portraying violence or otherwise not suitable for viewing by children.

Another serious form of violence against children that must be combated is genital mutilation which, as a result of an increase in immigration that is not in all cases followed by genuine integration, is spreading at an alarming rate inside the European Union. The operation is often carried out in secret by unscrupulous doctors, but even more often the children are taken to their countries of origin and mutilated there, without any access to specialised information or medical care. The physical and psychological damage suffered by the children is permanent and serious as is the damage to the enjoyment of their rights. Cooperation with countries of origin should be sought on this issue.

With regard to preventing trafficking in human beings¹, the rapporteur would draw attention to the added value which cooperation with Europol and Eurojust can have, and she considers that every available means should be used to step up their action to protect children against this scourge and against any other form of violence and exploitation - not only sexual. Exploitation of children may take a wide variety of forms, such as the use of children to beg, which constitutes a very clear assault on the dignity of children and causes serious psychological damage, for which reason it should be forbidden in all the Member States. The rapporteur therefore hopes that Member States will provide Europol and Eurojust with all the information they have which could improve their effectiveness, and that Europol will step up its cooperation with Interpol, and also with Frontex.

It may be noted that, during the hearing of 17 April, Commissioner Frattini stressed his wish to combat violent videogames, in close cooperation with industry, which the rapporteur fully endorses.

In all cases, the promotion of children's rights, and in particular the sensibilisation of children themselves, must be taken particularly into account to permit children themselves to become "front-line" actors in the prevention of violations of their rights and in the development of a culture of respect for human rights.

2. Combating poverty and discrimination, and the right to education

The aim of the strategy is to support and implement the Millennium Development Goals, which, while covering all of the world's inhabitants, are geared first and foremost to children. They include combating extreme poverty, promoting universal access to primary schooling, maternal health, cutting child mortality rates, HIV/Aids prevention campaigns and vaccination campaigns.

Furthermore, children should be protected against the worst forms of exploitation, such as child labour, coerced involvement in conflicts (child soldiers) and domestic slavery.

Poverty often leads to social exclusion and discrimination. In its communication, the Commission announces its intention of promoting a clustering of EU actions on child poverty in the EU in 2007. Within this framework, the Commission should pay particular attention to the affect that poverty has on gravely compromising children's development and the enjoyment of their rights.

It is indeed essential that the EU should tackle these problems, in the spirit of the provisions of the Convention on the Rights of the Child, which reaffirms (Articles 27 and 28) the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development and children's right to education. The right to education also figures in Article 14 of the Charter of Fundamental Rights.

The EU should thus ensure that no discrimination with regard to access to education and to the enjoyment of quality education can be tolerated. However, at this stage only Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between

¹ On which subject Commissioner Frattini has announced plans for declaring 17 October the day devoted to this phenomenon.

persons irrespective of racial or ethnic origin requires Member States to prohibit all forms of discrimination, direct or indirect, in the field of education.

In practice this means that, as Community law stands, only ethnic minorities are protected against discrimination in education, while the same is not the case for religious and linguistic minorities. The rapporteur therefore considers that new provisions should be adopted to extend the scope of protection against discrimination in access to education¹. 2007 is the Year of Equal Opportunities for All. The rapporteur hopes that the Commission will therefore start work on drafting a directive whose scope covers all the fields that are covered by the Directive on equal treatment irrespective of racial or ethnic origin (Article 3) and in which all the grounds for discrimination referred to in Article 13 of the EC Treaty – namely sex, racial or ethnic origin, religion or belief, disability or sexual orientation – should apply.

Children with disabilities should form one of the main priorities for future EU action to protect children's rights. In this connection, it should be stressed that children with disabilities are in fact 'differently abled'. It is therefore fundamentally important to guarantee their rights and help to ensure that they develop to the full and are given due respect.

She also considers that in certain cases, particularly that of Roma children, positive action against discrimination should be considered, as this seems to be the only way of tackling the segregation to which they are sometimes subject².

There is a particular need for campaigns to promote school attendance in order to improve low literacy levels, as well as specific measures to bring down the high number of Roma children who leave school early.

At the same time, there is a need for health services to implement vaccination and healthcare projects aimed at Roma infants and children, who are a high health risk group.

Furthermore, targeted efforts should be made to assist street children who live or work in the streets, on whom data are more than incomplete although their distress would justify targeted measures.

3. Rights of migrant children

In its communication, the Commission states that 'Another challenge is to ensure that the rights of children as immigrants, asylum seekers and refugees are fully respected in ... EU ... legislation and policies³. The rapporteur can only offer encouragement to take up this challenge.

In the field of asylum, the Commission should submit fresh instruments to the European Parliament and the Council in the next few months, with the aim of establishing a common asylum system. The rapporteur wishes without further ado to draw attention to the fact that the specific situation of children should be taken into account more in all the measures adopted in this context. Even though the instruments which currently exist already contain

¹ On this point, cf. Thematic Report No 4 by the Network of Experts on Fundamental Rights of 25 May 2006, p. 45.

² For examples of good practice in this field, see the above-mentioned report, p. 46 et seq.

³ COM(2006) 367, p. 5.

provisions to protect children, they are not always adequate, and problems exist with their application¹. Thus it will be necessary, for example, to ensure that officials responsible for dealing with cases receive specific training, that children are heard under conditions appropriate to their age, which should be ascertained as precisely as possible, and that alternatives can be found to detention, which merely adds to the trauma suffered by children. The concept of the 'best interests of the child' will also gain from being defined precisely, in close consultation in particular with the HCR, who has established a procedure for the formal determination of best interests (BID or Best Interests Determination)².

This concept is particularly important in the case of unaccompanied minors, whose vulnerability requires no further proof³. It is therefore important to ensure that they are duly informed of their rights and of how they can defend them, and that they should receive the assistance of a legal representative as soon as possible.

Furthermore, many children are not registered at birth. Children who are not registered may not be able to benefit from their right to an identity, a name, a nationality, education and healthcare. The invisibility of such children calls for practical steps to be taken, since an unregistered child has no legal status, making it difficult to prevent its rights being violated and take action if they are. Unregistered children are particularly vulnerable and often victims of trafficking and sexual exploitation, enslavement and forced labour.

IV. CONCLUSION

The fields mentioned above in which children's rights need to be specifically taken into account are just some of the issues which will have to be taken into account in order to achieve genuine mainstreaming. Other problems, such as in particular nutrition, education and alcohol and drug abuse, which, according to the inquiry by Save the Children, are some of the major problems which children themselves wish to see dealt with, must also be tackled by means of practical measures.

Many other children's rights are violated or not properly protected. So many other child-related emergencies need to be addressed, such as the exponential rise in the number of international abductions of children, the excessive red tape that makes international adoptions so complicated, the scandal of forced marriages and the huge number of children who disappear never to be seen again, to name but a few.

As the rapporteur indicated in the introduction, the priority sectors of the strategy proposed by the Commission will be debated in depth at a later stage, and in various fora, one being the Forum which met for the first time in Berlin.

¹ On this point, see the statement by the representative of the HCR at the hearing of 17 April 2007: http://www.europarl.europa.eu/hearings/default_en.htm.

² Formal Best Interest Determination is a formal procedure comprising specific security procedures and documentation requirements applicable to certain children for whom the HCR is responsible. The decision-maker is required to weigh up all relevant factors in a particular case, and to assign appropriate weight to the rights and obligations recognised in the Convention on the Rights of the Child and other human rights instruments; this is required in order to ensure that a complete decision is taken which protects the rights of the child as fully as possible.

³ According to HCR estimates, 4 to 5% of asylum-seekers arriving in EU territory are unaccompanied minors, i.e. between 8000 and 10 000 minors in 2006.

Furthermore, the outlines for the future European strategy in support of families and a higher birth rate will need to be carefully assessed, not least in order to ensure that the requisite guarantees are provided as to the rights of infants.

12.9.2007

**OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY
(*)**

for the Committee on Civil Liberties, Justice and Home Affairs Towards an EU Strategy on
the rights of the child
(2007/2093(INI))

Draftswoman (*): Marie Panayotopoulos-Cassiotou

(*) Procedure with associated committees - Rule 47 of the Rules of Procedure

SUGGESTIONS

The Committee on Women's Rights and Gender Equality calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas the family environment provides a favourable framework for protecting children's rights, ensuring healthy development of their personalities, developing their skills and enabling them to acquire the necessary knowledge to exercise their rights and become aware of their duties, and, consequently, every effort must be made to support families by means of appropriate public policies, but whereas, in the absence of such a framework, all children including orphans, the homeless and refugees should, in accordance with the United Nations Convention on the Rights of the Child (UNCRC) of 20 November 1989, have access to protection within a replacement framework that allows them to grow up without being discriminated against in any way,
- B. whereas the EU strategy on the rights of the child should be rooted in the values and principles laid down in the UNCR C,
- C. whereas prolonged conflicts between separated parents have adverse effects on children,
- D. whereas the rights of children as autonomous legal beings should be recognised, and, despite national and international legislation, girls and women are often victims of legal, social and economic inequalities, which affect the exercise of their positive and fundamental rights, such as equal access to education, training and healthcare, safe food and clean water and reproductive rights for adolescents,

- E. whereas fundamental rights and values, including gender equality, must be an essential component of education during childhood and must form the basis of all the other stages of life,
 - F. whereas gender mainstreaming must be applied to all policies affecting children, since gender equality begins with recognition of the equal rights of male and female children starting from the first years of life,
 - G. whereas human rights violations against immigrant women and girls in the form of so-called honour crimes, forced marriages, genital mutilation, or other violations cannot be justified on any cultural or religious grounds and should in no circumstances be tolerated,
 - H. whereas children in Europe are exposed at an early age to depictions of horror, pornography and violence in the media, and this can have devastating psychological and social effects on children, such as anxiety, depression, increased aggressiveness and problems at school,
1. Stresses that the primary responsibility for safeguarding children's rights lies with national governments; underlines that children's rights form part of the human rights that the EU and the Member States are bound to respect under national, European and international law;
 2. Points out that a children's strategy should be rooted in the values and four basic principles enshrined in the UNCRC: a) protection against all forms of discrimination, b) the best interests of the child as a primary consideration, c) the right to life and development, d) the right to express an opinion and to have that opinion taken into account, in any matter or procedure affecting the child;
 3. Emphasises that the future strategy should recognise the right to education on the basis of equal opportunity and non-discrimination;
 4. Points out that the banning of girls from taking part in school tuition, and sports such as swimming on cultural grounds, is not justified by any culture or religion and must not be tolerated;
 5. Is concerned at the multiple violations of rights affecting girls from a migrant background; urges Member States to ban headscarves and hijab at least at primary school, in order to anchor more firmly the right to be a child and to ensure genuine and unenforced freedom of choice at a later age;
 6. Recalls children's right to health and, in particular, adolescents' right to sexual and reproductive health, and stresses that the protection of maternal health must be an integral part of the future strategy on the rights of the child, which should promote living and working conditions suitable for pregnant and breastfeeding women and insist on compliance with the existing legislation protecting the rights of female workers, as well as equal and universal access for all women to quality pre- and post-natal care in the public sector in order to reduce maternal and infant mortality and transmission of diseases from mother to child; stresses the vital importance that maternity leave has for a child's development, particularly on account of the child's bond with its mother not only during

the early months following birth but also during the first years of its life;

7. Recalls that Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding¹ sets out employment rights for pregnant and breastfeeding women, requiring employers to take all appropriate steps to ensure that neither the women nor the unborn child is exposed to a health risk in the workplace;
8. Calls on the Commission and Member States to facilitate access for young girls to information and education about reproductive health and reproductive health services;
9. Points out that the future EU strategy must recognise the important role of the family as the basic institution in society for the survival, protection and development of the child; takes the view that the full account should be taken of children's rights in issues regarding the conciliation of work and family life and working time, with particular focus on the circumstances of mothers with disabilities and mothers of children with disabilities, as well as in the formulation of policies for the public and/or private support of the children, and their parents, in order that both parents are able to take on and share responsibility for bringing up and caring for their children; is of the opinion that recognition should be given to the fact that an increasing number of people now live in alternative family structures that do not correspond to the traditional nuclear family, consisting of a mother and father and their biological children;
10. Recommends the creation and expansion of local and regional networks, with the involvement of central and local authorities, NGOs and organisations for the protection of children's rights, with a view to providing preventive, protective and support services for children and their families;
11. Advocates creating suitable structures in the Member States for helping children and parents adapt to changed family circumstances;
12. Condemns all forms of violence against children including physical, psychological and sexual violence, such as, torture, child abuse and exploitation, child abduction, trafficking in or sale of children and their organs, domestic violence, child pornography, child prostitution, paedophilia, or harmful traditional practices such as female genital mutilation, forced marriages and honour crimes;
13. Urges the Member States to take effective legislative and other measures, including the collection of data broken down by age and sex in order to prevent and eliminate all types of violence committed within their territories, in both the private and public spheres;
14. Urges the Member States to raise doctors' awareness about harmful traditional practices and to ensure that crimes are punished consistently under the legislation in force by paying particular attention to vulnerable groups comprising immigrant girls and women, those from ethnic minorities and disabled girls;

¹ OJ L 348, 28.11.1992, p.1.

15. Calls on the Member States either to implement specific legal provisions on female genital mutilation or to adopt laws under which each person who conducts genital mutilation can be prosecuted;
16. Calls on the Member States to introduce compulsory recording by healthcare workers of all cases of female genital mutilation, and also to record cases where there is suspicion that genital mutilation may take place;
17. Calls on Member States to speak out against tradition-based violence against women, to condemn family-induced violations of immigrant girls' human rights, and to check which laws are can be applied to hold family members responsible, especially in the case of so-called honour crimes;
18. Maintains that, if violence against and abuse of children is to be diagnosed and confronted at an early stage, a specific procedural protocol must be introduced for the registration and treatment of such incidents, together with training measures for the medical and healthcare personnel responsible for matters relating to the physical and mental health of children;
19. Recalls that children and young people, regardless of age, have the right to express their views; considers that girls and boys alike are entitled to have their say and that that right, should be guaranteed in the work undertaken to develop an EU strategy for children's rights and that an equal participation of girls and boys should be ensured;
20. Encourages Member States to set up a legislative framework to penalise child sex tourists and calls on the Member States and the European Commission to explore the possibility of adopting a concerted EU strategy against child sex tourism and to sign and promote codes of conduct in the hotel and tourism industry, such as the ECPAT¹ Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism of 21 April 2004;
21. Highlights the fact that a large majority of child victims of trafficking for commercial sexual exploitation reasons such as prostitution and the production of child pornography, as well as in the case of forced marriages, are teenage girls, which consequently makes human trafficking a major gender issue; emphasises, moreover, that even within groups involved with attempts to control and stop human trafficking, conventional attitudes about the relationship between the sexes and traditional perceptions of the roles of women and girls are still present;
22. Calls on all Member States that have not yet done so to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children adopted by the UN in Palermo in 2000 and to take all necessary measures to provide protection for child victims of human trafficking, inter alia by permitting victims of trafficking to remain in their territory on a temporary or permanent basis;
23. Calls on the Commission to proceed immediately with an evaluation of the national

¹ ECPAT stands for End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes, international support network.

implementing measures in respect of Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography¹ with a view to a proposal for the immediate amendment of national provisions which are contrary to that Decision, and the ratification by all Member States of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography adopted by the UN General Assembly on 25 May 2000; considers that one of the Commission's basic priorities should be to strengthen cross-border operations against child pornography internet sites and to improve cooperation between public authorities and private sector bodies with a view to a commitment to close down illegal websites;

24. Calls on the Commission and the Member States to use all available means, including information and prevention campaigns, to fight the perverse use of information and communications technologies for purposes of trafficking in children and child pornography, recalling that whatever is a crime is also a crime on-line;
25. Calls on the Member States to examine how better to protect young people from violence in the media and whether penalties for failing to ensure this protection should be made stricter;
26. Underlines that the future strategy and the actions of Member States should include measures to prevent and combat violence committed by children, particularly at school, and elsewhere, by using civic education campaigns, promoting and teaching ethical and moral principles in schools and making parents and educators and medical staff adequately aware of this issue;
27. Calls on the Member States to put greater emphasis on the responsibility of the media and of internet service providers in combating all forms of violence against children of both genders, especially by fighting the on-line diffusion of child pornography and identifying and criminalising those who consume such material, and also by promoting media content that is respectful of children's rights and dignity;
28. Reminds the Member States of the need to comply forthwith with their European and international undertakings regarding the protection of children's rights;
29. Recommends that the future strategy should give particular importance to the medical, psychological and social care of children who are victims of neglect, abuse, ill treatment, exploitation and direct and/or indirect violence, taking the best interest of the child and the gender dimension into account; recalls that the impact of indirect violence on children's wellbeing and prevention of such violence should be included in the Commission's work; stresses that these issues are often linked to poverty and social exclusion among families, and that new social policies with a greater stress on solidarity are needed if these problems are to be tackled;
30. Asks that the future strategy include measures for the prevention of gender-based violence focusing, inter alia, on awareness campaigns regarding the equality of men and women, which target girls and boys, parents, educators and vulnerable communities, and

¹ OJ L 13, 20.1.2004, p. 44.

have the aim of emancipating girls, securing their equal opportunities and improving the defence of their rights; calls for the promotion of the active participation of boys and men in the abovementioned preventive measures; calls on the Commission to make its development aid policy and trade agreements conditional on the implementation of legislation guaranteeing equality between men and women and the abolition of all types of violence against women and children;

31. Encourages the Member States and the Commission to promote, both within and outside the Union, equal access for children of both genders and to health care, with particular emphasis on disadvantaged children and those from ethnic or social minorities;
32. Calls on the Commission, in its relations with third countries, to encourage ratification of the international treaties on ending discrimination against women and to promote women's participation in economic, social and political life, thus enhancing their children's wellbeing;
33. Encourages the Member States to prioritise the inclusion in educational curricula of material related to human rights and the shared values which are the bedrock of democratic citizenship;
34. Asks the Commission to provide a breakdown by gender and age of data on all types of discrimination and violence against children, to integrate equality between women and men within all the policies and instruments of its future strategy, including the activities of the Forum on Children's Rights, and to follow up and evaluate these policies, inter alia, by means of gender budgeting;
35. Calls on the Commission to draw up an annual report on young people in the European Union;
36. Recalls that the success of the future strategy requires long-term commitment and action, increased and effective monitoring of the implementation of children's rights through the development of indicators and the involvement of NGOs and parents' and educational associations, and coordination with national and international children's rights initiatives and policies;
37. Urges Member States to take every necessary measure to ensure the quality of their childcare facilities, as these facilities provide children with a strong foundation for their future, whilst also being of benefit to parents, particularly with regard to the workload of mothers - this in turn contributes to a decrease in poverty among women and subsequently among children;
38. Calls on the Commission and the Member States to increase their efforts to combat alcohol-related harm for women and children, by:
 - a) providing better information to women on foetal alcohol spectrum disorders,
 - b) providing adequate health service and counselling for women with alcohol problems during and after pregnancy as well as for women and children in families with alcohol and substance-abuse problems,

- c) introducing stronger regulations on advertisement for alcoholic beverages and sponsoring of sport events by the alcohol industry, in the form of advertisement prohibitions between 6 a.m. and 9 p.m., and by prohibiting alcohol advertisements with children's content (computer games, comics), so as to not communicate a positive image of alcohol to children, and
- d) prohibiting alcohol beverages which in their design are hardly different from sweets or toys, since children cannot make the distinction between alcoholic and non-alcoholic beverages.

PROCEDURE

Title	Towards an EU Strategy on the Rights of the Child		
Procedure number	2007/2093(INI)		
Committee responsible	LIBE		
Opinion by Date announced in plenary	FEMM 26.4.2007		
Enhanced cooperation – date announced in plenary	26.4.2007		
Drafts(wo)man Date appointed	Marie Panayotopoulos-Cassiotou 20.12.2006		
Previous drafts(wo)man			
Discussed in committee	2.5.2007	4.6.2007	25.6.2007
Date adopted	11.9.2007		
Result of final vote	+: 26	–: 0	0: 1
Members present for the final vote	Edit Bauer, Emine Bozkurt, Hiltrud Breyer, Edite Estrela, Ilda Figueiredo, Věra Flasarová, Lissy Gröner, Zita Gurmai, Livia Járóka, Urszula Krupa, Marie Panayotopoulos-Cassiotou, Zita Pleštinská, Karin Resetarits, Teresa Riera Madurell, Raül Romeva i Rueda, Amalia Sartori, Eva-Britt Svensson, Anne Van Lancker, Anna Záborská		
Substitute(s) present for the final vote	Gabriela Crețu, Donata Gottardi, Anna Hedh, Christa Kläß, Marusya Ivanova Lyubcheva, Maria Petre, Zuzana Roithová		
Substitute(s) under Rule 178(2) present for the final vote	José Ignacio Salafranca Sánchez-Neyra		
Comments (available in one language only)	...		

19.7.2007

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Committee on Civil Liberties, Justice and Home Affairs

Towards an EU Strategy on the rights of the child
(2007/2093(INI))

Draftswoman: Irena Belohorská

SUGGESTIONS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Stresses the need to give greater prominence to promoting the rights of the child in the EU's political dialogues, human rights dialogues and consultations with third countries, and in the EU's and Member States' actions within the United Nations human rights framework;
2. Calls on the Commission to mainstream the rights of the child when drafting EC legislative and non-legislative actions in both the EU's internal and external policies and, in particular, to promote external projects and actions for combating child trafficking and violence against and sexual abuse of children, for eliminating child labour and the use of children in armed conflicts, and for actions to combat child poverty and to promote universal access to education and basic health services;
3. Welcomes Germany's proposal for new EU guidelines for the protection and promotion of the rights of children; stresses the importance of coordinating the future guidelines to be issued by the Council and the Strategy proposed by the Commission, and encourages both institutions to adopt a complementary approach to the protection of the child's rights;

Birth registration

4. Acknowledges the right of every child to be registered at birth as a legal recognition of his/her existence and of his/her right to acquire nationality and identity, irrespective of their gender or ethnic origin, or of their parents' nationality or status as refugees, immigrants or asylum seekers;

5. Recognises that birth certificates help to protect a child against rights violations that stem from doubts about his/her age or identity; considers that reliable birth registration systems hinder the trafficking of children and their organs, curb illegal adoption and prevent the overestimation of a child's age for the purposes of early marriage, under-age military recruitment, sexual exploitation, child labour¹ and the judicial treatment of minors as adults;
6. Highlights the fact that the "invisibility" of non-registered children increases their vulnerability and the likelihood that violations of their rights will go unnoticed;
7. Deplores the existence in some countries of gender discrimination in birth registration, with laws and practices operating that are contrary to the Convention on the Elimination of All Forms of Discrimination against Women, and which include the denial of registration to single mothers, refusal of the mother's nationality and discrimination in the registration of girls without a school education where access to registration is based on the education system;
8. Calls on the Commission and on both children's rights and humanitarian aid organisations to join in action to raise awareness of the need for birth registration in third countries; notes that the absence of a birth certificate may prevent children from obtaining recognition of possible inheritance rights and from gaining access to education, healthcare services and material assistance from the state; calls for the promotion of measures to ensure that such services are provided universally until the completion of the official registration process;
9. Calls on the Commission to urge states to establish permanent registration systems operating from the national to village level, available free of charge to the entire population including those living in remote areas, through the provision of, inter alia, mobile registration units where appropriate, adequate training for civil registrars and the allocation of sufficient resources to finance these initiatives;
10. Calls on the Commission to carry out research and to collect gender and age-specific data to enable monitoring to be carried out;
11. Calls on the Community institutions and the Member States to increase their efforts to ensure the effective coordination of policies to encourage birth registration, in particular with the involvement of the United Nations and dependent agencies, with a view to the agreement of a common agenda that will foster an effective worldwide response;

Children in armed conflicts

12. Stresses the crucial need to implement the EU Guidelines on Children in Armed Conflicts;
13. Calls on all States that have not yet done so to ratify as a matter of urgency the Convention on the Rights of the Child and the Optional Protocols thereto;
14. Urges the Community institutions and the Member States to encourage the adoption of measures to prevent the involvement of children in armed conflicts, and calls on children's rights and humanitarian aid organisations to conduct an information campaign on children's

¹ defined in article 32 (1) of the Convention on the Rights of the child

rights and to assist children to return to or remain in education; points out that the root causes of the enrolment of children in armed groups, whether forced or not, lie mainly in the lack of an alternative way of survival, and urges, therefore, the Member States to encourage measures to improve the living conditions of the child population;

15. Urges the Member States to adopt the Rome Statute of the International Criminal Court into their national laws and to investigate, prosecute and punish all who have unlawfully recruited children into armed forces or groups, or used them for active participation in conflict situations, in order to ensure that every effort is made to end the culture of impunity in respect of those crimes;
16. Welcomes the adoption of the 2007 "Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups" as an update of the 1997 Cape Town Principles, and urges all states to adopt them;
17. Calls on the Commission to tighten controls on the arms trade, especially light arms that can be used by for children;
18. Calls for the immediate removal of children from armed groups/forces, even where there is no formal declaration of peace;
19. Notes that some NGOs are developing early preventive measures against belligerents, including non-nationals, to persuade them not to use children as soldiers; notes that such actions are having some success and calls on the Commission to support them;
20. Considers that measures are needed to ensure that children who are deprived of their liberty are treated in accordance with international humanitarian and human rights laws, taking account of their special status as children, and to prohibit the detention of children with adults, except for parents with small children; in this respect, underlines the need to promote training programmes for raising awareness among the agents and staff of the legal and police systems of the countries where the use of boys or girls as child soldiers has been noted;
21. Stresses the need for children to be treated in accordance with the rules of juvenile justice as well as the need to seek alternatives to judicial proceedings; calls for specialist juvenile prosecutors and lawyers active in the field of social law to assist children in court; calls for the establishment of truth and reconciliation commissions;
22. Calls for the reintegration, and the physical, social and psychological rehabilitation of former child soldiers and other children affected by armed conflicts, their reunification with their families, alternative care for those for whom reunification is not an option, educational catch-up courses and the dissemination of information on HIV/AIDS; underlines the need to address specific failings in the reintegration of girl soldiers, who are sometimes socially rejected and marginalised, by allocating special resources to set up programmes for education, sexual health, psychological support and family mediation;
23. Is concerned at the difficulties encountered in programmes for the social reintegration of child soldiers and calls for early and preventive measures;

24. Stresses the need for Member States to take joint diplomatic action wherever there are reports of children being recruited into military units or armed groups;

Immigrant, refugee and internally displaced children

25. Stresses the importance of restoring basic social services to care effectively for displaced minors, including not only access to water and food but also to medical care for minors and mothers, including the provision of basic sexual and reproductive health services;
26. Draws attention to the role of education, which should be egalitarian and without the use of violence or corporal punishment; urges the Commission to allocate the resources needed to prevent violence of any kind in refugee communities, especially gender violence and sexual exploitation, by setting up programmes for education and awareness-raising on gender issues, human rights, sexual and reproductive health, female genital mutilation and HIV/Aids, targeted at minors of both sexes;
27. Stresses that there is a discrepancy between what the law requires and what is actually practised as regards the implementation of European asylum instruments, and that huge differences remain in the way children with refugee status are treated in the different Member States;
28. Highlights the fact that 5% of asylum seekers are unaccompanied minors, which indicates the need to appoint well-trained legal guardians for unaccompanied children to represent their best interests following their arrival in the host country; calls for an improvement in living conditions for children in reception facilities; is disappointed by the lack of child-sensitive asylum procedures;
29. Notes that many of the risks faced by refugee children are equally faced by children who have been forcibly displaced within the borders of their own countries;
30. Insists that children should only be returned to their country of origin when their safety and security are assured, and emphasises the need for family tracing and family reunification; stresses that their return must be prohibited where there is a danger of serious harm being done, through, for example, child labour, sexual exploitation, violence or the risk of female genital mutilation, social exclusion or involvement in armed conflict;
31. Stresses the need to improve the data collection on children seeking refugee status, children residing illegally in the territory of another state but not seeking refugee status, and the outcome of asylum procedures and the future of such children following the adoption of a final positive or negative decision on their asylum request, in order to ensure that such children do not disappear into obscurity or become the victims of crime;
32. Underlines the negative consequences of emigration and the precarious situation of children left alone in their countries by parents who have emigrated; stresses the need to ensure comprehensive care, integration and education for such children, as well as family reintegration whenever possible;

33. Calls on the Member States to take urgent measures against organised criminal groups of people smugglers and those responsible for child trafficking;
34. Requests the Commission and the Member States to recognise the thousands of street children and children forced to beg as a serious social and human rights issue, and calls for measures to address this issue; calls also on the Member States to introduce sanctions against those responsible for the degradation of children forced to beg;

Children in emergency and post-crisis situations and children who are victims of child labour

35. Calls for EC humanitarian aid to take into consideration the specific needs of children and their families, as well as children's rights in emergency, crisis and post-crisis situations, especially the needs of minors who face the greatest risk in such situations, such as disabled children, the victims of gender violence, orphans and unaccompanied minors;
36. Urges the Commission to promote mechanisms for preventive action and information on how to act in emergency situations in areas of risk, with particular attention being paid to the training of minors and the authorities responsible for their care;
37. Underlines the need for emergency measures to have continuity and to establish the basis for the recovery and development of the areas affected, with special concern for the care of minors and women;
38. Stresses that the lack of a final settlement of frozen conflicts creates a situation in which the rule of law is neglected and human rights violations are committed in the areas concerned, and that this constitutes a major impediment to ensuring that all the rights of the child are respected; calls for steps to be taken to address the specific needs of children and their families in areas of frozen conflict;
39. Urges the Commission to improve the integration of education measures in its humanitarian policy and response procedures, as well as in its development cooperation policy;
40. Urges the Commission and the Council to include efforts to combat child labour in their humanitarian and trade policy efforts to combat child labour;
41. Calls on the Commission to take account, in its humanitarian aid actions in emergency situations, of the appropriate role of women and their ability to organise and develop reconstruction and relief tasks for those affected, with a particular emphasis on the child population;

Children and democracy

42. Stresses the right of children to grow up in a free and open society where human rights and freedom of expression are respected and where death sentences are no longer imposed, particularly on under-age individuals;

43. Stresses that the position of children in non-democratic states is very precarious and calls on the Commission to give consideration to this group of people;
44. Calls on the Commission to look at the issue of raising the political awareness of children and young people in third countries where democracy is restricted, so that these young people can develop into politically aware citizens;
45. Calls on the Commission to stress the importance of young people being able to voice their opinions on a voluntary basis through (political) youth organisations;

Children and crime

46. Stresses the need for states to protect children from being used in criminal acts and to take effective judicial measures against those who use or take advantage of children for criminal purposes;
47. Calls on the Commission to provide all states with the necessary help to ensure that the fight against all kinds of paedophilia is carried out urgently and effectively;
48. Calls on states to make every effort to improve the effectiveness of mechanisms for dealing effectively with domestic and school-related violence and abuse.

PROCEDURE

Title	Towards an EU Strategy on the rights of the child		
Procedure number	2007/2093(INI)		
Committee responsible	LIBE		
Opinion by Date announced in plenary	AFET 26.4.2007		
Enhanced cooperation – date announced in plenary			
Drafts(wo)man Date appointed	Irena Belohorská 17.10.2006		
Previous drafts(wo)man			
Discussed in committee	28.2.2007	27.6.2007	16.7.2007
Date adopted	17.7.2007		
Result of final vote	+: 43	–: 0	0: 0
Members present for the final vote	Roberta Alma Anastase, Christopher Beazley, Elmar Brok, Colm Burke, Michael Gahler, Jas Gawronski, Vytautas Landsbergis, Francisco José Millán Mon, Ria Oomen-Ruijten, João de Deus Pinheiro, Hubert Pirker, José Ignacio Salafranca Sánchez-Neyra, Antonio Tajani, Geoffrey Van Orden, Josef Zieleniec, Véronique De Keyser, Ana Maria Gomes, Emilio Menéndez del Valle, Pasqualina Napoletano, Ioan Mircea Pașcu, Libor Rouček, Cristian Silviu Bușoi, Marco Cappato, Metin Kazak, Annemie Neyts-Uyttebroeck, Baroness Nicholson of Winterbourne, Samuli Pohjamo, István Szent-Iványi, Hanna Foltyn-Kubicka, Angelika Beer, Hélène Flautre, Tobias Pflüger, Maciej Marian Giertych,		
Substitute(s) present for the final vote	Árpád Duka-Zólyomi, Jean Spautz, Evgeni Kirilov, Miloš Koterec, Aloyzas Sakalas, Mariela Velichkova Baeva, Milan Horáček, Marie Anne Isler Béguin, Miguel Portas,		
Substitute(s) under Rule 178(2) present for the final vote			
Comments (available in one language only)	...		

7.6.2007

OPINION OF THE COMMITTEE ON DEVELOPMENT

for the Committee on Civil Liberties, Justice and Home Affairs

Towards an EU strategy on the rights of the child
(2007/2093(INI))

Draftswoman: Glenys Kinnock

SUGGESTIONS

The Committee on Development calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Welcomes the development of the Commission's Action Plan on Children in External Relations, which will come under the approved framework and commitments of the EU Strategy on the Rights of the Child;
2. Stresses that the process leading up to adoption of the Strategy on the Rights of the Child should include a full and comprehensive consultation, involving national institutions for children's rights (such as ombudsmen for children's rights), UN agencies including UNICEF, the Committee on the Rights of the Child, civil society organisations and children in particular;
3. Calls on the Commission to adopt a child-rights-based approach reflecting the principles and provisions of the UN Convention on the Rights of the Child (UNCRC) in all relevant actions, from policy development and programming through to evaluation, as well as in the mobilisation of relevant resources;
4. Recognises the urgent need for policy and implementation guidance for Commission staff and calls for tools and training in headquarters and in its delegations on the application of a human-rights-based approach to development policy in general and specifically for an approach based on children's rights;
5. Urges the Commission and Member States to carry out thorough assessments of the situation of children in partner countries, using quality research and analysis conducted, for example, by UNICEF, into the implementation of the UNCRC and other relevant

international human rights treaties relating to children, internationally accepted data and approaches already routinely used and surveys conducted, for example by the UN, to support appropriate evidence-based advocacy, policy making and country strategies;

6. Calls on the Commission to ensure that deliberations by human rights committees and sub-groups set up under trade and cooperation agreements focus on the problem of child labour and the protection of children from all forms of abuse, exploitation and discrimination;
7. Stresses the need to address the problem of child soldiers and the major impact which public opinion is able to make in this regard;
8. Calls on the Commission to redouble its efforts to assist developing countries in translating the provisions of the UNCRC and optional protocols into their national legislation;
9. Stresses that, in order to make a lasting contribution to achieving the Millennium Development Goals (MDGs), children, their survival, development and protection, must be placed at the centre of all EU policy and practice;
10. Recognises that early childhood care and education, including immunisation, birth registration, good parenting, kindergarten and nurseries, are a child's right and recognises that early childhood is a time of significant development and that poor nutrition and a lack of care can lead to both physical and intellectual impairment and compromise the ability of children to develop to their fullest potential and free themselves from poverty;
11. Calls on the Council and Commission to make official birth registration a part of development cooperation policy as a basic right and an important means of protecting the rights of the child;
12. Calls on the Commission and Member States to make a concerted effort to help partner countries to achieve the target of free, universal primary education (MDG 2) and calls on the Commission and the Member States to provide the necessary funding for the Education for All - Fast Track Initiative;
13. Notes that emergency provision for children in conflict-affected fragile states rarely extends to appropriate education and calls on the Commission to support education activities, including implementation of the minimum standards outlined by the Inter-Agency Network for Education in Emergencies, both in emergencies and in the transitional phase from crisis to development;
14. Highlights the need for special attention to be paid to MDG 3 on gender equality and for the education of girls, the recruitment and training of local female teachers, the elimination of any male bias in curricula, the location of schools closer to the communities they serve and the provision of appropriate sanitation facilities; stresses that schools should be zones of safety where the rights of children are respected, and that sexual harassment and violence in and around schools should be vigorously prevented and dealt with;

15. Calls on the Commission to recognise that increased capacity is needed to achieve universal primary education, in particular for children with disabilities; calls, therefore, for the development of national education plans to address the exclusion of marginalised children, for support for the specialised training of education professionals on the inclusion of children with disabilities and for the promotion and development of school infrastructure accessible to children with disabilities;
16. Calls for special attention to be focused on orphans, children with special needs and children suffering abuse and discrimination and social exclusion, including children with disabilities, noting that children from marginalised groups are most often hit disproportionately hard by discrimination, trafficking and other forms of exploitation and abuse and inadequate access to basic social services and to education and health care;
17. Deplores the pressures which undermine policies on sexual and reproductive health and rights, leading to an increase in sexually transmitted infections (including HIV/AIDS) and a lack of understanding on the part of young people of their reproductive health needs, which in turn leads to an increase in unwanted pregnancies and unsafe and sometimes illegal abortions for young women; urges the Commission and the Member States to maintain levels of funding for the full range of sexual and reproductive health services to meet MDG 5 (to improve maternal health);
18. Stresses the importance of and the need for comprehensive reproductive health services for refugee and internally displaced children as comprehensive, youth-centred reproductive health programmes in conflict situations are critical to ensuring the protection, care and development of young displaced persons;
19. Highlights MDG 4 (to reduce child mortality) and MDG 6 (to combat HIV/AIDS, malaria and other diseases) and urges investment in research into and development of paediatric anti-retroviral formulations, in the provision of anti-malarial bednets and in the promotion of immunisation through the GAVI Alliance (formerly known as the Global Alliance for Vaccines and Immunisation).

PROCEDURE

Title	Towards an EU strategy on the rights of the child
Procedure number	2007/2093(INI)
Committee responsible	LIBE
Opinion by Date announced in plenary	DEVE 26.4.2007
Enhanced cooperation – date announced in plenary	
Draftswoman Date appointed	Glenys Kinnock 6.11.2006
Previous drafts(wo)man	
Discussed in committee	26.3.2007 5.6.2007
Date adopted	5.6.2007
Result of final vote	+: 18 -: 0 0: 10
Members present for the final vote	Margrete Auken, Josep Borrell Fontelles, Danutė Budreikaitė, Margrietus van den Berg, Gabriela Crețu, Nirj Deva, Alexandra Dobolyi, Fernando Fernández Martín, Filip Kaczmarek, Glenys Kinnock, Maria Martens, Luisa Morgantini, José Javier Pomés Ruiz, Miguel Portas, Horst Posdorf, José Ribeiro e Castro, Toomas Savi, Frithjof Schmidt, Jürgen Schröder, Felekna Uca, Johan Van Hecke, Luis Yañez-Barnuevo García, Anna Záborská
Substitute(s) present for the final vote	Miguel Angel Martínez Martínez, Manolis Mavrommatis, Pasqualina Napoletano, Anne Van Lancker, Ralf Walter
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	...

12.6.2007

OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

Towards an EU Strategy on the Rights of the Child
(2007/2093(INI))

Draftsman: Dimitrios Papadimoulis

SUGGESTIONS

The Committee on Employment and Social Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its report:

- A. whereas Article 24 of the Charter of Fundamental Rights of the European Union states that "every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests",
 - 1. Welcomes the Commission's proposal to establish a European Strategy to promote and safeguard children's rights effectively; welcomes the affirmation in the Commission communication that children's rights issues are a priority for the European Union; regrets that the communication does not indicate minimum standards, clearly defined policy areas, clear targets or timelines to which the European Union should commit;
 - 2. Stresses that policies supporting children's rights form the basis of tomorrow's society; upholding children's rights is the best means of fostering among tomorrow's adults a culture of respect for individual and collective rights;
 - 3. Notes that the values of the European Union are based on respect for individuals and equal opportunity and that the role of society is to help its members to develop their full potential, particularly through education;
 - 4. Regrets the absence of a funding programme, since if children are to take steps to assert their human rights there needs to be a financial commitment in the proposal;
 - 5. Welcomes the proposed establishment of new structures to enhance cooperation at

European level that will lead to a comprehensive and consistent approach, such as a Children's Rights Unit within the Commission, a Coordinator for the Rights of the Child, a Commission Inter-service group, a European Forum for the Rights of the Child and a web-based discussion and work platform;

6. Emphasises the importance of fully implementing existing international commitments, in particular those under the UN Convention on the Rights of the Child, the UN Convention on the Rights of Persons with Disabilities, which contains specific provisions for children with disabilities, and ILO conventions on child labour, by Member States and candidate countries;
7. Notes that the right to quality education, training, up-to-date knowledge and access to new technologies is a fundamental social right; calls on all the Member States and candidate countries to guarantee that right for every child regardless of the social, economic and ethnic background, geographical location, age, sex, religion, culture, language, physical situation, structure of their families or legal status of the child or his or her parents;
8. Deprecates all ideologies and theories based on the belief that crime or any form of social deviance is pre-ordained by genetic or social factors; denounces as an infringement of children's rights any policies aimed at early identification of children believed to be at risk of becoming criminals or social deviants, based on these factors;
9. Emphasises the need to ensure that all policies, both internal and external, both at Member State and at EU level, should have regard to the elimination of child labour in all its forms; believes that full-time education is the best means to tackle the problem, for girls as well as boys, both in terms of preventing such abuse but also in breaking the cycle of illiteracy and poverty into the future;
10. Points to the fact that products being sold in the European Union may be produced by child labour; calls on the Commission to implement a mechanism by which victims of child-labour can seek redress against European companies in the national courts of the Member States; calls on the Commission to enforce supply-chain compliance, and especially to come forward with mechanisms that make the main contractor liable in Europe in cases of violation of UN conventions on child labour in the supply chain; to this end, calls on the EU to use the generalised system of preferences (GSP) procedure as one way of combating more effectively the exploitation of child labour which occurs in various regions of the world, with special measures for dangerous work which a large number of children are forced to do;
11. Calls on the EU to take the international initiative, in close cooperation with the competent national authorities and the relevant international organisations, to eradicate the phenomenon of children's conscription, military training and involvement in military operations during internal or international conflicts in various regions of the world;
12. Believes that mainstreaming children's rights in EU policies is of paramount importance for the success of this European Strategy; calls on the Commission to include in its impact assessments on relevant policy issues specific provisions regarding children's rights; points out that the European Union and the Member States, when developing their legislation and policies, should take into account the diversity of children and their

different needs, depending on their geographical location, age, gender, ethnicity, social and legal status, religion, culture, language, disability or family structure, and ensure that all children have full enjoyment of all their human rights and fundamental freedoms on an equal basis; stresses the need for positive action regarding most vulnerable groups of children;

13. Underlines the importance of the active involvement of the children themselves in every procedure in which their rights are at stake; considers that participation should be open to all children, regardless of their ethnicity, social and legal status or any disability; calls on Member States to ensure that all children are provided with age-appropriate and disability assistance to enjoy their right of participation and free expression; welcomes the reference to the child's "right to education and [...] right to maintain relations with both parents"; emphasises, therefore, the need for the involvement of parents' and family associations in the European Forum for the Rights of the Child;
14. Recognises that active participation is closely linked to information; welcomes the establishment of a communication and information strategy that will publish EU measures in a child-friendly manner, accessible to all,
15. Recognises that although the current technological revolution in information and communication offers unique advantages, it can at the same time constitute a danger to children that threatens them on many levels; therefore supports the creation of a protective shield for children who use the internet in particular, as well as other new technologies, that would eliminate all forms of exploitation of childhood (seeing children as receptive to cultural models and principally as consumers), and also of the children themselves (as sexual objects or victims of violence and pornography);
16. Emphasises that those caring professionally for children need continuous high quality training, good working conditions and a reasonable salary in order to encourage continuity of care and high standards;
17. Regrets that the communication does not indicate specific measures regarding the situation of children with disabilities; underlines the need to mainstream disability within the Commission's strategy, in order to ensure the full and equal participation and inclusion of disabled children in all activity areas, and especially in education and training, cultural life, sport and leisure activities;
18. Observes that those children who are acting as carers for parents or siblings with specific needs should be entitled to specific targeted support;
19. Stresses that, according to recent studies, one in five children are at risk of poverty in the European Union and that children and young people, especially members of ethnic minorities, are particularly vulnerable to social exclusion; considers that this risk is even more striking in the majority of the new Member States which joined in 2004 and 2007, particularly with regard to children and young people living in socio-economically disadvantaged areas; highlights the important role that personalised services such as care and social services play in combating social exclusion; welcomes the urgent measures proposed in the communication against child poverty, underlining the fact that child poverty is a persistent problem; believes that priority attention at EU and Member State

level should be given to the prevention and elimination of child poverty, with particular reference to children from one-parent and immigrant families; regrets that the communication sets no clear quantitative targets on eradicating child poverty;

20. Stresses that the Member States need to increase their efforts to protect children who are suffering multiple deprivation or who are especially vulnerable, including, among other measures, by providing affordable accessible high quality services; asks that appropriate monitoring mechanisms be set up to identify and support children at risk;
21. Reminds Member States of their duty to help and protect children by protecting all children from the risk of malnutrition, disease or ill treatment regardless of their social situation or legal status, or that of their parents;
22. Regrets that the Communication does not point out the situation of immigrant, asylum seeker and refugee children and children from one-parent families in particular; believes that specific mention should be made of these groups that are even more vulnerable to poverty, social exclusion and various forms of exploitation; to this end, calls on the Commission to take further action to protect and safeguard low-income families whose children often become victims of traffickers;
23. Stresses that it is essential to ensure that those children who are legally old enough to be in employment are remunerated on the basis of equal work for equal pay;
24. Calls for a more comprehensive approach to measuring the multi-dimensional nature of child poverty, having regard to children's well-being and not merely to an income-based analysis;
25. Draws attention to the issue of street children and calls on Member States and the Commission to take measures, such as better monitoring and mobilisation of responsible services, so that they shall be provided with food, shelter, education and medical care;
26. Applauds the Commission's plan to introduce a Union-wide child helpline telephone number and points to the need for this service to be free of charge and widely publicised, to ensure that all children are aware of it, especially those exposed to greater risks;
27. Points to the fact that individual access to social security and health care must be guaranteed for all children, especially those at risk, and that such systems need to provide low-barrier open access;
28. Proposes that the European Union establish the concept of 'children in danger' to designate all children who are victims of a social situation which places their psychological and physical wellbeing and safety at risk or exposes them to the risk of becoming involved in crime, either as victims or perpetrators;
29. Calls on the Commission and the Member States to launch initiatives (such as publicity campaigns and exchanges of good practice) to reduce the incidence of 'children in danger', including measures to prevent juvenile delinquency;
30. Proposes closer cooperation between the EU and the appropriate authorities in the relevant

countries to combat the sexual exploitation of children and that stricter measures be taken against European citizens who indulge in sex tourism with child victims;

31. Takes the view that children's rights should be taken into account fully in the conciliation of work and family life and working time issues;
32. Notes that providing early care for children in collective institutions (crèches, schools) is one of the best ways of solving the problem of balancing working and family life and is also a means of ensuring, at an early stage of children's development, that they have the benefit of equal opportunity and become socialised;
33. Stresses the need to address the problem of trafficking in children, which is an internal European problem as well as a more broadly international problem;
34. Strongly condemns all forms of child pornography; urges the Member States, the Commission and the Council to launch a campaign to stamp out child pornography in Europe; cooperation between the national police authorities, supported by the EUROPOL European policy authority, should play a leading role in this campaign; in this context, EUROPOL should be authorised to extend its activities to investigating, in addition to organised crime, individuals who operate across frontiers in this field of criminal activity, particularly via the Internet;
35. Strongly condemns all forms of child labour, slavery and bonded labour and other forms of work which adversely affect children's health and safety; calls on the Commission and the Council to link the European Union's trade with, and development aid to, third countries more closely to such countries' implementation of the ILO Convention on the prohibition of, and immediate measures to eliminate all forms of child labour;
36. Strongly condemns all forms of child prostitution and sex tourism; calls on the Member States, the Commission and the Council to ensure that the culprits are prosecuted, whether inside or outside the EU; also calls for measures to be taken and promoted, in cooperation with the tourist industry, to effectively help combat child prostitution and sex tourism, such as the drawing up of codes of conduct, voluntary undertakings and the insertion of additional clauses in the contracts tour operators conclude with hotels;
37. Stresses the importance of prioritising the rights of children as enshrined in the United Nations Convention on the Rights of the Child over society's interest in optimising human resources; the right of individual free development must take absolute priority over societal selective or steered promotion of children, e.g. focusing on future labour market chances;
38. Emphasises the imperative for a differentiated consideration and inclusion of children's needs; a good example for such a differentiated scale being the Report Card 7 by the UNICEF INNOCENTI Research Centre, with six dimensions of child well-being, including material well-being, health and safety, educational well-being, family and peer relationships, behaviours and risks and subjective well-being;
39. Regrets that despite the fact that a vast number of children are obliged to work inside and outside the EU because of their families' difficult economic situation, very little attention

has been paid to the implementation of child labour legislation; considers that more emphasis should be given to its implementation, in particular as part of the accession process;

40. Stresses the importance, in the new European Strategy, of providing for better work and coordination of all the players involved, including civil society, and in particular children, with better financial aid, focusing on direct child well-being measures, for instance on quality child care, infrastructures and creative activities; active participation by children in decisions concerning them should evolve continuously in keeping with the age of the child (as stated in Article 12 of the UN Convention on the Rights of the Child);
41. Calls on the Commission to take steps to allow children to enjoy their childhood years and take part in children's activities without suffering social discrimination or exclusion;
42. Calls on the Commission to take steps to protect children at school from beatings, racism and sexual harassment;
43. Believes that the preconditions should be created to allow orphan children who have lost one or both parents to integrate smoothly into society at large without suffering discrimination, to provide them with proper education and health care and to give them equal opportunities in various activities without any social exclusion;
44. Calls on the Commission to take steps to protect children whose parents suffer from AIDS, a situation that may result in their exclusion from some activities and their social isolation;
45. Calls on the Commission to take steps to ban corporal punishment as a disciplinary measure for orphan children living in institutions;
46. Calls on the Commission to take steps to ban the genital mutilation of girls, to stop forced marriages and to take steps with regard to honour killings.

PROCEDURE

Title	Towards an EU Strategy on the Rights of the Child
Procedure number	2007/2093(INI)
Committee responsible	LIBE
Opinion by Date announced in plenary	EMPL 26.4.2007
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Dimitrios Papadimoulis 23.1.2007
Previous drafts(wo)man	
Discussed in committee	12.4.2007 5.6.2007
Date adopted	7.6.2007
Result of final vote	+: 36 -: 0 0: 1
Members present for the final vote	Jan Andersson, Alexandru Athanasiu, Emine Bozkurt, Iles Braghetto, Philip Bushill-Matthews, Milan Cabrnoch, Ole Christensen, Derek Roland Clark, Luigi Cocilovo, Proinsias De Rossa, Harald Ettl, Richard Falbr, Ilda Figueiredo, Joel Hasse Ferreira, Stephen Hughes, Ona Juknevičienė, Jan Jerzy Kułakowski, Jean Lambert, Raymond Langendries, Elizabeth Lynne, Mary Lou McDonald, Thomas Mann, Ana Mato Adrover, Elisabeth Morin, Csaba Óry, Kathy Sinnott, Jean Spautz, Gabriele Stauner, Anne Van Lancker
Substitute(s) present for the final vote	Udo Bullmann, Françoise Castex, Monica Maria Iacob-Ridzi, Sepp Kusstatscher, Mario Mantovani, Dimitrios Papadimoulis, Evangelia Tzampazi
Substitute(s) under Rule 178(2) present for the final vote	Bilyana Ilieva Raeva
Comments (available in one language only)	

26.6.2007

OPINION OF THE COMMITTEE ON CULTURE AND EDUCATION

for the Committee on Civil Liberties, Justice and Home Affairs

Towards an EU strategy on the rights of the child
(2007/2093(INI))

Draftswoman: Lissy Gröner

SUGGESTIONS

The Committee on Culture and Education calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas children also acquire dignity by their right to education and culture,
 - B. whereas it is essential to respect and secure respect for children's rights in all the educational, cultural and social contexts in which they grow up,
 - C. whereas school is not only a place of education but also a place for acquiring practical skills and culture,
 - D. whereas the full exercise of children's rights is the culmination of a process that enables them to develop towards independence and a sense of responsibility,
 - E. whereas the rights of children with schooling difficulties needs taking into account, particularly by establishing teaching methods suited to their needs,
 - F. whereas there is an urgent need to strengthen measures to encourage the schooling of disabled pupils, so as to facilitate their integration into society,
1. Welcomes the strategy for promoting and protecting the rights of the child in EU action, which is intended to safeguard effective protection of the rights of the child and preclude economic exploitation and any form of abuse, in connection with which the EU has committed itself to respecting fundamental rights including the rights of the child;

2. Emphasises that any kind of exclusion, discrimination or violence against children must be prevented;
3. Considers it necessary to establish practical projects such as child helplines, which provide access to assistance in all official languages free of charge;
4. Considers it necessary to strengthen the European Forum for Children's Rights, the Web-supported discussion and working platform, the inter-service group at the Commission, and the appointment of a Coordinator for Children's Rights, so as to improve the situation of children throughout the world;
5. Urges the EU to take an active part in promoting awareness and dissemination of the Convention on the Rights of the Child inside and outside the European Union by the use of 'soft power';
6. Emphasises that the right to education is a basic requirement for children's social development and must be accessible to all children on the basis of their individual capabilities and irrespective of their ethnic and social origin or their family background;
7. Urges the Member States to set up exchange programmes for teachers and pupils with countries outside the European Union, particularly in the Middle East and developing countries, and to disseminate and promote children's rights, drawing attention to the right to education and gender equality;
8. Considers that children should have access to education regardless of their status and/or their parents' status; underlines the importance of granting such access to migrant and/or refugee children;
9. Draws attention to the aims and targets of the Barcelona Process for equal development opportunities for all children and adequate care facilities;
10. Points to the fact that those children who are acting as carers for parents or siblings with special needs should be entitled to specific targeted support;
11. Stresses that persons caring professionally for children need continuous high quality training, good working conditions and a reasonable salary in order to encourage continuity of care and high standards;
12. Points out that there is a need to involve society, particularly parents and teachers, in encouraging awareness of children's rights and fostering their exercise;
13. Draws attention to the exploitation of children and minors in fashion, music, film and sport;
14. Calls on the Council and Commission to take measures that constitute suitable protection from violence on the Internet and in audio-visual media;
15. Emphasises that the promotion of 'children's culture' by the European Media and Culture Programmes must be stepped up and calls on the Council and Commission to use innovative projects in child-friendly form to encourage a delight in European culture and

European languages and stimulate children's willingness to learn at an early age; also underlines the importance of media education to promote more informed use of the various media with the introduction of educational content;

16. Supports the creation of a uniform classification and labelling system in the European Union for the sale and distribution of audio-visual content and video-games intended for minors, so that the European standard serves as a model for countries outside the EU;
17. Emphasises that the Member States need to increase their efforts to protect children who are suffering multiple deprivation or who are especially vulnerable, including by measures such as providing affordable accessible high quality services; asks that appropriate monitoring mechanisms be set up to identify and support children at risk;
18. Calls on the Council and Commission, with regard to the adoption of the new directive for audio-visual media services¹, to prohibit child pornography and violence against children in all audio-visual media services;
19. Calls on the Council and the Member States to introduce all necessary measures to protect minors from the harmful effects of alcohol and drugs;
20. Calls on the Council and the Member States to combine their resources and projects for implementing this strategy;
21. Calls on the Member States, with the support of European programmes, to reduce child poverty quickly and substantially and set benchmarks, and at the same time to offer all children the same opportunities irrespective of their social origin;
22. Calls on the Council and Member States to determine practical forms for the exchange of experience and to devise evaluative criteria in the collection of data on children's rights that will permit objective comparison, while taking account of the heterogeneous structures in various Member States;
23. Calls on the Commission and Member States to ensure, when further developing the communication strategy on the issue of children's rights and support for information networks for children, that materials are developed which enable children to receive a high standard of information, devised specifically for children, in their own locality and through personal contact;
24. Points out that the right to medical care for children and young people is essential for their healthy development;
25. Points out that educational and cultural areas are places where children must be able to exercise their rights in full while respecting their obligations;
26. Insists that school and cultural education prepare children for taking their place in society as free and responsible citizens;

¹ European Parliament position at first reading of 13 December 2006 on the amendment of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (P6_TA(2006)0559).

27. Points out that culture and education are two essential channels for children's development, strengthening their personality, refining their sensitivity and developing their imagination and creativity;
28. Recommends to the Commission and Member States that they pursue their efforts with regard to children who fail at school, through the innovation and development of suitable teaching methods;
29. Also recommends to the Commission and Member States that they study the specific needs of disabled pupils and implement a tailor-made schooling programme to encourage their integration into society.

PROCEDURE

Title	EU strategy on the rights of the child
Procedure number	2007/2093(INI)
Committee responsible	LIBE
Opinion by Date announced in plenary	CULT 26.4.2007
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Lissy Gröner 12.9.2006
Previous drafts(wo)man	
Discussed in committee	21.3.2007 8.5.2007
Date adopted	25.6.2007
Result of final vote	+: 24 -: 1 0:
Members present for the final vote	Ivo Belet, Guy Bono, Marie-Hélène Descamps, Věra Flasarová, Milan Gaľa, Ovidiu Victor Ganț, Luis Herrero-Tejedor, Ruth Hieronymi, Sándor Kónya-Hamar, Manolis Mavrommatis, Marianne Mikko, Viorica-Pompilia-Georgeta Moisuc, Doris Pack, Christa Prets, Karin Resetarits, Pál Schmitt, Nikolaos Sifunakis, Hannu Takkula, Salvatore Tatarella, Henri Weber, Thomas Wise, Tomáš Zatloukal
Substitute(s) present for the final vote	Emine Bozkurt, Erna Hennicot-Schoepges, Mary Honeyball
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	...

12.9.2007

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

Towards an EU strategy on the rights of the child
(2007/2093(INI))

Draftsman: Antonio López-Istúriz White

SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Urges all those Member States which have not yet done so to ratify the two optional protocols to the Convention on the Rights of the Child;
2. Urges those Member States which have not yet done so to ratify the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children; urges the EU institutions to promote the third-country ratification of the main international child protection instruments, especially those tending to improve the situation of immigrant children;
3. whereas the implementation by the national authorities of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility¹ is giving rise to a variety of interpretations; urges the Commission to draw up guidelines and a list of best practices with a view to clarifying and facilitating the implementation of this regulation;
4. Calls on the Commission and Council to comply with the Charter of Fundamental Rights of the European Union (especially its Article 24) when legislating, thus ensuring that children's rights – in particular those of children who are in disadvantaged, exposed or vulnerable situations or who are members of migrant or ethnic minorities, especially

¹ OJ L 338, 23.12.2003, p. 1.

Roma - are systematically taken into account in all legislative proposals;

5. Recalls that accession of the European Community to the Council of Europe's Convention on the Protection of Human Rights and Fundamental Freedoms would be an excellent means of improving child protection in the EU, and urges the Council to bring about that accession as soon as possible;
6. Urges the Council to adopt as soon as possible the proposal for a framework decision on the organisational and substantial aspects of the exchange of information between Member States on criminal records (COM(2005)0690);
7. Urges the Council to improve Europol's capabilities as regards the fight against crossborder crimes affecting children, with special regard to the dissemination of child pornography on the Internet, and to consider the possibility of investigation teams on the matter being led by a Europol agent;
8. Points out that international standards on child protection are applicable to unaccompanied minors arriving in European Union territory via irregular immigration procedures; calls on all local, regional and national authorities, and on the European Union institutions, to cooperate as far as possible in protecting these unaccompanied minors; calls on the Commission to establish international cooperation and assistance procedures with the third countries of origin so as to ensure that minors are properly returned to these countries and calls for mechanisms to be established to protect these minors once they have returned to their countries or origin, both within their biological families and through mechanisms or institutions that will offer them effective protection;
9. Calls on the Commission to submit a report on the possible inclusion in all international agreements between the EC and third countries of a specific and legally binding clause on respect for children's rights as defined at international level.

PROCEDURE

Title	EU strategy on the rights of the child
References	2007/2093(INI)
Committee responsible	LIBE
Opinion by Date announced in plenary	JURI 26.4.2007
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Antonio López-Istúriz White 29.1.2007
Previous drafts(wo)man	
Discussed in committee	19.3.2007 11.6.2007
Date adopted	11.9.2007
Result of final vote	+: 24 –: 0 0: 0
Members present for the final vote	Marek Aleksander Czarnecki, Bert Doorn, Monica Frassoni, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Othmar Karas, Piia-Noora Kauppi, Klaus-Heiner Lehne, Katalin Lévai, Alain Lipietz, Antonio López-Istúriz White, Hans-Peter Mayer, Manuel Medina Ortega, Hartmut Nassauer, Aloyzas Sakalas, Francesco Enrico Speroni, Daniel Stroj, Rainer Wieland
Substitute(s) present for the final vote	Janelly Fourtou, Jean-Paul Gauzès, Barbara Kudrycka, Michel Rocard, Jacques Toubon
Substitute(s) under Rule 178(2) present for the final vote	Albert Deß, María Sornosa Martínez
Comments (available in one language only)	...

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	18.12.2007
Result of final vote	+: 54 -: 0 0: 1
Members present for the final vote	Alexander Alvaro, Roberta Angelilli, Mihael Brejc, Kathalijne Maria Buitenweg, Maria Carlshamre, Michael Cashman, Giuseppe Castiglione, Giusto Catania, Jean-Marie Cavada, Carlos Coelho, Panayiotis Demetriou, Gérard Deprez, Agustín Díaz de Mera García Consuegra, Bárbara Dührkop Dührkop, Claudio Fava, Armando França, Urszula Gacek, Kinga Gál, Patrick Gaubert, Roland Gewalt, Lívia Járóka, Ewa Klamt, Stavros Lambrinidis, Esther De Lange, Henrik Lax, Roselyne Lefrançois, Sarah Ludford, Jaime Mayor Oreja, Claude Moraes, Javier Moreno Sánchez, Rares-Lucian Niculescu, Bogusław Rogalski, Martine Roure, Luciana Sbarbati, Inger Segelström, Søren Bo Søndergaard, Csaba Sógor, Vladimir Urutchev, Ioannis Varvitsiotis, Manfred Weber, Renate Weber, Tatjana Ždanoka
Substitute(s) present for the final vote	Edit Bauer, Simon Busuttil, Iratxe García Pérez, Genowefa Grabowska, Ignasi Guardans Cambó, Sophia in 't Veld, Sylvia-Yvonne Kaufmann, Jean Lambert, Antonio Masip Hidalgo, Bill Newton Dunn, Rainer Wieland
Substitute(s) under Rule 178(2) present for the final vote	Giulietto Chiesa, Ģirts Valdis Kristovskis, Manuel Medina Ortega