

Child rights in the EU

Supporting you,
Supporting them

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Child rights in the EU

**Supporting you,
Supporting them**

Celebrating 30 years of the
Child Rights Convention
and 10 years of the
Fundamental Rights Charter



All EU Member States are bound by the United Nations Child Rights Convention (CRC) and the EU's Fundamental Rights Charter, including Article 24 on the Rights of the Child.

The Child Rights Convention celebrates its 30th anniversary in 2019, while the Charter marks its 10th anniversary.

They both oblige EU bodies and its Member States to uphold a child's right to

protection and participation, so children can freely express their views – and that those views matter.

In all actions aimed at children, their best interests are the primary consideration.

FRA supports EU institutions and Member States in complying with these obligations. That includes delivering evidence-based advice and capacity building.

Why this brochure?

Child rights come first. Measures to ensure child protection and participation apply to ALL children in the EU.

This brochure raises awareness about FRA's work on child rights in Europe. Signposting relevant reports and practical tools, it is a resource and reference point for your own work upholding child rights.



CHILDREN IN POVERTY

DID YOU KNOW?

In 2017, almost 25 million children in the EU were at risk of poverty and social exclusion.

In 2016, only 19% of young Roma aged 16-24 years in nine EU Member States were in education.

Tackling child poverty is a fundamental rights issue. It ensures their inclusion and equal access to quality services.

Children should benefit from EU funding to helping those at risk of poverty or social exclusion.

The Child Rights Convention covers various economic, social and cultural rights. It ensures inclusive participation and equal chances for all children.

Social rights are part of the Fundamental Rights Charter, the European Social Charter, and various secondary EU laws.

Member States are principally responsible for social rights.

But new policies expand the EU's scope towards a more social Europe. These refer explicitly to children. They include the European Semester and the European Pillar of Social Rights.

The European Parliament has proposed €5.9 billion to fight child poverty. This will be part of the new European Structural Funds (ESF+) covering 2021-2027.

And the European Commission is exploring a child guarantee, as suggested by the European Parliament. This will ensure equal access to quality services and education.

FRA's work explains what a rights-based approach to tackling poverty means in practice.

FRA maps minimum age requirements for children to gain social rights in the EU. This identifies inconsistencies, protection gaps, and restrictions deriving from different age thresholds.

In FRA surveys, social rights data is often broken down by age. This highlights the reality for children and young people.

For more, see:

Combating child poverty through a right based approach

Mapping minimum age requirements, including social rights, work and banking

Regular reporting on child poverty in the EU. See the Agency's *Fundamental Rights Report 2019*

The *European Union Minorities and Discrimination Survey* also covers 16 to 24-year-olds

Transition from education to employment of young Roma

Anti-Gypsyism experiences of 16 to 24-years-olds *as a barrier to Roma inclusion*

Cost of exclusion from healthcare for irregular migrants, including migrant children



CHILDREN IN **MIGRATION**

DID YOU KNOW?

Up to one-third of migrants arriving in the EU since the summer of 2015 have been children.

Child migrants face numerous challenges when it comes to reception conditions, family reunification and applying for asylum.

Guardians are essential for responding to the needs of unaccompanied children.

The rights of children apply regardless of immigration status. The EU has various instruments covering asylum, borders and migration.

These oblige Member States to protect children. The European Commission's Communication on protecting migrant children sets out EU policy priorities.

Ensuring the rights of the child can be challenging in the migration context, FRA's work shows.

This covers borders, asylum, EU IT systems, reception, detention, return, integration and guardianship.

For more, see:

Integration of young refugees in the EU

Age assessment and fingerprinting of children in asylum procedures – Minimum age requirements

Regular reporting on developments on asylum and migration in the EU. See the Agency's *Fundamental Rights Report 2019*

European legal and policy framework on detaining migrant children

Returning unaccompanied children and fundamental rights considerations

Guardianship systems for children deprived of parental care

Handbook on guardianship for children deprived of parental care

Regular overviews of migration-related fundamental rights concerns. These include child protection with a focus on education, separated children and family reunification

Handbook on European asylum, borders and immigration law addresses unaccompanied children.

Biometrics, EU IT-systems and fundamental rights.

Practical guidance on *fundamental rights implications of the obligation to provide fingerprints for Eurodac*

Promoting the participation of migrants and their descendants. See chapter 2 for a focus on inclusive education

Fundamental rights of irregular migrants, covering education and family life

Practical guidance on fundamental rights considerations when apprehending irregular migrants



CHILDREN IN JUDICIAL PROCEEDINGS

DID YOU KNOW?

Each year, an estimated 2.5 million children go through legal procedures.

Two-thirds of children do not receive adequate information during proceedings. Their understanding of their rights and procedures is rarely checked.

Behaviour of legal professionals most affect children feeling safe and comfortable.

Both the Child Rights Convention and the Fundamental Rights Charter establish the right of children to be heard. This includes taking part in any judicial and administrative proceedings affecting them.

EU secondary laws on children as victims, accused or suspects reflect this. This also applies to cross-border proceedings.

These safeguards ensure child-friendly participation. And they establish a protective environment, free from victimisation.

FRA has done extensive research with legal professionals and children. This explores their experiences of civil and criminal proceedings and minimum age requirements.

For more, see:

Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties

Perspectives and experiences of professionals on children's participation in judicial proceedings

Videos about FRA work on rights of the child including children and justice

Child-friendly justice - checklist for professionals

Children's rights and justice – Minimum age requirements in the EU

Handbook on European child rights law

Children participating throughout the research in *child-friendly justice* project

Regular reporting on developments on children and justice in the EU. See the Agency's *Fundamental Rights Report 2019*



CHILDREN WITNESS OR VICTIMS OF VIOLENCE

DID YOU KNOW?

12% of women report being sexually abused before they turned 15, according to a 2012 EU-wide survey.

Half of women who were victims of sexual violence as a child say they knew their attacker.

Three-fifths of the 2,206 children trafficked in the EU in 2018 were EU nationals.

Child victims of violence do not get consistent help across borders. A system to identify, protect and support child victims of violence needs to be in place.

Both the Child Rights Convention and the Fundamental Rights Charter require Member States to protect children from violence. This includes neglect, physical, mental and sexual abuse.

The EU has adopted directives to protect child victims of crime, exploitation, pornography, sexual abuse and trafficking.

FRA has researched violence against women and girls, children with disabilities or forced marriage.

It produces support material for authorities and civil society to fight child trafficking.

For more, see:

Children deprived of parental care found in an EU Member State other than their own. A child protection guide focusing on victims of trafficking

Women (and their children) as victims of partner violence

Violence against women: an EU wide survey includes childhood experiences of violence

Online data explorer on *childhood violence*

Violence against children with disabilities: laws, policies and programmes

Mapping child protection systems

Addressing forced marriage in the EU: legal provisions and promising practices



CHILDREN ON THE MARGIN


DID YOU KNOW?

Two-fifths of Muslims don't report discrimination, fearing consequences for their children at school.

12% of black families say their children experienced racism at school in 2016.

18% of young LGBT people felt discriminated against by school or university staff in 2012.

Reporting the experience of victims is a first step towards action against bullying and discrimination.



Non-discrimination is a core principle of the Child Rights Convention. Non-discrimination is also part of the Fundamental Rights Charter, and guides all EU laws and policies.

FRA surveys the experiences and perceptions of people from different religions or backgrounds. Data is often broken down by age to show the reality of children and young people.

For more, see:

Violence against children with disabilities: laws, policies and programmes

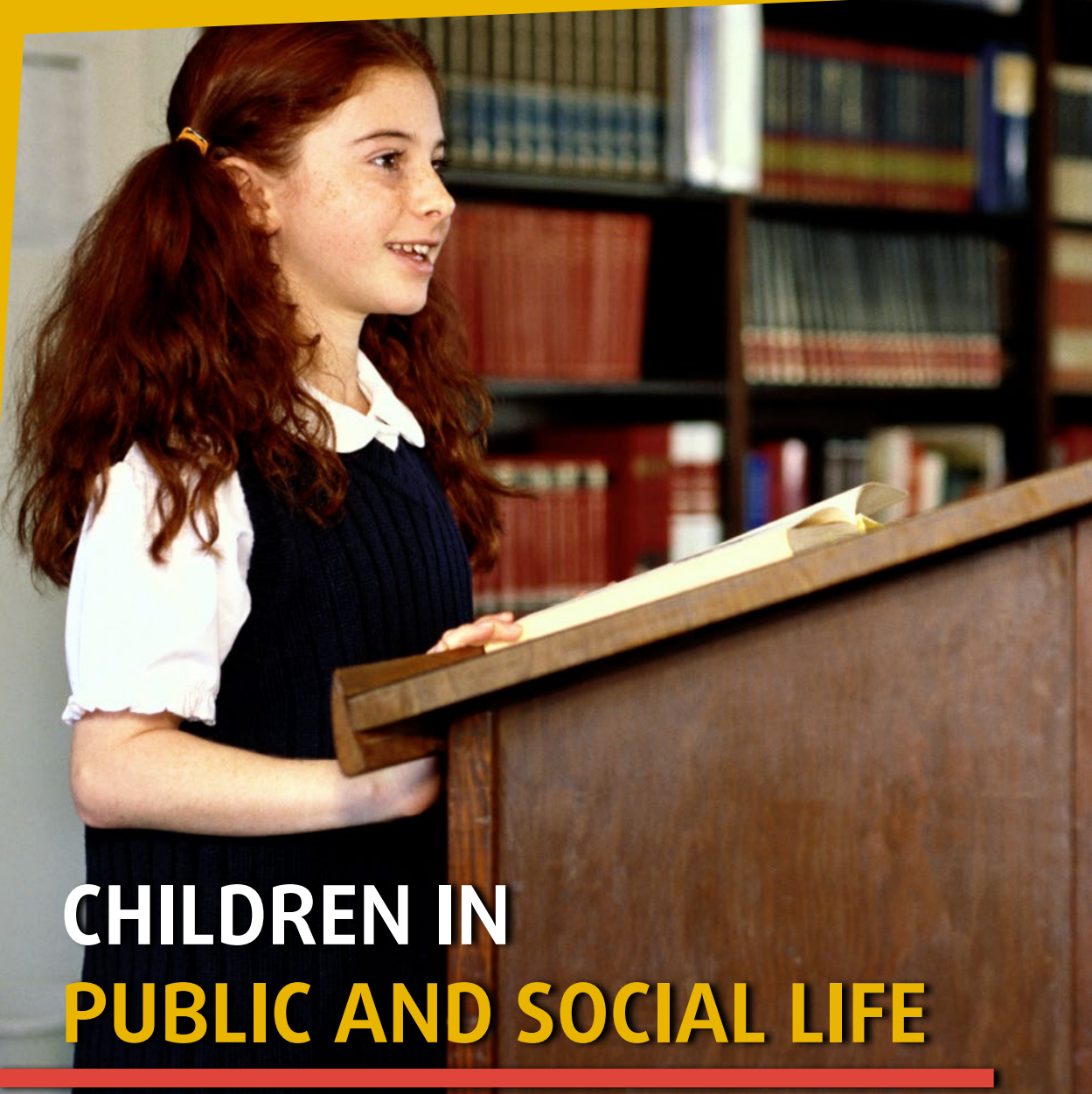
Being Black in the EU, including data from young respondents

Online data explorer on *young Black respondents from survey on minorities and discrimination*

EU lesbian, gay, bisexual and transgender survey

Online data explorer on *young LGBT experiences during childhood*

Young Jewish Europeans: perceptions and experiences of antisemitism



CHILDREN IN PUBLIC AND SOCIAL LIFE

DID YOU KNOW?

Children's opinions matter. Their views on combating poverty, climate change and migration deserve to be taken seriously.

Member States allow participation in public debate through youth or children's councils.

Only three Member States give 16 or 17-year-olds the right to vote in any election.

Participation is at the heart of international and European instruments on child rights.

The CRC and Charter guarantee free expression for children in all matters affecting them.

EU institutions and Member States are increasing efforts to involve children in policy- and decision-making.

This acknowledges them as equal members of society. It provides a forum for joint discussions on today's challenges. And online surveys like "The Europe Kids Want" allows them to express their views.

FRA promotes an appropriate and consultative approach to child participation. It actively involves children in various projects and events.

For more, see:

Mapping minimum ages for political participation

Videos on children's views on poverty and migration

Children take part in the *child-friendly justice research and follow-up*

Is Europe doing enough to protect fundamental rights, as asked by children during launch of FRA's *Fundamental Rights Report 2017*

Local engagement for Roma inclusion including participatory action with young Roma.

MOVING FORWARD...

Take children's views and opinions seriously into consideration. Inform them about their rights.

Give clear training and guidance to frontline professionals. Ensure children always receive necessary support and protection.

Whatever the issue, always consider the specific rights and needs of children.

Use existing data and information to call for targeted action. This is essential for children in care, identifying as LGBTI, or having a disability.

Child rights come first.

Measures to ensure
child protection and
participation apply to

This brochure guides you to relevant FRA reports and tools that
can support you when promoting and protecting the rights of

ALL children
in the EU.

Contact childrights@fra.europa.eu for specific questions
on child rights in the EU and related FRA work.



All FRA publications, videos and other tools
are online and free to order at fra.europa.eu.

Many are available in several languages.

