

A comparative analysis  
of the **Concluding Observations** by the  
**UN Committee on the Rights of the Child**  
on the most recent reports  
of the 27 EU Member States

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## 1. METHODOLOGY

This study aims to identify priority policy themes and key issues of relevance based on a comparative analysis of the Concluding Observations issued by the Committee on the Rights of the Child on the reports submitted by each of the 27 EU Member States.

The purpose is to identify the matters most frequently examined by the UN Committee on the Rights of the Child (referred to as “the Committee”), and the main issues the Committee highlights concerning implementation of the UN Convention on the Rights of the Child (referred to as CRC) in Member States.

For each country studied in this report, only the most recent Concluding Observations have been used. A full list of the Concluding Observations studied is shown in table 1. The earliest dates from 2000, and is almost 9 years old. The most recent dates from October 2008. What is more, the states parties reports on which they are based are, of course, older. The Committee’s Concluding Observations are issued on completion of its consideration of the countries’ individual reports on the implementation of the CRC. Also, whilst the most recently examined report from the UK was its 3<sup>rd</sup>/4<sup>th</sup> periodic report, three Member States have so far only experienced examination of their initial report. What is more, 2<sup>nd</sup> and 3<sup>rd</sup> reports build on the issues identified in the first set of Concluding Observations for each country so they do not altogether lend themselves to a study of emerging issues. All this will need to be remembered when deciding what the Concluding Observations reveal about compelling current issues.

Despite these considerations it has been possible to identify with confidence the issues most frequently examined by the Committee: some of these reflect the Committee’s overall priorities in ensuring that countries fully implement the UNCRC in a holistic manner (for example co-ordination of a national plan of action) whereas others reflect issues frequently arising within EU 27 – for example institutional care. It is more difficult to compare strengths and weaknesses between countries, as each is examined on its own terms, especially in the 2<sup>nd</sup> and 3<sup>rd</sup> reports which focus on issues of concern arising from the previous examination. The Committee generally acknowledges progressive steps and indicates what more needs to be done: It is clear that most countries have made progress in implementation of the General Measures and General Principles.

This paper will look firstly at the General Principles and the General Measures of Implementation and will then examine issues revealed in sections on civil rights and freedoms, family environment and alternative care, basic health and welfare, education, leisure and cultural activities, and special protection measures.

**Table 1. Examination by the UN Committee on Rights of the Child of latest reports by current EU 27 Member States – by date order**

COUNTRY	Date of concluding Observations	Periodic report by state party
Malta	June 2000	Initial
Portugal	November 2001	2nd
Greece	February 2002	Initial
Belgium	June 2002	2nd
Spain	June 2002	2nd
Poland	October 2002	2nd
Estonia	March 2003	Initial
Czech Republic	March 2003	2nd
Italy	March 2003	2nd
Romania	March 2003	2nd
Cyprus	July 2003	2nd
Slovenia	February 2004	2nd
Netherlands	February 2004	2nd
Germany	February 2004	2nd
France	June 2004	2nd
Luxembourg	March 2005	2nd
Austria	March 2005	2nd
Sweden	March 2005	3rd
Finland	October 2005	3rd
Denmark	November 2005	3rd
Lithuania	March 2006	2nd
Hungary	March 2006	2nd
Latvia	June 2006	2nd
Ireland	September 2006	2nd
Slovakia	July 2007	2nd
Bulgaria	June 2008	2nd
UK	October 2008	3rd /4th

The paper will also draw on:

- ChildONEurope Survey on the CRC Committee’s Concluding Observations on the last EU countries’ Reports: <http://www.childoneurope.org/activities/pdf/su00-Survey.pdf>

**Table 2. General Measures: Issues of concern by theme, positive and negative Concluding Observations**

COUNTRY	Reservations Declarations	Legislation	Co-ordination/ National Plan of Action	Independent monitoring	Allocation of resources	Data	Dissemination, training, awareness	Civil society co-operation	International co-operation
Malta	Y	Y	Y	Y	Y	Y	Y		
Portugal			Y		Y	Y		Y	Y
Greece		Y	Y	Y	Y	Y	Y	Y	
Belgium	Y	Y	Y	Y		Y	Y		
Spain		Y	Y		Y	Y	Y		
Poland	Y	Y	Y	Y	Y	Y	Y	Y	
Estonia		Y	Y	Y	Y	Y	Y	Y	
Czech Republic	Y	Y	Y	Y	Y	Y	Y	Y	
Italy		Y	Y	Y	Y	Y	Y		
Romania		Y	Y	Y	Y	Y	Y	Y	
Cyprus		Y	Y	Y	Y	Y	Y	Y	
Slovenia		Y	Y	Y	Y	Y	Y	Y	
Netherlands	Y	Y	Y	Y	Y	Y	Y	Y	
Germany	Y	Y	Y	Y		Y	Y		Y
France		Y	Y		Y	Y	Y		
Luxembourg			Y	Y		Y			
Austria	Y	Y	Y			Y	Y		Y
Sweden			Y	Y		Y	Y	Y	Y
Finland			Y	Y	Y	Y	Y		
Denmark	Y	Y	Y	Y	Y	Y	Y		
Lithuania		Y	Y	Y	Y	Y	Y	Y	
Hungary		Y	Y	Y	Y	Y	Y		
Latvia		Y	Y	Y	Y	Y	Y	Y	
Ireland		Y	Y	Y		Y	Y		
Slovak Republic		Y	Y	Y	Y	Y	Y	Y	
Bulgaria		Y	Y	Y	Y	Y	Y	Y	
UK	Y	Y	Y	Y	Y		Y	Y	
<b>TOTAL</b>	<b>9</b>	<b>23</b>	<b>27</b>	<b>23</b>	<b>21</b>	<b>26</b>	<b>25</b>	<b>15</b>	<b>4</b>

## 2. GENERAL MEASURES OF IMPLEMENTATION

The Committee attaches very high priority to the General Measures, and these underpin its approach throughout its consideration of the states parties reports. Table 2 shows the themes examined by the Committee, six of which come up for almost every country, under the section General Measures of Implementation. These are: **aligning legislation with the CRC, co-ordinating the implementation of the CRC and adopting a national plan of action, independent monitoring of child rights, allocation of resources sufficient to achieve implementation, data collection, and dissemination of information about the CRC.** Whilst this section of the Concluding Observations is about the state party's approach to children's policy overall, the same themes also subsequently occur throughout the Concluding Observations in relation to each issue under consideration, whether health services, alternative care, or education, for example. The six themes are inter-related; for example the Committee frequently advises countries to collect data on a specific issue in order to inform a plan of action, and to monitor the effectiveness of the plan of action.

The remarks of the Committee in relation to national plans of action and co-ordination of implementation refer to national developments in detail. Most countries are found to have made progress in this area, yet often this is focused on specific initiatives or policy areas. However welcome and important specific initiatives may be, the Committee consistently draws attention to the need for fully comprehensive planning. The Committee finds room for improvement in all cases. Several more recent Concluding Observations recommend applying the principles of the 2002 General Assembly Special Session Report "A World Fit for Children".

Comment on the national allocation of resources to children is similar. Despite a mixed picture, the Committee is consistent in finding that it falls short of the standard of allocation to the "maximum extent of available resources". Across Europe there is room for improvement in raising awareness of the CRC, whether among children, parents and guardians, or among professionals – including training of specific groups such as those involved in law enforcement.

With regard to data collection, the Committee frequently finds that insufficient attention has been paid to disaggregation of data by gender, age, ethnicity, rural/urban split, for example. In particular, the data does not generally distinguish vulnerable groups. In many countries legislation is not fully compliant with the CRC. Over the years there is a notable increase in the development of independent monitoring mechanisms, though these are not always consistent with the Paris Principles. Better co-operation with NGOs is frequently recommended. The Committee consistently focuses on removing reservations to the Convention in those countries which have entered them.

Sandy Ruxton has analysed in depth the General Measures of Implementation in relation to EU policy in the 2009 Euronet Study *Using the UN Convention on the Rights of the Child to Implement Children's Rights at EU Level*.

### 3. GENERAL PRINCIPLES

Table 3 shows which of the General Principles attract most attention in the Concluding Observations. **Non-discrimination** is discussed in relation to every country. **Respect for the views of the child, and the best interests of the child** are discussed in relation to most countries and **the right to life, survival and development** is discussed in relation to a minority of countries.

The best interests principle and the views of the child must be applied in all decision-making, and the mechanisms for their application must exist in law and practice. Non-discrimination is identified by the Committee as a particularly problematic area for European countries.

**Table 3. The Concluding Observations cover the General Principles as follows:**

COUNTRY	Non-discrimination	Best interests of the child	Right to life survival and development	Respect for views of child
Malta	Y	Y		
Portugal	Y		Y	Y
Greece	Y	Y	Y	Y
Belgium	Y			Y
Spain	Y	Y	Y	Y
Poland	Y			Y
Estonia	Y	Y	Y	Y
Czech Republic	Y	Y	Y	Y
Italy	Y	Y		Y
Romania	Y	Y	Y	Y
Cyprus	Y	Y	Y	Y
Slovenia	Y			Y
Netherlands	Y		Y	
Germany	Y	Y		Y
France	Y			Y
Luxembourg	Y	Y		Y
Austria	Y			Y
Sweden	Y	Y		Y
Finland	Y	Y		Y
Denmark	Y			Y
Lithuania	Y	Y		
Hungary	Y	Y		
Latvia	Y	Y		Y
Ireland	Y	Y		
Slovakia	Y	Y		Y
Bulgaria	Y			Y
UK	Y	Y	Y	Y
<b>TOTAL</b>	<b>27</b>	<b>18</b>	<b>9</b>	<b>22</b>

#### Non-discrimination

**Non-discrimination is the most prevalent issue**, and it arises in the Concluding Observations of all 27 states. This reflects its underpinning importance in the CRC but it also reflects a high level of concern about discrimination in Member States, as expressed in the text of the Concluding Observations. Increasingly countries have been adopting anti-discrimination legislation and frameworks, as acknowledged by the Committee, but gaps in these frameworks remain, and levels of discrimination are high. Discriminated-against children lose out in the enjoyment of social and economic rights – particularly health and education but also housing and social security. Discriminatory behaviour and attitudes are seen to be increasing in some countries, including amongst the young. The Committee frequently argues that there must be strong legislation, providing recourse for individuals, alongside efforts to change attitudes and practice. Particular attention should be paid to vulnerable groups.

Racism (and sometimes xenophobia) is the form of discrimination most frequently referred to – especially against Roma, Gypsies and Travellers, but also against refugees and asylum seekers, migrant children, Russian speaking minorities, Turkish minorities, Serbs, Croats Albanians, stateless persons and “sans papiers”. Discrimination against children with disabilities is also found to be very widespread.

Other groups of children identified as being discriminated-against are children in poverty, children from rural backgrounds, children in institutions, children with HIV/AIDS, and LGB children. Gender discrimination is referred to but not extensively. Some legislative frameworks discriminate against children born out of wedlock. Discrimination in public attitudes to children – and especially to adolescents – is mentioned in the UK’s concluding observations.

**Discrimination is identified by the Committee as a pervasive and damaging issue in Europe, in many countries associated with wide-ranging infringement of child rights, which requires extensive attention.**

The Committee advises many countries to include in their next reports measures taken to follow up on the Declaration and Programme of Action following the World Conference Against Racism, Xenophobia and Related Intolerance 2001 and the Committee’s General Comment No. 1 (2001) on article 29(1) of the Convention (aims of education).

Table 4 summarises four of the Committee’s observations on non-discrimination. This table is drawn from the analysis of ChildONEurope, which has been updated by substituting the latest Concluding Observations for Latvia, Ireland, Slovakia, Bulgaria and UK.

**Table 4. Committee observations on non-discrimination**

COUNTRY	Countries advised to adopt effective strategies to eliminate existing forms of discrimination at national level	Countries advised to introduce minimum standards into legislation	Countries advised to develop comprehensive public education campaigns	Countries advised to take follow-up action to World Conference Against Racism
Malta	Y			
Portugal	Y			Y
Greece	Y			Y
Belgium	Y	Y	Y	Y
Spain	Y			Y
Poland	Y	Y		Y
Estonia		Y	Y	Y
Czech Republic	Y	Y	Y	Y
Italy	Y		Y	Y
Romania				Y
Cyprus		Y	Y	Y
Slovenia	Y			
Netherlands	Y	Y		Y
Germany	Y			Y
France		Y		Y
Luxembourg	Y	Y		Y
Austria	Y	Y		
Sweden				Y
Finland	Y			Y
Denmark				Y
Lithuania	Y			Y
Hungary		Y	Y	Y
Latvia		Y	Y	Y
Ireland	Y		Y	Y
Slovakia	Y	Y	Y	Y
Bulgaria	Y	Y	Y	Y
UK	Y			
<b>TOTAL</b>	<b>19</b>	<b>11</b>	<b>9</b>	<b>21</b>

Sources: ChildONEurope 'Survey on the CRC Committee's Concluding Observations on the last EU countries' Reports', June 2006 pp 16-17 for information on Malta, Portugal, Greece, Belgium, Spain, Poland, Estonia, Czech Republic, Italy, Romania, Cyprus, Slovenia, Netherlands, Germany, France, Luxembourg, Austria, Sweden, Finland, Denmark, Lithuania and Hungary. Concluding Observations by the Committee on the Rights of the Child 2006-2008 for Latvia, Ireland, Slovakia, Bulgaria and UK.

### Best Interests of the Child and Views of the Child

In most cases the Committee recognizes that **state parties have gone some way to revising legislation to incorporate the best interests principle, and to build in the right to express**

**a view in specific judicial or administrative proceedings.** However, all countries have important gaps, and a few have barely started to adapt their legislation appropriately (at the time of writing the Concluding Observations). **The Committee recommends that particular attention should be paid to vulnerable groups.** The best interests principle is less likely to be applied to the situation of asylum seekers and Roma children, for example.

The Committee frequently stresses that the best interests principle must be applied in all judicial and administrative situations affecting the individual child, but in addition it must be applied to legislation, policy and programmes concerning children in general. The principle should be applied to actions affecting the individual child, and also to developments affecting children as a class. The Committee regrets the absence of information from a few specific states parties on the views of the child – presumably an indication of low priority in at least some cases.

Again, the views of the child are a key component of decision-making about the individual child in judicial or administrative procedures and in addition, listening to children as a group and taking their views on board is important to shaping policy and practice. **Several states are praised for developing mechanisms for dialogue with youth, but there is much criticism of inadequate developments in schools, in the local community and in families.** The Committee frequently calls for training for people working with children and for parental education.

### Right to life

This issue figures in the Committee's observations on 9 countries only. The main issue is accidental deaths, and the Committee recommends accident prevention. However, a few country-specific issues are also discussed such as euthanasia in the Netherlands, deaths in custody in England and Wales, police tasers in the UK, AEP replacing plastic bullets in Northern Ireland, suicides in Czech Republic and the health of Roma children in Greece. It should be added, however, that infant mortality and mortality of children under 5 is also discussed in the subsequent section of the Concluding Observations on health.

## 4. CIVIL RIGHTS AND FREEDOMS

### Corporal punishment

In the examination of Civil Rights and Freedoms, corporal punishment comes up as an issue in 12 countries. The information shown in Table 5 has been supplemented from the Concluding Observations on Family Environment and Alternative Care, which also include corporal punishment. In total this gives us 19 countries for which the issue is raised in the Concluding Observations. One of those had banned corporal punishment but was advised to continue awareness raising. Other countries were advised to impose a ban – in the home, the school or in institutions, wherever required. Several countries followed this

advice and corporal punishment is now banned in 14 Member States. **The complete abolition of corporal punishment is a key target for the Committee on the Rights of the Child**, with 2009 seen as a critical year. The Council of Europe is also actively campaigning. This is clearly a key child rights issue across the EU.

**Table 5. Issues on Civil Rights and Freedoms arising in Concluding Observations**

COUNTRY	Torture, inhuman degrading treatment (law enforcement)	Corporal punishment (see end note)	Violence and abuse	Exposure to harm through internet, media, games	Child's identity, parentage and nationality (a) birth registration, (b) right to know parentage @ statelessness	Restrictions on religious observance/ alternative belief	Other – Including privacy
Malta							Y
Portugal		Y **					
Greece		Y		Y	Y (a)	Y	Y
Belgium		Y	Y				Y
Spain		Y **					
Poland		Y	Y			Y	
Estonia		Y	Y		Y ©		
Czech R.	Y	Y	Y		Y ©		
Italy	Y				Y (a) (b)	Y	
Romania	Y	Y **			Y ©		
Cyprus	Y	Y **					Y
Slovenia		Y			Y ©		
Netherlands		Y **			Y (a)		
Germany		**		Y		Y	
France	Y	Y		Y	Y (a) (b)	Y	
Luxembourg	Y	Y		Y	Y (a) (b)		
Austria		**		Y	Y (a)		Y
Sweden		**		Y			
Finland		**		Y			
Denmark		**		Y			
Lithuania		Y		Y	Y ©		
Hungary	Y	**		Y			
Latvia		Y **		Y	Y ©		
Ireland		Y					Y
Slovakia	Y	Y	Y				
Bulgaria	Y	Y**	Y				
UK	Y	Y	Y				Y
<b>TOTAL</b>	<b>10</b>	<b>19</b>	<b>7</b>	<b>11</b>	<b>12</b>	<b>5</b>	<b>7</b>

**Corporal punishment.** The information shown in the table is drawn from the Concluding Observations, sections Civil Rights and Freedoms and also Family Environment and Alternative Care. Since the Concluding Observations were written the number of countries imposing a total ban on corporal punishment has increased. Countries which now have a ban are denoted with the symbol \*\*. These total 14 of 27 EU Member states.

## Torture, inhuman and degrading treatment

It is significant that in 10 countries the Concluding Observations note the application of torture, inhuman and degrading treatment to children by police or staff in detention facilities. Later in the paper we shall see that **children involved in the justice system are seen to have a particularly high need for special protection** (section 8, Table 9). Juvenile justice regimes differ widely between European countries but this reveals a common area of failure in many countries. In terms of infringements of rights, this area is a high priority.

## Child's identity, parentage and nationality

**Statelessness** is an issue affecting persons from the former Yugoslavia, and minorities (particularly Russian-speaking) in the Baltic States, as well as Roma in other countries such as Czech Republic and Romania. In turn this affects access to services like health care and realization of rights in general. Some of the impacts on children are extensive. **Low birth registration again disproportionately affects Roma children.** Citizenship is a basic issue within the EU also affecting entitlements under EU membership.

## Exposure to harm through the internet

The analysis revealed that **children's exposure to harm through the internet, video games, mobile technology and other media appears to be a growing issue.** Actions which are recommended by the Committee frequently include the need for appropriate legislation to restrict harmful material, raising awareness among children, parents and guardians, and teachers, and agreements with journalists about material to be disseminated.

## Violence and abuse

Whilst this is flagged in only 7 countries in the section on Civil Rights, abuse is highlighted elsewhere in the Concluding Observations under Family Environment and Alternative Care (see section 8), and violence in schools is also noted in the section on Education. Table 6, drawn from different sections of the Concluding Observations, presents **a worrying snapshot of the extent of abuse and violence experienced by children and the failure of states parties to deal with this adequately.**

**Table 6. Violence, abuse, neglect**

Selective information from Civil Rights and Freedoms and Family Environment and Alternative Care sections of the Concluding Observations \*

COUNTRY	Violence, abuse and neglect – issues and recommendations
Malta	Some positive measures but limited measures for rehabilitation of children who have been abused. Need child-friendly mechanisms to deal with complaints & education to combat traditional attitudes in society. Need full adoption of measures above.
Portugal	Strengthen monitoring & data collection. Make it mandatory that professionals report abuse – with appropriate training and protection. Ensure rehabilitation assistance to abused children.
Greece	Improve data collection. National programme of prevention and reduction in families and institutions; Effective system for reporting and referral; strengthen capacity of social services.
Belgium	Better reporting. More prosecutions.
Spain	Note positive measures but concern about extent of abuse. Reporting systems inconsistent. Support to abused children inadequate. Recommends comprehensive measures.
Poland	Abuse and violence widespread in home, & school. No national system of complaints
Estonia	Lack of comprehensive strategy.
Czech Republic	In families, school and institutions. Roma targeted. Domestic cases not always investigated.
Italy	Overall strategy and National commission needed. Poor data. Children over 14 or 16 (varying on circumstances) do not benefit from full protection in law. Comprehensive set of recommendations.
Romania	Strengthen reporting; systems for investigating ill-treatment; protection of abused child; social reintegration; awareness raising on domestic violence.
Cyprus	Problem of domestic violence. Committee recommends campaign to change attitudes; ban corporal punishment; report on follow-up to complaints of abuse; research child abuse.
Slovenia	Adopt comprehensive strategy for child abuse. In 2003 Commission established for Analysis of the Problem of Violence in Slovene Education. Should be supported; awareness –raising among adolescents; discipline must reflect dignity of child.
Netherlands	Youth Care Act will improve effectiveness of child protection esp. reporting. But waiting lists for services. Resources should be adequate for prevention & recovery. Need defined strategy.
Germany	New law against domestic violence. Should do comprehensive study on violence esp. sexual abuse and violence at school; strengthen awareness-raising; train professionals.
France	Continue efforts to prevent & combat child abuse; sensitize public & professionals to problem
Luxembourg	State party should undertake study on violence esp. sexual abuse & strengthen measures to deal with abuse in family

Austria	Welcome measures on sexual abuse and violence. Need to improve law enforcement and recovery programmes for abused children.
Sweden	
Finland	Commends campaign 1997-2002. But violence and sexual abuse are among the most serious obstacles to child rights in Finland. Awareness raising. National helpline. Encourage reporting. Provide full care and physical & psychological recovery & reintegration.
Denmark	2004 plan of action, but abuse, neglect & domestic violence high. Adopt comprehensive measures
Lithuania	Protect children from violence, racism pornography on mobile technology, media, Internet. Notes National Programme for Prevention Child Abuse but acute violence continues. Strengthen awareness raising – adults and children. Toll-free helpline; resources; Comprehensive measures.
Hungary	Violence in family. Lack of preventive & reintegration measures. Need studies, awareness raising, strengthening legislation; reporting; support; emergency mechanisms e.g. helpline & shelters .
Latvia	State info campaign & training of specialists for children in crisis but violence widespread. Violence in home considered private matter; only worst cases investigated. Strengthen child protection legislation; strengthen awareness raising; introduce comprehensive system.
Ireland	No national strategy for prevention of child abuse. Need awareness raising, investigation, response, assistance to abused children etc
Slovakia	Implement conclusions of UN study. Reporting of domestic violence and child abuse. Hotline.
Bulgaria	Implement conclusions of UN study – prioritize prevention. Need comprehensive strategy.
UK	Monitor extent of violence, abuse, neglect; ensure professionals properly trained to report and act on suspected cases; strengthen support for victims; adequate services for recovery, counseling, reintegration. Implement conclusions of UN study in partnership with civil society

\* **Disclaimer** – for a comprehensive view of any specific country please read the relevant Concluding Observations , as the comments summarized in this table are selective.

## 5. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

### Abuse and neglect of children:

An overall pattern is clear in the Committee's remarks.

- The Committee is concerned that states must have an overview of the extent of the problems and urges better data collection.
- Prevention and reduction of child abuse should involve public awareness raising of the harmful consequences of abuse, and support to families at risk.
- Effective systems of reporting and referral of abuse and neglect are key: these should be child-friendly procedures.
- The protection and rehabilitation of abused children must be prioritized.
- Law enforcement involving prosecution of perpetrators is important.
- States should take account of the Committee's recommendations at its 2000 and 2001 days of general discussion on children and violence, and the UN Study on violence against children.

### Family environment

The Committee emphasizes the link between poverty and families under pressure, and argues for financial assistance in particular cases. **Family support is a key priority for the Committee with a frequent observation that family support services are under-resourced.** In some more affluent countries investment in childcare is observed to be inadequate.

### Alternative care:

The Committee deals comprehensively with alternative care, looking overall at the policies and systems in place. **Inadequate resources and low priority emerge as problems.** A major concern is ensuring that **the wishes and best interests of the child should be key factors** in individual decision-making. The Committee also urges countries to **prioritise foster care over the placement of children in institutions.** It pays particular attention to children in institutions. For countries where the placement of children in institutions has been extensive, **the Committee recommends a whole set of measures leading towards de-institutionalisation.** These include:

- Carrying out a comprehensive study of the situation
- Promoting family as the best environment for the child and providing support to families and community based programmes
- Strengthening foster care and small family homes, and placing children in institutions only as a matter of last resort
- Improving standards in institutions, ensuring children living there enjoy all the Convention rights, monitoring and reviewing placements, establishing complaints mechanisms
- Improving support and training for social workers and personnel
- Providing follow-up and reintegration services for children leaving institutional care.

The continuing widespread use of institutional care is a problem across Europe in relation to children with disabilities. This will be exemplified again in the next section on Basic Health and Welfare, which includes Observations on children with disabilities.

Children in institutions are a particular issue for the newer Member States of Central and Eastern Europe, affecting children without parental care more generally, and frequently applied to Roma. Conditions in institutions are especially poor in some countries of Eastern Europe.

**Table 7. Family Environment and Alternative Care**  
Issues covered in concluding observations

COUNTRY	Family environment	Alternative Care - general	Children living in social care institutions	Adoption & fostering	Abuse and neglect	Other
Malta		Y		Y	Y	
Portugal	Y	Y			Y	
Greece	Y	Y			Y	Y
Belgium						
Spain	Y				Y	Y
Poland	Y	Y	Y			
Estonia		Y	Y	Y		Y
Czech Republic	Y	Y	Y			
Italy		Y		Y	Y	
Romania	Y	Y		Y	Y	
Cyprus	Y	Y		Y	Y	Y
Slovenia	Y			Y	Y	Y
Netherlands	Y	Y			Y	
Germany	Y			Y	Y	
France				Y	Y	Y
Luxembourg	Y	Y			Y	
Austria					Y	Y
Sweden		Y	Y			Y
Finland	Y	Y			Y	
Denmark	Y	Y	Y		Y	Y
Lithuania	Y	Y	Y		Y	Y
Hungary	Y	Y	Y	Y	Y	
Latvia	Y	Y	Y	Y	Y	Y
Ireland	Y	Y		Y	Y	Y
Slovakia	Y	Y	Y	Y		
Bulgaria	Y	Y	Y	Y	Y	
UK	Y	Y	Y	Y	Y	
<b>TOTAL</b>	<b>20</b>	<b>21</b>	<b>11</b>	<b>14</b>	<b>21</b>	<b>12</b>

## International agreements

Implementation of the Hague Convention on inter-country adoption is mentioned in a number of Concluding Observations, with the Committee urging full compliance. In a smaller number the Hague Convention on child abduction is referred to.

In summary, given the extent of the current problems raised by the Committee, issues in relation to Family Environment and Alternative Care need to be addressed across Europe.

## 6. BASIC HEALTH AND WELFARE

Providing further information about poverty and economic hardship, this section also deals with disability, access to health services and adolescent health. **It reveals serious concerns around child mental health, especially that of adolescents.**

The principal needs for adolescent health care **are reproductive health services, services for alcohol, drugs, tobacco and substance use, education about these issues and confidential counseling.**

Other health awareness and health prevention issues affecting children and young people include HIV/AIDS, FGM, vaccination, breastfeeding, iodine deficiency in Latvia and Lithuania, and access to safe drinking water in Lithuania.

This section is the main source of information about States Parties' actions on disability, and the **major concern is the inadequacy of disability integration policies particularly in education.** Whilst the issue applies right across Europe, it is more prevalent in the accession countries. The Concluding Observations on Slovakia and Bulgaria note that Roma children with disabilities are doubly discriminated against. **Disability emerges as one of the main areas of inadequate implementation of child rights.**

This section of the Concluding Observations contains most information about material poverty. Combined with information from the Family Environment section we find that **poverty appears as an issue in 17 countries.**

**Basic financial support is an issue in many countries – this need is identified particularly in relation to Roma, other ethnic minorities, families of foreign origin, large families, and single parent families.**

**Table 8. Basic Health and Welfare: issues raised by the Committee**

COUNTRY	Disabilities	Health services	Mental Health	Adolescent Health	Standard of living	Health education, prevention, other
Malta	Y		Y	Y.		Y
Portugal	Y	Y	Y	Y		Y.
Greece	Y	Y		Y	Y	
Belgium						
Spain			Y	Y		Y
Poland	Y			Y		Y
Estonia	Y		Y	Y.		
Czech Republic	Y	Y		Y	Y	Y
Italy		Y	Y	Y		
Romania	Y	Y.	Y	Y		Y
Cyprus		Y			Y	Y
Slovenia	.	Y	Y	Y		
Netherlands	Y		Y	Y		Y
Germany		Y	Y	Y	Y	Y
France		Y	Y	Y	Y	Y
Luxembourg			Y	Y		Y
Austria			Y	Y	Y	Y
Sweden		Y	Y	Y		
Finland			Y	Y	Y	Y
Denmark	Y	Y	Y	Y	Y	Y
Lithuania	Y	Y	Y	Y	Y	Y
Hungary	Y	Y		Y	Y	
Latvia	Y	Y	Y	Y	Y	Y.
Ireland	Y	Y	Y	Y	Y	Y
Slovak Republic	Y	Y	Y	Y	Y	Y
Bulgaria	Y	Y	Y	Y	Y	Y
UK	Y	Y	Y	Y	Y	Y
<b>TOTAL</b>	<b>16</b>	<b>18</b>	<b>20</b>	<b>25</b>	<b>15</b>	<b>20</b>

## 7. EDUCATION , LEISURE AND CULTURAL ACTIVITIES

Education gets relatively brief treatment in the Concluding Observations. Leisure received significantly less attention, appearing in the Concluding Observations of only four countries. The main issue noted is an absence of play facilities and spaces.

Most states parties are praised for their efforts in the field of education, but the Committee draws attention to many remaining problems which need to be addressed. The Committee highlights the need for **more investment in education**; the relative impoverishment of rural schools and **the need for equity in urban/rural educational opportunities.** The

Committee notes the effects of poverty on school attendance and attainment. Non-attendance, drop-out and the repeat of failed school years, and a lack of interest by parents as well as teachers, have to be addressed.

Access to education is lower amongst specific groups such as Roma, migrants and refugees, and children with disabilities – especially children with learning difficulties.

Special schools for children with disabilities and Roma children are prevalent in many countries and the Committee recommends integration with the mainstream.. More information on this issue can be found under Family Environment and Alternative Care (see section 5). The dropout rate of girls in Romania is noted, as is poor access for teenage mothers in the UK. Racism and intolerance are widespread and a culture of bullying and violence prevails in schools in many countries. Bullying or violence in schools, or both, are noted in 14 countries (from information under different sections of the Concluding Observations). The collective picture is indeed quite concerning. The Committee wishes to see the creation of a culture of tolerance, peace and non-discrimination, and obligatory human rights education on the curriculum throughout.

**Table 9. Education: issues and recommendations from the Concluding Observations (The information presented is selective, not comprehensive)\***

COUNTRY	
Malta	Train teachers in human rights/child rights. Deal with absenteeism, bullying.
Portugal	Target low income families. Build up human rights education.
Greece	Closure of rural schools and high dropout rate rural areas a problem.
Belgium	Develop human rights, tolerance, equalities in schools
Spain	High drop out. Difficult to integrate Roma and migrant children, and children from deprived backgrounds
Poland	Costs of programmes and materials too high for many parents. Disparities urban/rural.
Estonia	High drop out and repeat. Bullying, overcrowding, poor environment.
Czech Republic	Many Roma, rural children, refugees, illegal migrants missing out on primary education. End special schools for Roma.
Italy	Curb drop-out rate in secondary school; promote gender equality; address violence; apply article 12
Romania	Good measures on free meals & cost of text books. Girls and children from rural areas dropping out. Stop extensive discrimination, bullying & violence.
Cyprus	Include more children with special needs in mainstream schools.
Slovenia	High drop out from secondary education. Teachers not trained in human rights education.
Netherlands	Address non-attendance, ensure availability of quality affordable early years education; include human rights education.
Germany	Develop provision for children with learning difficulties & improve civic education.

France	Children with disabilities should be integrated into mainstream as far as possible; support participation in decision-making; increase public expenditure for compulsory education
Luxembourg	Children with learning difficulties and behavioural problems excluded from regular schools.
Austria	N/A
Sweden	No access for children without residence permit. Regional variation.
Finland	High drop out by Roma children. Bullying extensive despite action plan – especially against children with disabilities.
Denmark	Need to overcome ethnic disparities, and involve children in seeking solutions to bullying.
Lithuania	Roma, children with disabilities and children from economically vulnerable families likely to drop out.
Hungary	Education of Roma children needs improving – especially ending of special schools, Corporal punishment in school is banned but takes place.
Latvia	A national development priority. But need to bring residential boarding schools and rural schools up to standard of others. Rural closures. Negative effects of poverty.
Ireland	High drop out rate among Travellers and children with disabilities. School costs high for some parents.
Slovakia	Equal access to education needed – esp. for Roma; curriculum & teaching in mother tongue; awareness raising with parents; include human rights education in curriculum; vocational education
Bulgaria	Education a high Government priority – but more investment needed. Too many children with disabilities and Roma in special schools.
UK	Problems for children from economically disadvantaged homes, Roma, Gypsy/ Traveller, asylum seekers, teenage mothers. Segregation persists in Northern Ireland schools. More participation needed.

\* **Disclaimer** – for a comprehensive view of any specific country please read the relevant Concluding Observations , as the comments summarized in this table are selective.

## 8. SPECIAL PROTECTION MEASURES

Some groups of children are considered especially vulnerable to violations of their rights and so the Convention on the Rights of the Child sets out how the rights of these children should be protected – for example children in the juvenile justice system, asylum seekers and migrants, children who are sexually and economically exploited and so on. State parties are expected to take special protection measures as set out in the CRC and as elaborated in other UN instruments, policies and statements. The **groups or issues which attract the most attention** in the Committee's Concluding Observations on EU Member States are **juvenile justice, sexual exploitation and the sale, trafficking or abduction of children, and thirdly, refugee and asylum-seeking children**. Next comes **the treatment of minority communities – especially Roma children** – already extensively discussed in the context of other

sections. For a comprehensive survey of issues please see Table 10. Of course some of these groups of children overlap and we find, for example, attention paid to young drug users in the juvenile justice system, or to the potential exploitation of street children.

Given the universality of these groups of children across the world, additional attention has been paid to their protection outside the main CRC reporting process. For example, there are two optional protocols to the CRC – one on the sale of children, child prostitution and child pornography, and the other on the involvement of children in armed conflict. States parties to each optional protocol report on them separately from the main reporting process. Similarly, in terms of juvenile justice the UN has adopted Minimum rules for the administration of juvenile justice (Beijing Rules) and the Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines). The Committee’s Concluding Observations frequently advise state parties to follow the international standards laid down in these instruments. A list of instruments is provided in section 9 of this paper.

For groups of children such as street children, or trafficked children, or alcohol/ drugs/ substance users, the Committee tends to recommend a rounded approach of prevention, direct assistance and recovery/integration. In many cases it recommends specially trained personnel – for instance immigration and border staff who deal with child asylum-seekers, or personnel in the criminal justice system. For national minorities it recommends tackling attitudes and perceptions, as well as reforms in education for example.

In many countries the deficits are similar. Within the sphere of juvenile justice, the detention of children, including pre-trial detention, is a major issue; other examples of issues are child-friendly and child-centred judicial procedures and the age of criminal responsibility. For children in the asylum process, key issues are information on numbers, detention, access to basic services such as education and health care, safeguards for return, and family reunification. The trafficking of children is an issue attracting increasing attention.

**Table 10. Groups identified as in need of Special Protection Measures**

COUNTRY	Minority Communities Incl. Roma	Refugee & asylum-seeking & migrant children (including IDPs & unaccompanied children)	Child labour	Sexual exploitation sale, trafficking abduction	Juvenile justice	Drug abuse*	Street children	Armed conflict
Malta		Y	Y	Y	Y			Y
Portugal	Y-Roma	Y			Y	Y		
Greece	Y-Roma	Y	Y	Y	Y	Y	Y	
Belgium		Y		Y	Y			
Spain	Y-Roma/ Gypsy	Y	Y	Y	Y	O		

Poland	Y-esp. Roma	Y		Y	Y	O		
Estonia	Y-minority language issue			Y	Y	Y	Y	
Czech Republic	Y-Roma	Y +IDPs	Y	Y	Y	O		Y
Italy	Y-Roma	Y	Y	Y	Y	O		
Romania	Y-Roma	Y	Y	Y	Y	O		Y
Cyprus		Y +IDPs		Y	Y	O		Y
Slovenia	Y-Bosnians, Croats, Serbs, Albanians	Y + IDPs		Y	Y	O		
Netherlands		Y		Y	Y	O		
Germany		Y		Y	Y	O		Y
France	Y-Roma	Y	Y	Y	Y	Y		
Luxembourg		Y		Y	Y	O		
Austria		Y	Y	Y	Y	O		
Sweden		Y		Y	Y	O		
Finland	Y-Roma	Y		Y	Y	O		
Denmark		Y		Y	Y	Y		
Lithuania		Y		Y	Y	O		
Hungary	Y-Roma		Y	Y	Y			
Latvia	Y-Minority language issue	Y	Y	Y	Y	O		
Ireland	Y-Travellers	Y		Y	Y			
Slovakia	Y-esp. Roma		Y	Y	Y	Y		
Bulgaria	Y-Roma		Y	Y	Y	O	Y	Y
UK		Y		Y	Y	O		Y
<b>TOTAL</b>	<b>16</b>	<b>23</b>	<b>12</b>	<b>26</b>	<b>27</b>	<b>8 (+14)</b>	<b>6</b>	<b>4</b>

\*O denotes additional information drawn from section Basic Health and Welfare indicating that consumption of alcohol, tobacco, drugs and other substances are seen as a health issue to be addressed.

## 9. INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND GUIDELINES

The following instruments, guidelines and discussions were commended to States Parties in the concluding observations. This is not a comprehensive list.

- Optional Protocol to the Convention on the involvement of children in armed conflict
- Optional Protocol to the Convention on the sale of children, child prostitution and child pornography
- UN Convention on the Rights of Persons with Disabilities
- Standard rules for Equalizing the Possibilities for Persons with Disabilities adopted by the UN General Assembly 23 December 1993
- Committee Rights Child General Comment No 9 on the rights of children with disabilities (CRC/C/GC/7/Rev1)
- Declaration and Programme of Action adopted at 2001 World Conference Against Racism, Racial Discrimination, Xenophobia, & Related Intolerance
- Committee Rights Child General Comment No.1 (2001) on article 29(1) of the CRC (aims of education) (CRC/GC/2001/1)
- Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption 1993
- Hague Convention on the Civil Aspects of International Child Abduction 1980
- UN Study on Violence against Children (A/61/299)
- Outcome of Regional Consultation for Europe and Central Asia held in Slovenia 5-7 July 2005
- Committee Rights Child General Comment no.8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/GC/2006/8)
- 1996 & 2001 World Congresses against Commercial Sexual Exploitation of Children
- ILO Convention no. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- UN Standard Minimum Rules for Administration Juvenile Justice (Beijing Rules)
- UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)
- Committee on the Rights of the Child - Day of general discussion on the administration of juvenile justice
- Committee on the Rights of the Child - Recommendation no 10 (CRC/C/GC/10)

## 10. CONCLUSIONS

Member States are making good progress towards the General Measures of Implementation. Issues falling under other clusters which need concerted attention have been highlighted as:

- **Anti Discrimination Measures;** on the grounds of race and disability, which are particularly prevalent across Europe.
- **Poverty:** The extent of the problem of poverty is clear in the Concluding Observations, where its effect on the ability of the family to provide adequate care for the child is highlighted.
- **Service Provision:** The problems of children in rural areas – especially in Eastern Europe – in terms of poverty and inadequate service provision should also receive particular attention.
- **Child Health** should be given higher priority, with adolescent health a major priority.
- **High Quality Inclusive Education** is needed right across Europe but the Concluding Observations consistently reveal inadequate resources for education, discriminatory or non-inclusive practices – particularly affecting Roma and children with disabilities - and bullying or violent school environments.
- **Alternative Care:** Urgent measures are needed, for example in the area of juvenile justice
- **Cross Border Issues:** continue to have significant impact on child rights across Europe, especially those relating to migration, refugee & asylum rights, child trafficking, and dangers associated with use of the internet.
- **Citizenship:** Statelessness and issues around birth registration need further investigation. Lack of citizenship can serve to prevent children from realising broad aspects of their rights.
- **Violence Against Children:** violence against children in all forms needs further targeted measures in the member states.

## 11. BIBLIOGRAPHY

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### **European Children's Network (EURONET)**

The European Children's Network - EURONET - is a coalition of networks and organisations campaigning for the interests and rights of children. They share a common concern that children's rights should be taken into account in all EU legislation, policies and programmes which have an impact on children's rights.

**[www.europeanchildrensnetwork.org](http://www.europeanchildrensnetwork.org)**



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