

First European Forum on Children's Rights – Berlin 4 June 2007

REPORT

On invitation of the German Ministry of Justice in the frame of the German EU Presidency and the DG Justice Vice president of the EC Franco Frattini, on 4 June about 200 children's rights experts, including representatives of the Member States, in particular from the L'Europe de l'Enfance group, the UN, the Council of Europe, the European Parliament and the EESC, Ombudspersons for children (ENOC), the Commission (members of the interservice group) national observatories on childhood (ChildONEurope) and civil society came to the 1st meeting of the European Forum on The Rights of the Child in Berlin.

Opening Addresses by Commissioner Frattini and Minister Zypries

Commissioner Frattini stated that the European Forum on the Rights of the Child is a next step after the Communication towards a strategy on children's rights to guide us in defining the strategy. In his speech he went into various children's rights issues that the EU needs to focus on. These included the need to include children's rights in all EU's external and development work, the need to address immigration and integration of migrant children in Europe. He also mentioned the work that the Commission is doing with regard to child pornography and sexual exploitation of children, violent videogames, child sex tourism, trafficking in children, the TV without Frontiers directive and the need for an EU helpline number for missing children, number 116000 has been reserved for this now. Commissioner Frattini also referred to the Commission Whitepaper on obesity and nutrition, adopted on 30 May. He stressed the need to define precise indicators which will enable us to collect data across the entire EU. The Fundamental Rights Agency has been asked to work on this. Commissioner Frattini stressed that "*the Forum is your Forum, to share information and experience more rapidly and more easily*". He is looking forward to welcoming children to the next Forum, but made no financial commitment to allow this to happen or to allow the implementation of the communication.

Text of speech to be found on:

http://ec.europa.eu/commission_barroso/frattini/news/news_en.htm

Minister Zypries focussed her address in particular on the abuse of children. She called for the criminalisation of all aspects of abuse of children in national laws, to help the victims and punish the perpetrators and to set up a black list of persons and the Member States where they have committed crimes in which abuse of children was involved. She stressed the need for the EU to take action on sexual abuse and the use of the internet in this matter, since this does not stop at borders.

Mr Ronald K. Noble, Secretary-General of Interpol addressed the meeting on the role of Interpol in fighting sexual exploitation of children, in particular on the internet. They have a database of images, which investigators can use to help them to identify perpetrators and the scene of the crime.

Joseph Moyersoer from ChildONEurope gave a presentation on the main findings in the comments of the UN committee on the rights of the child on Administration of Juvenile Justice. The positive achievements are that there is a

change in treatment of under-18 year olds and adults, there are more child protection measures, some countries have special juvenile justice courts and training on this and many of the juvenile justice law reforms are still pending in the national parliaments.

The key concerns and recommendations made by Mr Moyersoer were that the deprivation of liberty should only be used as a last resort and be as short as possible; training should be developed, full implementation and compliance with the juvenile justice standard rules should be ensured, adequate financial and human resources should be allocated and specific policies and complaint procedures should be developed. For more information on the ChildONEurope report on the main findings of the UN Committee on the CR consult its website: www.childoneurope.org

Round Table moderated by Jaap Doek (former Chairman of the UN Committee on CR)

Ms Roberta Angelilli Member of the European Parliament (rapporteur for the European Parliament report on the Commission's communication on children's rights) stressed the positive rights of children, including education, participation and health, but also the need for protection in cases of sexual abuse, the internet, child pornography. She stressed five priorities:

1. Set up a European Helpline for children as soon as possible
2. Combat the use of credit cards for purchasing child pornography
3. Create new instruments for coordinated structures
4. Find a way to exchange information between the Member States and the coordinator of the interservice group
5. Mainstream children's rights in all EU policies.

Ms Angelilli also stressed the importance of a focus on children's rights in the EU Constitutional Treaty, in particular article 24 of the Charter of Fundamental Rights.

Ms Maud de Boer-Buquicchio (Deputy Secretary-General, Council of Europe) has the motto "*children are not mini persons with mini human rights*". She stated that the European Court of Human Rights provides guidance on when children are victims of rights abusers but can also be perpetrators themselves. She also mentioned the work done by the Council of Europe on a Convention on sexual exploitation and trafficking.

Ms Marta Santos-Pais (Director of the UNICEF Innocenti Research Institute) hoped that the Forum would be functioning in a transparent way. She stressed the need to have children's participation at the Forum; children are not only passive recipients. The EU can make a difference for children. The European Forum is a source of inspiration and should contribute to the monitoring of EU actions as stated in the Communication on Children's Rights. In order to achieve this we need:

1. an adult expert group to help make progress and monitor the work of the EU
2. children's participation , either in the Forum itself or at national level
3. resources to ensure that the Forum will function.

Ms Heide Simonis (UNICEF Germany) spoke about the situation of children's rights in Germany and in developing countries. She stressed the need to have ombudspersons for children at EU, national and local levels.

Mr Georges Moschos (Greek Ombudsperson for Children and ENOC President) stressed that a European strategy for children cannot only focus on helplines and the purchase of child pornography by credit cards. Mainstreaming of children's rights is very important.

The EU's actions affect children throughout, therefore there is a need to include children's rights in the EU Treaties and there is a need for procedures throughout the year to mainstream children's rights and to follow-up ongoing processes.

ENOC will work to bring children to the Forum, but this will be symbolic, there is a need to organise consultation meetings at home with children.

The expert groups have to advise the Commission on issues to be chosen for the Forum. ENOC will support the work on the strategy on children's rights.

Jaap Doek made the following Conclusions of the Round Table:

- There is a need for a well-equipped secretariat to follow-up outcomes of the Forum
- Adequate resources are needed
- Children's Participation is needed
- Urged those countries that did not sign the UN CRC Optional Protocol on sexual exploitation to do so and implement this Optional Protocol.

At the end of the morning session a political declaration was presented by Commissioner Frattini. He committed that the Commission will work very hard to implement the declaration. The political declaration can be found at http://ec.europa.eu/commission_barroso/frattini/news/news_en.htm

In the afternoon, **two parallel sessions** took place; one on the setting up of the European Forum on the rights of the child and one on child pornography and paedophilia: medical therapy, prevention, law enforcement procedures.

European Forum on the Rights of the Child: Constitution Meeting

This session focussed on the functioning of the Forum, children's participation and themes for the next meetings. The meeting was chaired by Mr Francisco Fonseca Morillo, Director of DG JLS, European Commission. It was an open meeting where everyone was able to take part in the discussions.

Objectives and Functioning of the Forum

Mr Fonseca firstly gave the floor to the representative of the German National Coalition for the implementation of children's rights, a member of EURONET, Sabine Skutta. She presented a statement of the National Coalition and added a list of calls of Civil Society, which briefly met during lunchtime that day.

The key demands concerned:

- the need for transparency of information on the Forum - suggestion to launch a Forum website as soon as possible

- children's participation (from Europe and international) in the Forum meetings to start as soon as possible
- a balanced representation in the Forum between the different stakeholders, meaning an increased number of civil society participants in the Forum and the experts groups (the working paper foresees 10 CS representatives, as compared to almost 60 from EU, UN and National bodies)
- a coverage of both internal and external issues in the Forum
- a need for preparatory meetings for civil society, possibly financed by the Commission
- a need for a strong secretariat
- results of the Forum's discussions need to be fed into EU policies
- resources are needed to make the Forum function and to ensure equal participation of NGOs from across the EU (a special emphasis was laid on the Roma as biggest and most marginalized minority in Europe)

The Commission replied to this that they cannot do every thing, also action is needed from a national level.

The UNICEF representative called on the meeting to start the work on the Forum now and have a first working group to prepare for the next Forum soon. Also a subgroup on children's participation is needed to prepare for the next meeting.

The representative of the L'Europe de l'Enfance group found it too early to take decisions now. The Forum should be for dialogue and not for decision making. The Forum should also report on other areas than justice areas. The Troika should be involved to ensure continuity.

The UN Committee on the Rights of the Child supports such a Forum, it should take the UN CRC into account and it should have a monitoring duty on EU legislation.

In general the different stakeholders welcomed the setting up of the Forum, but were also critical of the lack of transparency in organising the first Forum. An open dialogue took place during this working session with input from all the different stakeholders.

Conclusions

Mr Fonseca concluded that the Forum is our Forum and not the Commission's Forum. It has an enormous agenda including internal and external issues. There is a need to discuss the representativeness of the groups. He suggested **setting up a small working group in Brussels before the summer to work out further details for the functioning, membership, etc of the Forum.**

EURONET raised that since no children would yet participate in this working group, these places should at the moment be given to civil society, meaning that they would get 3 places instead of one in the adult expert group. Then one place could go to a representative on internal issues, one on external issues and one to a child/youth led organisation. This idea was supported by the other NGOs and ENOC.

Mr Fonseca said that agreement should be reached on interim representatives; the participation in the Forum can be flexible and does not have to be permanent for all participants.

No official conclusion was made by Mr Fonseca on the number of civil society representatives in the expert group or the Forum.

Children's Participation

Jana Hainsworth and Sian Platt presented, together with a representative from Barnados (UK NGO), a paper put together by the NGO Action Group on the EU's Child Rights Strategy, of which EURONET is an active member. (This is an informal grouping of NGOs that have committed to cooperate on the follow-up to and implementation of the European Commission Communication-Towards an EU Strategy on the Rights of the Child-and for the purpose of information sharing).

The key issues raised were that children's participation is efficient, helpful and fun. Children's participation should be meaningful, meaning ethical and non-discriminatory, and resources are needed for this. Children's participation should also be safe: child protection is critical. The next Forum should discuss the theme "children's participation". (*The NGO Action Group paper on child participation is available*).

Children's participation was supported by ENOC, UNICEF, the L'Europe de l'Enfance group, Commission representatives and other NGOs. There was a broad consensus that child participation should start as soon as possible but with proper preparation (dependent on funding) to make it meaningful.

Conclusions:

The Commission asked to send practical comments on Children's Participation to them: how to select them, how to set up child-friendly principles, how to include external actions, etc. Send these **by end of June** to Patrick Trousson.

No financial commitments were made to allow for children's participation.

Themes for next Fora

Agenda setting for the next Forum assembly, which is aimed at being held in November this year under the Portuguese EU presidency, was discussed, and suggestions ranged from the issue of children and violence, children and poverty to child participation as topics.

Conclusions:

- No topic for the next Forum was chosen
 - The European Forum is a place where the Commission can test how the EU is implementing the mainstreaming of children's rights
 - The Commission will make a summary of the discussion of the parallel session and send it to the participants
 - **The Commission asked to send ideas/themes for the next Forum to them.**
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Follow-up after the Berlin Forum

The main outcome on the organisation (structure, members, frequency of meetings, objectives, etc) of the Forum was that there will be a **first adult expert group meeting** before the summer, the date later announced by the Commission is **10 July. Before 20 June the Commission would like to have the names of the representatives of each stakeholder group, including one for civil society.**

This expert group will meet to prepare proposals for the functioning of the Forum and on the participants in the Forum.

Agree on a final membership of the Adult Steering group

- Suggest a final membership for the Forum in plenary
- Draft and agree on the 'terms of reference' for the Forum
- Make a list of future topics, based on the suggestions made.

The 'Terms of reference' will be drafted and sent by the Commission prior to the meeting.

Mieke Schuurman
European Children's Network (EURONET)