

**Local and regional cooperation to  
protect the rights of the child in the  
European Union**

**The report was written by: CEPS (authors: James Michael and  
Geraldine Van Bueren)  
It does not represent the official views of the Committee of the Regions.**

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## EXECUTIVE SUMMARY

The potential of local and regional authorities (LRAs) to contribute significantly to the protection of children's rights has been recognised since 1959 and the United Nations Declaration of the Rights of the Child. This has since been reinforced by Article 24 of the Charter of Fundamental Rights which expressly provides for the rights of the child. In Opinion 236/2006<sup>1</sup> the Committee of the Regions commented on the EU Strategy on the Rights of the Child<sup>2</sup>, welcoming *"the proposed development of a strategy to effectively promote and safeguard the rights of the child"*, but regretting *"that there is no acknowledgment in the communication of the unique role of local and regional authorities in providing services to children and safeguarding their rights"*, noting *"that systems are currently not in place that can produce comprehensive, comparable and consistent data on indicators across the Member States"*, recommending *"that priority be given to the development of a set of comparable indicators and the collection of consistent data at Member State and, where possible, regional level"* and insisting *"that the crucial role of local and regional authorities as the frontline providers of essential services to children, such as education and housing, childcare and other social services, is fully recognised."*

Our principal recommendation is that **the definitions and data sources should be matched to the specific competencies of each of the local and regional authorities, without which conclusions as to the effectiveness of implementation can only be in generalities.**

The indicators are "an initial toolkit" but not a toolkit designed to be used by LRAs. Thus, it is necessary to unpick the indicators to identify within each area those groups that should be of major concern for LRAs, which this paper does. As the indicators were only published in March 2009, it is too early to report on how effectively LRAs are using them in protecting the rights of the child. However, it is clear that Rights of the Child Indicators offer local and regional authorities valuable tools for assessment of the state of implementation of children's rights in Core Areas and the identification of Indicator Groups. These, as our report indicates, require greater or lesser degrees according to the relevant competency. **Some Indicator Groups should be of more concern to LRAs than others because they are within their competence, either by virtue of legal allocation of responsibilities or by virtue of fiscal responsibilities and resources.**

**The most effective method of improving the Rights of the Child Indicators to take better into account local and regional perspectives would be to produce**

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<sup>1</sup> Opinion of the Committee of the Regions towards an EU Strategy on the Rights of the Child, OJ C 146, 30.6.2007.

<sup>2</sup> Communication from the Commission - Towards an EU strategy on the rights of the child, COM(2006) 367 final, 4.07.2006

**another version of the Indicators tailored to the competences and special interests of LRAs.** This paper is a first step in that direction. Best practice examples are given from eight locations. The entry into force of the Treaty of Lisbon and the designation of 2010 as the European Union Year for Combating Poverty and Social Exclusion offer great opportunities for the Committee of the Regions and LRAs to use the indicators.

# **PART 1: ANALYSIS OF THE RELEVANCE OF RIGHTS OF THE CHILD INDICATORS FOR LOCAL AND REGIONAL AUTHORITIES**

The Rights of the Child Indicators, developed by the Fundamental Rights Agency of the European Union in March 2009<sup>3</sup>, are an elaborate set of measures for assessing and promoting the protection, respect and promotion of the rights of the child in the European Union. They are grounded in the framework of the UN Convention on the Rights of the Child 1989, which has been ratified by all Member States of the European Union, the provisions of which are reflected wholly or partly in the laws of the Member States. They also reflect those provisions of the Council of Europe's European Convention on Human Rights affecting children, the European Social Charter, the European Convention on the Exercise of Children's Rights and the European Union Charter of Fundamental rights, which specifically provides for the Rights of the Child in Article 24.

The indicators were specifically created as a part of the European Commission's 2006 Communication "Towards a Strategy on the Rights of the Child"<sup>4</sup>. This communication argued that all EU action, including legislation, should be monitored on the basis of a set of indicators. The indicators produced by the Fundamental Rights Agency are an initial toolkit to evaluate the impact of EU law and policy on children's status and experience across various fields.

One difficulty for the Committee of the Regions in using the indicators is illustrated in the Foreword to the summary report on the indicators which calls for an approach that *"acknowledges the respective and discrete roles of the international, European and national institutions responsible for addressing different aspects of children's rights."* The absence of any acknowledgement of the roles of local and regional authorities (LRAs) responsible for addressing different aspects of children's rights means that the indicators are not designed to be used by them. This is unfortunate, as LRAs are in the front line of providing most of the day-to-day services required for the implementation of children's rights. Thus, it is necessary to unpick the indicators to identify within each area those groups that should be of major concern for LRAs, which this paper does.

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<sup>3</sup> Developing indicators for the protection, respect and promotion of the rights of the child in the European Union, Summary report, 25.03.2009

<sup>4</sup> Communication from the Commission - Towards an EU strategy on the rights of the child, COM(2006) 367 final, 4.07.2006

The Introduction to the summary report on the indicators does say that they are *"very much a starting point, requiring ongoing refinement and expansion"*. **That refinement and expansion should include further research to produce a set of indicators tailored to the protection respect and promotion of the rights of the child by LRAs.**

The core indicator areas *"correspond as closely as possible to the reporting clusters developed by the Committee on the Rights of the Child"*, which is the body established under the Convention on the Rights of the Child to receive reports from state parties on implementation of the convention and comment on them. For the purposes of the Committee of the Regions, any form of reporting on children's rights from LRAs would require rather different indicator areas, or at least particular groups within those areas.

The summary report on the indicators identifies four Core Areas of direct relevance to improving the protection of children's rights in the European Union. 1. Family Environment and Alternative Care, 2. Protection from Exploitation and Violence, 3. Education, Citizenship and Cultural Activities, and 4. Adequate Standard of Living.

## **A. How local and regional authorities are using or could use Rights of the Child Indicators.**

The potential of local and regional authorities (LRAs) to contribute significantly to the protection of children's rights has been recognised since 1959 and the United Nations Declaration of the Rights of the Child.<sup>5</sup> This has since been reinforced by Article 24 of the Charter of Fundamental Rights which provides that:

- "1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.*
- 2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.*
- 3. 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."*

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<sup>5</sup> See the Preamble to the Declaration discussed in Van Bueren, *The International Law on the Rights of the Child*, 1995, Kluwer.



The reference, particularly in Article 24(2) to "all actions" and "public authorities" clearly creates space for innovative and constructive cooperation protecting the rights of the child.

In the Stockholm Programme (Multiannual Programme for an Area of Freedom, Security and Justice Serving and Protecting the Citizen), provisions relevant to child rights were inserted between the drafts of 16 October and 23 November 2009 and remained in the adopted version of the text.<sup>6</sup> Paragraph 2.3.2, calls for an EU policy regarding rights of the child. The revision emphasised *"the principle of the best interest of the child being the child's right to life, survival and development, non-discrimination and respect for the children's right to express their opinion and be genuinely heard in all matters concerning them according to their age and level of development."* An ambitious EU strategy on the rights of the child should be developed, and the European Council called upon the Commission to *"identify measures, to which the Union can bring added value, in order to protect and promote the rights of the child. Children in particularly vulnerable situations should receive special attention, notably children that are victims of sexual exploitation and abuse as well as children that are victims of trafficking and unaccompanied minors in the context of immigration policy."*

Regarding parental child abduction, *"apart from effectively implementing existing legal instruments in this area, the possibility to use family mediation at international level should be explored, while taking account of good practices in the Member States."* The European Union should *"continue to develop criminal child abduction alert mechanisms, by promoting cooperation between national authorities and interoperability of systems."*

In paragraph 4.4.3, on sexual exploitation of children and child pornography, the European Council invites the Council and the European Parliament to adopt new legislation on combating sexual abuse, sexual exploitation of children and child pornography, and the Commission to accompany the legislation by measures supported under the Safer Internet Programme 2009-2013. The Commission is to examine how Member States' competent authorities could exchange information on best practices, to explore how the EU could promote partnerships with the private sector and expand such public-private partnerships to the financial sector in order to disrupt money transfers related to websites with child abuse content, to build on the child alert mechanism and explore the creation of an EU-wide child abduction network to promote cooperation between the competent authorities of the Member States, with a view to ensuring interoperability, and to explore ways to enhance

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<sup>6</sup> "The Stockholm Programme, An open and secure Europe serving and protecting the citizens", European Council, EUCO 6/09 CO EUR 6 CONCL 4 , Brussels, 11.12.2009

cooperation between Member States' competent authorities regarding the movement of child sex offenders.

Paragraph 6.1.7, on unaccompanied minors, says that unaccompanied minors arriving from third countries are a particularly vulnerable group, requiring special attention, especially in the case of minors at risk. Areas requiring particular attention are the exchange of information and best practice, smuggling of minors, cooperation with countries of origin, age assessment, identification and family tracing, and the need to pay particular attention to unaccompanied minors in the context of human trafficking. A comprehensive response at EU level should combine prevention, protection and assisted return measures while taking into account the best interests of the child. The European Council *"welcomes the Commission's initiative to: develop an action plan on unaccompanied minors which ... combines measures directed at prevention, protection and assisted return. The action plan should underline the need for cooperation with countries of origin, including cooperation to facilitate the return of minors, as well as to prevent further departures. The action plan should also examine practical measures to facilitate the return of the high number of unaccompanied minors that do not require international protection, while recognising that the best interests for many may be their reunion with their families and development in their own social and cultural environment."*

Of these provisions in the Stockholm Programme relating to the rights of the child, some are more relevant to local and regional authorities than others. Those which involve EU or national legislation are obviously of less concern to LRAs. Those concerned with the welfare of children who are subject to sexual exploitation and trafficking, or who are unaccompanied minors are particularly relevant to LRAs as the providers of social services for vulnerable groups.

In January 2010, the Spanish Presidency of the EU announced that special priority would be given to approve an Action Plan concerning unaccompanied foreign minors, based on the principle of the best interests of the child, and adopting a broad-based approach spanning prevention in the country of origin, appropriate protection (both in the country of origin and in European territory) and assisted return by the minor. **The Committee of the Regions' role in the Action Plan could be to coordinate activities by LRAs in providing appropriate protection in European countries to unaccompanied minors, although there would be less potential in determining and implementing their return.**

As the indicators were only published in March 2009, it is too early to report on how effectively LRAs are using them in protecting the rights of the child; as such information is not yet comprehensively available. **By the end of 2011 there should**

**be sufficient experience in the use of the indicators, both by LRAs and by national and international bodies, to report on how effectively they are being used. Such a study should be undertaken in 2012.**

However, it is clear that Rights of the Child Indicators have the potential to offer local and regional authorities valuable tools for assessment of the state of implementation of children's rights in Core Areas and the identification of Indicator Groups. As will be explained in considering Indicator Groups of major concern to LRAs, some Indicator Groups are of less relevance to LRAs simply because they involve legislation or other actions largely or exclusively within the competence of national authorities. These, as our report indicates, require greater or lesser degrees according to the relevant competence. For example, changes in the criminal law are often restricted to national authorities. It is important to note that the indicators are "aimed at assessing impact, highlighting achievements, and revealing gaps in EU provision for children". Using them requires considerable extrapolation in order to use them to assess impact, highlight achievement, and reveal gaps in LRAs' provision for children. It is also important to note that just as the indicators *"are not intended to scrutinise the Member States' implementation of their obligations under EU law, nor are they intended as an additional means of monitoring Member States' compliance with the UN CRC"* (which tasks are exclusive to the European Commission and the Committee on the Right of the Child), so **they should not be used to scrutinise the implementation of legal obligations regarding children by LRAs.**

## **B. Indicator Groups of major concern to local and regional authorities.**

Some Indicator Groups are of more concern to Local and Regional Authorities than others. This is because they are within their competence, either by virtue of legal allocation of responsibilities or by virtue of fiscal responsibilities and resources.

### **1. Core Area: Family environment and alternative care**

a) The *Existence of child-sensitive family justice processes* is likely to be of major concern to LRAs only in those jurisdictions where LRAs have legal competence to create or improve such processes. Regulation 2201/2003 of 27 November 2003 ("the new Brussels II Regulation")<sup>7</sup> includes a range of provisions concerning the

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<sup>7</sup> 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, repealing Regulation (EC) No 1347/2000, OJ L 338, 23.12.2003

rights of the child in family proceedings. A range of international human rights instruments endorse a child's right to be heard in both public and private proceedings, but none more so than Article 12 of the UN Convention on the Rights of the Child 1989. A child's right to participate in family proceedings, subject to assessments of their age and capacity is now a prominent feature of most domestic family law regimes. Similarly, the new Brussels II Regulation is peppered with references to the child's right to be heard. The preamble sets the tone as follows:

The hearing of the child plays an important role in the application of this Regulation, although this instrument is not intended to modify national procedures applicable. (Paragraph 19)

Similarly, the best interests principle, as enshrined in Article 3 UNCRC, is a leitmotif running through the Brussels II Regulation, the Preamble of which states that:

*"The grounds of jurisdiction in matters of parental responsibility established in the Regulation are shaped in the light of the best interests of the child".* (Paragraph 12).

In many countries the existence or not of legal obligations to consult, provide specialist representation for or involve children is a matter of national law.

b) The *Enforcement of custody, access and maintenance orders* is largely a matter of national law. **However, there is an important role for LRAs in that they should urge their countries to ratify the Hague Convention on the International Recovery of Child Support and other Forms of Family Maintenance 2007, which will implement simple, swift, and inexpensive enforcement procedures in the best interests of the child.**

c) *Mechanisms to monitor the welfare of children following cross-frontier abduction* are more within the competence of LRAs. Providing specialist counselling, accessible legal information, emergency help and means of maintaining contact can be implemented by LRAs, to complement effective cross-border communication and cooperation between national authorities. The indicator states// that

*"under...the Hague Convention, a court can refuse to order the return of a child to their habitual residence on the basis of the child's objection (subject to an assessment of their age and capacity). However,(...) the Brussels II Regulation weakens this exception by stating that 'a court cannot refuse to return a child on the basis of(...) the 1980 Hague Convention, if it is established that adequate arrangements have been made to secure the protection of the child after his or her return'"*.

While the decision whether or not to order the return of a child in such cases would be for the court, much of the assessment of the adequacy of arrangements for the protection of the child on return, as well as much of the assessment of age and capacity, would be carried out by local authority social workers, often communicating between jurisdictions.

Relevant indicators of particular importance to LRAs are "*the existence of specialist counselling and support for children provided by specially-trained professionals which is adapted to meet the age, capacity and linguistic needs of the child;...transparent and accessible legal information for young people about their rights that is provided in a language they can understand*", contact centres to sustain regular contact with the absent parent and accessible emergency help, such as specialist helplines and websites.

d) *Participation of children in immigration processes* is largely a matter of national competence, although LRAs can and should assist in providing child rights training for individuals representing children, as well as providing child-friendly legal information on children's rights and financial support in accordance with the best interests of the child. Specialist training for those offering support, information and advice to separated children is of particular concern to LRA. Particularly relevant indicators for LRAs are assessment and review mechanisms to ensure that legal representation for separated children is both empowering and operates in their best interests, training for individuals in representing the rights and needs of children, and financial and other support to assist children in accessing legal representation.

e) *The Adaptability of immigration processes to the vulnerabilities of separated children* is in relation to substantive and procedural law, a matter of national law. However, LRAs can and should provide specialist training for personnel such as legal professionals, child social workers and interpreters. Depending upon their individual competences LRAs may be able to develop child-friendly processes, including the use of art therapy to obtain evidence from very young children and also from traumatised children. Such processes are consistent with the UN Convention on the Rights of the Child 1989.

f) *The Existence of provisions favouring family reunification for children where it is in their best interests* is best promoted by LRAs through the provision of risk and security assessments.

g) *Expedited family reunification procedures for cases involving children* similarly can best be dealt with by LRAs through the creation of bodies to advise and support children seeking family reunification. An Indicator relevant to LRAs is the

existence of agencies/bodies to advise and support children seeking family reunification.

h) The *Existence of provision to safeguard the welfare of the child following family reunification* is eminently within the competence of LRAs to provide specially-trained social workers to offer support and information and monitor the welfare of the child following family reunification and for children to have immediate access to key services (education, healthcare, financial support and, counselling) following family reunification with their parents, although national procedures to assess the adequacy of reception conditions for children who are returned are less so.

**2. Core Area: Protection from exploitation and violence.** The role of LRAs depends on the group and sub-group concerned.

LRAs should ensure that the United Nations Guidelines on Justice Matters involving Child Victims and Witnesses of Crime,<sup>8</sup> although prima facie non-binding in their entirety, be implemented in full. These guidelines provide a practical framework to assist in the review of laws, procedures and practices so as to ensure full respect for the rights of child victims and witnesses of crime and contribute to the implementation of the Convention on the Rights of the Child. They also assist public agencies, nongovernmental and community-based organisations and other interested parties in designing and implementing legislation, policy, programmes and practices that address key issues related to child victims and witnesses of crime.

The UN guidelines are also a valuable tool for LRAs to guide professionals and, where appropriate, volunteers working with child victims and witnesses of crime in their day-to-day practice to assist and support those caring for children in dealing sensitively with child victims and witnesses of crime. Hence these guidelines are particularly relevant for measuring LRA cooperation in the areas of child trafficking, the sexual and economic exploitation of children and violence against children.

a) *Child trafficking* Most of the EU measures relating to child trafficking are concerned with criminal justice, although investigative authorities may well involve LRAs competences.

i) The *Identification of victims* by identifying trafficked children should involve LRAs via police, youth welfare workers, social workers, health professionals and NGO staff in refugee protection and migration, although less so

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<sup>8</sup> Adopted by the Economic and Social Council in its resolution 2005/20, 22.07.2005

in using border police, and in the formation of a National Referral Mechanism. LRAs would be involved in producing guidelines for the protection of the personal data of the trafficked child for youth welfare authorities, police, shelter organisations and other players.

ii) For the *Protection of victims* the legal provisions for the right of victims to stay is largely a matter of national law, while assessment of mechanisms on the quality of services directly involving children and interim care should be of major concern to LRAs, as would be the best interests determination process, which directly involves the child concerned, for identification of appropriate interim care and of durable solutions, including risk and security assessment prior to a possible return of the child to the country of origin.

iii) The *Prosecution of perpetrators* is largely a matter for national criminal courts, with compensation paid to trafficked children a matter for civil courts or other bodies.

iv) The *Prevention of child trafficking* will directly involve LRAs in support programmes for communities and minority groups such as the Roma and Travellers.

b) The *Sexual and economic exploitation of children* indicator conflates two very different forms of child exploitation (the next section considers how the definition and data sources used to identify Rights of the Child Indicators could be improved). The first is forms of sexual exploitation, which in turn includes child prostitution and child pornography. The second is economic exploitation, largely in the form of child labour.

i) For *Identification of victims*, both forms of child exploitation are of primary concern to LRAs through the identification of children at risk, either from sexual or economic exploitation. Relevant indicators for LRAs regard child sexual exploitation, data collection and detection mechanisms (e.g. systematic training of youth welfare authorities) to identify children at risk of sexual exploitation (e.g. in the context of missing children, children with a domestic violence background known to authorities, children without residence permits); regarding child economic exploitation, data collection and detection mechanisms (e.g. systematic training of youth welfare authorities) to identify children at risk of economic exploitation (e.g. in the context of children working in family farms and businesses, in the restaurant and hotel sector, children engaged in the competitive sports business, street children and children who have dropped out of school, trafficked children and children without residence permits).

ii) The *Protection of victims* similarly directly involves LRAs in dealing with both forms of exploitation by child prostitution, abuse, or economic exploitation.

Relevant indicators are, for child prostitution, availability of social work support and rehabilitation services, for girls and boys, which include the development of realistic economic alternatives, developed jointly with the child exploited in prostitution; for child abuse images, policy on care and psychological support to children victim of child pornography/child abuse images (e.g. protection from privacy infringements by the media, psychological treatment), for girls and boys, which directly involve the children concerned; for child economic exploitation, labour inspection visits focussing on concerns about the protection of young people at work (e.g. in relation to working hours, safety and health). Electronic child image abuse, however, is better dealt with at the national and international level through the regulation of and cooperation with information service providers. This should be done in cooperation with EU and national authorities in the implementation of Council Framework Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography.<sup>9</sup>

iii) The *Prosecution of perpetrators* is largely a matter of criminal law, which is primarily, in most jurisdictions, a matter of national authorities rather than LRAs.

iv) The *Prevention of child exploitation* can involve LRAs through information and awareness training programmes.

c) On *Violence against children*, LRAs should play a major role in the implementation of the EU Decision on Daphne III (Decision No. 779/2007/EC of 20 June 2007<sup>10</sup>) in the "adoption of a zero tolerance towards violence", including reporting of violence to local authorities and the provision of support for victims of violence by those authorities.

i) *Identification of victims*: LRAs and local authorities in particular, play a major role in identifying victims by reporting cases of child neglect to child welfare authorities. Although the indicator refers to a "designated national budget for data collection and research on prevalence/dimensions /forms of violence against children/impact of services to children" such budgets may also be within the competence of LRAs.

ii) *Protection of victims*: The adoption of legal provisions banning violence as a means of discipline for children, and legal provisions providing child victims of violence with legal rights to psychosocial assistance and therapeutic services are

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<sup>9</sup> Council framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography, OJ L 13, 20.1.2004.

<sup>10</sup> Decision No 779/2007/EC of the European Parliament and of the Council of 20 June 2007 establishing for the period 2007-2013 a specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (Daphne III programme) as part of the General Programme Fundamental Rights and Justice, OJ L 173, 3.7.2007.



largely matters of national law-making. LRAs, however, can play a vital role in providing children with information and confidential counselling and in providing psychosocial assistance and therapeutic services in the absence of legal requirements.

iii) *Prosecution of perpetrators*: The establishment of legal provisions for child victims and witnesses of violence, such as adapted interview rooms and video statements are largely matters for national legislation. However, LRAs play an active part in the collection of data about the reporting of child violence cases to police, as well as in relating that to numbers of convictions in such cases.

iv) *The Prevention of violence* is a major concern of LRAs in the form of positive parenting education campaigns, cooperation among youth authorities, police, and media on missing children, and requiring schools to adopt child protection policies, including anti-bullying policies. Relevant indicators for LRAs include public funding for positive parenting education campaigns (addressing non-violent forms of discipline, and aimed at reducing spanking of infants, shaking of babies, etc) which have been implemented with active participation of children, policies of cooperation among youth welfare authorities, police, media, on missing children, including children "gone into hiding".

### 3. Core Area: **Adequate standard of living.**

a) *Child income poverty*: LRAs should play a vital role in measuring child poverty in all its forms: relative child poverty, relational-generational child poverty, severe poverty, absolute poverty, and persistence of poverty. In all of these areas LRAs should cooperate with each other and with national authorities to establish reliable and accurate statistics. The Lisbon Strategy and Social Inclusion Process are EU provisions with important roles for LRAs to play.

b) *The Impact of government intervention on income poverty* involves LRAs in the development of "child budgets", measuring relative spending on children, and the impact of government intervention on relative child poverty and child benefit packages. The SPRU/University of York analysis of child benefit packages, although "rather complex and sophisticated" can provide a means for LRAs to study "the specific impact of government intervention on child poverty in varying demographic and socio-economic family settings".

c) *Aspects of material deprivation other than income poverty; children's subjective perceptions* involve LRAs in developing child-centred approaches to measuring family affluence including children's own economic resources and educational possessions.

#### 4. Core Area: **Education, citizenship and cultural activities**

On 11 December 2009, the Committee of the Region considered an opinion on "A Renewed European Strategy 'Investing in Youth'",<sup>11</sup> referring to the Commission Communication on "An EU Strategy for Youth - Investing and Empowering - A renewed open method of coordination to address youth challenges and opportunities."<sup>12</sup> Among its policy recommendations, the Committee of the Regions endorsed the need for a positive youth policy addressing the potential of all youth by providing favourable conditions to develop their talents and skills to live, work, and actively participate in society instead of concentrating solely on youngsters who require special attention. It also drew attention to the relevance of preventive measures<sup>13</sup> and noted the importance of providing young people with better living conditions<sup>14</sup> and creating a society that is child-friendly and youth-friendly<sup>15</sup>. It also recommended that the European Commission takes into account the experience and insights available within the local and regional level and that future actions build upon existing initiatives and frameworks such as the United Nations Convention on the Rights of the Child.

The Committee, recalled that in many Member States it is the LRAs that are primarily competent and responsible for the development, execution and implementation of youth policy, as demonstrated by the results from the consultation<sup>16</sup> organised by the CoR Subsidiarity Monitoring Network in the framework of the opinion. Regarding implementation and the exchange of experience, the Committee said that an effective youth policy mandates cross-sectoral policy approaches at the EU and national levels to deliver results in areas such as child and family policy, education, gender equality, employment, housing and healthcare; and was pleased that the communication acknowledged that LRAs are crucial for implementing cross-sectoral youth strategies, but recalled that in many Member States LRAs are primarily competent and responsible for the development, execution and implementation of youth policy. The Committee also

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<sup>11</sup> Opinion of the Committee of the Regions on "A Renewed European Strategy 'Investing in Youth' "(EDUC-IV-038), 11.12.2009.

<sup>12</sup> Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on "An EU Strategy for Youth - Investing and Empowering - A renewed open method of coordination to address youth challenges and opportunities, COM(2009) 200 final, 27.4.2009

<sup>13</sup> Committee of the Regions, Opinion on the Renewed Social Agenda: Opportunities, Access and Solidarity in 21st Century Europe, OJ C 200, 25.08.2009

<sup>14</sup> Committee of the Regions, Opinion on Youth Participation and Information: Follow-up to the White Paper on a new impetus for European Youth, OJ C 156, 7.7.2007.

<sup>15</sup> Committee of the Regions, Opinion on the "Full involvement of young people in society", OJ C 172 , 5.7.2008.

<sup>16</sup> Report on the Consultation of the Subsidiarity Monitoring Network and EDUC commission members on the Communication on an EU strategy for youth, CdR 325/2009.

endorsed the proposal to set up a working group to discuss possible "descriptors" understood as light indicators for evaluating the impact of policy actions in priority areas. In the light of the vital role of LRAs in implementation on the ground, it strongly encouraged their active involvement in this "descriptors" working group. In this area, it recommended that reporting should be simplified and concentrate on key indicators for priority areas.

a) *Accessibility of education:* LRAs play a vital role in promoting the accessibility of education to all children, particularly those who are refugees, asylum-seekers, or from migrant or ethnic minority backgrounds. Relevant indicators are children cared for outside the family system as a percentage of all children in the same age group, children attending mainstream schools as a percentage of all children in the same age group, and 15- to 19-year olds participating in upper secondary education or training as a percentage of the population in the same age group.

b) *Adaptability of education:* Although funding may be from a combination of national, regional and local sources, the actual work of educational adaptability is carried out by LRAs, and local authorities in particular. "Adaptability" of education takes two general forms: physical and educational. Physical adaptability requires LRAs to construct educational environments to facilitate access by children with various physical disabilities. Educational adaptability requires special measures for the education of children with emotional, behavioural or learning difficulties, as well as those requiring linguistic assistance, and support for those requiring transport or nutrition.

c) *Children's active citizenship and participation in school and related activities.* This is pre-eminently an area for initiatives by LRAs both separately and in cooperation with each other. The establishment of school and youth councils gives youths (age 15 years and upwards) and younger people experience in developing their own decision-making capacities. This and other related activities are in furtherance of the EU "Youth in Action" Programme 2007-2013 (Decision No 1719/2006/EC of 15 November 2006<sup>17</sup>).

Relevant indicators for LRAs include school children who have been members of a school or student council, class representatives, active in student meetings, peer mediators, contributors to school newspapers, or peer mentors or counsellors. Political activity indicators include participation in a youth forum or organisation, involvement as a representative on a youth council, participation in a community

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<sup>17</sup> Decision No 1719/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing the Youth in Action programme for the period 2007 to 2013, OJ L 327, 24.11.2006

project, involvement collecting signatures, and participation in protest action or voluntary work.

### **C. How the definition and data sources used to identify Rights of the Child Indicators could be improved and better take into account local and regional perspectives.**

Our principal recommendation is that the definition and data sources ought to be matched to the specific competences of each of the local and regional authorities, without which conclusions as to the effectiveness of implementation can only be in generalities.

Most of the indicators drawn from global sources are taken from the one international treaty, the UN Convention on the Rights of the Child. However, there are other international instruments that have specific narrow and concrete provisions, breaking down the broader rights found in the treaties into facets of the rights that are easier to measure. One example is the Social Charter of the Council of Europe as interpreted in the case-law on subjects such as child labour and corporal punishment which has developed under the optional complaint system. Also relevant are decisions of the European Court of Human Rights focussing on the positive obligations under the European Convention on Human Rights in relation to LRAs on children in local authority care, as well as the decisions of national courts.<sup>18</sup>

As noted earlier, treating the *Sexual and Economic Exploitation of Children* together conflates two very different forms of child exploitation. The first is forms of sexual exploitation, which in turn includes the different activities of child prostitution and child pornography. The second is economic exploitation, largely in the form of child labour. This distinction is important, despite the fact that some forms of child labour may involve, or verge on, child prostitution.

Child pornography usually involves child sexual abuse, although it may also involve "pseudo-children"<sup>19</sup> and be equally objectionable. Child image abuse is best dealt with at national and international levels through regulation of and cooperation with information service providers, in cooperation with EU and national authorities in the implementation of Council Framework Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography.

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<sup>18</sup> See Child Rights in Europe (2008) 978-92-871-6269-4 (Van Bueren) which analyses the effectiveness of the judicial protection of children's rights within the Council of Europe, and analyses the Council of Europe's Social Charter and the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

<sup>19</sup> 'Pseudo-children' refers to adults of child-like appearance or computer-generated images of children

**The most effective method of improving the Rights of the Child Indicators to give greater consideration to local and regional perspectives would be to produce another version of the Indicators tailored to the competences and special interests of LRAs. This paper is a first step in that direction.**

#### **D. Overview of how local and regional authorities could use the indicators.**

The indicators initially provide guidelines for the collection and analysis of data regarding children's rights so that LRAs can determine which areas within their competences require priority action. The potential use of the indicators divides into two areas. The first area of use is to help in fulfilling the national state's reporting obligations under Article 44 of the Convention on the Rights of the Child. This would further serve a two-fold purpose. Feeding such indicators into the reporting process would assist national governments in their reporting obligations; secondly such indicators would help the Committee in establishing whether resources were equitably distributed across the nation state in accordance with Article 2 of the Convention on the Rights of the Child. Indicators in relation to the implementation of the Convention on the Rights of the Child would be of particular value in relation to the implementation of the socio-economic rights of the child and the ending of child poverty. It is only through such indicators that LRAs, national government and the Committee on the Rights of the Child would be able to disaggregate data to ensure that the maximum available resources<sup>20</sup> are being progressively utilised<sup>21</sup> in areas such as the child's right to education and to an adequate standard of living.

The second area for the potential use of indicators by LRAs would be to provide a standard by which LRAs cooperate and compare information on standards and best practice through institutions such as the Annual Dialogue on Multilevel Protection and Promotion of the Fundamental Rights, particularly on the rights of the child.

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<sup>20</sup> In accordance with Article 4 Convention on the Rights of the Child

<sup>21</sup> In accordance with Article 2(1) International Covenant on Economic, Social and Cultural Rights.

## **PART 2: GOOD PRACTICE FOR LOCAL AND REGIONAL AUTHORITIES**

These examples of best practice for local and regional authorities are taken from the best practices database of UN-HABITAT, selected as particularly relevant to local and regional efforts regarding children and young persons in Europe. The database contains "*over 3,800 proven solutions from more than 140 countries to the common social, economic and environmental problems of an urbanizing world*".<sup>22</sup>

### *A) Family environment and alternative care*

#### **Romania: Integrated HIV/AIDS care**

Romania is one of the newer members of the European Union, entering in 2007. Its integrated model of care for HIV/AIDS has been recognised by the United Nations as best practice. In the early 1990s, Romania was confronted with an unprecedented situation: a large number of HIV-positive children, and overcrowded, poorly-equipped and severely under-staffed residential hospitals. Nearly 5 000 children born between 1987 and 1990 were infected with the HIV virus, primarily through transfusions or infection while under medical treatment.

Many children died in hospitals and others were simply abandoned by their families. Full hospitalisation was the only option as there were no day clinics. Children would thus be unnecessarily exposed to opportunistic infections and the stress of being away from home. This situation prompted the Romania Angel Appeal (RAA) in 1991 to bring about some changes through revolutionising the assistance system for the HIV-positive child and the creation of a multidisciplinary approach that combines medical services with the social, psychological and educational ones: the "Sunflower Smile" day clinic.

One of the main successes of this project is the gradual integration of the psychological and social services within the hospitals where they function. Unfortunately, most of the Romanian hospitals offer only medical services, and the takeover by the social and psychological services of the day clinics represents real progress in improving patient services.

The day clinic model has adopted two major priorities in the caring of HIV infected children, medical (diagnosis, investigation, treatment, recommendations and useful information on the standards of care for HIV/AIDS children) and psychosocial and educational assistance (pre and post-testing counselling, home visits, legal counselling, educational programmes etc.), responding to their identified needs.

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<sup>22</sup> See <http://www.bestpractices.org/>

The "Sunflower Smile" integrated model of care was introduced in Romania in 1991 by RAA with the opening of the first day clinic in Constanta. Currently, there are eight day-clinics over the country, which are organised in a network of information and experience-sharing and mutual help. The clinics provide medical, social, psychological and educational services for children and families affected by HIV/AIDS. Handover to the hospitals and local authorities is progressing well.

Results include: 1 656 children registered for social services (in 2003), 134 specialists providing multidisciplinary services, 5 176 social assistance interventions, 2 967 psychological assistance interventions and 9 000 information bulletins distributed to families affected by the disease.

### **Germany: The Mother Centre International Network**

A research project at the German Youth Institute in Munich led to the Mother Centre International Network. The Mother Centre International Network /AG International, Stuttgart, Germany, is recognised by the United Nations as best practice. Following the economic transition and war in many countries in central and eastern Europe, family and neighbourhood networks were destroyed. Mother centres were created to address the needs of women and children and recreate family and neighbourhood structures in communities. They are an innovative model on how to strengthen civil society and democracy by revitalising neighbourhoods and community culture. Mother centres are consulted regularly by municipal agencies as well as by local, regional and national governments.

The first three model mother centres were funded by the German government's Department for Family Affairs. Following the transition in central and eastern Europe, mother centres were created from the bottom up as self-help initiatives in the Czech and Slovak Republics, in Bulgaria, Russia, Georgia and Bosnia Herzegovina. Worldwide there are now some 700 mother centres, including in Africa and North America. The centres operate as a switchboard for information, skills, support and resources for everyday life and survival issues. Depending on their size and how long they have been working, mother centres reach between 50 and 500 families in each neighbourhood and have proven to be successful with training and job re-entry programmes as well as with creating new businesses and income-generating opportunities

### **Germany: The "International Garden" project for refugee families**

In Germany the "International Garden" project for the integration of refugee families has been recognised by the United Nations as best practice. The project creates opportunities for refugee families to participate actively in the day-to-day life of the host society. The "International Garden" project was drawn up and put into practice over a five-year period by refugee families in cooperation with

German families interested in establishing a practical basis for developing trust and mutual respect between newcomers and the host society. Refugee families are involved in the whole work process; i.e. drawing up policies, developing learning styles that are adapted to the participant families, organising multicultural festivals, etc. The project combines learning with practical gardening. A majority of the members (who initially understood no German) now speak German.

### **The Former Yugoslav Republic of Macedonia: The Bitola street children project**

The Former Yugoslav Republic of Macedonia (FYROM for short) is a candidate country for EU membership. The street children project in Bitola is an example of UN-recognised best practice. The "street children" phenomenon is described as being in conflict with the Convention on the Rights of the Child, "especially with its leading principle that children and their interests must be put first in good and bad times, in poverty and prosperity, in war and peace." (Bellamy, 1998). In the period of democratisation and transition FYROM was faced with the "street children" phenomenon, which became an acute and pressing problem. The "Day Centre" organisation/initiative began as a place taking care of twenty Roma children. Through education, medical education, consultations, workshops, a detailed social network and psychological analysis, the children were given the opportunity to keep in touch with their families and community and to develop like other children. Foundations were established for increasing public awareness, for involving governmental institutions, local government and other non-governmental organisations in order to meet the needs of the children and to bring coordinated solutions for a greater number of children. The programme received support from World Bank, the Bitola local authority and other local partners.

### **Bosnia and Herzegovina: The Humanitarian Association**

Although Bosnia and Herzegovina is not a member of the European Union, the EU has been very involved in projects there and the humanitarian association Prijateljice has been recognised by the United Nations as best practice. About 2 600 children received free education from the association, with a curriculum that took the effects of the war into account. Besides material and food support provided by aid agencies during the war in Bosnia and Herzegovina there was an overarching need for healing and recovery for traumatised women and children. "Amica", the partner of Prijateljice, launched its programmes for traumatised women and their children during the war. A reference group consisting of 25 NGOs in the Tuzla canton (with a population of 121 717 people) was established in November 1996 with the objective of improving the legal framework in which different NGOs were involved in humanitarian activities and developing a network of NGOs and private



sector organisations. The project has provided intensive psycho-social therapy for 400 women who were either physically or mentally abused and many children. One of the programmes concerns peaceful solutions for conflicts, strengthening health and hygiene culture and improving communication within families.

### *B) Adequate standard of living*

**Lithuania: Sustainable Development and Local Agenda – 21.** Lithuania has only been a member of the European Union since 2004, but the Sustainable Development and Local Agenda-21 in Panevezys, has been recognised as best practice by the United Nations. The city of Panevezys adopted a series of concomitant action plans aimed at improving the social, economic and environmental aspects of the city. The Local Agenda-21 process is inclusive, taking into account the views of minority groups and unemployed young people. The youth of Panevezys are active stakeholders in the city's Local Agenda - 21. A number of initiatives have been launched and followed through in partnership with youth from Kalmar and Nacka in Sweden. One of the programmes involves a city-to-city collaboration between Panevezys and sister cities in Sweden and Germany. Exchange programmes include the transfer of technical expertise and knowledge by local authorities.

A one-stop information centre has been established, with a number of information booths which showcase environment-friendly technologies, alternative energy sources and usage, programmes for youth activities and crime prevention strategies and methods. Youth and other residents can access important information about Local AGENDA-21 activities, projects and programmes.

### **Austria: The Wien Energie project**

In Austria, the Vienna Energy "Wien Energie" youth centre has been recognised by the United Nations as best practice. It is a joint initiative by "Wienstrom" (the Vienna Electricity Company), "Wiengas" (the Vienna Gas Company) and "Fernwaerme Wien" (Vienna's Alternative Source of Energy, mainly from incinerators) to provide assistance in energy matters, addressing customer needs and the services required, e.g. hot water, light or heat. Energy counselling is free of charge and constitutes an essential element in the overall trend towards source-minded, cost efficient and environmentally-friendly energy supply. Assistance is particularly youth-orientated, with the aim of making young people aware of how to use valuable energy sensibly.

The information centre is designed as a youth centre, and has been equipped with state-of-the-art technology, offering free Internet access and an adventure slide, as

well as interactive play stations for an "energy experience". An "energy bike" has been installed to demonstrate how much it takes to generate one's own energy. All exhibits are fully operational to attract visitors' attention, e.g. conservatory layouts and how they incorporate seasonal fluctuations, to show the effects of different types of insulation material and windows, of glass flues in heating systems, solar power systems, windmills, etc. The entire concept concentrates on introducing important issues through playful interaction. Customers can go online to access information on alternative forms of energy production and thus have first hand experience of these types of energy and their performance under varying weather conditions.

What makes this concept so successful is the fact that customers receive competent, independent and comprehensive counselling (on all sources of energy) and are not pressurised into buying any appliances or tools. Regular training and information classes on all aspects of life are held to increase the circle of customers, courses on feng shui, kinesiology, solar energy systems, etc. These are complemented by exhibitions on child protection, Tibet, hot water, and many more, which usually run for several weeks at a time. The Wien Energie centre has become an essential element in Vienna's holiday programme for children and young adults, with 60 000 visitors per year.

### *C) Education, citizenship and cultural activities*

#### **Austria: Vienna Gender Sensitive Park Design**

In Vienna a public participatory process involving girls resulted in a Gender Sensitive Park Design. In this initiative, women sociologists and planners adopted principles of environment behaviour research by studying how park designs in the Fifth District of Vienna affect girls' behaviour in and perceptions of public space in a gender sensitive re-design of Einsiedler Park and St Johann Park. The results of a 'Gender-specific Park Design' competition provided input for a new comprehensive planning format. The strategy adopted incorporated the girls' interests in games, sports activities and leisure preferences in the use of public spaces. This develops a sense of ownership for public and social outdoor spaces, and results in a more balanced distribution between male and female users of public parks.

Both park visitors and planning agencies are encouraged to be more sensitive to girls' use of open spaces by introducing appropriate design elements such as those propagated by Crime Prevention Through Environmental Design (CEPTED)<sup>23</sup> techniques. These design considerations, such as, proper lighting of park trails,

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<sup>23</sup> See <http://www.cpted.net/>, the international CPTED Association website.

increased visibility, clear open spaces, multi-functional play areas etc., have improved many park users' sense of safety, particularly adolescent girls and the elderly.

In the study, the design considered adjacency and proximity of different park users to accommodate girls' needs. For instance, the girls' play areas frequented by immigrant children was placed next to the younger children's play structures so that the older girls could watch over the younger ones as they played.

The City Administration, in May 2000, planned to redesign a total of 22 parks in other districts in Vienna following these "gender-specific" guidelines. The Office for Planning and Housing Construction Methods, which addresses specific women's needs, is the authority in charge of supervising the park design projects.

## PART 3: CONCLUSIONS

The indicators were developed with regard to the limits of EU competence at a time when the future of the Treaty of Lisbon was in doubt. The Treaty, however, is now in effect, and makes the Charter of Fundamental Rights justiciable<sup>24</sup>. Article 24 of the charter specifically provides for the rights of the child. Although according to Charter Article 51(2) and Article 6(2) TEU, the Charter does not enhance EU competence, it is likely that changes in EU structure, functioning and justiciability under the Treaty of Lisbon will affect the rights of children substantially.

One way in which the treaty will affect the rights of the child is that institutional European legislative competence is no longer confined by the limits of the three "pillars" of the economy, external relations, and justice, freedom and security. Allied to that is the increased role of the European Parliament, which now is an equal partner in the decision making process. Parliament becomes co-legislator in many instances with the consolidation of the "ordinary legislative procedure" (formerly known as "codecision"). This creates opportunities for more democratic initiatives and participation in decisions relating to children's rights. There is also provision for legislation originating through the so-called "citizens' initiative" from outside the Commission, Parliament and Council of Ministers.

The second major change is in substantive law. The Charter of Fundamental Rights, proclaimed in Nice in 2000, is now justiciable. This implies that legislation of EU origin and acts of the Member State implementing it can be reviewed by the Court of Justice with regard to the protection and respect shown towards children's rights.

The competence of the Committee of the Regions is also enhanced. The Committee of the Regions also has an obligation to look at children's rights in its consultative activity (through the mandatory nature of the charter) and this also becomes important in the elevation of the Committee's institutional position through the acquisition of the right of recourse to the Court of Justice for the protection of its prerogatives or for the violation of the principle of subsidiarity.

A number of specific measures already suggested by the Committee of the Regions in particular in its opinion<sup>25</sup> on the Commission's Communication on the "Strategy on the rights of the Child" should be implemented:

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<sup>24</sup> From 1 December 2009

<sup>25</sup> Opinion of the Committee of the Regions towards an EU Strategy on the Rights of the Child, OJ C 146, 30.6.2007.

- **The Commission should publish information about the resources, status and political leverage of the Children's Rights Unit and Children's Rights Co-ordinator established in 2007.**
- **The single six-digit EU child help/hot line should be established to complement existing local lines.**
- **Provision of early education for children under six should be expanded.**

The Committee of the Regions should also reiterate its recommendations, not least that *"the necessary financial and human resources and political commitment be dedicated to progressing the Communication and developing the Green Paper and Strategy"* and its suggestion that *"the European Parliament consider establishing a specific measure to finance the Strategy and its proposed actions."* (2.1) The Committee of the Regions underlines *"that local and regional authorities [should] be regarded as essential partners in the development of the Strategy"* and called for its own inclusion *"as a member of the European Forum for the Rights of the Child; with representation on the Inter-services Group; and that it be consulted on the development of the Coordinator's report and that this report be made public"* (2.2). The Committee further recommends *"that the Strategy commit to a set of minimum standards and include ambitious actions with clear targets and objectives, following a thorough analysis"* (2.3), recommends *"that a balance be achieved in the Strategy between its focus on the global situation and the EU internal and intra-state actions and dialogue"* (2.4), and recommends *"that priority be given to the development of a set of comparable indicators and the collection of consistent data at Member State and, where possible, regional level"*.

The Committee calls *"for the provision of adequate resources, supports and mechanisms to facilitate the participation of children in the development of the Strategy, including children from disadvantaged and ethnic minority backgrounds and children with disabilities. Children should be involved at an early stage in the process and through a variety of age appropriate methodologies...."* The Committee acknowledges *"that local and regional authorities could also do more in facilitating such consultation of children on relevant policies determined at sub-national level"* (2.5).

The Committee reiterates *"its call for full implementation of the Convention on the Rights of the Child"* and underlines the importance of *"freedom of thought, conscience and religion; protection of private life; protection from the use of violence, mistreatment and neglect; the right to healthcare; the right to education, schooling and training; and protection of minorities, as stated in its opinion on*

*integration and migration (CdR 51/2006 fin), as well as the right to appropriate nutrition and housing" (2.8).*

The Committee insists *"that the crucial role of local and regional authorities as the frontline providers of essential services to children, such as education and housing, childcare and other social services" be fully recognised "as well as their role in planning, policing and maintenance of the physical environment ensuring that children have access to housing suitable and appropriate to their needs, as well as adequate play and leisure facilities and grow up in a safe physical environment" (2.8).*

The Committee calls *"for an increased emphasis on the need for Member States to implement with a sense of urgency their existing European and international commitments, including commitments at legislative and practice level under the UNCRC, the European Convention on Human Rights and the Council of Europe's instruments" (2.9).*

The Committee suggested that *"the analysis not only 'assess the effectiveness of its existing action' but facilitate an assessment of the progress of Member States in complying with the UNCRC, through comparative data analysis, as outlined in the Impact Assessment" (2.10), suggests "that the analysis also include a review of whether all Member States have ratified the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption (1993)" (2.11), and recommends "that the Open Method of Coordination be used as a mechanism for engagement between Member States and for learning from best practice in relation to the implementation of the UNCRC and that local and regional authorities should be fully involved in this process" (2.12).*

The Committee recommends *"that EU and Member State policies take into account the diversity of children and their varying needs; for example, children disadvantaged by geographical location, age, gender, ethnicity and disability" (2.13), and suggests "that the Strategy include specific objectives to ensure that children in all geographical areas have equal opportunities". This would "entail strengthening activities on tackling child poverty and educational disadvantage. Regional and local authorities will play a central role in these measures" (2.14). The Committee recommends "that, in addition to the short-term measures outlined, a measure be developed to enable transnational cooperation by police forces in relation to the checking of any criminal records of staff and volunteers who work with children" and urges "that the Strategy should consider the establishment of an EU register of sex offenders against children" (2.15). The Committee also urges that "the Strategy address ways to better develop family support services to prevent child abuse and filicide (the killing of a child by a parent) involving supports to*

*parents, prevention and early identification of child abuse; supports to victims of abuse and the establishment of a mechanism to review suspicious deaths of children in order to examine the effectiveness of state interventions prior to such cases" (2.16).*

The Committee further recommends that the Strategy address *"the negative influence of television, computers and new technologies on children, such as access to adult or inappropriate images on the internet and also the sedentary nature of these activities with consequent implications for active lifestyles among children".* The Committee further notes *"the negative impact of direct targeting of children in advertising and marketing. Measures to utilise technology for educational purposes should be encouraged, such as television programmes to assist children's linguistic and cultural competence, this will be particularly important for migrant children. Creative measures are also needed to promote cultural activities and make them accessible to children such as reading, music and theatre" (2.17).*

The Committee requests that *"training programmes and tools developed as part of the Strategy be available to regional and local administrations to familiarize officials with new policy tools and best practice" (2.18).* It recommends that *"the communications strategy be based on the UNCRC, and that all information campaigns be launched at regional and local level, be age appropriate, available in multiple languages and accessible to children with disabilities" (2.18),* and that *"EU development aid should provide for a percentage of its funding to be invested in interventions that benefit children and that the development policy of local and regional authorities in Third Countries should also enhance priority to the transfer of skills and policy experience on children's rights" (2.19).*

2010 has been designated as the European Union Year for Combating Poverty and Social Exclusion. **LRAs should pay particular attention to the indicator area relating to an Adequate Standard of Living.** Particularly important for projects by LRAs during this year are measurements of relative child poverty, relational-generational child poverty, severe poverty, absolute poverty, and persistence of poverty. **LRAs should also use the indicators when developing "child budgets", measuring relative spending on children, and the impact of government intervention on relative child poverty and child benefit packages. LRAs should also consider children's subjective perceptions in measuring family affluence, including children's own economic resources and educational possessions.**

The designation of 2010 as the European Year for Combating Poverty and Social Exclusion followed a joint decision by the European Parliament and the Council of Ministers that explicitly recognises the right to live in dignity. "Relative poverty", which is not necessarily a lack of nutrition, health and shelter, but rather a lack of

access to many of the goods and services expected by the rest of contemporary society, is said by the EU to be the more widespread form of poverty in the EU. Social exclusion refers to those who do not enjoy levels of participation that most of society takes for granted, because of their poverty, lack of basic competences or lifelong learning, or as a result of discrimination. The criteria for decent living conditions include financial means, housing, ownership of durable goods, basic necessities and social integration, and the requirements and needs of children to live and develop well.

A budget of EUR 17 million has been set (the highest budget ever granted to a European Year), of which EUR 9 million is for activities in each Member State, such as awareness campaigns, innovative initiatives and solidarity schemes aimed at promoting active inclusion. **LRAs, which are at the front line in combating youth poverty, should be actively involved during the year, making full use of the Rights of the Child Indicators.**

At the opening conference in Madrid on 21 January, the programme seemed to pay little attention to the role being played by the Committee of the Regions and LRAs.

### **The Social Inclusion Regional Group**

**The designation of 2010 as the European Year for Combating Poverty and Social Exclusion has already been taken up by one group of LRAs, and other LRAs should be encouraged to participate.** On 23 February, the 2010 Social Inclusion Regional Group, a coalition of local and regional players, held its first conference at the European Parliament to present the thematic priorities of each of the 2010 working groups. A series of local case studies demonstrated the innovative role that can be played by local and regional players to combat poverty and social exclusion.

The main topics were: equality and non-discrimination, child poverty and financial exclusion and over-indebtedness. The case studies were to include local stories such as Sanna Sarromaa, Oppland County's challenges with gender equality, the Veneto region's experiences in tackling child poverty, South Tyneside Council's fight against over-indebtedness, and the Aurora project, Fyrbodal, West Sweden.

The 2010 Social Inclusion Regional Group was established in 2009 in response to the European flagship initiative the 2010 European Year for Combating Poverty and Social Exclusion. Recognising local and regional players' leading roles in delivering services, the group provides a platform for the dissemination and exchange of best practice with a view to improving service delivery at the local and regional levels, and also to better inform Europe on the realities experienced at



grassroots level. The group is a transnational coalition of local and regional players, is an expert stakeholder at European level for the year, and is also an official partner of the year.

The group has selected as thematic priorities, many of which are related to the Child

Rights Indicators:

- eradicating child poverty;
- supporting inclusive labour markets;
- ensuring access to quality social services and decent housing;
- supporting the equalities and non-discrimination agenda;
- tackling financial exclusion and over-indebtedness.

The 2010 Social Inclusion Regional Group also responds to the desire of a number of local and regional players to be more actively consulted on the future of European social policy, with an acknowledgment of the front-line role played by the local and regional levels and a greater commitment.

The group is led by a steering group of regions who allocate financial and human resources for the programming of events and activities. Many of the regions sitting on the steering group represent both local and regional levels. The steering group numbers nine regions and networks. The group is recruiting additional steering group members from the new Member States to ensure a geographically-balanced representation within the steering group. For each of the thematic priorities, there are working groups co-chaired by two of the steering group members. The working groups are open to participation from all local and regional players within the participating countries of the European Year. Each working group is tasked with delivering at least one event in Brussels, and providing the conclusions of the event as a contribution to a common best practice guide and recommendation document to be published at the end of the 2010 European Year. Planned activities include a coherent programme of activities throughout the year. Events will be taking place both in Brussels and in participating regions and local authorities.

The 2010 Social Inclusion Regional Group's steering committee is open to a limited number of regions, local authorities, and networks. Members of the steering committee co-chair at least one of the working groups, sharing the costs linked to delivering the activities of the working group and also participate in regular meetings of the steering committee. Working group membership is open to all interested local and regional authorities having an interest in the themes of the working group.

**Finally, as stated earlier in Part 1C, on how the definition and data sources used to identify Rights of the Child Indicators could be improved and better take into account local and regional perspectives, the most effective method of improving the Rights of the Child Indicators would be to produce another version of the indicators tailored to the competences and special interests of LRAs. This paper is a first step in that direction.**