

# The European Union Agency for Fundamental Rights (FRA): Contribution to the report of the OHCHR on the protection of children’s rights in the implementation of the 2030 Agenda for Sustainable Development

[The European Union Agency for Fundamental Rights \(FRA\)](#) is an independent body of the European Union. The FRA helps to ensure that fundamental rights of people living in the EU are protected. It does this by collecting evidence about the situation of fundamental rights across the European Union within the scope of EU law and providing evidence based assistance and expertise, about how to improve the situation. For more information or questions on this contribution please contact: [childrights@fra.europa.eu](mailto:childrights@fra.europa.eu)

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## Introduction

The information compiled in this document is based on FRA publications. Six SDGs were selected where research findings were available and relevant:

- Goal 1. End poverty in all its forms everywhere;
- Goal 2. End Hunger, achieve food security and improved nutrition and promote sustainable agriculture;
- Goal 3. Ensure healthy lives and promote well-being for all at all ages;
- Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all;
- Goal 5. Achieve gender equality and empowerment of all women and girls; and
- Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

For each goal, a list of relevant FRA key findings and opinions is compiled.

## Goal 1. End poverty in all its forms everywhere

- **Annual Fundamental Rights Report 2016** [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2016-fundamental-rights-report-2016-2\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-fundamental-rights-report-2016-2_en.pdf)

Figure 6.1: EU 2020 indicator on poverty: at risk of poverty or social exclusion (AROPE), children (0–18 years)

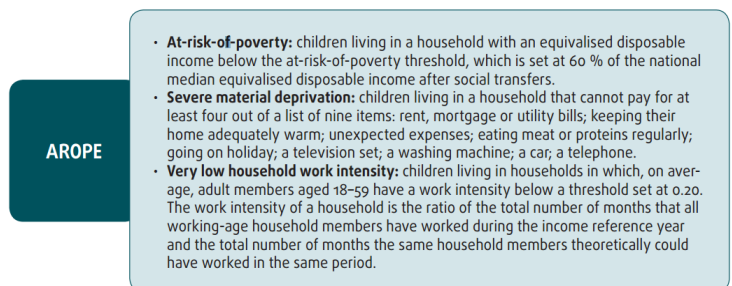
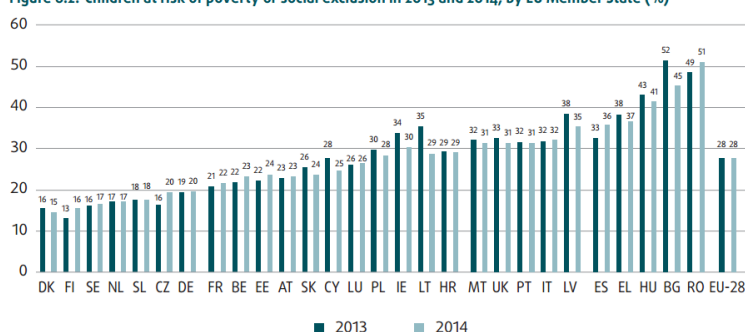


Figure 6.2: Children at risk of poverty or social exclusion in 2013 and 2014, by EU Member State (%)



“To address child poverty, it is FRA’s opinion that the EU and its Member States need to intensify their efforts to fight child poverty and promote child well-being. They could consider implementing such efforts across all policy areas for all children, while specific measures could target children in vulnerable situations, such as children with a minority ethnic background, marginalised Roma, children with disabilities, children living in institutional care, children in single-parent families and children in low work intensity households.”

- **Monthly overview on migration, March 2016, Thematic focus: Children** <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/focus-children>

“Conditions at first reception facilities were reported as inadequate for unaccompanied children and families in almost all Member States covered by FRA’s monthly reporting, although this differs depending on the specific facility and region in the Member State. This is of particular concern considering that referral from such first reception to specialised facilities can take up to several weeks. During this time, children are at high risk and have no access to special protection.”

- **Monthly overview on migration, September 2016** <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/september-2016>

“More than 1,500 unaccompanied children in Greece continue to wait for suitable shelter. More than 350 of them are housed in closed facilities. The processing of children’s asylum applications is delayed. The lack of paediatricians in Kos delays age assessments and subsequent referrals of unaccompanied children.”

- **Violence against children with disabilities** [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2015-violence-against-children-with-disabilities\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2015-violence-against-children-with-disabilities_en.pdf)

“The majority of respondents surveyed for this research identified poverty as one of the major factors increasing children with disabilities’ vulnerability to violence. Several respondents noted that the disability itself increases economic inequalities because one of the parents usually has to leave work and become a full-time caregiver.”

- **Discrimination against and living conditions of Roma women in 11 EU Member States. Roma survey – Data in focus** [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2014-roma-survey-dif-women-2\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-roma-survey-dif-women-2_en.pdf)

**Table 1: At-risk-of-poverty rates for different types of Roma households (%)**

	At-risk-of-poverty rate for Roma adults and children living in a:					
	One-person household	One-parent household	Multiperson household without children	Multiperson household with 1 child	Multiperson household with 2-3 children	Multiperson household with 4 + children
BG	91	74	83	86	87	93
CZ	60	70	71	76	81	95
EL	78	89	83	83	89	91
ES	76	83	88	90	89	96
FR	81	98	94	98	99	98
HU	59	89	66	77	80	91
IT	85	91	96	96	99	97
PL	68	91	67	76	84	87
PT	85	99	94	92	99	99
RO	62	87	60	68	81	91
SK	74	92	82	83	93	96
<b>Total</b>	<b>72</b>	<b>87</b>	<b>80</b>	<b>83</b>	<b>89</b>	<b>94</b>

Source: FRA Roma pilot survey 2011: 'children' defined as aged 0 to 17, persons in Roma households

“The EU’s at-risk-of-poverty benchmark reflects the percentage of persons with a disposable income below the national at-risk-of-poverty threshold. The at-risk-of poverty threshold for each Member State is set at 60% of the national median equivalised disposable income. The overwhelming majority of Roma households in the survey (87%) have an income below the national at risk-of-poverty level, compared to 46% of non-Roma households.”

## Goal 2. End Hunger, achieve food security and improved nutrition and promote sustainable agriculture

- **Poverty and employment: the situation of Roma in 11 EU Member States**

<http://fra.europa.eu/en/publication/2014/poverty-and-employment-situation-roma-11-eu-member-states>

“This is strikingly illustrated by the share of children under the age of 18 who live in a household in which at least one person ‘had to go hungry to bed, because there was not enough money to buy food’. Childhood hunger rates are at least three times higher for the Roma than for the non-Roma populations surveyed.”

- **Handbook on European law relating to the rights of the child**

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-ecthr-2015-handbook-european-law-rights-of-the-child\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-ecthr-2015-handbook-european-law-rights-of-the-child_en.pdf)

“Under EU law, Directive 2009/39/EC on foodstuffs intended for particular nutritional uses focuses on the nutritional composition and safety of foods specifically manufactured for infants and young children under the age of 12 months. Its rules concern infant and follow-on formulae, processed cereal-based foods and baby foods and additives in foods for infants and young children. The directive aims to guarantee product safety and to provide the consumer with suitable products and appropriate information. It specifies, amongst other things, that a particular nutritional use shall fulfil the particular nutritional requirements of certain categories of persons, including those of infants or young children in good health.”

- **Separated, asylum-seeking children in European Union Member States**

[http://fra.europa.eu/sites/default/files/fra\\_uploads/1692-SEPAC-comparative-report\\_EN.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/1692-SEPAC-comparative-report_EN.pdf)

“Children (asylum seekers) often complained about the quantity and quality of food (in hosting facilities), the inflexible timing of lunches and dinners, and their cultural appropriateness. In some countries, adults shared these concerns. Children liked to have access to kitchen facilities and pocket money to buy their own food.”

## Goal 3. Ensure healthy lives and promote well-being for all at all ages

- **Migrants in an irregular situation: access to healthcare in 10 European Union Member States**

[http://fra.europa.eu/sites/default/files/fra\\_uploads/1925-FRA-2011-fundamental-rights-for-irregular-migrants-healthcare\\_EN.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/1925-FRA-2011-fundamental-rights-for-irregular-migrants-healthcare_EN.pdf)

“Countries included in this study differ greatly in the level of access to healthcare they grant to migrants in an irregular situation. Without considering healthcare entitlements for specific groups (such as children) or in the case of specific illnesses (such as TB), in six out of the 10 countries studied migrants in an irregular situation are granted access to public healthcare only in emergency situations. In the remaining four countries (Belgium, Italy, France and Spain) migrants in an irregular situation may access healthcare beyond emergency care if they fulfil specific qualifying conditions i.e. factual residency in the host country or a particular area, presentation of identification documents, proof of lack of means. Most

countries included in this study struggle to find the most appropriate way to deal with the healthcare needs of migrants in an irregular situation.”

- **Monthly overview on migration, April 2016, Thematic focus: Healthcare** <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/focus-healthcare>

“The majority of the EU Member States covered in this data collection conduct health screenings of newly arrived migrants and/or persons in need of international protection. In most cases, health screenings target persons in need of international protection; in a few Member States, they target all newly arrived migrants. In some Member States, the health screening only aims to identify cases of communicable diseases; in a few others, it also serves to identify individual health needs and people belonging to vulnerable groups. The main health issues affecting newly arrived migrants and persons in need of international protection are dermatological infections, respiratory diseases, colds and psychological issues. None of the Member States covered collects systematic data on the health status of newly arrived migrants and persons in need of international protection, nor on their use of the healthcare system. [...] Most Member States do not have specific mechanisms in place to prevent violence against women at reception or detention centres.”

- **The fundamental rights situation of intersex people** <http://fra.europa.eu/sites/default/files/fra-2015-focus-04-intersex.pdf>

“In Europe, there are no comprehensive statistical data on medical treatments or surgeries performed on intersex children. The Commissioner for Human Rights of the Council of Europe has repeatedly pointed out that intersex children are often subjected to surgery and hormonal or other medical treatments aimed at imposing a sex on them. Such surgery, performed on intersex babies and toddlers, which can be cosmetic rather than medically essential, may result in irreversible sex assignment and even sterilisation. The Parliamentary Assembly of the Council of Europe in its Resolution 1952 (2013) on a child’s right to physical integrity called on its Member States to “ensure that no-one is subjected to unnecessary medical or surgical treatment that is cosmetic rather than vital for health during infancy or childhood, [and to] guarantee bodily integrity [...] to persons concerned.”

- **Guardianship systems for children deprived of parental care in the European Union** [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2015-guardianship-systems-in-the-eu\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2015-guardianship-systems-in-the-eu_en.pdf)

“[...] guardianship encompasses the duty to ensure the adequate care of the child and to promote the child’s well-being. Although often it is not the role of the guardian to assume personal responsibility for the material needs of the child or for the child’s upbringing and daily care, guardians have the responsibility to guarantee that the child receives necessary care by those in charge, usually a care facility or foster parents. The guardian has to ensure that such care meets the child’s needs and promotes his/her overall well-being and physical, emotional and mental development.”

- **Separated, asylum-seeking children in European Union Member States** [http://fra.europa.eu/sites/default/files/fra\\_uploads/1692-SEPAC-comparative-report\\_EN.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/1692-SEPAC-comparative-report_EN.pdf)

“Cleanliness and sanitary conditions emerged in the research as an important aspect of the children’s well-being. [...] Article 39 of the CRC requires States Parties to take all appropriate measures to promote physical and psychological recovery, as well as social reintegration of a child victim of any form of neglect, requiring that such recovery and reintegration takes place in an environment which fosters the health, self-respect and dignity of a child.”

- **Being Trans in the European Union** [http://fra.europa.eu/sites/default/files/fra-2014-being-trans-eu-comparative-0\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-being-trans-eu-comparative-0_en.pdf)

“Discrimination because of who you are can undermine your well-being. Trans respondents who felt personally discriminated against or harassed in the 12 months preceding the survey because of being perceived as a trans person report a somewhat lower life satisfaction than those who did not feel discriminated against or harassed in the period.”

## Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

- **Annual Fundamental Rights Report 2016** [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2016-fundamental-rights-report-2016-2\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-fundamental-rights-report-2016-2_en.pdf)

“The proportion of people aged 15 to 24 not in employment, education or training decreased from 13% in 2013 to 12.5% in 2014, the latest Eurostat data show. This means that many young people in the EU face disengagement and social

exclusion, particularly those with disabilities or with a migrant background, Eurofound notes. [...] The EU 2020 strategy covers different areas that affect the situation of children, such as measures [...] on promotion of gender equality and reconciliation of work and family life, such as early childhood education and the childcare provision system and flexible working times; inclusive education; and transition from education to employment.”

- **Monthly overview on migration, July 2016, Thematic focus: Impact of the asylum crisis on local communities** <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/local-communities#education>

“The numbers of asylum seekers or refugees in schools differ across the localities included in this report, with often no data available. Comparably low numbers of asylum seekers and refugees enrolled in local schools are reported from areas that are often not deemed to be final destinations for the refugees, where the families plan to move to another Member State.”

- **EU LGBT survey (European Union lesbian, gay, bisexual and transgender survey)**  
[http://fra.europa.eu/sites/default/files/fra-eu-lgbt-survey-main-results\\_tk3113640enc\\_1.pdf](http://fra.europa.eu/sites/default/files/fra-eu-lgbt-survey-main-results_tk3113640enc_1.pdf)

“Looking specifically at the data on discrimination in education shows that, during their schooling before the age of 18, more than eight in 10 of all respondents in each LGBT subgroup and every EU Member State have heard or seen negative comments or conduct because a schoolmate was perceived to be LGBT. Two thirds (68 %) of all respondents who answered the question say these comments or conduct occurred often or always during their schooling before the age of 18. Moreover, two thirds (67 %) of all respondents say they often or always hid or disguised the fact that they were LGBT during their schooling before the age of 18. Gay and bisexual men respondents were much more likely than lesbian and bisexual women respondents to have hidden or disguised the fact that they were LGBT while at school before the age of 18.”

- **Violence against children with disabilities** [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2015-violence-against-children-with-disabilities\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2015-violence-against-children-with-disabilities_en.pdf)

“Respondents indicate that children with disabilities are more vulnerable to abused at school, both from their peers and from teachers. This reflects a lack of proper mechanisms to ensure inclusion in mainstream schools, inadequate training of teachers and the absence of robust prevention mechanisms. [...] The members of the EU CRPD monitoring framework [...] raise concerns in many areas, including the number of boys and girls with disabilities living in institutions, remaining barriers to inclusive education, the lack of cross-cutting framework for consultation of children with disabilities, and the fact that disability strategies do not include children.”

- **Handbook on European law relating to the rights of the child**  
[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-ecthr-2015-handbook-european-law-rights-of-the-child\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-ecthr-2015-handbook-european-law-rights-of-the-child_en.pdf)

#### Key points

- Limitations to the accessibility of education must be foreseeable, pursue a legitimate aim and must be justified and non-discriminatory.
- Acceptability of education, which requires respect for the religious and philosophical convictions of parents, does not exclude the possibility of religious or sexual education in schools.
- Adaptability requires special measures for children with disabilities and the possibility for children belonging to a minority to learn and be taught in their own language.
- Children have the right to education regardless of their nationality or migration status.

“The educational rights of asylum-seeking children are weaker still; they must be granted access to the host state’s education system on similar, but not necessarily the same terms as those that apply to nationals. As such, education may be provided in accommodation centres rather than schools, and the authorities can postpone asylum-seeking children’s full access to a school for up to three months from the date of application for asylum. Where access to the education system is impossible due to the specific situation of the child, Member States are obliged to offer alternative education arrangements (Article 14 (3) of the Reception Conditions Directive).”

- **Fundamental rights of migrants in an irregular situation in the European Union**  
<http://fra.europa.eu/en/publication/2012/fundamental-rights-migrants-irregular-situation-european-union>

“Most, but not all, EU Member States explicitly or implicitly provide for a right to education of migrant children who are in an irregular situation. In practice, however, there are still major uncertainties among school administrations, teachers,

parents and NGOs. The right to education remains ambiguous in many EU Member States. [...] A number of barriers still need to be dismantled for migrant children in an irregular situation to access schooling. These may be linked to documentation required to enrol in schools, the way schools are funded or children's or parents' fears of detection."

- **Separated, asylum-seeking children in European Union Member States**

[http://fra.europa.eu/sites/default/files/fra\\_uploads/1692-SEPAC-comparative-report\\_EN.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/1692-SEPAC-comparative-report_EN.pdf)

"In compliance with the relevant EU legislation, access to education must be guaranteed to separated, asylum-seeking children under similar conditions as for country nationals. In order to be able to make adequate choices, child-friendly information on educational possibilities should be provided as soon as possible to these children in a language that they understand. It is equally important to discuss educational possibilities with the children. [...] Vocational training and work possibilities were also very important issues for the children. In fact, some adult respondents claimed that older children who had arrived to the Member States mainly to work and support their families in their country of origin, can be frustrated attending school, as they would rather work, as soon as possible even in low-paid, unskilled jobs."

- **Protection against discrimination on grounds of sexual orientation, gender identity and sex characteristics in the EU**

[http://fra.europa.eu/sites/default/files/fra\\_uploads/protection\\_against\\_discrimination\\_legal\\_update\\_2015.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/protection_against_discrimination_legal_update_2015.pdf)

"Ensuring equal opportunity in education is essential for everyone, including LGBTI children and young people. Schools and educational institutions have a key role to play in protecting LGBTI children from discrimination and harassment and in ensuring that, like every child, they are empowered to reach their full potential."

- **Discrimination against and living conditions of Roma women in 11 EU Member States. Roma survey – Data in focus** [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2014-roma-survey-dif-women-2\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-roma-survey-dif-women-2_en.pdf)

"Education is a key area for progress in the social inclusion of Roma. There still exists a significant ethnic gap between Roma and non-Roma with regard to self-reported literacy; and for Roma women the gap is even bigger. [...] The gender gap in education may be increased by early marriages. Across all Member States surveyed, around 2% of Roma girls aged 10 to 15 are reported as 'traditionally married' or cohabitating with a partner and around 16% of Roma (men and women) aged 16 to 17 are reported as legally or traditionally married or cohabiting. Only 6% of Roma women aged 16 to 17 who are married or cohabiting are in education, compared with an average of 36% for all Roma women in this age group. [...] The survey finds that 80% of Roma respondents aged 16 and above declare that they can read and write. This already hints at a significant ethnic gap: the proportion of non-Roma who identified themselves as literate is 99%. The gender gap is also pronounced. Overall, Roma women report lower literacy levels (77%) than Roma men (85%)."

- **Poverty and employment: the situation of Roma in 11 EU Member States**

<http://fra.europa.eu/en/publication/2014/poverty-and-employment-situation-roma-11-eu-member-states>

"Although the proportion of Roma respondents who have never been to school declines markedly among the younger age groups, overall educational attainment is still low for all those above 16. The FRA survey shows that the majority of young Roma do not complete upper secondary education. [...] Among young Roma a notable gender gap can also be observed, with 65% of young Roma women against 52% of young Roma men not in employment, education or training. This reflects the overall disadvantage of young Roma women."

## Goal 5. Achieve gender equality and empowerment of all women and girls

- **Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States**

[http://fra.europa.eu/sites/default/files/migrants\\_in\\_an\\_irregular\\_situation\\_employed\\_in\\_domestic\\_work\\_en.pdf](http://fra.europa.eu/sites/default/files/migrants_in_an_irregular_situation_employed_in_domestic_work_en.pdf)

"In the past two decades, women have become an important component of international migration flows. In 2010, of the 200 million international migrants, 49% were women. [...] Migrant domestic workers are vulnerable to discrimination on several grounds. They are mainly women and thus specifically vulnerable to gender based forms of discrimination and

violence. They are migrants and thus exposed to racial discrimination. In addition, they work in one of the few sectors with limited labour law standards. The fact that most domestic workers are female migrants performing informal, poorly paid and unprotected work is a clear example of multiple discrimination.”

- **Monthly overview on migration, June 2016, Thematic focus: Gender-based violence**  
<http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/focus-gender-based-violence>

“Guidelines or procedures for identifying and dealing with victims of gender-based violence are in place or are being developed in almost half of the EU Member States reviewed. They are, however, not always considered effective. Cases of violence are often identified during health checks. In most Member States, training on identifying and dealing with victims of gender-based violence is either not provided or provided in a non-systematic way. Protection of newly arrived migrant women who may be vulnerable to and/or are victims of gender-based violence is addressed through a number of measures, including: separate accommodation at reception centres; access to special women’s shelters for victims of gender-based violence; medical and psychosocial follow-ups and mechanisms for reporting cases of gender-based violence. Even though all nine Member States covered in this report seem to have one or more measures in place, only a few have procedures that address the response to gender-based violence in a comprehensive and coordinated manner. [...] Victims themselves are reluctant to report to reception centre authorities or to the police. [...] Some countries report a lack of access to legal support services or adequate interpretation for victims of gender-based violence at reception centres.”

- **Violence against women: an EU-wide survey** [http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf)

**MAIN FINDINGS**

*Prevalence of physical and sexual violence*

- On average, 33 % of women have experienced physical or sexual violence by an adult in childhood – that is, before they were 15 years of age. This translates to roughly 61 million women in the EU who were physically or sexually abused in childhood by an adult.
- Some 12 % of women indicate that they experienced some form of sexual violence by an adult before the age of 15, which corresponds to about 21 million women in the EU.
- Of the different forms of violence asked about – physical, sexual and psychological – women are most likely to have experienced physical violence in childhood (27 %).

*Details about the perpetrators of violence in childhood*

- Perpetrators of *physical* violence in childhood mainly came from within the family. More than half of the women who experienced some form of physical violence before the age of 15 identify their father as a perpetrator (55 %), and almost half of women name the mother as a perpetrator (46 %) (women could indicate one or more perpetrators).
- Almost all (97 %) perpetrators of *sexual* violence in childhood are men. Every second woman who was a victim of sexual violence in childhood states that the perpetrator was a man she did not know before.

*Forms of physical violence*

- Some 22 % of all the women surveyed say that an adult, aged 18 years or over, “slapped or pulled her hair so that it hurt”. The majority of them state that this happened more than once (16 % of the total surveyed).

*Relationship between violence in childhood and later experiences*

- Close to one third (30 %) of women who experienced sexual victimisation in a former or current partnership indicate experiences of sexual violence in childhood.

*Forms of psychological violence*

- One in 10 women (10 %) refers to forms of psychological victimisation in childhood within the family; 6 % of women remember having been told they were not loved.

*Children’s exposure to violence in the family*

- Overall, 73 % of women who have been victims of violent incidents by their previous or current partner indicate that children living with them were aware of the violence.

- **Discrimination against and living conditions of Roma women in 11 EU Member States. Roma survey – Data in focus** [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2014-roma-survey-dif-women-2\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-roma-survey-dif-women-2_en.pdf)

“Across the 11 EU Member States surveyed (Bulgaria, the Czech Republic, France, Greece, Italy, Hungary, Poland, Portugal, Romania, Slovakia and Spain), the average situation of Roma women in core areas of social life, such as education, employment and health, is worse than that of Roma men. [...] The issue of early marriage in Roma communities has been

the subject of qualitative research as well as media interest, and has sparked debates on women's (and children's) fundamental rights in traditional cultural contexts. The survey results show that across all Member States around 2% of Roma girls aged 10 to 15 are reported as 'traditionally married' or 'cohabitating' with a partner. With regard to the 16- and 17-year-old age group, the results show that on average around 24% of Roma men and women are legally or traditionally married or cohabiting."

## Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

- **Child-friendly justice** [http://fra.europa.eu/sites/default/files/fra-2015-child-friendly-justice-professionals\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2015-child-friendly-justice-professionals_en.pdf)

"The 2014 European Commission study identifies the most and least common safeguards for children involved in judicial proceedings. FRA research shows that some of the most common ones face concrete implementation barriers. Professionals do not describe them, for example adapting the settings to children's needs, as standard practices. Professionals also repeatedly emphasised the importance of some less common ones, such as adapting information to the child's level of understanding or using a multidisciplinary approach. The issues, areas of improvement and promising practices identified in this research should help move child-friendly justice forward in EU Member States and enhance compliance with international standards. [...] Respondents across EU Member States reported a lack of support and information throughout the proceedings. This applies in particular to preparing children for hearings or following up on their well-being after hearings have ended. Provision of information should be much more targeted. Adapting information to children's age, maturity and level of understanding and taking into account any communication difficulties they may have should become more common, including through the (shared) development, production and use of child friendly information material and services. The child's understanding of this information should be checked."

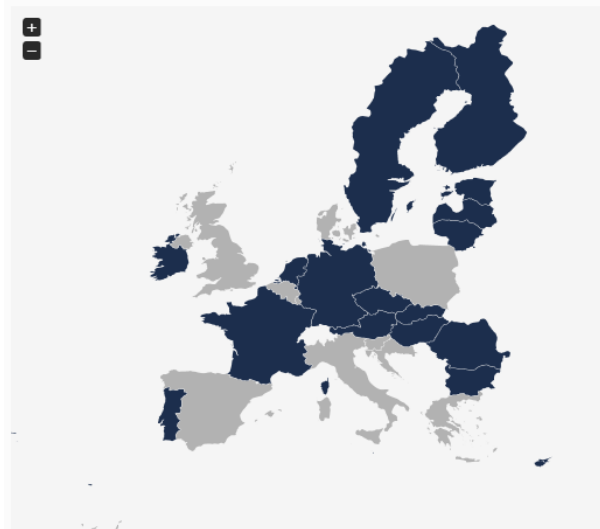
- **Mapping child protection systems in the EU** <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection>

An integrated child protection system requires a **national legislative framework** that creates a safe environment for children. It needs to ensure respect, protection and fulfilment of the rights of the child according to the principles and provisions of the United Nations Convention on the Rights of the Child (UNCRC). In addition to developing overarching children's rights statutes, it is essential that all relevant sector-specific laws, such as those on education, health and justice, reflect the UN principles and standards. Key findings:

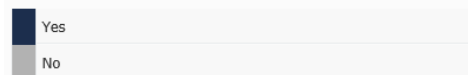
- Not all EU Member States have developed a consolidated act devoted to child protection issues.
- National legislation targeting particular groups of children and/or particular child protection issues, as well as sector-specific laws, are not always aligned with overarching national child protection legislation.
- In federal Member States and in states with autonomous communities regional laws are not always harmonised, leading to disparities in availability of and/or access to services within a Member State.
- The fragmentation of and limitations to national legal frameworks keep certain groups of children who face particular challenges from accessing some rights and receiving adequate and quality services:
  1. children with disabilities;
  2. children belonging to ethnic minorities;
  3. children in juvenile justice systems;
  4. irregular migrants;
  5. unaccompanied and separated children.



Is there a main legal instrument on child protection at national level? (More information on [national legal instruments](#) can be found below)



Source: FRA, 2014



- **Handbook on European law relating to the rights of the child**  
[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-ecthr-2015-handbook-european-law-rights-of-the-child\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-ecthr-2015-handbook-european-law-rights-of-the-child_en.pdf)

### Key points

- Children in criminal proceedings are entitled to be treated fairly and in a child-friendly manner.
- Court proceedings should be adjusted to children's needs to ensure their effective participation.
- Children have the right to access a lawyer from the initial stages of the criminal proceedings and from the first police interrogation.

"In Europe, the Committee of Ministers of the Council of Europe adopted in 2010 a set of Guidelines on child-friendly justice - perspectives and experiences of professionals are an integral part of the Council of Europe' Strategy on the Rights of the Child and represent a milestone in this area. They provide concrete guidance on the participation of children in the justice system. [...] Child victims and witnesses are entitled to protection against further victimisation, to recovery and reintegration and to effective participation in criminal and alternative proceedings."

- **Violence against children with disabilities** [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2015-violence-against-children-with-disabilities\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2015-violence-against-children-with-disabilities_en.pdf)

"FRA research shows that the national legal frameworks of 20 Member States identify disability – or "health status", "the state of vulnerability" or "lack of defence" – as an aggravating circumstance for committing a violent crime. Twenty EU Member States include age as an aggravating circumstance, and 18 Member States recognise both disability and age as aggravating circumstances."

- **Victims of crime in the EU: the extent and nature of support for victims**  
[http://fra.europa.eu/sites/default/files/fra-2015-victims-crime-eu-support\\_en\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-2015-victims-crime-eu-support_en_0.pdf)

"EU Member States must ensure that individual assessments are carried out by the victim's first point of contact, typically the police or a victim support organisation. Victims should be referred in a timely fashion to specialised victim support services that are able to offer them the help and support they need. EU Member States must ensure that children are

always treated as persons in need of special protection, taking into account their age, maturity, level of understanding and any communication difficulties they may have, and in accordance with Article 22 (4) of the Victims' Directive."

- **Detention of third-country nationals in return procedures**

[http://fra.europa.eu/sites/default/files/fra\\_uploads/1306-FRA-report-detention-december-2010\\_EN.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/1306-FRA-report-detention-december-2010_EN.pdf)

"At national level most European Union countries allow the detention of children on immigration grounds, although in some there is a prohibition to detain unaccompanied children (see next section). Only three countries have a provision within their aliens or immigration legislation explicitly prohibiting keeping children in pre-removal detention." [...]

"In one third of the EU Member States, separated children cannot be kept in pre-removal detention. These include the three countries which prohibit the detention of children in general, as well as an additional six countries that allow the detention of children only when these are accompanied by their parents or legal representative. In some cases, unaccompanied children may only be detained in the waiting zones at entry points (primarily airports), but not in the administrative holding centres for persons pending removal. It should be recalled that safeguards against arbitrary detention also apply to children held at entry points who are also entitled to enjoy the rights set forth in the Convention on the Rights of the Child."

- **Discrimination and hate crime against Jews in EU Member States: experiences and perceptions of antisemitism.**

[http://fra.europa.eu/sites/default/files/fra-2013-discrimination-hate-crime-against-jews-eu-member-states-0\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2013-discrimination-hate-crime-against-jews-eu-member-states-0_en.pdf)

"Furthermore, 66 % of parents or grandparents of school-aged children worry that their children could be subjected to antisemitic verbal insults or harassment at school or en route, and 52 % worry that they would be physically attacked with an antisemitic motive while at school or en route. In the past 12 months, over half of all survey respondents (57 %) heard or saw someone claim that the Holocaust was a myth or that it has been exaggerated."

- **FRA Opinion on the development of an integrated tool of objective fundamental rights indicators able to measure compliance with the shared values listed in Article 2 TEU based on existing sources of information**

<http://fra.europa.eu/en/opinion/2016/fra-opinion-eu-shared-values-tool>

CRC and its optional protocols forming part of the scheme to monitor commitment to and compliance with international human rights law.

- **Two forthcoming FRA reports related to criminal justice**

<http://fra.europa.eu/en/publications-and-resources> (available as of 9 and 10 November respectively)

Both will have smaller passages related to children in terms of rights in criminal proceedings and persons in situations of vulnerability in cross-border transfer of pre-trial and post-trial detention and alternatives.