

Council of Bars and Law Societies of Europe The voice of European Lawyers

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Integrated Child Protection Systems – Public consultation

Fields marked with *	are mandatory.	

Introduction

The EU Charter of Fundamental Rights recognises that "children shall have the right to such protection and care as is necessary for their well-being", which is in line with the UN Convention on the Rights of the Child. In Europe, 44 million of children suffer from physical abuse, 55 million children suffer from emotional abuse[1], 1 in 5 children will fall victim to some form of sexual violence[2], while children account for almost a quarter of victims of trafficking in the EU[3] [4]. Protecting children is an investment with one of the highest returns: violence against children bears economic costs of up to 8 % of global GDP[5]. Recent crises have exacerbated the risk for children to be victims of violence, which reveals existing gaps in child protection systems across the EU.

In the EU Strategy on the rights of the child[6], the Commission committed to "present an initiative aimed at supporting the development and strengthening of integrated child protection systems, which will encourage all relevant authorities and services to better work together in a system that puts the child at the centre." To implement this commitment, the Commission is planning to present a Commission Recommendation on integrated child protection systems.

This Commission Recommendation will be a key deliverable to combatting violence against children and ensuring child protection across the EU. It will aim at supporting the development and strengthening of integrated child protection systems in Member States. Focused on children's needs, it will encourage all relevant authorities and services to better work together in a holistic way, from prevention of abuse and violence to protection. It will explain to Member States how to better use the existing EU tools (EU legal frameworks, policies and funding) to make child protection systems more integrated and robust, taking a multi-agency and cross-sectorial approach in children's best interests.

An integrated child protection system places the child at the system's centre. It ensures that all essential actors and public services - including those involved in education, health, social care, welfare and the justice system - work together to prevent abuse, exploitation, neglect and other forms of violence against children and to protect and assist children in these

situations. It generally comprises the following components: laws and policies, governance, monitoring, data collection, human resources and finance. Integrated child protection systems involve a range of actors, from children, families and their communities to protection and response services and all those services responsible for caring for children's wellbeing. The work is done at the local, regional or national level and has an international dimension in cross-border cases. Most important are the relationships and interactions between and among the different components and actors within the system. This open public consultation, and the call for evidence launched in parallel, will inform this initiative.

With this consultation we want to hear your views on how to support the development and strengthening of integrated child protection systems in Member States, which will encourage all relevant authorities and services to better work together in a child-centered system. It will be the first example on which the EU Children's participation platform, recently established by the Commission, will be used to gather children's views, needs and experience, enabling children to bring their opinions into EU decision-making process. It will also build on a mapping of child protection systems in the Member States carried out by the EU Fundamental Rights Agency, as well as other available resources and studies.

- [1] World Health Organization, <u>Violence, health and sustainable development</u>, 2020; <u>European report on preventing child maltreatment</u>.
- [2] One in Five campaign, Council of Europe.
- [3] Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, COM(2020) 661 final SWD(2020) 226 final.
- [4] WHO Regional Office for Europe, 2013; <u>Violence against children: tackling hidden abuse</u>, 2020.
- [5] UN Special Representative on violence against children, UNICEF and others, <u>The violence-prevention dividend</u>, 2022
- [6] EU Strategy on the rights of the child (COM(2021) 142 final

Guidance on the questionnaire:

Thank you for taking part in this consultation.

The estimated time for completion is 30 minutes.

Adults are the target audience of this questionnaire. Children will be consulted through the new <u>EU Children's Participation Platform.</u>

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Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the personal data protection provisions

1. Gaps in child protection and specific needs

1.1 Legal gaps:

Do you think the statements below are true for your country:

	Yes	No	I do not know
Child protection systems are effective in addressing children's needs	0	•	•
2. There are gaps in the prevention, identification and support services for children victims of violence or neglect	•	•	•
3. Gaps are higher in rural/remote areas	0	•	0
4. Gaps are higher in urban areas	0	• •	0
5. Enabling all professionals to work together could shape more effective child protection systems	•	0	0
6. There are inter-sectoral gaps in the co-operation between services in the area of child protection[7]	•	0	•
7. There is a referral system[8] for children	•	0	0

8. The referral system includes cases of child neglect and violence	•	•	0
9. The referral and information- sharing procedures are effective	0	•	•
10. There is clarity in the roles and responsibilities of professionals working in the area of child protection	•	•	•
11. There is clarity in the roles and responsibilities of professionals working with children in general	0	•	0
12. There is no need for more cooperation at different levels of the public services (national /regional/local)	•	•	•
13. There is clarity in the roles and responsibilities of government officials in the area of child protection	•	•	•
14. There is enough social participation and awareness raising involved in child protection systems (support of community /families/schools)	•	•	•

[7] Such as health, education, social services, law enforcement officials, IT/digital sector, government officials, media.

[8] Redirection to the relevant support services

Additional comments on gaps:

1899 character(s) maximum

In regard to point 1, the CCBE considers that Child protection systems are currently not effective in
addressing children's needs due to issues such as the means given to the judges, not because of the laws.

1.2 Specific topics:

Are you aware of the following actions in your country:

	Yes	No	I do not know
1. National or regional plans for action or policies targeting specific groups of children or particular areas	•	0	0
2. National or sub-national child protection policies regarding children in the digital space and when using online services and products	•	0	0
3. Any issue of unavailability of children protection services in some rural and remote regions	•	0	0
4. National, regional or local child protection policies regarding tackling mental health issues for children	0	•	0

Additional comments on Action Plans/Policies:

1	899 character(s) maximum

To what extent do you think the following specific groups of children are especially vulnerable and need specific protection:

	Need less protection than other groups of children	To a small extent	To a moderate extent	To a high extent	l do not know
1.Children with disabilities	0	0	0	•	0
2. Children with mental health disorders	0	0	0	•	0
3. Children in families or care where mental health issues and/or addiction is prevalent	0	0	0	•	0
Children who are over-exposed to screens and online activities	0	0	•	0	0
5. Children in alternative care[9]	0	0	•	0	0
6. Children chronically ill or subject to chronic treatment	0	0	•	0	0

7. LGBTIQ+ children	0	0	0	•	0
8. Children victims of abuse, exploitation, or neglect	0	0	0	•	0
9. Migrant Children	0	0	0	•	0
10. Children in situation of armed conflicts	0	0	0	•	0
11. Children affected by custody disputes, including parental abduction	0	0	0	•	0
12. Missing children	0	0	0	•	0
13. Children at risk of poverty or social exclusion [10]	0	0	•	0	0
14. Children belonging to minority ethnic groups, e.g. Roma, Sámi[11], etc.	0	0	•	0	0
15. Children involved in judicial proceedings	0	0	•	0	0
16. Children involved in judicial proceedings as suspects or accused persons	•	0	•	0	0
17. Children at risk of harmful practices, including female genital mutilation; child /forced marriages, honour-related violence	•	0	0	•	0
18. Children whose parents are in prison /custody	0	0	•	0	0
19. Children who drop out of compulsory education and working, children under the legal age for work	0	0	0	•	0
20. Children with drug or alcohol addictions	•	0	0	•	0
21. Children subjected to trafficking in human being	0	0	0	•	0
22. Children in rural and remote areas	0	0	•	0	0
23. Children under 3 years old	0	0	•	0	0
24. Children between 4 and 12 years old	0	0	•	0	0
25. Children between 13 and 18 years old	0	0	•	0	0
26. Other groups of children	0	0	•	0	0

- [9] According to the Guidelines for the Alternative Care of Children (GA A/RES/64/142), alternative care is "where the child's own family is unable, even with appropriate support, to provide adequate care for the child, or abandons or relinquishes the child, the State is responsible for protecting the rights of the child and ensuring appropriate alternative care, with or through competent local authorities and duly authorized civil society organizations. It is the role of the State, through its competent authorities, to ensure the supervision of the safety, well-being and development of any child placed in alternative care and the regular review of the appropriateness of the care arrangement provided". See: https://www.unicef.org/eca/definitions
- [10] Children at risk of monetary poverty, or severely materially and socially deprived or living in a household with a very low work intensity (AROPE), Children in poverty or social exclusion. See: https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20221027-2
- [11] The Sámi people belong to the Finno-Ugric branch of the Uralic family. They are nomadic and their territory, Sampi, is spread across four different countries: Norway, Sweden, Finland, and the Kola peninsula of Russia.

Additional comments on the groups of children:

1899 character(s) maximum

The CCBE would like to note in general that all these groups listed are vulnerable and that it is only in comparison with each other that some groups are in need of protection to a higher extent.

In addition, concerning point 13 "Children at risk of poverty or social exclusion", the CCBE considers that they need protection; however, it should be discussed how they will be protected as they should not simply be taken away from their family.

2. Children's needs and child participation

In your opinion is it important that children:

	Not important at all	Not important	Neutral	Important	Very Important	I do not know
Are able to express their needs	0	0	0	•	0	0
Speak about child protection at local level	0	0	0	•	0	0
Speak about child protection at national level	0	© © •		0	0	
Speak about child protection at EU level	0	0	0	•	0	0

Additional comments on child participation:

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	1. Should there be child protection and s and professionals working with children?	afety meası	ures in place fo	or organisations	•	0	0
	2. Should there be child protection awareness-raising in place for the broachildren?	-			•	0	0
	3. Should it be compulsory for organisa safety measures in place?	ations to ha	ve such child	protection and	•	0	0
	4. Are you aware of awareness raising national or sub-national level[13], on dig children, parents, teachers, and other rele	ital literacy,	privacy and o	•	0	0	•
	Including those carried out by the EU copa.eu/en/policies/safer-internet-centres	o-funded S	Safer Internet	Centres. See: h	ttps://diç	gital-st	rategy.ec
	ditional comments on child prote	ection sa	ıfeguards:				
18	99 character(s) maximum						
То	what extent, in your opinion, the	e child p	rotection s To a small	ystem: To a moderate	To a		l do not
		all	extent	extent	exte		know
	1. Is oriented towards prevention	0	•	0	0		0
	2. Includes intervention	0	0	•	0		0
	3. Considers the needs of children residing in rural/remote areas	0	0	•	0		0
	Considers the needs of children residing in urban areas	0	0	•	0		0
3.2	Child friendly justice:	·					
In y	vour opinion:						
_	·						

	Yes	No	I do not know
Are judicial proceedings sufficiently adapted to the age and needs of children [14]	0	•	0
2. Is it important to have joint training of specialists involved in child protection	•	0	0
3. Should different sectors (including law enforcement, criminal justice, child protective services, medical and mental health workers) cooperate and assess together the situation of the child and decide upon the follow-up	•	0	0
4. Should there be a more targeted approach to support and protect child victims in the justice systems, with coordination across sectors, including psychological support[15]	•	0	0

[14] As victims, witnesses, suspects or accused of having committed a crime, or be a party to judicial proceedings.

[15] For instance building on the Barnahus model. See: About Barnahus.

Additional comments on child friendly justice:

1899 character(s) maximum

With respect to question 1, on the whole in the EU, it was observed that judicial proceedings are not sufficiently adapted to the age and needs of children. However, in some Member States such as Germany, it has been flagged that they have been sufficiently adapted.

Concerning question 3, the CCBE fully agrees that the different sectors should work together; however, it should be highlighted that a lack of means (particularly financial) have hindered this.

Moreover, the CCBE wishes to note that it considers question 4 is not precise enough; however, it wishes to remark that generally more can be done.

3.3 Alternative care:

In your opinion:

	Not	To a	To a	To a	I do
	at	Small	Moderate	High	not
	all	extent	extent	extent	know
1. To what extent children placed in alternative care are able to lodge complaints against the personnel /foster parents, care workers, parents/family members and report abuse or violations of their rights in their own country?	0	•	0	0	0

To what extent are the following population groups/professional sectors in the area of child protection appropriately trained on child safeguards?

	Not Good	Satisfactory	Good	I do not know
Health-care personnel (doctors, nurses)	0	0	0	•
Education personnel (teachers, school counsellors)	0	0	0	•
3. Social services (social workers, psychologists)	0	0	0	•
4. Judiciary	0	0	0	•
5. Law enforcement officials (judges, prosecutors, police)	0	©	0	•
6. Migration authorities	0	0	0	•
7. IT/digital sector	0	0	0	•
8. Government Officials	0	0	0	•
9. Media	0	0	0	•
10. Parents and families	0	0	0	•

In your opinion:

	Yes	No	l do not know
Is there available assistance to adolescents that leave alternative care to live independently?	0	0	•
2. Are children views taken into consideration[16] during decisions of placement in alternative care?	0	0	•

[16] in accordance with the age and maturity of the child.

Additional comments on alternative care:

1899 character(s) maximum

The CCBE could not provide a response as it is different in every EU Member State.

4. Policy framework, integrated approach on child protection

4.1 Protocols for child protection:

	Not important at all	Not important	Neutral	Important	Very Important
1. How important is it that official procedures, that respond to children's needs and ensure effective child protection, are in place?	0	0	•	0	•

Questions:

	Yes	No	I do not know
Are you aware of a national or sub-national policy framework and/or strategy on child protection?	0	0	•
2. Does a child rights assessment exist in your country or is it planned?[17]	0	0	•
3. Is there any independent monitoring or reporting mechanisms on the child protection system?	0	0	•
4. Should there be a single authority responsible for monitoring data collection, central coordination and data sharing at national level?	0	0	•
5. If yes; should there be more data on child protection?	0	0	•
6. Should the data collection system related to child protection in the country be improved (e.g. data on violence against children, with gender- or agedisaggregation)?	0	0	•

[17]Please note that child rights assessment stands for the measurement of the impact of proposed or adopted legislation on children as a group. It is usually done at the parliamentarian or ministerial level.

Comments on protocols and monitoring:

1899 character(s) maximum

The CCBE would like to flag that if a Regulation is prepared, there should be a minimum standard that is the same in every country.	Э

To what extent, do you agree, that:

	Strongly disagree	Disagree	Undecided	Agree	Strongly Agree
There is sufficient and available information on the national or subnational policy framework or strategy on child protection	•	•	•	0	•
2. The national or sub-national policy framework or strategy on child protection is child-friendly and accessible	0	0	0	0	•
3. A national or sub-national policy framework or strategy on child protection requires an integrated approach to child protection	0	0	•	0	0
4. Children and families should be consulted regarding child protection policies and legislation	0	0	0	0	0

4.2 Human resources, training and vetting procedures:

Do you consider:

	Yes	No	l do not know
1. The allocated human resources, in the area of child protection, sufficient at all levels of the public services (national/regional/local)?	0	•	0
2. The existing budget and funding of child protection services/institutions sufficient and sustainable?	0	•	0
3. The human resources in the area of child protection are appropriately trained?	0	•	0

Additional comments on human resources, training and vetting procedures:

1899 (character(s) maximu	um		

To what extent do you find:

	Not at all	To a Small extent	To a Moderate extent	To a High extent	l do not know
Regular training to specialists involved in the area of child protection important	0	0	0	•	0
Joint training involving professionals and personnel from various disciplines in place helpful	0	0	0	•	0
3. Selection criteria and vetting procedures for volunteers working with children in various areas necessary	0	0	•	•	0
Selection criteria and vetting procedures for residential care staff necessary	0	0	0	•	0
5. The selection criteria and vetting procedures should be reinforced for educators and staff, working with children in ECEC services, schools, cultural and sports services	0	0	0	•	0

In your opinion, what are the main challenges and/or legal gaps relating to human resources, qualification requirements, vetting procedures and training in the area of child protection? Are resources sufficient?

1	1899 character(s) maximum						

Do you perceive that there are any contradictions, conflicts, or gaps between national legislation/policies on child protection and international/EU standards? If yes, please provide examples.

1899 character(s) maximum

The CCBE would like to point out as an example that for the hearing of children there are different rules and standards in each Member State.

Do you have any additional comments on policy strategies and integrated a	ıpproach
to child protection:	
1899 character(s) maximum	
How should implementation of national action plans and strategies or other actions on child protection be monitored? 1899 character(s) maximum	er policy

5. EU Action

To what extent, should the EU:

	Not at all	To a small extent	To a moderate extent	To a high extent	l do not know
Be involved (through legislation, policy or funding) to help Member States and other stakeholders strengthen child protection systems and make them work in an integrated manner	0	0	0	0	•
Provide guidance and resources on how to ensure strong and integrated child protection systems?	0	0	0	0	0

3. Enable the exchange of best practices among EU Member States and other stakeholders on EU, national, regional or local level	0	0	0	0	0
4. Provide technical support, in assessing, analysing and improving national child protection systems so that they could work in a more integrated way	0	0	0	0	0
5. Assist public authorities with the monitoring and assessment of the child protection systems	0	0	0	0	0
6. Provide financial support to strengthen integrated child protection systems	0	0	0	0	0
7. Provide training and capacity-building to different stakeholders/professionals	0	0	0	0	0
8. Support the mapping and reporting on progress	0	0	0	0	0

Should the partner countries of the EU be supported by the EU, in building and strengthening child-friendly justice and child protection systems?

1899 character(s) maximum

The CCBE would like to generally remark that the focus should be on harmonisation.
Furthermore, the CCBE appreciates the opportunity to offer input and hopes that its contributions are of assistance. Nevertheless, the CCBE believes that it is not in the position to respond to all questions raised, but intends to provide more comprehensive input at a later stage as a stakeholder offering legal perspectives.

<u>If yes</u>: particularly targeting the specific needs of migrant, refugee and forcibly displaced children and children belonging to minorities, notably Roma, or children in armed conflicts?

1899 character(s)	maximum			