



Commission of the Episcopates  
of the European Union

## Public consultation

### EU strategy on the rights of the child (2021- 2024)

*A contribution  
by the  
Secretariat of COMECE  
(Commission of the Episcopates of the European Union)*

The Catholic Church is particularly attentive to the **position of children in the family and in society**. The Apostolic Exhortation *Familiaris Consortio* (§ 26) highlights that *“In the family, which is a community of persons, special attention must be devoted to the children by developing profound esteem for their personal dignity, and great respect and generous concern for their rights. This is true for every child, but it becomes all the more urgent the smaller the child is and the more it is in need of everything, when it is sick, suffering or handicapped”*. According to the Compendium of the Social Doctrine of the Church (§§ 244-245) the dignity and rights of children must be protected by legal systems as priceless goods for the entire human family.

On this basis, the Secretariat of **COMECE** closely follows all EU policies having an impact on the rights of the child. It **contributes to multiple aspects of this key EU policy field**, ranging from legal provisions concerning **child sexual abuse**, to **media and the online environment**, to **EU funding**.

We are therefore pleased to contribute to this consultation, remaining open to a **dialogue on the** points raised in this text, including in the implementation phase of the future **EU Strategy on the rights of the child**.

The present document should be considered as **complemented** and integrated **by the explanations** provided with regard to some parts of the **Questionnaire**.

## I. General considerations

### 1. The UN Convention on the Rights of the Child

As already with the 2011 EU Agenda for the rights of the child (*'the 2011 Agenda'*), we welcome the idea that, also under the new EU Strategy, **the standards and principles of the United Nations Convention on the Rights of the Child ('UNCRC')** should continue to guide EU policies and legislation to promote and protect the rights of the child. Quotes of specific legal provisions of the Convention could be explicitly mentioned and underpin each section and sub-section of the future Strategy.

## **2. Rights of parents**

COMECE would like to restate its position, that a **holistic approach** to the rights of the child is necessary; that their **family dimension** should be central; and that they **cannot be considered separately from** - or worse, in opposition/in competition with - **the rights of parents**.

The Church values the **primacy of the role of guidance** that **parents** share with respect to their children, and their **unique position in respect of the protection of the best interest of the child**. In all the considerations formulated below, we would recall the importance of not putting the rights of the child against the ones of parents<sup>1</sup>.

The **link of the rights of the child with the rights of parents should be explicitly integrated in the EU Strategy**, especially considering that the UNCRC connects the full and harmonious development of the child's personality to the family environment. In the 2011 Agenda parents and the family were unfortunately mentioned almost exclusively in the negative context of family litigation.

COMECE welcomes the idea of **mainstreaming the rights of the child** in all relevant EU policies. In view of the considerations formulated above, we are convinced that this should naturally be **accompanied by the mainstreaming of the rights of parents**.

## **3. Evidence-based policies**

Bearing in mind the particular vulnerability of children, **evidence-based policies are even more essential in the domain of the rights of the child**, compared to other areas of EU competence. This suggests the need to continue in the reinforcement of institutional interaction with stakeholders.

While discussions with a **broad range of stakeholders** (e.g. as carried out at the European Forum on the Rights of the Child) are advisable and fruitful, in our view, **special attention** should be devoted to **parents and family associations**. Having a privileged and unique perspective and access to children, these organisations are the best placed to contribute, assess and help implement actions concerning the rights of the child.

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<sup>1</sup> Cf. also the recent Statement of the Holy See at the High-level meeting on the thirtieth anniversary of the adoption of the Convention on the Rights of the Child, New York, 20-21 November 2019: "*...the Convention recognizes that the rights of the person have a fundamentally social dimension. In the case of children, this finds an innate and vital expression in the family, the natural and fundamental unit of human society. Thus, the realization of children's rights cannot be achieved unless the family and its rights are also respected. This includes, as recognized by the Convention itself, safeguarding the primary and inalienable rights of parents regarding, inter alia, the right to education, the freedom of religion and belief, the freedom of association and the right to privacy... Children's rights should be considered within the context of the family and never in contraposition with the family, a subject of rights and duties*".

## II. Justice and fundamental rights

### 1. Directive (EU) 2018/1808 (Audiovisual Media Services Directive)

The COMECE Secretariat actively contributed to the process that led to the adoption of Directive (EU) 2018/1808. The main concern expressed by COMECE in that context was protection of children.

The recent launch of infringement procedures with regard to this Directive is a welcomed sign. COMECE would appreciate if **close monitoring of the implementation of Directive (EU) 2018/1808** could be reflected **among the priorities of the future EU Strategy** - as already in the case of Directive 2010/13/EU within the 2011 Agenda. Particular attention for the **provisions concerning protection of children** - the most vulnerable users covered by the Directive - should be recommended, including in the 2022 Commission Report on the application of the Directive.

One of the main objects of discussion in the European Parliament with regard to the proposal for a review of the Audiovisual Media Services was the use of the legal term "**moral development**" of minors. A substantial effort was made by some actors to remove the expression from the text, despite existing EU, Council of Europe and UN standards and terminology. The reference is crucial to ensure full protection for children from materials like pornography and gratuitous violence. Correct and ambitious **implementation at the national level is paramount**. This is true especially considering that the revision of the Directive led to a less severe approach in this regard (from a ban on programmes involving pornography or gratuitous violence to a requirement of the strictest measures for framing such contents).

It is also important in this context to strictly monitor **age-verification tools and parental control tools** introduced at the national level on the basis of the Directive

As in the case of provisions on disabled persons, the Commission is encouraged to closely monitor the 2022 Member States' reporting on **promotion and taking of measures for the development of media literacy skills**.

### 2. Children online: opportunities and threats

In its *Apostolic Exhortation Amoris Laetitia* (§ 278) Pope Francis rightly highlights that "The educational process that occurs between parents and children can be helped or hindered by the increasing sophistication of the communications and entertainment media. When well used, these media can be helpful for connecting family members who live apart from one another... Still... these media cannot replace the need for more personal and direct dialogue, which requires physical presence or at least hearing the voice of the other person... sometimes they can keep people apart rather than together... we cannot ignore the risks that these new forms of communication pose for children and adolescents; at times they can foster apathy and disconnect from the real world. This **"technological disconnect" exposes them more easily to manipulation** by those who would invade their private space with selfish interests".

Bearing this call in mind, we invite the Commission to include in the new EU Strategy a commitment to foster a **healthy connectivity for children**, preventing the alienation and subjection that derives from a life constantly spent online in one's childhood years. The younger generations have the right to access an online environment that provides them with opportunities and new perspectives, without having to pay the price of dangers and threats (including those related to the excessive, impersonal **'virtualisation' of human relations**). In its Second report on the implementation of its Strategy for the Rights of the Child (2016-2021), the **Council of Europe** also points with concern to evidence of negative effects of the digital environment on children "...such as **isolation and over-use**" (p. 24).

The next EU Strategy should also feature the issue of child **addiction to Internet/new technologies** (with particular reference to gaming). The phenomenon has worrying dimensions across the population in Europe. However, in this regard as well, the special vulnerability and fragility of children vis-à-vis the aggression produced by such tools is an important factor. The theme is made even more relevant by the fact that the **identification and grooming of child victims** can often take place **through their involvement in online games**.

During the period covered by the future EU Strategy, the Commission might wish to reflect on the eventual need for revisiting **Recommendation of 14 July 2014 (2014/478/EU) on principles for the protection of consumers and players of online gambling services and for the prevention of minors from gambling online**.

With regard to Question 11, a number of elements contained in the 2012 **European Strategy for a Better Internet for Children** still prove relevant and should continue to be promoted (e.g. promoting positive online experiences for young children, effective reporting tools and parental controls). However, the multiple and rapid developments that took place in new technologies and online tools (especially social media); as well as the new questions posed by the Covid-19 pandemic, make its **revision and update advisable**.

### **3. Children and pornography**

While criticising the "...ideological and mythical vision of the net as a realm of unlimited freedom", Pope Francis cautions<sup>2</sup> against the mistaken approach of underestimating "...the **harm done... by violent and sexual images on the impressionable minds of children, the psychological problems that emerge as they grow older, the dependent behaviours and situations, and genuine enslavement that result from a steady diet of provocative or violent images... The spread of ever more extreme pornography and other improper uses of the net not only causes disorders, dependencies and grave harm among adults, but also has a real impact on the way we view love and relations between the sexes**".

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<sup>2</sup> [http://www.vatican.va/content/francesco/en/speeches/2019/november/documents/papa-francesco\\_20191114\\_convegno-child\\_dignity.html](http://www.vatican.va/content/francesco/en/speeches/2019/november/documents/papa-francesco_20191114_convegno-child_dignity.html).

COMECE encourages - both at the EU and national level - **research to assess the effects of online violent and degrading sexually explicit material, especially on children**<sup>3</sup>.

#### **4. Protection of personal data**

The application of the **General Data Protection Regulation ('GDPR')** is still in its infancy. However, its evaluation in 2020 has already provided room for tentative discussions on future improvements to the text.

By May 2024 - i.e. within the timeline of the EU Strategy - the **second Report on the evaluation and review of the GDPR** will be presented by the Commission. In that context, a more systematic approach on children - and especially on holders of parental responsibility over them - may be considered.

In its 2020 contribution to the GDPR evaluation and review, the **COMECE** Secretariat also **addressed** the position of **children**, with particular reference to the issue of **consent**<sup>4</sup>.

**Misappropriation of children's data online through different means**, including gaming tools, is a big concern and COMECE would welcome its presence in the future EU Strategy.

**Private actors** should be supported and called upon to include in **internal policies** clauses on **data protection when children are involved in their activities**.

#### **5. Toys and games**

Toys are an essential part of every single child's life. All actors should be committed to **ensure that children can play safely and that toys/games are not misused for other purposes** or - worse - turn into a nightmare for the child. COMECE would welcome a further intensification of EU efforts in this sense. We welcome the work carried out by the Commission in supporting national authorities on the issue of **"connected toys"**, in relation to the need to ensure that they guarantee a full respect for the privacy and security of children.

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<sup>3</sup> Recommendation 10 of the *Declaration of Rome* encouraged an expansion of research into the health impacts resulting from the exposure of young children and adolescents to graphic, extreme internet pornography. The Declaration is available at the link <https://www.childdignity.com/blog/declaration-of-rome>. The text was adopted as a result of the World Congress "Child Dignity in the Digital World", October 2017, <https://www.weprotect.org/child-dignity-in-the-digital-world-congress-2017>.

<sup>4</sup> "A specific question with regard to legal basis' for processing concerns consent as a possible legal basis for processing when a child is involved: the GDPR provides limited indications at its Article 8, which are relevant only for information society services. The question of how to address the issue in areas that do not fall under the offer of information society services remains open to the national legislator. Consent by the holder of parental responsibility over the child should be referred to as a possible legal basis in such cases. This also affects the Church's approach and its mission in favour of children and youth, in particular catechesis".

Another element of concern is related to so-called "**loot boxes**" featured in video games. A recent study requested by the IMCO Committee of the European Parliament<sup>5</sup> eloquently outlines the risks of such tools. Within the limits of its competences, the EU should devise instruments to curb such developments, which can lead children from gaming to gambling.

Finally, COMECE welcomes the attention devoted to the situation of children by the **New Consumer Agenda** (pp. 17-18), and in particular the passage on **product safety**.

Considering the intention of the Commission to to devise the EU Strategy as an umbrella for different initiatives impacting on the rights of the child, this element should also be referenced in it.

## **6. Children with disabilities**

The Church understands that *"Since persons with disabilities are subjects with all their rights, they are to be helped to participate in every dimension of family and social life at every level accessible to them and according to their possibilities"*<sup>6</sup>.

While conscious that the main place for the subject will be the post-2020 EU Disability rights strategy, COMECE fully supports the idea of **children with disabilities being featured in the EU Strategy on the rights of the child**. This bearing in mind not only the strong provisions contained in Art. 23 of the UNCRC; but also the fact that **disabled children are a particularly fragile section of an already vulnerable category**. The **UN Convention on the rights of persons with disabilities** includes numerous provisions<sup>7</sup> focused on the situation of disabled children.

In this context, COMECE encourages the Commission to closely monitor the 2022 Member States' reporting on the implementation of Art. 7.1 of the **Audiovisual Media Services Directive**, with regard to ensuring that *"...services provided by media service providers... are made continuously and progressively more accessible to persons with disabilities through proportionate measures"*.

## **7. Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography**

**Directive 2011/93/EU** can be rightly considered as a solid **pillar of EU policies concerning protection of children**. COMECE fully supports both the approach of this legal text and the **close monitoring** by the Commission of **implementing national laws**. We look forward to the results of the study to be launched concerning the Directive and stand ready to contribute to related assessments and eventual update.

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<sup>5</sup> The study is available at the link [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/652727/IPOL\\_STU\(2020\)652727\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/652727/IPOL_STU(2020)652727_EN.pdf).

<sup>6</sup> *Compendium of the Social Doctrine of the Church*, § 148, available at the link [http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html).

<sup>7</sup> Articles 3 point h, 4.3, 7, 8.2 point b, 16.5, 18.2, 23, 24.2 point a and 24.3 point c, 25 point b, 30.5 point d.

In general, on sexual abuse, sexual exploitation of children and child pornography, **private actors** should be supported and called upon to adopt **internal policies** to ensure protection of children involved in relevant activities and in their work environment.

## **8. Violence on children**

COMECE would **support the idea of creating an EU Expert group on violence against children** (Question 13). However, the instrument should also integrate an **appropriate and structural involvement** not only of Member States, but also **of stakeholders**, including Churches, religious communities and related organisations.

This configuration would allow these actors to share their extensive experience in working with children and the youth and the good practices and solutions identified to ensure a safe environment for them.

## **9. Child participation in the political and democratic life in the EU**

The presence and activity of children online has increased exponentially in recent years and certainly since the 2011 Agenda. **Sources and multipliers of fake news and disinformation** have also become - regrettably - key players in the online environment, with a high level of sophistication. This exposes children, on a daily basis, to fake news and disinformation, to which they are particularly vulnerable. With regard to child participation policies, COMECE would encourage a **greater emphasis on children in anti-disinformation tools and instruments**. Access to reliable and truthful information is essential for a healthy and active participation.

In its 2018 contribution to the **public consultation on fake news and online disinformation**<sup>8</sup>, COMECE highlighted that *"The formation of each citizen is crucial. Education to the use of media, especially although not exclusively for children and for their parents, is essential. Children are the adult citizens/readers/users of tomorrow and deserve particular attention if a longer-term perspective is to be embraced. Education should include general culture and make citizens aware of diversity and of the diversity of keys of interpretation. Education should help build a **critical spirit** in each human being; and foster a culture of dialogue and openness to different ideas"*.

The fact that children are the adult citizens - and therefore the electors/elected - of tomorrow also highlights the need for **well-devised civic education**, while respecting the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions<sup>9</sup>. Schools are essential in the development of children's civic sense, their feeling of belonging to a collectivity characterised by certain rules, and to facilitate their participation. In countries like Italy, civic education was recently reintroduced in schools' curricula<sup>10</sup>.

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<sup>8</sup> <http://www.comece.eu/comece-takes-a-stand-on-fake-news>.

<sup>9</sup> Art. 14.3 of the Charter of Fundamental Rights of the EU.

<sup>10</sup> Law 29 August 2019, n. 92.

Finally, especially at the **local level** - by nature the closest to the reality of citizens and therefore vital for genuine participation - **mechanisms should be improved** to allow children and parents to voice their concerns.

## **10. Family law**

With regard to the implications it may have for parenthood and adoption matters (including in the context of gestational surrogacy) the COMECE Secretariat would recall its position on the **recognition of the effects of civil status records**<sup>11</sup>.

Some of the documents involved are closely linked with matters of high sensitivity that stand at the core of Member States' sovereignty (e.g. marriage, civil/registered partnerships, adoption). Initiatives for this area should not have the effect of causing undue interference with **Member States' family law systems** and the relevant national competences. The role of national '**public policy**' in family law context should be preserved<sup>12</sup>. Art. 81(3) TFEU should be interpreted in the light of Art. 9 of the EU Charter (*Right to marry and right to found a family*).

## **11. Specific phenomena**

Among recent challenges the EU Strategy should address, the following can be referred to:

- **Sexualisation and objectification of children:** support for Member States; dialogue with industry sectors and Internet providers; studies and collection of data are paramount to counter such practices in e.g. games, children wear, advertising targeting children. Unfortunately this type of content was not explicitly integrated in the Audiovisual Media Services Directive during the last revision.
- At the Member States' level, there have been initiatives to **ban the sale of child-like sex dolls**. We encourage the Commission to study such approaches and to support these efforts. Arguments based on allowing persons who have attraction towards children to have an alternative "victimless outlet" - supposedly reducing the number of cases of actual abuse committed on children - appear very questionable. Moral considerations should also underpin legislation.
- **Child self-harm**, which is subtly promoted online and should be countered through effective policies.
- **Child self-generated content**, particularly sexually explicit one. We fully support the recent statement of the Council of Europe Secretary General on risks associated with sexual images and videos self-generated by children<sup>13</sup>.

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<sup>11</sup> Expressed on the occasion of the public consultation on *Less bureaucracy for citizens: promoting free movement of public documents and recognition of the effects of civil status records*.

<sup>12</sup> As expressed by the COMECE Secretariat in its 2013 contribution to the public consultation in view of the "Assises de la justice: Shaping Justice policies in Europe for the years to come". <http://www.comece.eu/dl/KrKsJKJONIKJqx4KJK/20131219PUBJUS.pdf>.

<sup>13</sup> <https://www.coe.int/en/web/portal/-/secretary-warns-about-the-risks-associated-with-sexual-images-and-videos-self-generated-by-children>.



## **12. EU funds**

In this regard, we welcome funding opportunities in the funding period 2021-2027 with the aim of combatting hate crimes, violence and harmful practices against children (**'Citizens, Equality, Rights and Values'** programme); and invite the Commission to promote the rights of victims of crime, including children (**'Justice'** programme). Obviously part of this part of the EU Strategy should be the monitoring of the implementation of EU-funded programmes to ensure that they respect rights of the child principles and comply with EU law, including the Treaties and the Charter of Fundamental Rights of the EU.

### **III. Ethics, research and health**

In its extensive contribution to **White Paper on Artificial Intelligence – A European Approach**<sup>14</sup>, COMECE also focused on the rights of the child. We would like to recall the statements made in that regard:

- *"...the most vulnerable actor in the context of AI use and application is the child. An eventual comprehensive EU legal text concerning AI should contain strong clauses in this regard. Inspiration could, inter alia, be drawn from the provisions of the Audiovisual Media Services Directive that protect **minors' physical, mental or moral development** from any impairment/detriment. Provisions dialogue with relevant stakeholders, in particular with parents and family associations, is also recommended".*
- *"...should any clause be inserted in a future EU legislative framework to have "Explicit obligations for producers of, among others, AI humanoid robots to explicitly consider the immaterial harm their products could cause to users, in particular vulnerable users" (accompanying Report page 8) this should cover "elderly persons in care environments" but also other **key vulnerable users, such as children**".*
- *"...appreciation for the work done by the Commission in supporting national authorities with regard to **connected toys**, in relation to the need to ensure that they guarantee full respect for the privacy and security of children. This is **more generally valid and relevant for other applications that are used by children**: in this context we appreciate the reference in the accompanying Report (page 5) to the risks deriving from a national case affecting children".*

In the context of **health policies and children**, with regard to the new *Pharmaceutical Strategy for Europe*, **COMECE welcomes** the Flagship initiative on unmet needs concerning the **revision of legislation on medicines for children and rare diseases** (e.g. in paediatric cancer). COMECE will be pleased to contribute to the planned **stakeholder engagement** in the process, which should fully integrate the rights of the child dimension.

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<sup>14</sup> The contribution is available at the link [http://www.comece.eu/dl/LpmoJKJKkKoNJqx4KJK/COMECE-contribution-and-annex\\_paper\\_for\\_the\\_public\\_consultation\\_on\\_the\\_White\\_Paper\\_on\\_AI-final.pdf](http://www.comece.eu/dl/LpmoJKJKkKoNJqx4KJK/COMECE-contribution-and-annex_paper_for_the_public_consultation_on_the_White_Paper_on_AI-final.pdf).

#### IV. Culture and education

**A need for better-equipped and resilient education systems for children in the EU.** As stated by Art. 26 of the Universal Declaration of Human Rights, Art. 28 of the UN Convention on the Rights of the Child, Art. 14 of the Charter of Fundamental Rights of the EU and Art. 2 Prot. 1 of the European Convention on Human Rights, each child has the **right to education** and to have the possibility to receive free elementary compulsory education, in respect of the religious, philosophical and pedagogical convictions of the child's parents. The new EU Strategy on the rights of the child should strive to bring these rights to fulfilment in all Member States, especially by **tackling social inequalities** that prevent children from accessing them.

This objective becomes more crucial in times of crisis. In the context of the Covid-19 pandemic, the need for resilient national education systems in the EU and in the rest of the world was felt: as a consequence of the closure of schools, 1.6 billion children<sup>15</sup> could not attend classes; and the number of those excluded from education is expected to rise to 250 million in the next future. Pope Francis has called these circumstances an “**educational catastrophe**” in His speech in the context of the Global Compact on Education<sup>16</sup>.

The exacerbation of existing inequalities in the education systems stresses the need to **rethink our current and future education systems**, in order to ensure the rights of children to resilient, inclusive and quality education. In Europe, the renewed EU Strategy on the rights of the child must aim at reducing inequalities: it should do so by **tackling early school leaving** through social policies fostering fairer conditions to access education for children from disadvantaged backgrounds; and by supporting civil society working for the betterment of social conditions of families and communities. **Children with migrant background** should be granted education on a fair basis, respecting their culture. **Coordination** with other EU policies and initiatives should be enhanced, for instance through the implementation of the **European Pillar of Social Rights** and the **European Education Area**. The EU Strategy ought to ensure that children can fulfil their right to an education that is integral, interdisciplinary and transversal. Through the implementation of the recently revised **Digital Education Action Plan**, with sound provisions addressing the negative externalities of the digital environment, children must be given the possibility to learn basic digital skills and competencies; and, simultaneously, teachers must have the right opportunities to upskill in digital literacy. However, it must be ensured that digital education does not substitute face-to-face education, which must remain human-centred and involve both learners and teachers in the classroom.

Already in its contribution to the 2016 Fundamental Rights Colloquium on “*Media pluralism and democracy*” the COMECE Secretariat had underlined the importance of media literacy, suggesting to **target in particular children and their parents**.

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<sup>15</sup> The relevant data are available at the link [https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2020/08/sg\\_policy\\_brief\\_covid-19\\_and\\_education\\_august\\_2020.pdf](https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2020/08/sg_policy_brief_covid-19_and_education_august_2020.pdf).

<sup>16</sup> [https://www.vatican.va/content/francesco/en/messages/pont-messages/2020/documents/papa-francesco\\_20201015\\_videomessaggio-global-compact.html](https://www.vatican.va/content/francesco/en/messages/pont-messages/2020/documents/papa-francesco_20201015_videomessaggio-global-compact.html).

We warmly **welcome** the multiple **initiatives** promoted by the **EU in this domain**. This element remains, in our view, central and should also be fostered through the next EU Strategy.

Education should not only be limited to addressing learning of technical green and digital skills, for the needed twin digital and green transitions, but focus, in equal measure, on fostering **intercultural, interpersonal and interdisciplinary skills**. Through encounter and exchange, children will be able to grow in their openness and knowledge of the cultural diversity of Europe and the world. Hence, it is also imperative that the right of the child to education is **complemented by the right to culture and cultural life**.

In fact, culture and leisure activities can make children aware of other perspectives, foster respect and solidarity and contribute to their growth as persons. In this regard, as stressed by Pope Francis in his **Encyclical letter *Fratelli Tutti***, education should aim to develop a **culture of encounter** through the inclusion of families, teachers and communicators, whose responsibility extends to the moral, social and spiritual aspects of life, and whose actions foster openness to the world and a healthy universal integration<sup>17</sup>. Thus, it is by addressing the **right to an integral education** that the EU can foster in future generations solidarity, equality and dialogue.

Concerning **children's involvement** in designing and regulating the world of new technologies, in the educational context children could have a say in **shaping high quality and educational content** that can be useful in case of emergencies (e.g. the current **pandemic**) or as a tool to boost their **digital literacy**.

## V. Social and economic affairs

**The COVID-19 pandemic and its effects on the poverty gaps between children.** With the lockdown, many parents had to take care of their child's education and ensure distance learning. Some disadvantaged parents do not have the necessary equipment or means to ensure a proper implementation of the educational programs. In addition, many children were deprived from a nutritious diet. The number of children living in multidimensional poverty has soared because of the COVID-19 pandemic<sup>18</sup>.

In this context, it is necessary that the EU institutions adopt measures to prevent more child poverty to arise from future crises. In addition, adequate funding should be made quickly available to support the most vulnerable families and institutions in charge of children. *"Health is a universal right, and access to healthcare services cannot be a privilege"*<sup>1</sup>, said Pope Francis in 2016. On January 3<sup>rd</sup>, 2020, the Pope called for governments to ensure that everyone has access to suitable healthcare<sup>1</sup>. Too often, vulnerable children are prevented from adequate healthcare because it is not affordable.

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<sup>17</sup> The text of the Encyclical Letter is available at the link [http://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco\\_20201003\\_enciclica-fratelli-tutti.html](http://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20201003_enciclica-fratelli-tutti.html).

<sup>18</sup> <https://www.unicef.org/press-releases/150-million-additional-children-plunged-poverty-due-covid-19-unicef-save-children>.

Therefore, COMECE Secretariat encourages the European Commission to **promote access to affordable medical services for all, especially for vulnerable children** and to foster **support for private actors, including charities**, to provide **quality health care to people in need**.

- **Right to decent housing:** *“Let me be clear. There is no social or moral justification, no justification whatsoever, for the lack of housing”*, said Pope Francis in 2015. Every child should have access to decent housing. Adequate support should be given to vulnerable parents and guardians to make sure that their children grow in a safe environment. For children living in institutions, discharge should never happen before a sustainable housing solution has been secured. In addition, the European Commission should encourage *community cohesion* and *fraternity*, for example in promoting **living in community, such as shared or grouped habitats**, in the spirit of respect for the environment and care for the neighbors. Governments could also encourage community vegetable gardens close to parks and schools.
- **Secure child equality in the affordability of basic and (health)care services:** The 2021-2024 EU Strategy on the rights of the child should foster its inclusive approach to reinforce child equality. Together with the Child Guarantee, the EU institutions should take measures to reduce disadvantages, in particular in terms of access to basic and healthcare services, to avoid discrimination at an early age. Affordability of (health)care services is one of the most crucial challenges. The EU should ensure that sufficient measures are taken to encourage a **healthy nutrition at school**.
- **Promote coherence between EU social policies and funding:** COMECE welcomes the proposal of allocating at least 5% of the ESF+ to actions addressing child poverty, and the Recovery and Resilience Facility funds to support reforms and investments in light of the COVID-19 pandemic and its consequences on vulnerable children. COMECE urges for the implementation of the Multiannual Financial Framework before the end of December to make sure that adequate funding will be made available in January and ensure the full implementation of Principle 11 of the European Pillar of Social Rights. In addition, the upcoming Action Plan on the implementation of the Social Pillar should include concrete measures to strengthen access to affordable early childhood education, good quality (health)care services, and ensure protection from poverty.

## VI. External action

The Catholic Church promotes the concept of **integral human development**<sup>19</sup> – the development of *every* person and of the *whole* person, especially of the poorest, the excluded and the most vulnerable members in the society. This concept may also inform the approach to the protection and promotion of the rights of the child in EU's external action.

In the area of **development cooperation**, policies aiming at the **protection of children** should be reinforced, in particular with regard to addressing **child poverty** (“SDG 1”) and **exploitation for sexual and labour purposes** (“SDG 8.7” and “SDG 16.2”; cf. also COMECE's contribution to the *EU Action Plan on Human Rights and Democracy 2020-2024*)<sup>20</sup>. While **combating all forms of violence** against children, the EU should place a particular emphasis on **children in or affected by armed conflicts** who are disproportionately confronted with human rights and socio-economic challenges, including the risk of recruitment by armed groups, sexual abuse, trafficking, malnourishment and illness.

Moreover, the EU should also better prioritise the **empowerment of children and youth** by improving the socio-economic conditions of **families** and ensuring unhindered **access to basic social services**, adequate **healthcare, education, nutrition, clean water and sanitation**, as well as **decent housing**.

In **humanitarian assistance**, the EU should increase its support to projects and initiatives addressing **specific needs of children in emergencies**, including in the area of healthcare and education. A particular focus on children, especially in **vulnerable communities**, such as Roma, migrants and refugees or ethnic minority groups, should be integrated more strongly within **EU's neighbourhood and enlargement policies** as well.

The EU may also intensify its **political and diplomatic engagement** around the promotion of the rights of the child in bilateral and multilateral fora, including in human rights dialogues, at the Council of Europe and the United Nations. In this respect, cooperation and coordination with relevant stakeholders could be strengthened, including with civil society, Churches and religious communities, as well as academic and educational institutions.

*Brussels, 7 December 2020*  
*COMECE Secretariat*

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<sup>19</sup> <http://www.humandevlopment.va/en/sviluppo-umano-integrale.html>.

<sup>20</sup> The contribution is available at the link [http://www.comece.eu/dl/supOJKJKNOoJqx4KJK/COMECE\\_contribution\\_EU\\_Action\\_Plan\\_on\\_Human\\_Rights\\_and\\_Democracy.pdf](http://www.comece.eu/dl/supOJKJKNOoJqx4KJK/COMECE_contribution_EU_Action_Plan_on_Human_Rights_and_Democracy.pdf).

# EU strategy on the rights of the child (2021-2024)

Fields marked with \* are mandatory.

## Introduction

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Children's rights are the human rights of all those below the age of 18. According to the United Nations Convention on the rights of the child, every child in the world is entitled to the same set of civil, political, economic, social and cultural rights – irrespective of their ethnicity, gender, religion, language, abilities, migration status, sexual orientation or any other status.

The protection of children's rights is an objective of the European Union; a guiding principle for EU institutions' actions, and for the EU Member States. The EU Charter of Fundamental Rights is the legal basis for the EU action. The Charter applies to the EU institutions and bodies and the Member States when they are implementing EU law. In some areas which relate to children's rights, the EU has the competence to harmonise legislation at national level, while in others it has the power to act through other tools, such as policy coordination, or funding. Several areas of EU action also have an influence, direct or indirect, on the rights of children.

The Covid-19 pandemic, and the measures taken to respond to it, have a significant impact on children's rights.

The European Commission is preparing a new strategy on the rights of the child – and this consultation constitutes a key milestone in its preparation. The strategy will provide the policy framework for EU action on children's rights. It will present the actions (legislative, policy, funding etc.) at EU level that contribute to the protection of the rights of the child, both internally and in its external action.

The strategy will address challenges to children's rights, including in the context of the current Covid-19 pandemic, and ensure synergies with recent and upcoming policy developments. The strategy will include a list of actions for the Commission to implement in the course of the current mandate. It will also include recommendations for actions by other EU institutions and bodies, Member States and stakeholders.

The strategy will focus on several thematic areas, which could include the following priorities (non-exhaustive and non-definitive list): Child participation; Digital and Information Society; Violence against children; Health, welfare and social inclusion; Education, leisure and culture; Child-friendly justice; Migration; children affected by armed conflicts. It will also include horizontal actions to foster mainstreaming and coordination. Not all thematic areas are touched upon in this consultation, which aims at collecting more in depth input under selected topics.

The strategy will build on the 2011 EU Agenda for the Rights of the child, and other relevant policy frameworks.

The ultimate objective of the strategy is to contribute to strengthening the protection of children's rights through EU action, both in the EU and in the world.

### **Guidance on the questionnaire**

Thank you for your contribution.

All replies as well as position papers will be published [online](#). Please read the privacy statement on how personal data and contributions will be processed.

The estimated time for completion is 30 minutes.

## About you

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### \* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

Text

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

\* First name

Alessandro

\* Surname

CALCAGNO

\* Email (this won't be published)

alessandro@comece.eu

\* Organisation name

*255 character(s) maximum*

Secretariat of COMECE (Commission of the Episcopates of the European Union)

\* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number



255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

47350036909-69

### \*Country of origin

Please add your country of origin, or that of your organisation.

- |   |  |  |  |
|---|--|--|--|
| <input type="radio"/> Afghanistan         | <input type="radio"/> Djibouti           | <input type="radio"/> Libya            | <input type="radio"/> Saint Martin                     |
| <input type="radio"/> Åland Islands       | <input type="radio"/> Dominica           | <input type="radio"/> Liechtenstein    | <input type="radio"/> Saint Pierre and Miquelon        |
| <input type="radio"/> Albania             | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania        | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria             | <input type="radio"/> Ecuador            | <input type="radio"/> Luxembourg       | <input type="radio"/> Samoa                            |
| <input type="radio"/> American Samoa      | <input type="radio"/> Egypt              | <input type="radio"/> Macau            | <input type="radio"/> San Marino                       |
| <input type="radio"/> Andorra             | <input type="radio"/> El Salvador        | <input type="radio"/> Madagascar       | <input type="radio"/> São Tomé and Príncipe            |
| <input type="radio"/> Angola              | <input type="radio"/> Equatorial Guinea  | <input type="radio"/> Malawi           | <input type="radio"/> Saudi Arabia                     |
| <input type="radio"/> Anguilla            | <input type="radio"/> Eritrea            | <input type="radio"/> Malaysia         | <input type="radio"/> Senegal                          |
| <input type="radio"/> Antarctica          | <input type="radio"/> Estonia            | <input type="radio"/> Maldives         | <input type="radio"/> Serbia                           |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Eswatini           | <input type="radio"/> Mali             | <input type="radio"/> Seychelles                       |
| <input type="radio"/> Argentina           | <input type="radio"/> Ethiopia           | <input type="radio"/> Malta            | <input type="radio"/> Sierra Leone                     |
| <input type="radio"/> Armenia             | <input type="radio"/> Falkland Islands   | <input type="radio"/> Marshall Islands | <input type="radio"/> Singapore                        |
| <input type="radio"/> Aruba               | <input type="radio"/> Faroe Islands      | <input type="radio"/> Martinique       | <input type="radio"/> Sint Maarten                     |
| <input type="radio"/> Australia           | <input type="radio"/> Fiji               | <input type="radio"/> Mauritania       | <input type="radio"/> Slovakia                         |
| <input type="radio"/> Austria             | <input type="radio"/> Finland            | <input type="radio"/> Mauritius        | <input type="radio"/> Slovenia                         |
| <input type="radio"/> Azerbaijan          | <input type="radio"/> France             | <input type="radio"/> Mayotte          | <input type="radio"/> Solomon Islands                  |
| <input type="radio"/> Bahamas             | <input type="radio"/> French Guiana      | <input type="radio"/> Mexico           | <input type="radio"/> Somalia                          |
| <input type="radio"/> Bahrain             | <input type="radio"/> French Polynesia   | <input type="radio"/> Micronesia       | <input type="radio"/> South Africa                     |
| <input type="radio"/> Bangladesh          | <input type="radio"/>                    | <input type="radio"/> Moldova          | <input type="radio"/>                                  |

- |  | French<br>Southern and<br>Antarctic Lands                     |   | South Georgia<br>and the South<br>Sandwich<br>Islands |
|--|---|---|---|
| <input type="radio"/> Barbados                               | <input type="radio"/> Gabon                                   | <input type="radio"/> Monaco                      | <input type="radio"/> South Korea                     |
| <input type="radio"/> Belarus                                | <input type="radio"/> Georgia                                 | <input type="radio"/> Mongolia                    | <input type="radio"/> South Sudan                     |
| <input checked="" type="radio"/> Belgium                     | <input type="radio"/> Germany                                 | <input type="radio"/> Montenegro                  | <input type="radio"/> Spain                           |
| <input type="radio"/> Belize                                 | <input type="radio"/> Ghana                                   | <input type="radio"/> Montserrat                  | <input type="radio"/> Sri Lanka                       |
| <input type="radio"/> Benin                                  | <input type="radio"/> Gibraltar                               | <input type="radio"/> Morocco                     | <input type="radio"/> Sudan                           |
| <input type="radio"/> Bermuda                                | <input type="radio"/> Greece                                  | <input type="radio"/> Mozambique                  | <input type="radio"/> Suriname                        |
| <input type="radio"/> Bhutan                                 | <input type="radio"/> Greenland                               | <input type="radio"/> Myanmar<br>/Burma           | <input type="radio"/> Svalbard and<br>Jan Mayen       |
| <input type="radio"/> Bolivia                                | <input type="radio"/> Grenada                                 | <input type="radio"/> Namibia                     | <input type="radio"/> Sweden                          |
| <input type="radio"/> Bonaire Saint<br>Eustatius and<br>Saba | <input type="radio"/> Guadeloupe                              | <input type="radio"/> Nauru                       | <input type="radio"/> Switzerland                     |
| <input type="radio"/> Bosnia and<br>Herzegovina              | <input type="radio"/> Guam                                    | <input type="radio"/> Nepal                       | <input type="radio"/> Syria                           |
| <input type="radio"/> Botswana                               | <input type="radio"/> Guatemala                               | <input type="radio"/> Netherlands                 | <input type="radio"/> Taiwan                          |
| <input type="radio"/> Bouvet Island                          | <input type="radio"/> Guernsey                                | <input type="radio"/> New Caledonia               | <input type="radio"/> Tajikistan                      |
| <input type="radio"/> Brazil                                 | <input type="radio"/> Guinea                                  | <input type="radio"/> New Zealand                 | <input type="radio"/> Tanzania                        |
| <input type="radio"/> British Indian<br>Ocean Territory      | <input type="radio"/> Guinea-Bissau                           | <input type="radio"/> Nicaragua                   | <input type="radio"/> Thailand                        |
| <input type="radio"/> British Virgin<br>Islands              | <input type="radio"/> Guyana                                  | <input type="radio"/> Niger                       | <input type="radio"/> The Gambia                      |
| <input type="radio"/> Brunei                                 | <input type="radio"/> Haiti                                   | <input type="radio"/> Nigeria                     | <input type="radio"/> Timor-Leste                     |
| <input type="radio"/> Bulgaria                               | <input type="radio"/> Heard Island<br>and McDonald<br>Islands | <input type="radio"/> Niue                        | <input type="radio"/> Togo                            |
| <input type="radio"/> Burkina Faso                           | <input type="radio"/> Honduras                                | <input type="radio"/> Norfolk Island              | <input type="radio"/> Tokelau                         |
| <input type="radio"/> Burundi                                | <input type="radio"/> Hong Kong                               | <input type="radio"/> Northern<br>Mariana Islands | <input type="radio"/> Tonga                           |
| <input type="radio"/> Cambodia                               | <input type="radio"/> Hungary                                 | <input type="radio"/> North Korea                 | <input type="radio"/> Trinidad and<br>Tobago          |
| <input type="radio"/> Cameroon                               | <input type="radio"/> Iceland                                 | <input type="radio"/>                             | <input type="radio"/> Tunisia                         |

- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Barthélemy
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia

- Democratic Republic of the Congo
- Denmark
- Lesotho
- Liberia
- Saint Helena
- Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- Zimbabwe

**\* Publication privacy settings**

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

**Public**

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

I agree with the [personal data protection provisions](#)

**A. General questions**

1. Over the past 10 years, the overall situation of children's rights has:

	Significantly declined	Slightly declined	Not changed	Slightly improved	Significantly improved	I don't know
In your region	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In your country	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Outside of the EU	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. To what extent the following population groups /professional sectors are aware of children's rights:

	Good	Satisfactory	Not good	I don't know

Children	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Parents and families	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Government	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Educators	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Health-care professionals	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Social services	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Judiciary	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Law enforcement	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Migration authorities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
IT/digital sector	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Media	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
General population	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

3. Which of the following should be a priority for action in your country? 1 star = least important, 8 stars = top priority

Child participation in the political and democratic life	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Digital and information society	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Violence in all its forms	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Welfare, health and social inclusion	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Education, leisure and culture	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Child-friendly justice	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Mainstreaming child rights in all actions	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Coordination among relevant actors	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>

4. Which of the following should be a priority for EU action? 1 star = least important, 8 stars = top priority

Child participation in the political and democratic life	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Digital and information society	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/>
Violence in all its forms	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/>

Welfare, health and social inclusion	★ ★ ★ ★ ★ ★ ★ ★
Education, leisure and culture	★ ★ ★ ★ ★ ★ ★ ★
Child-friendly justice	★ ★ ★ ★ ★ ★ ★ ★
Mainstreaming child rights in all actions	★ ★ ★ ★ ★ ★ ★ ★
Coordination among relevant actors	★ ★ ★ ★ ★ ★ ★ ★

5. What areas should EU action focus on, to foster the protection of children's rights?

*between 1 and 5 choices*

- Introduce new or revise existing EU legislation
- Enforce and monitor the application of EU legislation
- Enhance the mainstreaming of children's rights in all relevant EU policies
- Draft or review specific framework(s) in key policy areas
- Help Member States and third countries implement their obligations under the UNCRC
- Provide funding for projects on children's rights inside and outside the EU
- Gather data on children's rights
- Capacity-building and training for professionals
- Information and awareness-raising campaigns, including for children
- Strengthen cooperation and coordination between Member States
- Provide for mutual learning between EU Member States and third-countries
- Collaborate with civil society organisations and international organisations

6. Please further explain your choices above:

*1500 character(s) maximum*

7. Covid-19 has significantly impacted children and their rights. How could child rights and child protection be better embedded in response mechanisms to the pandemic, and to emergency situations in general.

*2000 character(s) maximum*

The Covid-19 crisis greatly impacted on children, due both to their (further) increased access to the online environment; and to the forced confinement in not always safe environments. This makes it evident that a pandemic-proof approach will have to be present in the future EU Strategy and be the lens through which each section will have to be assessed.

The current pandemic reposed with particular urgency the question of the relations of children with new technologies. On one hand it confirmed the need to protect them against the risks and threats of the online environment; on the other hand it showed the urgency of ensuring that all children have the opportunity of having access to such technologies, as an indispensable instrument to enjoy the fundamental right to education. The final goal should be to ensure to all children the right to a safe access to internet. The digital divide should not be cause of inequalities or marginalisation. To achieve this goal, the EU may intervene both with harmonisation of legal provisions and with funds.

For further references concerning the impact of Covid-19 on the rights of the child cf. the reply to Question 15 (justice) and the attached position paper (education, social affairs).

## B. Participation in the EU political and democratic life

### 8. To what extent do you agree with the following statements

	Fully agree	Partially agree	Partially disagree	Fully disagree	I don't know
Participation of children in the political and democratic life should be encouraged through EU action	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The EU should become closer to its child citizens, including through adapted communication	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
EU institutions should consult children directly in policy making and programming	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The EU should support child participation at the local and national level	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Child participation only matters at the local and national level, not at the EU level	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### 9. What are the main challenges to ensuring child participation in the political and democratic life in the EU?

*at most 3 choice(s)*

- Children are not seen as citizens who have a right or the capacity to participate
- Lack of political will
- Lack of adequate expertise and know-how
- Lack of financial resources
- Difficulty to include different groups of children/ not all children have access to channels of participation

## 10. Which mechanism(s) should the EU develop?

at most 4 choice(s)

- Child advisory board(s)
- Children's Parliament(s)
- On-line consultations
- Ad-hoc meetings with children
- Regular consultations on upcoming legislation, policy making and programming
- Dedicated child-friendly information and campaigns
- EU competition on child participation (for schools, municipalities etc.)
- Initiatives through schools on the EU and children's rights
- Funding for child participation at local and national level

### C. Digital information and society

The implications of the digital age for children's rights are manifold and ever changing. Examples are: the right to privacy and to be forgotten; the right of access to information and the right to education; the right to be safeguarded from abuse; the right to freedom of expression and the right to be heard. EU actions include the [European Strategy for a Better Internet for Children](#) - with EU funding to the [Safer Internet Centres](#) network and the [Alliance to better protect minors online](#), the [Digital Education Action Plan](#), the [2018 Audiovisual Media Services Directive](#) and data protection compliance via [GDPR](#), as well as the potential regulatory framework on artificial intelligence (White Paper on Artificial Intelligence of 19.2.2020).

## 11. To what extent do you agree with the following statements

	Fully agree	Partially agree	Partially disagree	Fully disagree	I don't know
The European Strategy for a Better Internet for Children should be renewed	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The EU legislation in this field adequately caters for the protection of children's rights	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The EU plays a key role in fostering protection of children's rights in the digital environment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
IT companies should play a bigger role in ensuring the protection of children's rights in the digital environment	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Children need to be involved in designing and regulating the world of new technologies, where they are the main users	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



12. What should EU action focus on, in order to foster the protection of children's rights in the digital environment?

*at most 4 choice(s)*

- Introduce new or revise existing EU legislation
- Enforce and monitor the application of EU legislation
- Draft or review specific policy frameworks
- Provide funding (e.g. for Safer Internet Centres)
- Gather data on children's use of new media, and the impact on their rights
- Capacity-building and training for professionals
- Information and awareness-raising campaigns, including for children
- Strengthen cooperation with IT companies
- Facilitate the participation of children to the creation of new technologies

#### **D. Violence against children**

To tackle violence against children, the EU adopted – amongst others - the [2011 Directive on sexual abuse and sexual exploitation of children \(including child pornography and child prostitution\)](#), the [2011 Directive on trafficking in human beings](#), the [Victims' Rights Directive](#), the 2020 EU strategy for a more effective fight against child sexual abuse, and the [2008 EU guidelines on children in armed conflict](#). In addition, it co-funds Safer Internet Centers, and EU legislation established the 116 000 hotlines for missing children and the 116 111 child helplines in almost all EU Member States.

13. Which of the following should the EU focus on to help fight violence against children?

*at most 4 choice(s)*

- Further elaborate and promote the 2015 Principles on Integrated Child Protection Systems
- Support Member States in improving the collection of data on children affected by all types of violence
- Support cooperation and exchange among actors at national and EU level involved in the fight against violence
- Set up a Member States expert group on violence against children
- Support funding of assistance programmes in development and cooperation, assistance to the neighbourhood and humanitarian aid
- Focus on online violence, and all forms of violence related to new technologies
- Focus on gender-based violence, including harmful practices, also outside the EU
-

Further promote and support the existing European child helpline and hotline for missing children

- End and prevent violence against children affected by conflicts

14. Based on your professional experience, does violence particularly affect certain groups of children?

*at most 4 choice(s)*

- Girls
- Boys
- LGBTI children
- Children in migration
- Children with disabilities
- Children belonging to an ethnic minority
- Children in care
- Children at school
- Street children
- Children in poverty
- Children in the online space
- Children living in conflict-affected countries/humanitarian settings
- I don't have professional experience related to this

#### **E. Justice & Migration**

In the area of child-friendly justice, a [Directive on procedural safeguards for children suspected or accused in criminal proceedings](#) was adopted in 2016. Child victims are also a focus of the [2012 Victims' Rights Directive](#). A recast of Brussels IIa Regulation was adopted in 2019 to make cross-border family proceedings cheaper and faster for children and their families. The [2020 EU Justice Scoreboard](#) provides a comparative assessment of national developments on child-friendly justice.

In 2017, the Commission issued a [Communication on the protection of children in migration](#). The EU migration acquis contains special provisions for children, such as the [2003 Family reunification Directive](#), the [Dublin Regulation](#), the [2013 Reception conditions Directive](#) or the [2013 Asylum Procedure Directive](#).

15. Do you see gaps in EU legislation on child-friendly justice, or issues in its implementation? What further legislative action, if any, should the EU take in this field?

*2000 character(s) maximum*

Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings provides a welcome framework in an area of need.

As reported by the Commission, the Covid-19 pandemic has created difficulties, e.g. with regard to the hearing of children in court, as well as to their right to maintain regular contact with parents, family and

friends, especially through visits. These elements of the Directive, as well as other affected ones, should be reviewed in the light of the lessons learned from the pandemic.

Recital 52 of the Directive makes an important reference to respect for the fundamental right to freedom of religion or belief of the child. This provision should be further strengthened and the right to spiritual assistance be explicitly mentioned. Furthermore, Recital 36 and Article 7.2 (Right to an individual assessment) should be integrated by a reference to the religious and cultural background of the child.

The Commission is invited to consider the above elements in the context of the reporting exercise and the evaluations foreseen for 2022.

## 16. Where should the EU act first, to contribute to child-friendly justice systems?

*at most 4 choice(s)*

- Introduce new or revise existing EU legislation (where it is competent to legislate)
- Enforce and monitor the application of EU legislation
- Draft or review specific policy framework
- Provide funding for authorities and other actors involved in the justice system
- Gather data
- Capacity-building and training for professionals, also outside the EU
- Information and awareness-raising campaigns, including for children
- Strengthen cooperation and coordination at EU level and between Member States

## 17. The 2017 Communication on the protection of children in migration remains the framework for EU action in this field. What parts of the Communication have not progressed enough in your opinion, and where would you suggest efforts be concentrated in the future?

*2000 character(s) maximum*

The 2017 Communication refers to childcare and integration as a way to prevent radicalisation and violence. However, a change of narrative is a must as a reductionist frame could contribute to the stigmatisation of migrants, in linking the condition of being 'migrant' with a potential threat to societies.

Expanding the presence of Child Protection Officers in hotspots is necessary, including monitoring and assigning resources for the reception of children as, mostly, today NGOs and Church organisations assume this responsibility. Membership of the European guardianship network should be promoted, as most Member States are not involved or are only at regional level.

It would be beneficial to elaborate an Action Plan to foster-family based childcare, a model which is still underdeveloped, and that can positively promote cultural integration (Article 20.3 UN Convention on the Rights of the Child).

It is also important to enhance awareness on missing children as potential victims of human trafficking

through public prevention campaigns. Yet, adequate procedures and protocols are not sufficiently developed in certain Member States to respond in a systematic manner to this problem.

The EASO 2018 age assessment guidance is not always followed by Member States, especially the provisions on adequate information, support, advice and legal representation by public authorities. Additionally, the decisiveness of these tests and their still unreliable results make it necessary to foster a concrete application of the proportionality test in the best interest of the child; as well as further protection of the right to refuse participation. Alternative methods, more accurate and less invasive ones, excluding nudity or examinations of genital and breast development, as proposed by the UN Children's Fund and the Council of Europe.

## 18. Are there other priorities (which are not included in the 2017 Communication) which you would like EU action to focus on?

*1500 character(s) maximum*

A Covid-19 Strategy is necessary to protect migrant children, who are disproportionately at risk in times of pandemic. Lack of access to internet connection or technological devices weakens their right to education. Urgent targeted funds should address poverty risk, violence and health needs. European provisions on children's guardians right to appeal decisions concerning their age determination are required due to their unreliability: e.g. in some States decisions are taken by the Public Prosecutor and cannot be contested in courts, that may lead to arbitrary decisions based on tests that do not take into consideration differences in children's physical development, linked to their diverse social, nutritional, psychological, environmental or cultural backgrounds. High margins of error in tests might lead to violating the principles of the best interest of the child and non-discrimination. This issue is directly related to insufficient training of officers in child protection and rights. Collected personal data must enjoy high protection due to their special vulnerability of children. The right of children to practice their religion should be safeguarded as far as the exercise is consistent with the evolving capacities of the child and with the limitations contained in Art. 14.2 of the UNCRC. Migrants with disabilities should be protected in the general framework, including the right of parents to choose special or regular education for them.

### Further information

If you wish to add further relevant comments or information, please do so here:

*2000 character(s) maximum*

The uploaded position paper forms integral part of the COMECE Secretariat contribution to this consultation. It contains key comments and information concerning the following areas: Justice and fundamental rights; Ethics, research and health; Culture and education; Social and economic affairs; External action.

Please feel free to upload a concise document, such as additional evidence supporting your responses, or a position paper. The uploaded document will be published alongside your response to the questionnaire.

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## Contact

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