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EU *acquis* and policy documents on the rights of the child [1]

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1. INTRODUCTION

This document aims to compile and track all EU legislation and provisions - as well as major policy documents - on the rights of the child, including other documents of particular relevance to children. It also includes Commission proposals for legislation in order to provide an overview. This document is intended as a practical reference tool for Commission officials and other stakeholders and all documents referenced are hyperlinked. A full directory of EU *acquis* is available here: http://eur-lex.europa.eu/collection/eu-law/legislation/recent.html

This compilation is child-focussed. Input has been sourced from the Directory referenced above, Commission lists on EU *acquis*, the Stockholm Programme mid-term review of 13 November 2012, Commission proposals mainstreamed by DG JUSTICE, consultation of members of the Commission's Interservice group on the rights of the child and various policy documents.

Note: The document is a work in progress and will be continuously subject to change. Not all financial programmes are included and some chapters may lack content.

2. CONTEXT

The promotion and protection of the rights of the child is one of the objectives of the EU on which the Treaty on European Union (notably Article 3(3)) puts further emphasis. The rights of the child are also enshrined in the Charter of Fundamental Rights of the European Union, where Article 24 of the Charter recognises that children are independent and autonomous holders of rights. Article 24 of the Charter also makes the child's best interests a primary consideration for public authorities and private institutions.

The Charter of Fundamental Rights of the European Union applies to Member States only when they are implementing EU law. The public authorities of the Member States – legislative, executive and judicial – are only bound to comply with the Charter when implementing EU law, notably when they are applying EU regulations or decisions or implementing EU directives. Judges in the Member States, under the guidance of the Court of Justice, have the power to ensure that the Charter is respected by the Member States only when they are implementing EU law.

If a situation does not relate to EU law, it is up to national authorities, including the courts, to enforce fundamental rights. Where the Charter does not apply, fundamental rights continue to be guaranteed at national level according to the national constitutional systems. Member States have extensive national rules on fundamental rights, the respect of which is guaranteed by national courts.

All Member States have made commitments under the European Convention of Human Rights, independently of their obligations under EU law. Therefore, as a last resort, and after

exhausting all remedies available at national level, individuals may bring an action at the European Court of Human Rights in Strasbourg for violation by a Member State of a fundamental right guaranteed by the European Convention on Human Rights.

The European Court of Human Rights has designed an admissibility checklist in order to help potential applicants work out for themselves whether there may be obstacles to their complaints being examined by the Court.

In this context, following on from the Commission Communication of 4 July 2006 (COM(2006)367 final): towards an EU Strategy on the rights of the child, the European Commission adopted an EU Agenda for the rights of the child in February 2011, reaffirming the strong commitment of all EU institutions and of all EU Member States to promoting, protecting and fulfilling the rights of the child in all relevant EU policies. The EU Agenda recalled that the standards and principles of the United Nations Convention on the rights of the child must continue to guide EU policies and actions that have an impact on the rights of the child. Under general principles, the EU Agenda underlined that the EU's commitment to the rights of the child requires a coherent approach across all relevant EU actions...using the Treaties, the Charter of Fundamental Rights and the UNCRC as a common basis for all EU action relevant to children. Furthermore, the "child rights perspective" must be taken into account in all EU measures affecting children. In the conclusion of the EU Agenda, the Commission called on the EU institutions and on the Member States to renew their commitment to step up efforts in protecting and promoting the rights of children. The action of the EU should be exemplary in ensuring the respect of the provisions of the Treaties, the Charter of Fundamental Rights of the European Union and of the UNCRC with regard to the rights of children and stated that the Commission will continue to play its part in joint efforts to achieve the well-being and safety of all children. All acceding countries to the EU must have acceded to the UNCRC. A renewed commitment of all actors is necessary to bring to life the vision of a world where children can be children and can safely live, play, learn, develop their full potential, and make the most of all existing opportunities.

FRA has published a Handbook on European law relating to the rights of the child in cooperation with the Council of Europe and the European Court of Human Rights. The handbook is designed to assist lawyers, judges, prosecutors, social workers, non-governmental organisations and other bodies confronted with legal issues relating to the rights of the child. It covers issues such as equality, personal identity, family life, alternative care and adoption, migration and asylum, child protection against violence and exploitation, as well as children's rights within criminal justice and alternative proceedings. The handbook is the first comprehensive guide to European law in the area of child rights, taking into account both the case law of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU). It provides information on: the EU Charter of Fundamental Rights, relevant Regulations and Directives; the European Social Charter (ESC); decisions of the European Committee of Social Rights; other Council of Europe instruments; as well as on the UN Convention on the Rights of the Child and other international instruments. The handbook is now available in English and French and publication in other languages is planned for 2016. http://fra.europa.eu/en/publication/2015/handbook-european-law-child-rights. Printed copies can be obtained free of charge from the EU bookshop at the following link: http://bookshop.europa.eu/en/handbook-on-european-law-relating-to-the-rights-of-the-child-pbTK0415510/?CatalogCategoryID=YEMKABstGrkAAAEjmYYY4e5K

The order followed belowis aligned with the enlargement process chapters of the *acquis.*

3. KEY ENLARGEMENT DOCUMENTS

3.1. Copenhagen criteria adopted by the European Council in Copenhagen on 21-22 June 1993

3.2. Communication from the Commission (COM(2015) 611 final)to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on EU Enlargement Strategy

4. EUROPE 2020

Europe 2020 is the EU's strategy to promote smart, sustainable and inclusive growth.

The EU has set ambitious objectives to be reached by 2020 in five main areas:

- Employment - 75% of the population aged 20-64 should be employed
- Innovation - 3% of the EU's GDP should be invested in Research & Development
- Climate change - the "20/20/20" climate/energy targets should be met (including an increase to 30% of emissions reduction if the conditions are right)
- **Education - the share of early school leavers should be under 10%** and at least 40% of 30-34 years old should have completed a tertiary or equivalent education
- **Poverty - reduction of poverty by aiming to lift at least 20 million people out of the risk of poverty or exclusion**

4.1. Policy documents and Commission proposals

4.2. Commission communication of 3 March 2010 (COM(2010)2020 final) on Europe 2020: a strategy for smart, sustainable and inclusive growth

(Setting headline targets)

4.3. Conclusions of the European Council of 25-26 March 2010

(Agreeing headline targets in general, numerical rates and indicators to be discussed in June)

4.4. Conclusions of the European Council of 17 June 2010

(Adopting the Europe 2020 strategy and defining numerical rates for headline targets on education and poverty – see also Annex I to conclusions)

4.5. Country-specific recommendations (CSRs) adopted in 2014 by the European Council.

Twenty-six Member States received one or more CSRs relating to children in 2014, covering: income support, efficiency/effectiveness, ECEC/childcare (access, affordability, quality), inclusive education/early school leaving, affordable housing, financial disincentives, reconciliation, youth activation, health, and Roma.)

(The country-specific recommendations adopted in 2013 by the European Council covered 14 Member States, which received one or more CSRs relating to children. These addressed the following topics:

- Income support and generic provisions on child poverty (BG, HU, IT, LV, RO, UK)
- Efficiency/effectiveness of childcare (EE)
- Deinstitutionalisation (RO, BG)
- ECEC and childcare (AT, CZ, DE, EE, ES, HU, IT, MT, PL, RO, SK, UK)
- Inclusive education/early school leaving (AT, BG, CZ, ES, HU, IT, MT, RO, SK)

4.6. Communication from the Commission (COM 2016) 95 Final/2) to the European Parliament, the Council, the European Central Bank and the Eurogroup on 2016 European Semester: Assessment of progress on structural reforms, prevention and correction of macroeconomic imbalances, and results of in-depth reviews under Regulation (EU) No 1176/2011

(Rights of the child: see page 12 on children and poverty, Roma inclusion and child refugees There are specific reference to rights of the child-related issues for a total of 7 MS (BG, ES, IE, HU, MT, RO, SK)

4.7. Communication from the Commission (COM (2016) 321 Final) to the European Parliament, the European Council, the Council, the European Central Bank, the European Economic and Social Committee, the Committee of the Regions and European Investment Bank on 2016 European Semester: Country-specific recommendations

(Out of an EU child population of 100 million, one in four children is currently at risk of poverty and social exclusion and many children are experiencing homelessness, lack access to social protection and/or educational structures).

5. CHAPTER 2: FREEDOM OF MOVEMENT FOR WORKERS

5.1. Acquis

(See Chapter 23 for Directive 2004/38)

5.2. Regulation 492/2011 on freedom of movement of workers within the Union

(Right for family members of migrant workers to access social assistance and welfare, as well as education on the same basis as nationals)

5.3. Directive 2014/54 EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers

(Access to education, apprenticeship and vocational training for the children of European Union workers)

6. CHAPTER 3: RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES

6.1. Policy documents and Commission proposals

6.2. Commission Communication COM(2012)596 final: towards a comprehensive European framework for online gambling

(See section 2.3.2 – ensuring the protection of minors, defined on page 4 as: Minors as used in this Communication include "children". In line with Article 1 of the UN Convention on the Rights of the Child, a "child" means any person below 18 years of age. In certain Member States young adults are covered by the regime applicable to children.)

6.3. Commission 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 (Text with EEA relevance)

(Addresses commercial communications, sponsorship by gambling operators, and the types of media used by minors that might expose them to gambling)

7. CHAPTER 10: INFORMATION SOCIETY AND MEDIA

7.1. Acquis

7.2. Directive 2010/13/EU of 10 March 2010 on audiovisual media services (AVMS)

(Limits amount of marketing to which children may be exposed during children's programmes, e.g. Article 9.1(g), Article 10.4, Article 11, Article 20.)

7.3. Directive 2011/93/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography

(Filed in Chapter 24 in this document on Justice, Freedom and Security)

(See Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography under Justice, Freedom and Security Chapter)

7.4. Council Recommendation 98/560/EC of 24 September 1998 on the protection of minors and human dignity in audiovisual and information services

7.5. European Parliament and Council Recommendation 2006/952/EC of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and online information service industry

7.6. 116000 hotlines for missing children

7.7. Acquis

7.8. Commission Decision 2007/698/EC of 29 October 2007 reserving numbers for hotlines relating to children

116000 for missing children and 116111 for child helplines

7.9. Directive 2009/136 – Universal service directive

Requirement for MS to make every effort to make the 116000 (same number, same service) missing children hotline operational (Article 27(a))

7.10. Policy documents and Commission proposals

7.11. Commission Communication (COM(2008)207 final) of 22 April 2008 on the protection of consumers, in particular minors, in respect of the use of video games

7.12. Commission Communication (COM(2011)556 final) of 13 September 2011 on Protecting children in the digital world

Analysis of implementation of 1998 and 2006 recommendations

7.13. Commission Communication (COM(2012)196 final) of 2 May 2012: European strategy for a better internet for children

The strategy is articulated around four main 'pillars' that mutually reinforce each other: (1) Stimulating quality content online for young people; (2) Stepping up awareness and empowerment; (3) Creating a safe environment for children online; and (4) Fighting against child sexual abuse and child sexual exploitation. It proposes a series of actions to be undertaken by the Commission, Member States and the whole industry value chain.

7.14. Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions COM(2012)203 final of 4 May 2013 on the application of Directive 2010/13/EU 'Audiovisual Media Service Directive'

(See Sections 2.6 on commercial communications (advertising targeting children) and Section 4 Conclusions)

7.15. Commission Staff Working Document of 4 May 2012 SWD(2012)125 final on the application of Directive 2010/13/EU 'Audiovisual Media Services Directive'

(See Section 4 on advertising targeting children)

7.16. Proposal (COM(2016) 287 final) for a Directive of the European Parliament and of the Council amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities

(The proposed modifications aim at simplifying the obligation to protect children against harmful content. It now says that everything that 'may be harmful' should be restricted on all services. The most harmful content shall be subject to the strictest measures, such as PIN codes and encryption. This will apply also to on-demand services.

Member States shall ensure that audiovisual media service providers provide sufficient information to viewers about harmful content to children. For this purpose, Member Stes may use a system of descriptors indicating the nature of the content of an audiovisual media service.)

7.17. Communication from the Commission (COM(2016) 288) to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Online Platforms and the Digital Single Market Opportunities and Challenges for Europe

7.18. Report from the Commission (COM(2016) 364 final) to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Final evaluation of the multi-annual EU programme on protecting children using the Internet and other communication technologies (Safer Internet)

7.19. 116000 hotlines for missing children

7.20. Policy documents and Commission proposals

7.21. Commission Communication (COM(2010)674 final) of 17 November 2010 – Dial 116000: the European hotline for missing children

(Renewed call on MS to implement the missing children hotline)

7.22. Commission Communication (COM(2014) 72 final) of 12 February 2014 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on internet policy and governance and Europe's role in shaping the future of internet governance

(See Section 7 on cybercrime, including online child abuse)

7.23. Commission proposal (COM(2016) 590 final/2) for a Directive of the European Parliament and of the Council establishing the European Electronic Communications Code (Recast)

Narrows down and clarifies the requirements for 116 000 (Article 90)

8. CHAPTER 11: AGRICULTURE AND RURAL DEVELOPMENT

8.1. Acquis

8.2. Council Regulation (EC) No 13/2009 of 18 December 2008 – school fruit scheme

8.3. Commission Regulation (EC) No 657/2008 of 10 July 2008 - school milk scheme

8.4. Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007

(Encouraging the consumption of fruit and vegetables, as well as of milk and milk products by school children. See, inter alia, Article 23 regarding aid for the supply of fruit and vegetables, processed fruit and vegetables and banana products to children)

8.5. Commission Delegated Regulation (EU) No 500/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council by amending Commission Regulation (EC) No 288/2009 as regards the granting of aid for accompanying measures in the framework of a School Fruit and Vegetables Scheme

8.6. Commission Delegated Regulation (EU) No 1047/2014 of 29 July 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national or regional strategy to be drawn up by Member States for the purpose of the school milk scheme

8.7. Commission Implementing Regulation (EU) No 221/2014 of 7 March 2014 amending Regulation (EC) No 288/2009 in respect of fixing the indicative allocation of the aid under the School Fruit and Vegetables Scheme

8.8. Policy documents and Commission proposals

8.9. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1308/2013 and Regulation (EU) No 1306/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in the educational establishments {SWD(2014) 28 final} {SWD(2014) 29 final}

9. CHAPTER 12: FOOD SAFETY, VETERINARY AND PHYTOSANITARY POLICY

9.1. Acquis

9.2. Commission Directive 2006/125/EC of 5 December 2006 on processed cereal-based foods and baby foods for infants and young children

(Composition, labelling, pesticide residues, prohibition of very toxic pesticides)

9.3. Commission Regulation (EU) No 155/2014 of 19 February 2014 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health

9.4. Commission Regulation (EU) 2016/239 of 19 February 2016 amending Regulation (EC) No 1881/2006 as regards maximum levels of tropane alkaloids in certain cereal-based foods for infants and young children

10. CHAPTER 14: TRANSPORT POLICY

10.1. Road safety

(see also Chapter 20 Enterprise and Industrial Policy on motor vehicle safety)

10.2. Acquis

10.3. Directive 91/671/EEC of 16 December 1991 relating to the compulsory use of safety belts and child-restraint systems in vehicles (as amended by Directive 2014/37/EU below)

(Mandatory use of restraint systems in all categories of motor vehicles (private and commercial vehicles, heavy goods vehicles, buses and coaches and obligation to use the safety belt when the vehicle is in motion for all seats fitted with one. The use of suitable Child Restraint Systems, specially adapted to the size and weight of children is also compulsory under this Directive.)

10.4. Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management

(The Directive does not mention children specifically but Recital 9 emphasises the importance of preventing possible dangers for all road users, including vulnerable users. This Directive applies to all roads which are part of the trans-European road network and Member States are encouraged to implement the provisions on secondary roads too: Member States are required to carry out a safety impact assessment at the pre-design stage, a safety audit at the design stage and regular safety inspections every three years once a road is in operation. Member States will also have to identify dangerous road stretches so as to resolve problems identified.)

10.5. Commission Implementing Directive 2014/37/EU of 27 February 2014 amending Council Directive 91/671/EEC relating to the compulsory use of safety belts and child restraint systems in vehicles

11. CHAPTER 18: STATISTICS

11.1. Acquis

11.2. Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 – statistics on migration and international protection

(Provisions for disaggregation of data according to age)

11.3. Commission Regulation EU No 216/2010 of 15 March 2010 - statistics on migration and international protection

(Issuance of residence permits – categories of reasons for issuance – family formation or reunification (minor))

12. CHAPTER 19: SOCIAL POLICY AND EMPLOYMENT

(see also EUROPE 2020 section in this document)

12.1. Acquis

12.2. Directive 94/33/EC of 22 June 1994 on the protection of young people at work

(As amended by Directive 2007/30/EC of 20 June 2007 laying down minimum requirements for the protection of young people (under 18) at work in accordance with age)

12.3. Poverty and social exclusion

12.4. Regulation (EU) No 223/2014 of the European Parliament and of the Council of 11 March 2014 on the Fund for European Aid to the Most Deprived

(Addresses issues surrounding severe material deprivation, child poverty, etc.)

12.5. Commission Delegated Regulation (EU) No 532/2014 of 13 March 2014 supplementing Regulation (EU) No 223/2014 of the European Parliament and of the Council on the Fund for European Aid to the Most Deprived

(Addresses issues surrounding severe material deprivation, child poverty, etc.)

12.6. Commission Implementing Decision of 3 April 2014 setting out the annual breakdown by Member State of global resources for the European Regional Development Fund, the European Social Fund and the Cohesion Fund under the Investment for growth and jobs goal and the European territorial cooperation goal, the annual breakdown by Member State of resources from the specific allocation for the Youth Employment Initiative together with the list of eligible regions, and the amounts to be transferred from each Member State's Cohesion Fund and Structural Funds allocations to the Connecting Europe Facility and to aid for the most deprived for the period 2014-2020

(The Decision specifies the budget for those regions eligible for funding under the Youth Employment Initiative – Annexes III and IV)

12.7. Commission Implementing Regulation (EU) No 463/2014 of 5 May 2014 laying down pursuant to Regulation (EU) No 223/2014 of the European Parliament and of the Council on the Fund for European Aid to the Most Deprived, the terms and conditions applicable to the electronic data exchange system between the Member States and the Commission

(The Commission shall establish an electronic data exchange system for all official exchanges of information between the Member State and the Commission)

12.8. Maternity leave

12.9. Council Directive 92/85/EC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC)

(The maternity leave directive has a direct link to and impact on the wellbeing of the child)

12.10. Policy documents and Commission proposals

12.11. Poverty and social exclusion

12.12. Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 16 December 2010 (COM(2010)758 final) on The European platform against poverty and social exclusion: a European framework for social and territorial cohesion

12.13. Proposal for a regulation of the European Parliament and of the Council on the Fund for European aid to the most deprived of 24 October 2012 (COM(2012)617 final)

(The Fund would support Member State schemes providing food to the most deprived people and clothing and other essential goods to homeless people and materially-deprived children)

12.14. Communication from the Commission (COM(2013)83 final) to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Towards social investment for growth and cohesion – including implementing the European Social Fund 2014-2020

(Provides policy guidance to Member States on how to reform social policies, with a strong focus on investment throughout the individual's life and early intervention)

12.15. Commission staff working document SWD(2013)42 final of 20 February 2013 Confronting Homelessness in the European Union (accompanying the document "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Towards social investment for growth and cohesion – including implementing the European Social Fund 2014-2020

(Looks at recent trends and data on homelessness and discusses policy practices and approaches in the Member States, showing how the European Union intends to support the Member States; includes specific references to homelessness faced by families with children and children in particularly vulnerable situations)

12.1. Commission Recommendation C(2013)778 final of 20 February 2013 Investing in children: breaking the cycle of disadvantage

(Provides policy guidance and related indicators to help the EU and Member States focus on successful social investment towards children in the fields of access to adequate income, quality services and child participation. Children of parents in prison were recognised as a particularly vulnerable group. The Recommendation provides policy guidance and related indicators to help the EU and Member States focus on successful social investment towards children in the fields of access to adequate income, quality services and child participation The recommendation invites Member States to address child poverty and children's wellbeing through an integrated approach which would involve ensuring access to adequate income and living standards and empowering children through access to quality services. In so doing the recommendation emphasises the importance of family support (including preventive services).)

12.2. Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, of 20 May 2014 on a European Union Work Plan for Youth for 2014-2015 (2014/C 183/02)

(Inter alia, ensuring through cross-sectorial cooperation that other EU policy domains (e.g. employment, education, social affairs, health) are made aware of the specific issues faced by young people. Contributing to the overarching priorities of the EU economic and social policy agenda, in particular the Europe 2020 Strategy and its implementing mechanisms)

12.3. Council conclusions on the contribution of sport to the EU economy, and in particular to addressing youth unemployment and social inclusion (2014/C 32/03)

(Through engagement in sport, young people gain skills and competences that actively support their participation, development and progression in education, training and employment)

12.4. Council Conclusions (10434/16) on Combating Poverty and Social Exclusion: An Integrated Approach, 16 June 2016

(Point 13. Encourages the Member States, taking into account their specific situations, to address child poverty and promote children's well-being through multi-dimensional and integrated strategies, in accordance with the Commission Recommendation Investing in children.)

12.5. Commission Recommendation C(2017)2600 final of 26 April 2017 on the European Pillar of social rights

(**Chapter 3 – Point 11a** Children have the right to affordable early childhood education and care of good quality.

The Pillar establishes that all children have the right to good quality ECEC. ECEC is understood as any regulated arrangement that provides education and care for children from birth to compulsory primary school age - regardless of the setting, funding, opening hours or programme content includes centre and family-based day-care; privately and publicly funded provision; pre-school and pre-primary provision.

Furthermore, the Pillar highlights the quality aspects of ECEC, understood as combining aspects related to access, workforce, curriculum, monitoring, evaluation and governance. Universally available and good quality ECEC is beneficial for all children and particularly those from a disadvantaged background.

Chapter 3 – Point 11b Children have the right to protection from poverty. Children from disadvantaged backgrounds have the right to specific measures to enhance equal opportunities.

The provisions of the Pillar set a right for children to be protected from poverty, meaning that every child shall have access to comprehensive and integrated measures as set out in the 2013 European Commission Recommendation on investing in children. Prevention of poverty and social exclusion is most effectively achieved through integrated strategies. The targeted measures should, for instance, comprise access to adequate resources, a combination of cash and in-kind benefits allowing children to enjoy adequate living standards, access to affordable quality services in the area of education, health, housing, family support and promotion of family-based and community care, as well as legal protection and support for children to participate in decision-making that affects their lives.

In addition, Principle 11b gives children from disadvantaged backgrounds (such as Roma children, some migrant or ethnic minority children, children with special needs or disabilities, children in alternative care and street children, children of imprisoned parents, as well as children within households at particular risk of poverty) the right to specific measures – namely reinforced and targeted support - with a view to ensure their equitable access to and enjoyment of social rights.

12.6. Commission Staff Working Document (SWD(2017) 258 final) Taking stock of the 2013 Recommendation on "Investing in children: breaking the cycle of disadvantage"

12.7. Communication from the Commission (COM (2017) 250 final) to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Establishing a European Pillar of Social Rights

12.8. Commission Proposal (COM (2017) 253 final) for a Directive of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU

12.9. Maternity leave

12.10. Commission proposal of 2008 (COM(2008)600 amending Council Directive 92/85 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

(The proposal's main objective is to increase the current entitlement of 14 weeks' maternity leave to 18 weeks)

13. CHAPTER 20: ENTERPRISE AND INDUSTRIAL POLICY

13.1. Motor vehicle safety

(See also Chapter 14 Transport Policy on road safety)

13.2. Acquis

13.3. Directive 2005/40/EC of the European Parliament and of the Council of 7 September 2005 amending Council Directive 77/541/EEC on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles

(Defining the technical requirements which motor vehicles must meet with regard to safety belts and restraint systems. This Directive will be repealed as from 1 November 2014 as a result of the GSR. The equivalent UNECE Regulation is No 16 also includes specific provisions for child restraint systems.)

13.4. Directive 2005/41/EC of the European Parliament and of the Council of 7 September 2005 amending Council Directive 76/115/EEC on the approximation of the laws of the Member States relating to anchorages for motor-vehicle safety belts

(Defining the technical requirements which motor vehicles must meet with regard to safety-belt anchorages, and with a specific article on (future) measures envisaged for disabled people. This Directive will be repealed as from 1 November 2014 as a result of the GSR. The equivalent UNECE Regulation is No 14 and includes specific provisions for child restraint systems (ISOFIX), but these are not incorporated in the Directive. UNECE Regulation No 44 on Child Restraint Systems and UNECE Regulation No 129 on Enhanced Child Restraint Systems are also applicable. Regulation No 44 of the Economic Commission for Europe of the United Nation (UNECE) — Uniform provisions concerning the approval of restraining devices for child occupants of power-driven vehicles ('Child Restraint Systems') [2016/1722]

13.5. Regulation (EC) No 78/2009 of the European Parliament and of the Council of 14 January 2009 on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users, amending Directive 2007/46/EC and repealing Directives 2003/102/EC and 2005/66/EC

(Requirements for the construction and functioning of motor vehicles and frontal protection systems in order to reduce the number and severity of injuries to pedestrians and other vulnerable road users[2] who are hit by the fronts of vehicles

[2] Vulnerable road users are defined as pedestrians, cyclists and motorcyclists, independently of their age, but children have specific issues in relation to safety. Figures on accidents and children are available here: http://ec.europa.eu/transport/road_safety/pdf/statistics/dacota/bfs2011_dacota-trl-children.pdf and basic information on road safety and children is available here: http://ec.europa.eu/transport/road_safety/users/children/index_en.htm

and in order to avoid such collisions – Annex I on testing includes testing for child pedestrian safety)

13.6. Commission Regulation (EC) No 631/2009 of 22 July 2009 laying down detailed rules for the implementation of Annex I to Regulation 78/2009 on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users

(See Chapters V and VII of detailed test specifications)

13.7. Council Decision of 14 February 2012 on the position of the European Union in relation to the draft Regulation of the United Nations Economic Commission for Europe on pedestrian safety and to the draft Regulation of the United Nations Economic Commission for Europe on light emitting diode (LED) light sources

(Accession of the EU to UNECE Regulation No 127 on pedestrian safety. This regulation is deemed equivalent and will be published in the OJ in the course of 2015.)

13.8. Regulation No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor

(See Article 5(e) of the 'General Safety Regulation' on built-in child restraints and note that, under Article 4, the GSR makes relevant Regulations of the United Nations Economic Commission for Europe (UNECE) mandatory in the EU[3].)

[3] All published UNECE Regulations here: http://ec.europa.eu/enterprise/sectors/automotive/files/unece/status-table_en.pdf

13.9. Policy documents and Commission proposals

13.10. Proposal for a Council Decision of 22 October 2012 (COM(2012)607 final) on the position to be taken by the European Union within the Administrative Committee of the United Nations Economic Commission for Europe concerning the draft regulation on enhanced child restraint systems

13.11. Toy safety

13.12. Acquis

13.13. Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys

13.14. Commission Directive 2014/84/EU of 30 June 2014 amending Appendix A of Annex II to Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys, as regards nickel

13.15. Commission Directive 2014/81/EU of 23 June 2014 amending Appendix C of Annex II to Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys, as regards bisphenol A

14. CHAPTER 22: REGIONAL POLICY AND COORDINATION OF STRUCTURAL INSTRUMENTS

(see also EUROPE 2020 section in this document)

14.1. EU Cohesion Policy 2014-20

(In the context of the EU 2020 strategy, the flagship initiative "European Platform against Poverty", as defined in the 2010 Communication, includes recognising the fundamental rights of people experiencing poverty and social exclusion, enabling them to live in dignity and take an active part in society. People with a disability are among the groups at particular risk for whose circumstances Member States need to define and implement measures.

Measures for the shift from residential (institutional) to community-based care should be included as part of the national strategy for poverty reduction, the thematic ex-ante conditionality of the Common Provision Regulations of the next programming period 2014-2020. There is a specific investment priority referring to this measure under the European Regional Development Fund[4]; it is entitled "Investing in health and social infrastructure which contribute to national, regional and local development, reducing inequalities in terms of health status, and transition from institutional to community-based services)." The general ex-ante conditionality on disability ("the existence of a mechanism which ensures effective implementation and application of the UN Convention on the rights of persons with disabilities") reinforces the requirement to mainstream the rights of

[4] The European Regional Development Fund (ERDF) aims to strengthen economic, social and territorial cohesion in the European Union by correcting imbalances between regions. The ERDF supports regional and local development to contribute to all thematic objectives, by setting out detailed priorities to increase focus on nine main priorities, including health, education, and social infrastructures.

persons with disabilities in line with the UN Convention in structural and investment fund-supported measures.)

14.2. Acquis

14.3. Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund with regard to the model for operational programmes under the Investment for growth and jobs goal and pursuant to Regulation (EU) No 1299/2013 of the European Parliament and of the Council on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal with regard to the model for cooperation programmes under the European territorial cooperation goal

(See Article 7 Promotion of equality between men and women and non-discrimination: The Member States and the Commission shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the preparation and implementation of programmes. In particular, accessibility for persons with disabilities shall be taken into account throughout the preparation and implementation of programmes. See Annex XI - General ex-ante conditionality:

- Anti-discrimination – The existence of administrative capacity for the implementation and application of Union anti-discrimination law and policy in the field of ESI Funds (including Article 21 and 26 Charter of Fundamental Rights of the European Union)

- Disability - Existence of administrative capacity for the implementation and application of the UN Convention on the rights of persons with disabilities (UNCPRD) in the field of ESIF Article 19 "Living independently and being included in the community".

Thematic ex ante conditionalities, Point 9.)

14.4. Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006

(See Article 8 Promotion of equal opportunities and non-discrimination: (…) Through the ESF, the Member States and the Commission shall also support specific actions (…) (that) shall aim to combat all forms of discrimination as well as to improve accessibility for persons with disabilities, with a view to improving integration into employment, education and training, thereby enhancing social inclusion, reducing inequalities in terms of educational attainment and health status, and facilitating the transition from institutional to community-based care, in particular for those who face multiple discrimination.)

14.5. Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006

(See Article 5: Investment priorities

(9) promoting social inclusion and combating poverty

(a) investing in health and social infrastructure which contribute to national, regional and local development, reducing inequalities in terms of health status, promoting social inclusion through improved access to social, cultural and recreational services and the transition from institutional to community-based services)

14.6. Commission Implementing Regulation (EU) No 288/2014 of 25 February 2014 laying down rules pursuant to Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund with regard to the model for operational programmes under the Investment for growth and jobs goal and pursuant to Regulation (EU) No 1299/2013 of the European Parliament and of the Council on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal with regard to the model for cooperation programmes under the European territorial cooperation goal

14.7. Commission Delegated Regulation (EU) No 480/2014 of 3 March 2014 supplementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund

(see Article 3 on scope and Article 5 on investment priorities)

(Facilitating the transition from institutional to community-based care is part of the draft European Regional Development Fund (ERDF)[5] regulation for 2014-

[5] The European Regional Development Fund (ERDF) aims to strengthen economic, social and territorial cohesion in the European Union by correcting imbalances between regions. The ERDF supports regional and

2020; with a **specific investment priority (*Investing in health and social infrastructure which contribute to national, regional and local development, reducing inequalities in terms of health status, and transition from institutional to community-based services*)** referring to this measure.

Childcare facilities – in order to reinforce women's participation in the labour market, childcare facilities (crèche, kindergarten, etc.) should be available, in particular for marginalised groups.

Early childhood education and care facilities (crèche, kindergarten, primary school) should be available, in particular for marginalised groups in deprived areas.)

14.8. Policy documents and Commission proposals

14.9. Thematic guidance on the use of European Structural and Investment funds to support transition from institutional to community-based care (2014)

(The Guidance specifies that states are unable to use European Structural and Investment Funds for the maintenance or renovation of existing and the construction of new large residential institutional settings, and must prioritise support measures that enable the shift from institutional to community-based care services.)

14.10. Proposal for a Regulation on the European Parliament and of the Council of 14 March 2012 (COM(2011)607 final/2) on The European Social Fund and repealing Council Regulation (EC) No 1081/2006

(see Article 3 on scope and Article 9 on thematic objectives)

(Relevant proposed thematic objectives include promoting employment and supporting labour mobility, promoting social inclusion and combating poverty, investing in education, skills and lifelong learning as well as the relevant investment priorities within them. These include in particular early childhood education; reducing early school leaving; reconciliation between work and private life; access to services, including health care and social services; community-led local development strategies; support to the regeneration of deprived areas and transition from institutional to community-based services)

15. CHAPTER 23: JUDICIARY AND FUNDAMENTAL RIGHTS

(see also in this document Section on Context which introduces the essential documents on the rights of the child)

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local development to contribute to all thematic objectives, by setting out detailed priorities to increase focus on nine main priorities, including health, education, and social infrastructures.

15.1. Rights of the child

15.2. Acquis

15.3. Charter of Fundamental Rights of the European Union

Almost all articles apply to children as well as adults, but see in particular Article 24 specifically on the rights of the child and Article 32 prohibiting child labour.

Article 24

The rights of the child

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.
2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.
3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

Article 32

Prohibition of child labour and protection of young people

1. The employment of children is prohibited. The minimum age of admission to employment may not be lower than the minimum school-leaving age, without prejudice to such rules as may be more favourable to young people and except for limited derogations.
2. Young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education.

15.4. Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020

15.5. Indicative list of conventions and instruments to which new Member States must accede

15.6. UN Convention on the rights of the child (New York, 20 November 1989) and its Protocols

15.7. Policy documents and Commission proposals

15.8. Commission Communication of 4 July 2006 (COM(2006)367 final): Towards an EU strategy on the rights of the child

15.9. Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the

Regions of 15 February 2011 (COM(2011)60 final): An EU Agenda for the rights of the child

15.10. Council Conclusions of 17 December 2014 (17016/14) on the Promotion and Protection of the rights of the child

15.11. Council conclusions on the application of the EU Charter of Fundamental Rights in 2016 (12 October 2017)

Section c) on rights of the child: (point 14.) the Council highlights the importance of the protection of children and respect for the principle of the best interests of the child as a primary consideration in all actions affecting children. (Point 15.) the Council underlines that cooperation and dialogue with stakeholders are key to ensure the respect of children's rights, and notably through the exchange of good practices, which should be further developed. It recalls the Annual Forum on the rights of the child, the informal Member States expert group on the rights of the child as well as the Commission's initiative to establish a European guardianship network.

15.12. Freedom of movement

15.13. Acquis

15.14. Directive 2004/38 on the right of citizens of the Union and their family members to move and reside freely within the territory of the MS (corrigendum published as 2004/58)

(See in particular Article 6.2, Article 7, Article 24, Article 12.3, Article 13, Article 28.3(b))

15.15. Non-discrimination

(see also EUROPE 2020 section in this document)

15.16. Acquis

15.17. Racial equality

15.18. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

(Scope (Article 3) includes education, healthcare, housing, vocational training, public services)

15.19. Policy documents and Commission proposals

15.20. Report from the Commission to the European Parliament and the Council Joint Report on the application of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ('Racial Equality Directive') and of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ('Employment Equality Directive')

(Protection from discrimination is one of the areas in which EU law closely affects the everyday life of people in the EU. All 28 Member States have now transposed the relevant Directives and gained experience in their application.)

15.21. Female genital mutilation (FGM)

15.22. Policy documents and Commission proposals

15.23. Communication from the Commission to the European Parliament and the Council (COM(2013)833 final of 25 November 2013) – Towards the elimination of female genital mutilation

15.24. Equal participation in the labour market – child care

15.25. Acquis

15.26. Council Recommendation of 31 March 1992 on child care (92/241/EEC)

(The Recommendation identified four areas in which Member States should take measures to enable women and men to reconcile their occupational, family and upbringing responsibilities arising from the care of children: (a) leave policies for parents of young children, including maternity and parental leaves; (b) child care services; (c) 'environment, structure and organisation of work' (i.e. workplace measures) and (d) more equal 'sharing of responsibilities arising from the care, and upbringing of children' through increased participation by men.)

15.27. Policy documents and Commission proposals

15.28. Presidency Conclusions, Barcelona European Council, 15-16 March 2002 (SN 100/1/02/REV1)

(The Conclusions invite Member States to "remove disincentives to female labour force participation and strive, taking into account the demand for childcare facilities and in line with national patterns of provision, to provide childcare by 2010 to at least 90% of children between three years old and the mandatory school age and at least 33% of children under three years of age.)

15.29. Council conclusions of 17 December 2008 on Women and the economy Reconciliation of work and family life

(The Conclusions urge Member States to adopt appropriate measures for the reconciliation of work family and private life)

15.30. Council Conclusions of 7 March 2011 on the European Pact for Gender Equality (2011-2010) (2011/C155/02)

(The Conclusions urge action to improve the supply of adequate, affordable, high-quality childcare services for children under the mandatory school age with a view to achieving the objectives set at the European Council in Barcelona in March 2002, taking into account the demand for childcare services and in line with national patterns of childcare provision.)

15.31. Council Conclusions of 20 June 2011 on reconciliation of work and family life in the context of demographic change (11841/11)

(The Conclusions invite the Member States and the Commission to promote and set up several measures to tackle barriers to reconciling professional and private life. These measures included: (a) the promotion of flexible working arrangements and various forms of leave for both women and men (parental leave, possibility to work part-time); (b) the sufficient supply of affordable, high-quality childcare services and care facilities for other dependents; (c) encouraging employers to offer their employees childcare and other forms of family support and (d) taking into consideration the needs of families, and in particular those which are most vulnerable, including large or single-parent families.)

15.32. Council Conclusions of 2 December 2011 on the review of the implementation of the Beijing Platform for Action – women and the economy - reconciliation of work and family life as a precondition for equal participation in the labour market

(Call on the Member States to invest in early childhood education and care so as to lay the foundation of children's future learning, and to combat child and family poverty by stepping up or continuing efforts to effectively support the reconciliation of work, family and private life throughout the life course for both women and men, and to further improve the collection, analysis and dissemination of comparable EU data, in the area.)

15.33. Report of 3 June 2013 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Barcelona objectives – the development of childcare facilities for young children in Europe with a view to sustainable and inclusive growth

15.34. Commission Staff Working Document Report on Progress on equality between women and men in 2013, accompanying the document Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2013 Report on the Application of the EU Charter of Fundamental Rights

(Addresses, inter alia, funding allocated to childcare services and women's participation in the labour market, the provision of affordable and quality childcare, early childhood education, leave entitlements after childbirth)

15.35. Equal treatment – goods and services

15.36. Acquis

15.37. Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services

(also applies to children in terms of equal access to goods and services)

15.38. Parental leave

15.39. Council Directive 2010/18/EU of 8 March 2010 implementing the revised framework agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC

(the directive confers the right on both parents to take four months' parental leave each (8 months altogether))

15.40. Children with disabilities

15.41. Council Decision 2010/48/EC of 26 November 2009 authorising the Union to conclude the United Nations Convention on the Rights of Persons with Disabilities

(The EU concluded the UN Convention on the Rights of Persons with Disabilities (UNCRPD)[6] which entered into force in 2011. The Convention aims to ensure that all people with disabilities enjoy their rights on an equal basis with others and devotes specific attention to the rights of children with disabilities.

In this regard, the UNCRPD sets out obligations for state parties to take all necessary measures to ensure the full enjoyment of all human rights and fundamental freedoms by children with disabilities on an equal basis with other children (Art. 7 UNCRPD7), including the right to education, to care within the community, to health and to leisure activities.

In addition to Article 7, which is specifically devoted to children with disabilities, Article 16[8] should be highlighted given that it makes a crucial reference to the

[6] All EU Member States have signed the UNCRPD. As of October 2012 the Convention has been ratified by 23 Member States, while 18 have ratified its Optional Protocol. The table for Convention signatures and ratifications is available at http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en. The table for Optional Protocol signatures and ratifications is available at: http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15-a&chapter=4&lang=en In August 2008, the Commission adopted a proposal for a Council Decision on the EU accession to the Optional Protocol) (COM(2008) 530 final/2).

[7] Article 7 sets out the responsibilities of States Parties to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children, to ensure that actions concerning children with disabilities are taken with their best interests as a primary consideration, and to ensure their right to express their views and have them given due weight.

[8] Article 16 UNCRPD requires all State Parties to "Take appropriate legislative, administrative, social, educational and other measures to protect persons with disability, within and outside home from all forms of exploitation, abuse..."

measures that Member States must undertake in order to protect children with disabilities. Other articles referring to children explicitly include Article 3[9], Article 18[10], Article 23[11], Article 24[12], and Article 30[13].

To ensure effective implementation of the UNCRPD across the EU, in November 2010 the Commission adopted the European Disability Strategy 2010-2020. – see below).

15.42. Financing programmes on rights of the child and the prevention of violence against children

15.43. Decision No 779/2007/EC of the European Parliament and of the Council establishing the DAPHNE III Programme 2007-2013 to prevent and combat violence against children, young people and women

(Financing programme – prevention of violence against children)

15.44. Council Decision 2007/252/JHA of 19 April 2007, establishing the Fundamental rights and citizenship Programme 2007-2013

(Financing programme – rights of the child)

(See Commission proposal for Rights and Citizenship Programme)

15.45. Policy documents and Commission proposals

15.46. Equal treatment

15.47. Commission proposal COM(2008)426 final of 2 July 2008 on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation

15.48. Roma integration

15.49. Acquis

15.50. See Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin under the racial equality section of this Chapter

15.51. Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States (2013/C378/01)

(See Recitals 1 and 8 and Recommendation 1.3 Access to education, 1.5 Access to healthcare, 2.5 Protection of Roma children and women and 2.6 Poverty reduction through social investment)

[9] Respect for the evolving capacities of children with disabilities, as well as for their right to preserve their identities.
[10] Liberty of movement and nationality.
[11] Respect for home and family.
[12] Education.
[13] Participation in cultural life, recreation, leisure and sport.

15.52. Policy documents and Commission proposals

15.53. Commission Communication (COM(2010)133 final) of 7 April 2010 to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the social and economic integration of the Roma in Europe

15.54. Commission Communication (COM(2011)173 final) of 5 April 2011 on an EU Framework for national Roma integration strategies up to 2020

(Access to education, healthcare, housing)

15.55. Commission Communication (COM(2012)226 final) of 21 May 2012 on national Roma Integration Strategies: a first step in the implementation of the EU Framework

(includes chapter on challenge for enlargement countries)

15.56. Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (COM(2013)454 final) of 26 June 2013 – Steps forward implementing national Roma integration strategies

(Reports on progress by Member States in implementing national Roma integration strategies, one of the four pillars of which concern education – covers child trafficking, segregation in education, child labour including child begging)

15.57. Commission proposal for a Council Recommendation on effective Roma integration measures in the Member States (COM(2013)460 final of 26 June 2013)

(Covers education and the protection of children)

15.58. Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (SWD(2014)121 final) of 2 April 2014 - Report on the implementation of the EU Framework for National Roma Integration Strategies

See also EUROPE 2020 chapter (5 Member States - CZ, BG, HU, RO, SK - received 2013 and 2014 Country Specific Recommendations related to Roma (in the fields of inclusiveness of education, early school leavers, poverty reduction, and employment).

See also Case law chapter 23 as there are several cases referring to discrimination of Roma children in education (CZ, EL, HU, HR).

15.59. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. – Report on the implementation of the EU Framework for National Roma Integration Strategies 2015.

15.60. Communication from the Commission (COM (2016) 424) to the European Parliament, the Council, the European Economic and Social Committee

and the Committee of the Regions assessing the implementation of the EU Framework for National Roma Integration Strategies and the Council Recommendation on effective Roma integration measures in the Member States

(Covers segregation of Roma children in education)

15.61. Communication from the Commission (COM(2017) 458 final) to the European Parliament and the Council Midterm review of the EU framework for national Roma integration strategies

(Focus on access to education and health services, as well as discrimination of Roma children)

15.62. People with disabilities

15.63. Commission Communication to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 15 November 2010 (COM(2010)636 final) on the European disability strategy 2010-2020: a renewed commitment to a barrier-free Europe

(It provides the framework for empowering people with disabilities to fully participate in society and ensure that they can enjoy their fundamental rights. This strategy aims also to facilitate the implementation of the UN Convention on the Rights of Persons with Disabilities (UNCRPD). While actions contained in this Strategy are designed to benefit all persons with disabilities, some measures more specifically address the situation of children with disabilities. 14) The strategy reiterates that the EU committed to promote the participation of disabled people in leisure activities, employment, education and health and social services and to achieve the transition from institutional to community based care.)

15.64. Commission Staff Working Document of 5 June 2014 SWD(2014) 182 final on the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) by the European Union

(Addresses the promotion and protection of the rights of the child under Article 7 (p.41))

[14] The Commission, inter alia, aims to promote the transition from institutional to community-based care notably by using Structural Funds to support the development of community-based services and raising awareness of the situation of people with disabilities living in residential institutions, in particular children and elderly people. The Strategy also recognises the importance of integrating children with disabilities into the general education system and that effective individualized support measures are provided in environments that maximize academic and social development.

15.1. Gender equality

15.2. Council Conclusions of 2 May 2007 on the review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action – indicators in respect of the education and training of women

(Urge the Member States to take concrete measures to implement gender mainstreaming while developing policies for the integration of migrant girls and women as well as migrant boys and men into the education system in order to overcome gender stereotypes)

15.3. Council Conclusions of 30 October 2007 on the review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action – indicators in respect of women and poverty

(Recall the commitment that the Member States made, at the World Summit for Social Development held in Copenhagen in 1995, to give special priority to the needs and rights of women and children, who often bear the greatest burden of poverty)

15.4. Council Conclusions of 26 May 2008 on the review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action – indicators in respect of the girl child

(Includes indicators on (1) sex and relationship education: parameters of sexuality-related education in schooling, (2) body self-image: dissatisfaction of girls and boys with their bodies, (3) educational accomplishments: comparison of 15-year-old students' performance in mathematics and science and the proportion of girl students in tertiary education in the field of science, mathematics and computing and in the field of teacher training and education science.

15.5. Council Conclusions of 17 December 2008 on the review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action

(Recall that the Member States are determined to eradicate violence against women and girls in armed conflicts and to eliminate all obstacles to allow women to participate fully in conflict-prevention and resolution, in accordance with the Beijing Platform for Action)

15.6. Council Conclusions of 30 November 2009 on the review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action

(Reaffirm that the full enjoyment of all human rights by women and girls is an inalienable, integral and indivisible part of universal human rights and is essential for the advancement of women and girls, peace, security and development)

15.7. Council Conclusions of 8 March 2010 on the eradication of violence against women in the European Union

(Call on the Commission and the Member States to continue efforts to support the implementation of the EU guidelines on violence against women and girls and combating all forms of discrimination against them)

15.8. Council Conclusions of 6 December 2012 on combating violence against women and the provision of support services for victims of domestic violence

(Call on all actors (EU Member States and EU institutions) to combat all forms of violence against women and girls)

15.9. Council Conclusions of 5-6 June 2014 on preventing and combating all forms of violence against women and girls, including female genital mutilation

(Call on all actors to prevent and combat all forms of violence against women and girls, including female genital mutilation. Strong focus on collecting prevalence data, providing training for relevant professionals, supporting victims, implementing existing EU legislation, and raising awareness of the issue)

15.10. Funding programmes

15.11. Commission proposal of 15 November 2011 for a regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the rights and citizenship programme (COM(2011)758 final)

15.12. Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC

16. CHAPTER 24: JUSTICE, FREEDOM AND SECURITY

16.1. General

16.2. Acquis

16.3. Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

(Provisions with regard to children – Article 9(1)(e) - more severe sanctions in case of the illegal employment of a minor; Article 13(4) a possibility to grant residence permits of limited duration, linked to the length of the relevant national proceedings, to third-country nationals who have been subjected to particularly exploitative working conditions or who were illegally employed minors and who cooperate in criminal proceedings against the employer)

16.4. Trafficking in human beings

16.5. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, replacing Council FD 2002/629/JHA

(Provisions on Offences and Penalties, Art. 2 and 4, explicitly refer to children and several provisions are based on the best interest of the child. Art. 13-18 set forth: General provisions on assistance, support and protection measures for child victims of trafficking in human beings; Assistance and support to child victims; Protection of child victims of trafficking in human beings in criminal investigations and proceedings; Assistance, support and protection for unaccompanied child victims of trafficking in human beings. In addition, Article 18 refers in particular to children in relation to measures for prevention)

16.6. Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities

(If Member States apply the derogation under Article 3.3, Article 10 includes provisions on children (best interests of the child, access to education, unaccompanied children)

16.7. Sexual abuse

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

Note corrigendum to Directive number

- Criminalisation covering wide range of situations of sexual abuse and exploitation (20 offences), of which 9 are new; covering new phenomena like child grooming, webcam abuse, or web viewing child pornography
- Increased levels of penalties, ranging 1-10 years
- Levels of penalties more detailed, depending on severity of offence and (in some cases) age of the victim): levels at 1, 2, 3, 5, 8 or 10 years
- New aggravating circumstances, including vulnerable children, abuse by family members, gang rape, or recidivism
- Greater approximation of MS legislation
- Sanctions on legal person as in FD 2004
- Extensive victim assistance and support measures
- Obligation to ensure prompt removal of webpages in MS' territory

- Obligation to endeavour to obtain removal if hosted outside MS' territory
- Possibility of MS to block access to webpages, with safeguards:
- transparent procedures
- necessity and proportionality
- information to users
- possibility of judicial redress
- Blocking possible through public action and/or self-regulation, with adequate level of legal certainty and predictability
- Main potential hurdles for effectiveness of exchange of criminal records (ECRIS) removed:
- information on disqualification subject to exchange, regardless of where it is stored (in criminal records or separate records)
- obligation of MS to exchange information with ECRIS for the purpose of facilitating effectiveness of disqualification and background checks by employers

16.9. Data protection

16.10. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA

16.11. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

16.12. Policy documents and Commission proposals

16.13. Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 13 May 2015 – A European Agenda on Migration COM(2015) 240 final

(Footnote No 28: future development of a comprehensive strategy to follow up on the Action Plan on Unaccompanied Minors (2011-2014) to cover missing and unaccompanied children, in order to look at the specific vulnerabilities of children)

16.14. Commission Communication (COM(2007)267 final) of 22 May 2007 – Towards a general policy on the fight against cybercrime

(Strengthening law enforcement and cooperation – online child sexual abuse material)

16.15. Trafficking in human beings

16.16. Commission communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 19 June 2012 (COM(2012)286 final) on the EU Strategy towards the eradication of trafficking in human beings 2012-2016

(Children are a particularly vulnerable group to trafficking in human beings and several deliverables of the EU Strategy 2012-2016 concerned children, including: Commission's Study on High Risk Groups for THB, in particular children; FRA published a Handbook on Guardianship for children deprived of parental care, aiming at reinforcing guardianship systems to cater for the specific needs of child victims of trafficking. Commission Guidelines for the identification of victims of THB, addressed in particular to border guards and consular services, aiming at improving coordination and coherence in the area of victim identification and facilitating the work of front-line officials)

16.17. Council Conclusions of 25 October 2012 on the new EU strategy towards the eradication of trafficking in human beings 2012-2016

(Endorsing the EU Strategy towards the eradication of trafficking in human beings 2012-2016)

16.18. Council Conclusions of 13 June 2013 on an EU framework for the provision of information on the rights of victims of trafficking in human beings

(Inviting Member States to take into consideration and use the Commission document "*The EU rights of victims of trafficking in human beings*", to supplement that document with national information, to facilitate victims' easy access to user-friendly comprehensive information, to disseminate information to all relevant actors, to check that objectives of these conclusions have been met by June 2014; Inviting the Commission to support Member State efforts in providing and disseminating Member State-specific document(s), to allocate the necessary budget to fund projects concerning the implementation of the rights of victims)

16.19. Commission Staff Working Document of 17 October 2014 (SWD(2014) 318 final) - Mid-term Report on the Implementation of the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016

(The Report takes stock of how the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 has been implemented, from early 2012 to the third quarter of 2014. It highlights the most important elements of the EU's legal and policy framework on THB and the efforts made to mainstream this work at regional, national, European and international levels. It addresses, inter alia, under Chapter 4, child-sensitive protection systems, children as a particularly vulnerable group, guardianship for children deprived of parental care)

16.20. Communication from the Commission to the Council and the European Parliament of 17 October 2014 (COM(2014) 318 final) on the Implementation of Directive 2004/81/EC that regulates the granting of a residence permit to non-EU victims of trafficking who cooperate with the authorities for the investigation and prosecution of the alleged traffickers.

(This first report addresses the Directive in the context of a strengthened protection and assistance framework for children, the best interests of the child, unaccompanied children, etc.)

16.21. Report (COM(2016) 267 final) from the Commission to the European Parliament and the Council on the progress made in the fight against trafficking in human beings (2016) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims and Commission Staff Working Document accompanying the Report on the progress made in the fight against trafficking in human beings (SWD(2016) 159 final)

(Includes data for the period 2013-2013 on trafficking in human beings in the EU, including child trafficking; identifying trends in child trafficking and providing recommendations, such as strengthening integrated child protection systems and their cross-border cooperation)

16.22. Visas

16.23. Acquis

16.24. Commission Decision of 19 March 2010 (C(2010)1620 final and its subsequent amendments establishing the Handbook for the processing of visa applications and the modification of issued visas

(many references to children throughout this document)

16.25. Regulation 810/2009 of the European Parliament and the Council of 13 July 2009 establishing a Community Code on Visas, in particular Article 11

(See Article 13 on biometric identifiers (Article 13.1 and Article 13.7(a), Article, Article 16 on visa fee, Article 57 on monitoring and evaluation (Article 57.4) on finger prints of children)

16.26. Border management

16.27. Acquis

16.28. Commission Recommendation of 6 November 2006 (C(2006)5186 final) establishing a common "Practical handbook for border guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons

(See Sections 2.2.4 and 3.7 on minors)

(The objective of the Handbook is to lay down guidelines, best practices and recommendations relating to the performance of border guard duties in the Schengen States, including in relation to children. Please note that the Schengen Handbook was amended several times – not all amendments have a specific reference to or mention of children.)

16.29. **Amended** by Commission Recommendation of 25 June 2008 (C(2008)2976 final

(see paragraph 4 on minors)

16.30. **Amended** by Commission Recommendation of 29 September 2009 (C(2009)7376 final)

(Guidelines on the movement of Turkish nationals crossing EU external borders in order to provide services within the EU , no specific references to children)

16.31. **Amended** by Commission Recommendation of 16 August 2010 (C(2010)5559 final)

(references to family members)

16.32. **Amended** by Commission Recommendation of 20 June 2011 (C(2011)3918 final)

(guidance on invalidated travel documents containing a valid visa and to take into account the guidelines on marking of fraudulent documents)

16.33. **Amended** by Commission Recommendation of 14 December 2012 (C(2012)9330 final)

(validity of child entries in parents' passports)

16.34. **Amended** by Commission Recommendation of 15 June 2015 C(2015)3894 final)

(various changes, but none of these amendments makes a reference to children. For children provisions please refer to Recommendation C(2006)5186 final and the previous amendments above)

16.35. Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosur)

(includes a reference to existing rights of the child/special needs of children, see Article 2.4 on scope; no new obligations)

16.36. Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)

(The Schengen Borders Code requires that border guards pay particular attention to children (Article 20 (1) (f) and point 6 of Annex VII)

16.37. Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard

(includes a lot of child protection aspects, e.g. best interest of the child (article 34 (3)), non-discrimination (article 21(4)), code of conduct (article 35(1)), specific training in the protection of children (article 36 (1)), staff with expertise in child protection (recital 37, article 18(5), article 29(2&4), article 30(2&4), article 31(2&4).)

16.38. Policy documents and Commission proposals

16.39. Communication from the Commission (COM (2016) 220 Final) to the Council - Assessment of Greece's Action Plan to remedy the serious deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of management of the external border

(As regards addressing the needs of children and other vulnerable persons, the Commission points out that the number of additional places dedicated for persons falling under these groups in Lesvos (18), Chios (25) and Kos (32) does not seem to be sufficient, given the high number of these persons observed. In the other two hotspots, in Leros and Samos, there is no existing or planned area with the capacity to accommodate groups of vulnerable persons)

16.40. Communication from the Commission (COM (2016) 205 final) to the European Parliament and the Council on Stronger and Smarter Information Systems for Borders and Security

16.41. Immigration and asylum

16.42. Acquis

16.43. Temporary protection

16.44. Council Directive 2001/55/EC of 20 July 2001 – temporary protection directive

(Includes specific provisions for unaccompanied children)

16.45. Reception conditions

16.46. Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers

(The 'Reception Conditions Directive' includes provisions for children of asylum seekers (e.g. access to education) and for unaccompanied children. It is repealed for the Member States bound by that Directive with effect from 21 July 2015. For the other Member States, Directive 2003/9/EC remains in force.) (The UK is bound by the 2003 Directive, DK and IE are bound by neither of the two. All other Member States are bound by both Directives (by the current one until its repeal).)

16.47. Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)

(The 'Reception Conditions Directive' includes special guarantees for minor and unaccompanied minor asylum seekers - see in particular Recitals 9, 18, 22; Article 2 Definitions, Article 14 Schooling and education of minors, Provisions for vulnerable persons Article 21 General principles and Article 23 on Minors.) (The UK is bound by the 2003 Directive, DK and IE are bound by neither of the two. All other Member States are bound by both Directives (by the current one until its repeal).)

16.48. Family reunification

16.49. Directive 2003/86/EC of 3 October 2003 on the right to family reunification

(The 'Family reunification directive' includes specific provisions for unaccompanied children)

16.50. Dublin Regulation and EURODAC Regulation

16.51. Council Regulation No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national

(The 'Dublin Regulation' includes provisions for reuniting unaccompanied children with family found on EU territory. Repealed by Regulation 604/2013 – see entry below in this Chapter)

16.52. Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national amended by Commission Implementing Regulation No 18/2014 – see below.

(The 'Dublin Implementing Regulation' (Regulation 1560/2003) includes provisions on the cooperation between Member States for reuniting unaccompanied children with family found on EU territory. The Implementing

Regulation was amended and supplemented by Commission Implementing Regulation 118/2014.

16.53. Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)

(The recast emphasises the best interests of the child, expands the possibilities of reuniting children with siblings and other relatives, and provides for a mechanism for tracing family members on EU territory – see in particular Recitals 13, 16, 24 and 35, Article 2 (Definitions), Article 6 (Guarantees for minors), Article 8 (Minors), Article 16 (Dependent persons) and see also statement by the Council, the European Parliament and the Commission annexed to the Regulation.)

16.54. Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

(The 'EURODAC' Regulation which entered into force on 20 July 2015 contains special guarantees for children. The best interest of the child should be a primary consideration for Member States when applying this Regulation. In cases where it is established that Eurodac data pertain to a child, these data may only be used for law enforcement purposes in accordance with that requesting Member State's laws applicable to children and in accordance with the obligation to give primary consideration to the best interest of the child. Furthermore, the procedure for taking fingerprints shall be determined and applied in accordance with the national practice of the Member States and with the safeguards laid down in the Charter of Fundamental Rights of the European Union, in the Convention for the Protection of Human Rights and Fundamental Freedoms and in the United Nations Convention on the Rights of the Child.)

16.55. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 604/2013 as regards determining the Member State responsible for examining the application for international protection of unaccompanied minors with no family member, sibling or relative legally present in a Member State (COM(2014) 382 final)

16.56. Commission Implementing Regulation (EU) No 18/2014 of 30 January 2014 amending Regulation (EC) No 1560/2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible

for examining an asylum application lodged in one of the Member States by a third-country national

(See in particular amendments to Article 12 on unaccompanied children, Annex VIII Standard form for the exchange of information relating to an unaccompanied child and Annex XI Information for unaccompanied children who are applying for international protection)

16.57. Asylum procedures

16.58. Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status

(The 'Asylum procedures directive' includes provisions for unaccompanied children. Repealed by Directive 2013/32/EU for all Member States except DK, IE, and UK (see entry below in this chapter). For IE and UK this directive remains in force. DK is bound by neither of the two directives.)

16.59. Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast)

(The 'Asylum procedures directive' includes special guarantees for minor and unaccompanied minor asylum seekers – see in particular Recital 33; Article 2 Definitions, Article 15(e) on interviews with children and Article 24 on guarantees for unaccompanied minors. This directive applies to all Member States except DK, IE and UK. Directive 2005/85/EC remains in force for IE and UK. DK is not bound by either of the two directives.)

16.60. Relocation

16.61. Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece

(When implementing this decision, MS shall consider the bests interests of the child as a primary consideration and ensure that family members are relocated to the same MS, Article 6.1, 6.2.)

16.62. Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece

(When implementing this decision, MS shall consider the best interests of the child as a primary consideration and ensure that family members are relocated to the same Member State, Article 6.1, 6.2.)

16.63. Council Decision (EU) 2016/1754 amending Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece

16.64. Return

16.65. Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in the Member States for returning illegally staying third-country nationals

(The 'Return directive' includes provisions on the best interests of the child, right to education, and unaccompanied children (see Articles 5, 10, 14 and 17))

The use of detention for the purpose of removal is subject to the principles of necessity and proportionality with regard to the means used and objectives pursued. Detention is justified only to prepare the return or carry out the removal process when there is a concrete risk of absconding or a person concerned avoids or hampers the preparation of return or the removal process, and if the application of less coercive measures would not be sufficient. This means that in general detention can only be used as a means of last resort and if there is a reasonable prospect of removal. Persons in detention must be treated in a humane and dignified manner with respect for their fundamental rights and in compliance with international and national law. They should be accommodated as a rule in specialised detention facilities. With regard to children, the best interests of the child shall be a primary consideration in the context of detention of children pending removal. Given the exceptionality of detention measures, which are a last resort and to be applied for the shortest appropriate period of time, the Directive sets several additional safeguards for children in detention with the aim of ensuring their best interests pending the removal procedure. These safeguards are:

- Families detained pending removal shall be provided with separate accommodation guaranteeing adequate privacy
- Access to leisure activities which are appropriate to the age of the child
- Access to education, depending on the duration of stay before return
- In particular with regard to unaccompanied children, Article 17 provides that they have to be, as far as possible, provided with accommodation in institutions with personnel and facilities which take into account the needs of persons of their age.

16.66. Qualification

16.67. Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)

(Article 2(l) provides a definition of 'unaccompanied minor'; Article 20 on protection of vulnerable persons includes provisions for children and the best

interests of the child; Article 31 lays down specific guarantees for unaccompanied children).

16.68. Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of persons as refugees

(Repealed as of 21 December 2013 by Directive 2011/95/EU for those Member States bound by Directive 2011/95/EU (see entry below in this Chapter). For UK and IE Directive 2004/83/EC remains in force. DK is bound by neither of these directives.)

16.69. Policy documents and Commission proposals

16.70. Immigration and asylum

16.71. Communication from the Commission (COM(2015) 285 final) to the European Parliament and the Council on an EU Action Plan against migrant smuggling (2015-2020)

(Page 15 and 16 references to protecting children: The European Agenda for Migration puts a particular emphasis on the need to protect children and to follow up on the Action Plan on Unaccompanied Minors. This work is now under way, to employ a comprehensive approach for the protection of children throughout the migration chain. Priority for the vulnerable, and in particular unaccompanied children, is also built into the relocation process. Child protection and child safeguarding are planned to be fully integrated into the hotspots. In particular Annex 6 on actions for the protection of children in children in migration)

16.72. Communication from the Commission (COM (2016) 85 Final) to the European Parliament and the Council on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration 10 February 2016

16.73. Communication from the Commission (COM(2016) 197 final) to the European Parliament and the Council towards a Reform of the Common European Asylum System and Enhancing Legal Avenues to Europe

16.74. Communication from the Commission (COM (2016) 141 Final) to the European Parliament and the Council: Progress report on the implementation of the hotspots in Greece

(It reports about recommendation and status, including on the reception of unaccompanied children)

16.75. Communications from the Commission to the European Parliament, the European Council and the Council on relocation and resettlement:

First report on relocation and resettlement COM(2016) 165 final

Second report on relocation and resettlement COM(2016) 222 final

Third report on relocation and resettlement COM (2016) 360 final

Fourth report on relocation and resettlement COM (2016) 416 final

Fifth report on relocation and resettlement COM (2016) 480 final

Sixth report on relocation and resettlement COM (2016) 636 final

(These reports include information on the relocation of unaccompanied children including the data on arrivals, profiles, number of unaccompanied children so far relocated, as well as actions to address challenges related to the relocation of vulnerable applicants, including unaccompanied children.)

16.76. Communication from the Commission (COM (2016) 377 Final) to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an Action Plan on the integration of third country nationals

(Education: children, regardless of their family or cultural background or gender, have the right to education to further their development. Early Childhood Education and Care is fundamental for the integration of families and children from third countries. Investing in Early Childhood Education and Care has proven effective in tackling poverty and social exclusion, and making sure that all children are given the chance to realise their full potential. Gaining an understanding of the laws, culture and values of the receiving society is crucial for third country nationals to understand the responsibilities linked with their new life in the receiving society and actively participate in it. The document also include Commission planned actions in this field as well as recommendations for Member States)

16.77. Communications from the Commission to the European Parliament, the European Council and the Council on progress in the implementation of the EU-Turkey Statement:

First Report on the progress made in the implementation of the EU-Turkey Statement (COM (2016) 231 Final)

Second Report on the progress made in the implementation of the EU-Turkey Statement (COM (2016) 349 Final)

Third Report on the progress made in the implementation of the EU-Turkey Statement (COM (2016) 634 Final)

(Reference is made to children, as they are included under the UN vulnerability criteria.)

16.78. Proposal (COM(2016) 270 final) for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)

(Under the new system, the rights of unaccompanied children are strengthened and the assessment of the best interests of the child reinforced. The proposal clarifies that the Member State where the child first lodged his or her application for international protection will be the one responsible, unless it is demonstrated that this is not in the best interests of the child. Before transferring an unaccompanied child to another Member State, the transferring Member State will have to make sure that the receiving Member State will take the necessary measures to safeguard their rights without delay.)

16.79. Proposal (COM(2016) 272 final) for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes

16.80. Proposal (COM(2016) 467 final) for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU

(The proposal reinforces the special procedural guarantees that are available for vulnerable persons, and in particular those foreseen for unaccompanied children. The best interests of the child continue to be the primary consideration in all procedures applicable to unaccompanied children. The Commission has foreseen several measures aimed to secure prompt and effective guardianship for these children. Special procedures, such as accelerated examination and border procedures, can only be applied to unaccompanied children in limited and justified circumstances.)

16.81. Proposal (COM(2016) 466 final) for a Regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents

16.82. Proposal (COM(2016) 465 final) for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast)

(The proposal ensures that reception conditions are adapted to the specific situation of children, whether unaccompanied or within families, with due regard to their security, physical and emotional care and are provided in a manner that encourages their general development. The proposal does not change the fact that, in application of Article 37 of the United Nations Convention on the Rights of the Child, as a rule, minors should not be detained. However, as it is already the case in the current Reception Conditions Directive, as a last resort, children may be detained with their families and unaccompanied children may detained, but only in exceptional circumstances.)

The **document at this link** contains extracts of relevant child protection provisions in the legislative proposals (COM(2016) 270 final), (COM(2016) 272 final), (COM(2016) 467 final), (COM(2016) 466 final), (COM(2016) 465 final).

16.83. Proposal (COM(2016) 271 final) for a Regulation of the European Parliament and the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010

16.84. Proposal (COM (2016) 277 Final) for a Regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council)

16.85. Communication from the Commission (COM(2017) 211 Final) to the European Parliament and the Council, The protection of children in migration of 12 April 2017

(The Communication aims to set out a series of coordinated and effective actions to address the main protection gaps and needs that children face once they reach Europe, ranging from their identification, reception, implementation of procedural safeguards, as well as establishment of durable solutions.

It refers also to cross-cutting actions at all migratory stages, such as using better and in a more targeted way EU financial support, improving data collection on children in migration and providing training to all those working with children in migration. The principle of best interests of the child must be the primary consideration in all actions or decisions concerning children.)

16.86. Conclusions (10085/17) of the Council of the European Union and the representatives of the governments of the Member States on the protection of children in migration (8 June 2017)

16.87. Communication from the Commission (COM(2017) 558 Final) to the European Parliament and the Council, the European economic and Social Committee and the Committee of the Regions on the Delivery of the European Agenda on Migration of 27 September 2017

16.88. Council conclusions on the application of the EU Charter of Fundamental Rights in 2016 (12 October 2017)

EU and national actions should particularly take into account the serious risks of abuse and exploitation, for example by smugglers and human traffickers, with women and children facing greater risks of violence and discrimination (point 13.). Section c) on rights of the child: (point 14.) the Council highlights the importance of the protection of children and respect for the principle of the best interests of the child as a primary consideration in all actions affecting children. (Point 15.) the Council underlines that cooperation and dialogue with stakeholders are key to ensure the respect of children's rights, and notably through the exchange of good practices, which should be further developed. It recalls the Annual Forum on the rights of the child, the informal Member States expert group on the rights of the child as well as the Commission's initiative to establish a European guardianship network.

16.89. Unaccompanied children

16.90. The EU action plan on unaccompanied minors (2010-2014) (COM(2010)213 final) of 6 May 2010

Includes a focus on prevention of unsafe migration and a child protection system approach in the country of origin is expressly articulated.

16.91. Report from the Commission to the Council and the European Parliament of 28 September 2012 (COM(2012)554 final) (SWD(2012)281 final) – Mid-term report on the implementation of the action plan on unaccompanied minors

16.92. Return

16.93. Commission recommendation of 1.10.2015 establishing a common "Return handbook" to be used by Member States' competent authorities when carrying out return related tasks

(The Return Handbook specifies as vulnerable persons, among others, minors, unaccompanied minors, single parents with minor children (Chapter 1); it includes a section of unaccompanied minors (Chapter 10), providing a number of safeguards, and stating that action must take into account the "best interests of the child"; assistance of appropriate bodies other than the authorities enforcing return shall be granted with due consideration being given to the "best interests of the child"; return of the unaccompanied minor from the territory of a MS to a family member, a nominated guardian or adequate reception facilities; among the cited safeguards pending return (Chapter 12), are grant of access to basic education system (subject to the length of their stay); detention of unaccompanied minors

and families with families shall only be a measure of last resort and for the shortest appropriate period of time (Chapters 14 and 16).

16.94. Commission Recommendation (EU) 2017/432 of 7 March 2017 on making returns more effective when implementing the Directive 2008/115/EC of the European Parliament and of the Council

(In its Recommendation of 7 March 2017 on making returns more effective when implementing the Directive 2008/115/EC of the European Parliament and of the Council15, the Commission encouraged Member States not to preclude the possibility to place children in detention in full compliance with the safeguards set by the Directive, where this is strictly necessary to ensure the execution of a final return decision insofar as Member States are not able to ensure less coercive measures than detention that can be applied effectively in view of ensuring effective return. Measures should also be taken to ensure that a viable range of effective alternatives to detention are available and used in the Member States.)

16.95. The Return Handbook - Annex to the Commission Recommendation of 27.9.2017 establishing a common "Return Handbook" to be used by Member States competent authorities when carrying out return related tasks

The 2017 version of the Handbook contains child-specific guidance on the right to be heard in Chapter 12 on procedural safeguards (in particular Section 12.1 on right to good administration and right to be heard).

Revised Chapter 16 on detention of minors and families provides that the best interests of the child must always be a primary consideration in the context of detention of minors and families; Member States are encouraged to involve child protection bodies in all matters related to detention and, where there are grounds for detention, everything possible must be done to ensure that a viable range of effective alternatives to detention for minors (both unaccompanied and with their families) is available and accessible. Chapter 16 refers to UNHCR and FRA's examples of good practices on alternatives to detention for unaccompanied minors and families with children. The Commission recommends that national legislation should not preclude the possibility to place minors in detention, where this is strictly necessary to ensure the execution of a final return decision, and insofar as less coercive measures cannot be applied effectively in the individual case.

Revised Chapter 14 in the part on the obligation to provide for effective alternatives for detention (14.1), indicates that Member States must provide in national law for alternatives to detention. Revised Chapter 14.1 indicates also that examples of alternatives to detention include residence restrictions, open houses for families, (…), and refers to UNHCR's practical examples of good practices on alternatives to detention.

[15] C(2017) 1600 final.

16.96. Communication from the Commission to the European Parliament and to the Council EU Action Plan on return (COM(2015) 453 final

16.97. Communication from the Commission to the Council and the European Parliament of 28 March 2014 (COM(2014)199 final) on EU return policy

(See page 8 on the Return Handbook, page 10 on unaccompanied children, detention conditions of children on page 18, assistance to unaccompanied children on page 19)

16.98. Judicial cooperation in civil matters

16.99. Acquis

16.100. Council Decision 2003/93/EC of 19 December 2002 authorising the Member States, in the interest of the Community, to sign the 1996 Hague Convention on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children

16.101. Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes

(No specific provisions for children but in Commission Decision 2004/844/EC of 9 November 2004 establishing a form for legal aid applications under Council Directive 2003/8/EC, Section 2.A of the form includes reference to the representative of the applicant, if the applicant is a child)

16.102. Council Regulation 2201/2003/EC of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation 1347/2000/EC

(The 'Brussels IIa Regulation' contains several provisions on the best interests of the child (Articles 12, 15 and 23) and several provisions on the child's right to be heard (Articles 11, 23, 41, 42).

16.103. Directive 2008/52/EC of 21 May 2008 on certain aspects of mediation in civil and commercial matters

(Includes provisions on the best interests of children in Article 7 (confidentiality of mediation); Article 4 covers quality of mediation, including training)

16.104. Council Regulation 4/2009/EC of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations

(Article 46 includes provisions for free legal aid in respect of applications through central authorities concerning maintenance to children (below the age of 21))

16.105. Council Directive 2011/432/EU of 9 June 2011 on the approval, on behalf of the European Union, of the Hague Convention of 23 November 2007 on the international recovery of child support and other forms of family maintenance

16.106. Regulation 650/2012/EU of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession and corrigenda to transposition dates

(Recital 53 and Article 27.3 on formal validity of dispositions of property upon death made in writing include references to minors and age)

16.107. Policy documents and Commission proposals

16.108. Proposal of 24 March 2013 (COM(2013)228 final) for a Regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) 1024/2012

(According to Article 3 of the proposal, "public documents" means documents issued by authorities of a Member State and having formal evidentiary value relating to inter alia birth, name, parenthood and adoption)

16.1. Proposal (COM(2016) 411 final) for a Council Regulation on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction

(Provisions on parental responsibility, best interest of the child, closer involvement of child welfare authorities. The preferred policy options for parental responsibility matters will enhance the right to the respect for private and family life (Article 7). Finally, the proposed changes will strengthen the rights of the child (Article 24) and bring the Regulation further in line with the United Nations Convention on the Rights of the Child by linking the provisions more closely to it.)

16.2. Indicative list of conventions and instruments to which new Member States must accede

The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction;

The Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children

16.3. Consumer law

16.4. Acquis

16.5. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

(See Recital 18, Article 5.3 and Annex I para 28 on aggressive commercial practices)

(See also reference to Toy Directive under enterprise and industrial policy Chapter 20.)

(See also reference to audiovisual media services directive under Chapter 10 Information society and media)

16.6. Policy documents and Commission proposals

16.7. Commission Staff Working Document (SWD(2016) 163 final) – Guidance on the Implementation/Application of Directive 2005/29/EC on Unfair Commercial Practices

(See page 100, paragraph 4.6 on direct exhortation to children)

16.8. Criminal law[16]

16.9. Acquis

16.10. Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States

(Article 3.3 of the Framework Decision on the European arrest warrant includes, as grounds for mandatory non-execution of the European Arrest Warrant, cases where a child is below the minimum age of criminal responsibility (MACR). It means that if, according to the national law of the executing Member State, a child is below the minimum age of responsibility, the executing judicial authority must refuse the execution of such arrest warrant.)

[16] Measure on right to a lawyer in negotiation in 2013 is likely to have a provision on children. Potential future proposals end 2013 on vulnerable (child) suspects/accused and the presumption of innocence

16.11. Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union

(Council Framework Decision 2008/909/JHA is relevant for young offenders and children of imprisoned parents. Article 3 specifies the purpose of the framework decision: facilitation of social rehabilitation - Article 4 provides criteria for forwarding a judgment and certificate to another Member State: references to where a person 'lives' incorporating elements of family ties (see Recitals 9 and 17). Article 7 contains provisions on recognition of judgments and enforcements of sentence, without verification of double criminality, for crimes of sexual exploitation of children and child pornography. Article 9 (g) grounds for refusal provides that the executing State may refuse to recognise the judgment and enforce the sentence if the sentence has been imposed on a person who, under the law of the executing State, could not be held criminally liable for the acts in respect of which the judgment was issued). It should be noted that this is an optional ("may refuse") and not a mandatory ground for refusal.)

16.12. Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions

(Framework Decision 2008/947/JHA is relevant for young offenders and children of sentenced/imprisoned parents - Article 1: states that FD aims at facilitating the social rehabilitation of sentenced persons; Recitals 8 and 14 refer to family, Article 9 covers recognition, without verification of double criminality, for crimes of sexual exploitation of children and child pornography. Article 11(g) allows refusal in case of absence of criminal liability in executing State due to age.)

16.13. Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principal of mutual recognition to decisions on supervision measures as an alternative to provisional detention

(Council Framework Decision2009/829/JHA is relevant for young offenders and children of sentenced parents. FD has threefold objective: (a) to ensure the due course of justice and, in particular, that the person concerned will be available to stand trial; (b) to promote, where appropriate, the use, in the course of criminal proceedings, of non-custodial measures for persons who are not resident in the Member State where the proceedings are taking place; (c) to improve the protection of victims and of the general public.)

16.14. Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States

(Provides for the exchange of criminal records of EU citizens among Member States, with some limitations, for the purposes of criminal proceedings, but also for other purposes (such as employment relating to the supervision of children) to prevent concealment of child-related offences. See Recitals 12 and 15, Articles 6,

7, 9. Note that most limitations have been removed by the adoption of Directive 2011/93/EU above on combating the sexual abuse and sexual exploitation of children.)

16.15. Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA

16.16. Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings

(Directive 2010/64/EU does not contain any specific separate provisions for children but generally applies to child suspects/accused during criminal proceedings and proceedings for execution of a European Arrest Warrant. Article states that 2 Member States shall ensure that suspected or accused persons who do not speak or understand the language of the criminal proceedings concerned are provided, without delay, with interpretation during criminal proceedings before investigative and judicial authorities, including during police questioning, all court hearings and any necessary interim hearings. Interpretation should also be available for communication with legal counsel. This directive is binding for UK and IE, both opted in (see recital 35). Denmark does not take part in this directive (see recital 36). It had to be transposed by Member States on 27 October 2013.)

16.17. Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order

(Recital 15 and Article 7 on child subjects of a European protection order (needs of particularly vulnerable victims such as children))

16.18. Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings

(The directive applies to all suspects and accused persons in criminal proceedings, including children. It provides for the right to information about procedural rights (Article 3). According to Article 3(2) Member States shall ensure that the information provided for under para 1 shall be given orally or in writing, in simple and accessible language, taking into account any particular needs of vulnerable suspects or vulnerable accused persons. Moreover, recital 26 foresees that "competent authorities should pay particular attention to persons who cannot understand the content or meaning of the information, for example because of their youth or their mental or physical condition." In case of arrest or detention (Article 4) and in European Arrest Warrant proceedings (Article 5), a written Letter of Rights shall be provided. The directive also ensures for suspects and accused persons (including children) the right to information about the accusation and the right of access to the materials of the case. This directive is binding for UK and IE, both opted in (see recital 44). Denmark does not take part in this directive (see recital 45). It had to be transposed by Member States on 2 June 2014.)

16.19. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support

and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

(Extensive provisions for children: See Recital 14 on best interests of the child and right to be heard, Recital 17 on children of victims of gender-based violence, Recital 19 on rights of child victims, Recital 38, Recital 42 on right to be heard, Recital 54 on privacy, Recital 57 on secondary or repeat victimisation, Recital 60 on child's guardian or representative, Recital 66 on rights of the child, Recital 69 on more far-reaching provisions on victims of trafficking or victims of child sexual abuse, sexual exploitation or child pornography taking precedence; Article 1 on child's best interests and a child-sensitive approach, Article 2 definition of a child, Article 10 on right to be heard, Article 21 on privacy, Article 22.4 on individual assessment of child's special protection needs, Article 23 on special measures (adapted premises, trained professionals, etc.), Article 24 on child victims, Article 26 on cooperation and coordination of services, and note Article 28 on provision of data and statistics.)

16.20. Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty

(The directive applies to all suspects and accused persons in criminal proceedings, including children. Article 5, which deals with the right to have a third person informed of deprivation of liberty, contains specific rules for children defined as persons below the age of 18 years (see Article 5(2) second sentence). The Directive foresees that the holder of parental responsibility of the child is informed as soon as possible of the deprivation of liberty and of the reasons pertaining thereto, unless it would be contrary to the best interests of the child, in which case another appropriate adult shall be informed (see Article 5(2) first sentence). With the purpose to avoid that children could be held incommunicado Member States need to make sure that at least an authority responsible for the protection or welfare of children is informed in cases where a possible temporary derogation is applied17 (see Article 5(4). Recitals 52 and 55 contain additional explanations.

UK and IE opted out (see recital 58). DK does not take part either (see recital 59). For all other Member States the directive, which had to be transposed by 27 November 2016, is binding.)

[17] Member States legislation may allow for derogations only where justified in the light of the particular circumstances of the case on the basis of one of the following compelling reasons:
(a) where there is an urgent need to avert serious adverse consequences for the life, liberty or physical integrity of a person;
(b) where there is an urgent need to prevent a situation where criminal proceedings could be substantially jeopardised.

16.21. Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings

(The directive applies to children (persons below the age of 18 years) who are suspects or accused in criminal proceedings or subject to a European arrest warrant proceeding. It does not apply to other types of proceedings, in particular proceedings which are specially designed for children and which may lead to corrective or educative measures (see recital 17). This is a horizontal legislative instrument foreseeing procedural safeguards for children who are suspects or accused in criminal proceedings. It applies until the final conviction. It contains notably provisions on (mandatory) assistance by a lawyer in specific circumstances (Article 6), a particular right to information for children (Article 4), a right to have the holder of parental responsibility informed (Article 5) and to be accompanied by the holder of parental responsibility (Article 15), a right to an individual assessment (Article 7), a right to a medical examination (Article 8), rules on audio-visual recording of questioning (Article 9), safeguards in case of deprivation of liberty and detention (Articles 10-12) such as limitation of deprivation of liberty, alternative measures and specific treatment in case of deprivation of liberty, including separate detention of children from adults, a right to protection of privacy (Article 14), a right to appear in person at, and to participate in trial (Article 16), a right to legal aid (Article 18), as well as provisions on training and costs (Articles 20 and 22). UK and IE opted out (see recital 69). DK does not take part either (see recital 70). For all other Member States, the directive is binding. It needs to be transposed by Member States by 11 June 2019.)

16.22. Policy documents and Commission proposals

16.23. Commission proposal of 27 November 2013 (COM(2013)822 final) for a directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings

16.24. Commission staff working document of 27 November 2013 (SWD(2013)481 final) – Executive summary of the impact assessment accompanying the proposal for measures on special safeguards for children and vulnerable adults suspected or accused in criminal proceedings

16.25. Commission staff working document of 27 November 2013 (SWD(2013)492 final) – Implementation plan accompanying the proposal for a directive on procedural safeguards for children suspected or accused in criminal proceedings (COM(2013)822 final) (SWD(2013)480 final) (SWD(2013)481 final)

16.26. DG Justice Guidance Document of December 2013 related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

(Document to facilitate the effective and timely transposition of Directive 2012/29/EU and to assist Member States to have a common understanding of the provisions contained in the Directive)

17. CHAPTER 25: SCIENCE AND RESEARCH

17.1. Acquis

17.2. Regulation 1901/2006/EC of 12 December 2006 on medicinal products for paediatric use and amending Regulation 1768/92/EEC, Directive 2001/20/EC, Directive 2001/83/EC and Regulation 726/2004/EC

18. CHAPTER 26: EDUCATION AND CULTURE

(see also EUROPE 2020 section in this document)

18.1. Early childhood education and care (ECEC)

18.2. Acquis

18.3. Policy documents and Commission proposals

18.4. Commission Communication (COM(2011)66 final) of 17 February 2011 on Early childhood education and care: providing all our children with the best start for the world of tomorrow

(sets out key issues for future European cooperation in early childhood education and care with the aim to improve access and quality of services from birth to the start of compulsory schooling)

18.5. Council conclusions on early childhood education and care of May 2011

(EU Education Ministers endorsed plans included in February Communication) and launched a process of policy cooperation at European level)

18.6. Education

18.7. Acquis

18.8. Council Recommendation of 28 June 2011 on policies to reduce early school leaving (Text with EEA relevance) (OJ 2011 C91of 1 July 2011)

18.9. Policy documents and Commission proposals

18.10. Commission Communication to the Council and to the European Parliament of 8 September 2006 (COM(2006)481 final) on Equity and efficiency in European education and training systems

18.11. Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (COM(2008)425 final) of 3 July 2008 on Improving competences for the 21st Century: an agenda for European cooperation on schools

(Outlined the long-term benefits of investment in early childhood education, underlining the importance of the quality of the provision)

(Highlighted the benefits of quality provision for all, particularly for low-income and ethnic minority children in the early years)

18.12. Council Conclusions on the education of children with a migrant background (26 November 2009)

(Stated that comprehensive early childhood services help to integrate immigrant families, improve children's health and better prepare children for school)

18.13. Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (COM(2008)865 final) of 16 December 2008 on An updated strategic framework for European cooperation in education and training

(covers the period 2009-20, sets four strategic challenges: a) make lifelong learning and learner mobility a reality, b) improve the quality and efficiency of provision and outcomes, c) promote equity and active citizenship, d) enhance innovation and creativity, including entrepreneurship, at all levels of education and training), refers explicitly to addressing educational disadvantages through pre-primary education)

18.14. Commission Communication COM(2010)682 final of 23.11.2010 on An Agenda for new skills and jobs: A European contribution towards full employment

(definition of EU working age 15-64)

18.15. Communication of 21 January 2011 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Tackling early school leaving: a key contribution to the Europe 2020 Agenda (COM(2011)18 final

18.16. Commission Communication COM (2012)669 final of 20.11.2012 on Rethinking Education: Investing in skills for better socio-economic outcomes

18.17. Schools policy – A whole school approach to tackling early school leaving: Policy messages. Education and Training 2020

18.18. European Toolkit for Schools

(New online resource platform offering to school practitioners and policy makers a wealth of information, practices and resources for more inclusive education through more collaborative, community-based practices. A specific section is devoted to the support needed for the integration of migrants.)

18.19. Youth open method of coordination – participation aspects

18.20. Policy documents and Commission proposals

18.21. Communication of 27 April 2009 from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions – an EU strategy for youth – investing and empowering – a renewed open method of coordination to address youth challenges and opportunities

(meaning broadly speaking teenagers and young adults from **13 to 30** years old. For statistical purposes, the same range has not always been used throughout the text)

18.22. Council Resolution of 27 November 2009 on a renewed framework for European cooperation in the youth field (2010-2018) (2009/C311 of 19.12.2009)

18.23. Council Conclusions of 19 November 2010 on the European and international policy agendas on children, youth and children's rights (0J C326/1 of 3.12.2010)

18.24. Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on encouraging new and effective forms of participation of all young people in democratic life in Europe (OJ C 169, 9.6.2011)

18.25. Council conclusions on the eastern dimension of youth participation and mobility (OJ C 372/10, 20.12.2011)

18.26. Commission staff working document (SWD(2012)256 of 10 September 2012 – EU Youth Report – results of the first cycle of the Open Method of Coordination in the youth field (2010-2012)

18.27. Resolution of the Council and of the representatives of the Governments of the Member States, meeting within the Council, on the overview of the structured dialogue with young people on youth participation in democratic life in Europe (OJ 2012/C380/01 of 11.12.2012)

18.28. 2012 Joint Report of the Council and the Commission on the implementation of the renewed framework for European cooperation in the youth field (EU Youth Strategy 2010-18) (OJ 2012/C394/03)

18.29. Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, of 27 November 2012, on the participation and social inclusion of young people with emphasis on those with a migrant background (OJ 2012/C393/05)

18.30. Council conclusions (2014) on enhancing the social inclusion of young people not in employment, education or training (2014/C 30/03)

18.31. Council conclusions of 20 May 2014 on promoting youth entrepreneurship to foster social inclusion of young people (2014/C 183/04)

19. CHAPTER 27: ENVIRONMENT

Some *examples* of environment legislation are provided. They do not explicitly mention children. However, they were framed with a sense that children would be amongst the main beneficiaries, particularly with regard to the safeguarding of human health in relation to environmental pollutants.

19.1. Acquis

19.2. Council Directive 92/72/EC of 21 September 1992 on air pollution by ozone

(Children are not explicitly mentioned, but the Ozone Directive aims at notifying populations of harmful ground level ozone exposure. The thresholds take account of vulnerable populations including children.)

19.3. Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption

(introduced a stricter standard for lead, in line with WHO advice, in view of the detrimental effect on children's cognitive development of excessive levels of lead – see Recital 13)

19.4. Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC

(aims at eliminating or reducing the exposure of bathers to pollutants in bathing water. Although children are not specifically mentioned, the fact that bathers include children arguably has practical consequences for the Directive's interpretation (e.g. paddling in shallow water) – see Article 3 on monitoring: "*The monitoring point shall be the location within the bathing water where: (a) most bathers are expected; ...*")

19.5. Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment)

(The Impact Assessment Directive gives the public concerned by a wide range of public and private projects (e.g. the execution of construction works or of other installations or schemes, or other interventions in the vicinity including those involving the extraction of mineral resources) a right to participate in decision-making. This includes projects that may raise health and safety concerns for children living in their vicinity.)

20. CHAPTER 28: CONSUMER AND HEALTH PROTECTION

20.1. Acquis

20.2. Directive 87/357/EEC of 25 June 1987 on the approximation of the laws of the Member States concerning products which, appearing to be other than they are, endanger the health or safety of consumers

(Recital on barriers to the free movement of goods and unequal competitive conditions without ensuring effective protection for consumers, especially children, and Article 1(2) on the likelihood for children to confuse non-food products with foodstuffs)

20.3. Directive 2001/20/EC of 4 April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practice in the conduct of clinical trials on medicinal products for human use

(Recital 3 on vulnerabilities of children – see new proposal just below)

20.4. Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (Text with EEA relevance)

(Addressing the risks for children posed by certain products)

20.5. Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009

20.6. Commission Implementing Decision (EU) 2016/575 of 29 March 2016 extending the validity of Decision 2006/502/EC requiring Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters

20.7. Directive 2014/40/EU of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC

(The revised Tobacco Products Directive, which repeals the current Directive 2001/37/EC, aims to improve the functioning of the EU's internal market for tobacco products whilst assuring a high level of public health by reducing smoking initiation, in particular amongst young people/children. Its various measures include large mandatory picture and text health warnings for cigarette and roll-your-own tobacco packs, the prohibition of characterising flavours in these products and the prohibition of misleading elements on tobacco packs.)

20.8. Commission Implementing Decision of 13 June 2014 on the compliance of European standard EN 16281:2013 for consumer fitted child resistant locking devices for windows and balcony doors with the general safety requirement of Directive 2001/95/EC of the European Parliament and of the Council and publication of the reference of that standard in the Official Journal of the European Union Text with EEA relevance

20.9. Policy documents and Commission proposals

20.10. Commission Decision of 3 March 2004 setting up Scientific Committees in the field of consumer safety, public health and the environment (Text with EEA relevance)

(Children are not explicitly mentioned, but Scientific Committees will work in the interests of, inter alia, children)

20.11. Commission Green Paper Improving the mental health of the population: Towards a strategy on mental health for the European Union (COM(2005)484 of 14.10.2005)

(The Communication discusses building mental health in infants, children and adolescents as a contribution to promoting the mental health of the population.)

20.12. Commission Decision of 11 May 2006 requiring Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters

(Most recitals and articles refer to the risk to children's safety and/or child-resistance requirements)

20.13. Commission proposal (COM(2012)369 final) of 17 July 2012 for a Regulation of the European Parliament and of the Council on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC

(Includes specific provisions for minors, a minor being 'a subject who is, according to the laws of the Member State concerned, under the age of legal competence to give informed consent'

See Recital 65 on rights of the child, Article 31 on clinical trials on minors and Article 32 on clinical trials in emergency situations

See consumer protection Chapter 24: consumer law)

20.14. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - An EU strategy to support Member States in reducing alcohol related harm

(See Chapter 5.1 and 5.4 on the protection of the unborn child, children and under-age from alcohol-related harm)

20.15. Council Conclusions of 1 December 2009 on alcohol and health (2009/C 302/07)

(Invites the Commission to consider further steps to protect children from alcohol related harm, in particular to reduce under-age drinking and harm to children growing up in families with alcohol problems)

20.16. Council Conclusion of 7 December 2015 on an EU strategy on the reduction of alcohol related harm

20.17. Council Conclusions of 6 June 2011 on Childhood immunisation: successes and challenges of European childhood immunisation and the way forward

(The Council conclusions invite Member States inter alia to make efforts to maintain and strengthen their processes and procedures for offering vaccines to children with unknown or uncertain vaccination history, to make efforts to maintain and strengthen public trust in childhood immunisation programmes and the benefits of vaccination, and to identify under-vaccinated groups and ensure their equitable access to childhood vaccinations.)

20.18. Council conclusions of 6 June 2011 on 'The European Pact for Mental Health and Well-being: results and future action'

(The Council Conclusions invite Member States to strengthen mental health promotion of children and young people by supporting positive parenting skills, holistic school approaches to reduce bullying and to increase social and emotional competences as well as supporting families where a parent has a mental disorder.)

20.19. Action Plan on Childhood Obesity 2014-2020

(In February 2014 the High Level Group agreed on an Action Plan on Childhood Obesity, voluntary initiatives to contribute to halting the rise in childhood obesity by 2020. The Plan covers, inter alia, health, diet, physical activity, marketing and advertising, and what can be done in school to promote healthier environments.)

20.20. Council conclusions on nutrition and physical activity from 20 June 2014

(The Council conclusions on nutrition and physical activity call for Member State action on Nutrition and Physical Activity, especially on children. It mentions the need to "Report back to the Council by 2017 and again in 2020 on the progress made in implementing the EU Action Plan on Childhood Obesity 2014-2020 as well as on other initiatives implemented in the context of the Strategy for Europe on Nutrition, Overweight and Obesity related health issues". Council Conclusions of 17 November 2011 on prevention, early diagnosis and treatment of chronic respiratory diseases in children (Con. 12/11)

20.21. Draft Council conclusions on the promotion of motor skills, physical and sport activities for children from 4 November 2015

(The Draft Council conclusions on the promotion of motor skills, physical and sport activities for children considers the importance to raise awareness of the importance of developing physical and sporting activities suitable for young people (Con. 12-16))

21. CHAPTER 30: EXTERNAL RELATIONS

21.1. Policy documents and EEAS or Commission proposals

21.2. EU Guidelines for the Promotion and Protection of the Rights of the Child, approved by the Council on 10 December 2007

(These guidelines reinforce the action of the European Union (EU) for the promotion and protection of the rights of the child in its external relations and encourage an overall, strategic approach to these issues. They complement the EU guidelines on children and armed conflict.)

21.3. Council Conclusions of 26-27 May 2008 on the promotion and protection of the rights of the child in the European Union's external action – the development and humanitarian dimensions

21.4. Commission Communication of 5 February 2008 (COM(2008)55 final) on a special place for children in EU external action

21.5. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - A special place for children in EU external action (SEC(2008) 135) (SEC(2008) 136) (COM/2008/0055 final)

21.6. Commission Staff Document The European Union's Action Plan on Children's Rights in External Action, 2008 (COM(2008) 55 final) (SEC(2008) 135)

21.7. The European Union's Action Plan on Children's Rights in External Action of 5 February 2008 (SEC(2008)136)

21.8. Commission staff working document combating child labour of December 2010

21.9. Joint Communication from the European Commission and the High Representative of the European Union for Foreign Affairs and Security Policy to the European Parliament and the Council of 12 December 2011 (COM(2011)886 final) on Human rights and democracy at the heart of EU external action – towards a more effective approach)

(Identifies rights of the child as one of three cross-cutting themes for a targeted EU campaign rights of the child – building on the "EU agenda for the rights of the child" and both sets of EU guidelines on children)

21.10. Council Conclusions on the Action Plan on Human Rights and Democracy 2015-2019

(Objective nº 15 encompasses the promotion, protection and fulfilment of children's rights and foresees actions on support partner countries to promote, protect and fulfil children's rights, including in the area of child protection, and to promote the ratification of the Optional Protocols to the UNCRC.)

21.11. Council Conclusions of 14 June 2010 on child labour

(see TRADE reference to 2013 staff working document)

21.12. Council Conclusions of 17 December 2014 (17016/14) on the Promotion and Protection of the rights of the child

21.13. Joint Staff Working Document - Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020

(EU policy and political commitments with a gender-equality approach for girls and women)

21.14. Council Conclusions on the Gender Action Plan 2016-2020

(Conclusions on gender equality actions, including girls among the target group)

21.15. Council Conclusions on Child Labour (20 June 2016)

(The Council reaffirmed its strong commitment to ensuring every child is protected from child labour including its worst forms and stressed the importance of eradicating the recruitment and use of children in armed conflict including child soldiers.)

21.16. Council conclusion on Business and Human Rights (20 June 2016)

21.17. Council Regulation (EU) 2016/369 of 15 March 2016 on the provision of emergency support within the Union

21.18. EU Guidelines for the Promotion and Protection of the Rights of the Child (in external policy) (2016), Leave no child behind

(It reaffirms the EU's commitment to comprehensively protect and promote the rights of the child in its external policy, in line with the provisions of the UN Convention on the Rights of the Child and its Optional Protocols and other relevant international standards and treaties. The Guidelines have included institutionalisation among the risks facing children in vulnerable situations. The document highlights the importance of appropriate alternative care for children that allows them to participate in community life, preventing family and child separation (section 5.A) and states that the primary consideration when considering any spending should be identification of the best interests of the child (see section 5.D). It further recommends improving coherence in the EU's external action on children, including that carried out by Member States.)

21.19. Council Conclusions (7775/17) on the Promotion and Protection of the Rights of the Child – Council conclusions (3 April 2017)

21.20. Development cooperation

21.21. Policy documents and communications

21.22. Communication from the Commission to the Council and the European Parliament of 6 March 2002 on education and training in the context of poverty reduction in developing countries (COM(2002)116 final

21.23. Guidance note on disability and development, 2004

21.24. Commission Communication (COM(2006)249 of 24 May 2006 on promoting decent work for all Council Conclusion of 30 November and 01 December 2006

21.25. Commission Staff Working Document (SEC(2008)2184 of 2 July 2008: Report on the EU contribution to the promotion of decent work in the world

21.26. Commission staff working document on children in emergency and crisis situations (SEC(2008)135 of 5 February 2008

21.27. Commission staff working document (SWD(2010)121 final) of 4 February 2010 – More and better education in developing countries

21.28. Commission Communication of 31 March 2010 to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the EU role in global health (COM(2010)128 final

(This communication and the corresponding Council Conclusions (see next entry) outline the elements for an enhanced EU response to the challenges to reach the Millennium Development Goals, particularly a reduction in child mortality around the world.)

21.29. Council Conclusions of 10 May 2010 on the EU role in global health

21.30. Updated guidance note for EU staff: disability-inclusive development cooperation, 2012

21.31. Communication from the Commission of 27 February 2013 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (COM(2013)92 final – A decent life for all: ending poverty and giving the world a sustainable future

21.32. Council Conclusions on Gender in Development

(Conclusions refer to women's and girls' rights)

21.33. Humanitarian aid

21.34. Policy documents and communications

21.35. Commission Communication (COM(2013)141 final) of 12 March 2013 on enhancing maternal and child nutrition in external assistance

21.36. Commission staff working document (SWD(2013)290 final of 22.7.2013) on Gender in humanitarian aid: different needs, adapted assistance

(Focusing on the needs of girls and boys (and women and men) in humanitarian crises, age and gender sensitivity, sexual and gender-based violence, sexual exploitation and abuse, protection, trafficking)

21.37. Commission staff working document (SWD (2016) 183 final) on Humanitarian Protection: Improving protection outcomes to reduce risks for people in humanitarian crises

(Outlines the definition and objective of the European Commission's humanitarian protection work, including on child protection. This new policy document provides guidance for the programming of protection work in humanitarian crises, for measuring the effect of interventions and for planning related capacity building activities.)

21.38. Commission Communication (COM(2016) 234 final) on Lives in Dignity: from Aid-dependence to Self-reliance Forced Displacement and Development

(Highlights the specific needs and vulnerabilities of forced displaced children, particularly related to their right to education and protection.)

21.39. Trade

21.40. Policy documents and Commission proposals

21.41. Commission staff working document (SEC(2010)37 of 14 January 2010 on Combating child labour

(problem definition, policy dialogue, development assistance, corporate social responsibility, procurement trade measures)

21.42. Council Conclusions of 14 June 2010 on child labour

(Further to the 2010 Commission staff working document on combating child labour, this document provides additional elements on the trade dimension of the phenomenon)

21.43. Communication from the Commission to the European Parliament and the Council (COM(2013)833 final of 25 November 2013) – Towards the elimination of female genital mutilation

22. CHAPTER 31: FOREIGN, SECURITY AND DEFENCE POLICY

22.1. Policy documents and Commission proposals

22.2. Checklist for the integration of the protection of children affected by armed conflict into ESDP operations of 23 May 2006

(see 2008 update below)

22.3. EU Guidelines on children in armed conflict, adopted in 2003 and updated in 2008

22.4. General review of the Implementation of the Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP Operations, 2008

22.5. Revised Implementation Strategy of the EU Guidelines on Children and Armed Conflict

22.6. Update of 23 May 2008 to the checklist for the integration of the protection of children affected by armed conflict into ESDP operations

22.7. 2010 Review of the implementation strategy of 25 April 2006

22.8. Revised implementation strategy on children and armed conflict, of 6 December 2010

23. EUROPEAN COURT OF JUSTICE CASE LAW

This is the result of a rapid review by a DG JUSTICE lawyer of approximately 1200 cases where one of the words: "child, children, baby, babies, minor, minors, infant, infants" was mentioned. In principle all ECJ cases are relevant for children as much as for adults. For this reason, it was decided to include solely the cases where the ECJ decision or assessment has been particularly influenced by the fact that a child is involved in the case.

Other criteria used in drawing up this list (in line with European Commission policy):

- a child is a person 0-17
- We do not cover cases about unborn children
- There are a lot of cases concerning equal access to parental leave which naturally involve children. However, the Court has always approached this matter from the point of view of equality between men and women or balance of working and private life and these are not therefore included
- The vast majority of cases concern social security of workers, family benefits and child allowances. They are referenced as the Court has clearly determined that these kind of allowances are given for children's benefit and not for the workers themselves
- Trade mark disputes at OHIM do not impact children as they determine the IP rights and obligations only for the parties interested and as such do not provide higher protection to children.

FRA has published in 2015 a Handbook on European law relating to the rights of the child in cooperation with the Council of Europe and the European Court of Human Rights. The handbook is designed to assist lawyers, judges, prosecutors, social workers, non-governmental organisations and other bodies confronted with legal issues relating

to the rights of the child. It covers issues such as equality, personal identity, family life, alternative care and adoption, migration and asylum, child protection against violence and exploitation, as well as children's rights within criminal justice and alternative proceedings. The handbook is the first comprehensive guide to European law in the area of child rights, taking into account both the case law of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU). It provides information on: the EU Charter of Fundamental Rights, relevant Regulations and Directives; the European Social Charter (ESC); decisions of the European Committee of Social Rights; other Council of Europe instruments; as well as on the UN Convention on the Rights of the Child and other international instruments.

23.1. Case law mentioning or interpreting Article 24 of the Charter of Fundamental Rights

Judgment C-648/11 MA and Others – asylum, MS responsible for examining asylum application of unaccompanied minors, Article 24 of the Charter (see below)

C-92/12 PPU Judgment 26/04/2012 Health Service Executive

C-507/10 Judgment 21/12/2011 X

C-497/10 PPU Judgment 22/12/2010 Mercredi

C-491/10 PPU Judgment 22/12/2010 Aguirre Zarraga

C-400/10 PPU Judgment 05/10/2010 McB.

C-296/10 Judgment 09/11/2010 Purrucker

C-211/10 PPU Judgment 01/07/2010 Povse

C-403/09 PPU Judgment 23/12/2009 Detiček

C-256/09 Judgment 15/07/2010 Purrucker

C-145/09 Judgment 23/11/2010 Tsakouridis

C-195/08 PPU Judgment 11/07/2008 Rinau

C-523/07 Judgment 02/04/2009 A

C-540/03 Judgment 27/06/2006 Parliament v Council

C-105/03 Judgment 16/06/2005 Pupino

23.2. Judicial cooperation in civil matters

Preliminary ruling C-376/14 - Where a parent has lawfully removed a child from a Member State, in conformity with a judgment of a court of that State allowing it to do so, and has meanwhile settled in another Member State with the child, but a subsequent judgment on appeal reverses the decision at first instance and orders the return of the child, it is for the courts of the second State to determine whether the child has obtained habitual residence there by the time of the judgment on appeal

Judgment C-656/13 on Brussels IIa Regulation – prorogation of jurisdiction under Article 12(3) - (Article 12(3) of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, must be interpreted as allowing, for the purposes of proceedings in matters of parental responsibility, the jurisdiction of a court of a Member State which is not that of the child's habitual residence to be established even where no other proceedings are pending before the court chosen. Article 12(3)(b) of Regulation No 2201/2003 must be interpreted as meaning that it cannot be considered that the jurisdiction of the court seised by one party of proceedings in matters of parental responsibility has been 'accepted expressly or otherwise in an unequivocal manner by all the parties to the proceedings' within the meaning of that provision where the defendant in those first proceedings subsequently brings a second set of proceedings before the same court and, on taking the first step required of him in the first proceedings, pleads the lack of jurisdiction of that court.)

Judgment C-436/13 - Interpretation of Article 12(3) giving the parents in matters relating to custody or access rights a possibility to go to a court in a Member State in which the child is not habitually resident but where the child has a substantial connection with that Member State

C-92/12 PPU, S.C., A.C., 26 April 2012

C-497/10 PPU, Barbara Mercredi v Richard Chaffe, 22 December 2010

C-491/10 PPU, Joseba Andoni Aguirre Zarraga v Simone Pelz, 22 December 2010

C-400/10 PPU, J. McB. v L. E., 5 October 2010

C-296/10, Bianca Purrucker v Guillermo Vallés Pérez, 9 November 2010

C-211/10 PPU, Doris Povse v Mauro Alpago, 1 July 2010

C-403/09 PPU, Jasna Detiček v Maurizio Sgueglia, 23 December 2009

C-256/09, Bianca Purrucker v Guillermo Vallés Pérez, 15 July 2010

C-195/08 PPU, Inga Rinau, 11 July 2008

C-523/07, A, 2 April 2009

C-435/06, C, 27 November 2007

23.3. Police and judicial cooperation in criminal matters

C-507/10, X. Y., 21 December 2011

C-105/03, Maria Pupino, 16 June 2005

23.4. Citizenship of the Union, right of permanent residence, free movement of persons

C-86/12, Alopka and Others, 10 October 2013 – Citizenship of the Union – Articles 20 TFEU and 21 TFEU – Directive 2004/38/EC – Right of residence of a third-country national who is a direct relative in the ascending line of Union citizens who are minor children – Union citizens born in a Member State other than that of which they are nationals and who have not made use of their right of freedom of movement – Fundamental rights

Reference for a preliminary ruling

This request for a preliminary ruling concerns the interpretation of Articles 20 TFEU and 21 TFEU, and Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. The request was made in proceedings between Mrs Alokpa, her sons Jarel and Eja Moudoulou, and the Ministre du Travail, de l'Emploi et de l'Immigration (the Minister for Labour, Employment and Immigration) ('the Minister') concerning the Minister's decision refusing to grant Mrs Alokpa a right of residence in Luxembourg and ordering her to leave that Member State.

SUMMARY: On 21 November 2006, Mrs Alokpa, a citizen of Togo, applied to the Luxembourg authorities for international protection for the purposes of the Law of 5 May 2006 on the right of asylum and complimentary forms of protection. That application was, however, rejected by those authorities and their decision was confirmed by the Luxembourg courts. Subsequently, Mrs Alokpa applied to those authorities for discretionary leave to remain. Although, initially, that application was rejected, it was reconsidered and such discretionary leave was granted to Mrs Alokpa until 31 December 2008, as a result of the fact that she had given birth to twins on 17 August 2008, in Luxembourg, and that the latter required care due to their premature birth. Mrs Alokpa's children were recognised, when the birth certificates were drawn up, by Mr Moudoulou, a French national. They are French nationals and were issued with French passports and national identity cards on 15 May and 4 June 2009 respectively. In the meantime, an application for extension of her discretionary leave to remain made by Mrs Alokpa was rejected by the Luxembourg authorities, who, however, granted Mrs Alokpa a suspension of removal valid until 5 June 2010, which was not subsequently extended.

On 6 May 2010, Mrs Alokpa applied for a residence permit in accordance with the Law on free movement. In response to a request for further information from the Minister, Mrs Alokpa stated that she was unable to settle with her children in France, or reside with their father on the ground that she had no relations with the latter and that those children required follow-up medical treatment in Luxembourg as a result of their premature birth. By decision of 14 October 2010, the minister rejected that application. According to that decision, first, since the right of residence of a Union citizen's family members is restricted to dependent relatives in the direct ascending line, Mrs Alokpa does not satisfy that condition. Secondly, Mrs Alokpa's children also fail to satisfy the conditions set out in Article 6(1) of the Law on free movement. Furthermore, that decision held that those children's follow-up medical treatment could easily be provided in France and that Mrs Alokpa also failed to satisfy the necessary conditions for eligibility for another category of residence permit referred to in that law.

Mrs Alokpa brought, in her own name and in that of her two children, an action for annulment of the decision of the Minister before the Tribunal administratif (Luxembourg)

(Administrative Court, Luxembourg). By judgment of 21 September 2011, that court dismissed the action as unfounded. By application lodged on 31 October 2011, Mrs Alokpa brought an appeal against that judgment before the referring court. That court held that it is not disputed that Mrs Alokpa's children never enjoyed a family life with their father, who limited himself to declaring their birth and to enabling the issue of the French identity documents relating to them. Likewise, that court held that Mrs Alokpa and her children have in fact led a common family life in a hostel, following the children's extended stay in maternity care, and that the latter have not genuinely exercised their right to free movement.

In those circumstances, the Cour administrative decided to stay the proceedings and to refer the following question to the Court of Justice for a preliminary ruling: '*Is Article 20 TFEU – if necessary, read in conjunction with Articles 20, 21, 24, 33 and 34 of the Charter of Fundamental Rights [of the European Union], or with one or more of those provisions read separately or in conjunction – to be interpreted as precluding a Member State from refusing a third-country national, with sole responsibility for his or her minor children who are citizens of the European Union, residence in the Member State of residence of the children, where they have been living with that person since birth, without having that nationality, while refusing the third-country national a residence permit, or even a work permit?*

Are such decisions to be regarded as being in the nature of decisions depriving those children, in their country of residence, in which they have lived since birth, of effective enjoyment of the substance of the rights attaching to the status of citizen of the European Union also in the situation where their other direct ascendant, with whom they have never shared family life, is resident in another Member State of the European Union, of which that person is a national?'

RULING: In a situation such as that at issue in the main proceedings, **Articles 20 TFEU and 21 TFEU must be interpreted as meaning that they do not preclude a Member State from refusing to allow a third-country national to reside in its territory, where that third-country national has sole responsibility for her minor children who are citizens of the European Union, and who have resided with her in that Member State since their birth, without possessing the nationality of that Member State and making use of their right to freedom of movement, in so far as those Union citizens do not satisfy the conditions set out in Directive 2004/38/EC** of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, **or such a refusal does not deprive those citizens of effective enjoyment of the substance of the rights conferred by virtue of the status of European Union citizenship, a matter which is to be determined by the referring court.**

C-356/11 and C-357/11, O, S, Maahanmuuttovirasto (C‑356/11), and Maahanmuuttovirasto, 6 December 2012

C-256/11, Murat Dereci v Bundesministerium für Inneres, 15 November 2011

C-147/11 and C-148/11, Secretary of State for Work and Pensions Lucja Czop (C-147/11), Margita Punakova (C-148/11), 6 September 2012

C-75/11, European Commission v Republic of Austria, 4 October 2012

C-40/11, Yoshikazu Iida v Stadt Ulm, 8 November 2012

C-542/09, European Commission v Kingdom of the Netherlands, 14 June 2012

C-348/09, P. I. Oberbürgermeisterin der Stadt Remscheid, 22 May 2012

C-208/09, Ilonka Sayn-Wittgenstein v Landeshauptmann von Wien, 22 December 2010

C-34/09, Gerardo Ruiz Zambrano, v Office national de l'emploi (ONEm), 8 March 2011

C-480/08, Maria Teixeira v London Borough of Lambeth, Secretary of State for the Home Department, 23 February 2010

C-310/08, London Borough of Harrow v Nimco Hassan Ibrahim, Secretary of State for the Home Department, 23 February 2010

C-353/06, Stefan Grunkin, Dorothee Regina Paul, Leonhard Matthias Grunkin-Paul, Standesamt Niebüll, 14 October 2008

C-200/02, Kunqian Catherine Zhu, Man Lavette Chen, v Secretary of State for the Home C-C-3/90, M. J. E. Bernini and Minister van Onderwijs en Wetenschappen, 19 October 2004

C-148/02, Carlos Garcia Avello and État Belge, 2 October 2003

C-482/01 and C-493/01, Georgios Orfanopoulos, and Land Baden-Württemberg (C-482/01), and between Raffaele Oliveri and Land Baden-Württemberg (C-493/01), 29 April 2004

C-413/99, Baumbast, R and Secretary of State for the Home Department, 17 September 2002

C-370/90, the Queen and Immigration Appeal Tribunal and Surinder Singh, 7 July 1992

C-308/89, Carmina di Leo and Land Berlin, 13 November 1990

C-389 and C-390/87 G. B. C. Echternach, residing at Voorburg, and Netherlands Minister for Education and Science, 15 March 1989

Case 263/86, Belgian State and René Humbel and Marie-Thérèse Humbel, née Edel, 27 September 1988

C-197/86, Steven Malcolm Brown and The Secretary of State for Scotland, 21 June 1988

C-12/86 Meryem Demirel, residing at Schwäbisch Gmünd, and Stadt Schwäbisch Gmünd (City of Schwäbisch Gmünd), 30 September 1987

C-242/83, Caisse De Compensation pour Allocations Familiales du Bâtiment, De L'industrie et du Commerce du Hainaut [Family Allowances Compensation Fund for The Building Trade, Industry and Commerce, Hainaut] and Salvatore Patteri, 12.7.1984

733/79, Caisse de Compensation des Allocations Familiales des Régions de Charleroi Et de Namur [Family Allowances Compensation Fund for The Charleroi and Namur Regions] and Cosimo Laterza, 12 June 1980

C- 32/75, Anita Cristini v Société nationale des chemins de fer français, 30 September 1975

C-68/74, Mr Angelo Alaimo v Préfet du Rhône, 29 January 1975

C-19/76, Pietro Triches and Caisse de Compensation pour Allocations Familiales de la Région Liégeoise (equalization fund for family allowances, Liege area),13 July 1976

C-17/75, Antonio Anselmetti v Caisse de compensation des allocations familiales de l'industrie charbonnière,25 June 1975

23.5. Non-discrimination

C-303/06, S. Coleman v Attridge Law and Steve Law, 17 July 2008

23.6. Roma

There are several judgments by the ECtHR on 'Roma education cases', which concern the Czech Republic, Hungary, Greece and Croatia.

D.H. and others versus the Czech Republic, 13 November 2007

Horváth and Kiss concerning Hungary, 29 January 2013

Orsus concerning Croatia, 16 March 2010

Sampanis concerning Greece, 5 June 2008

Sampani and Lavida concerning Greece, 11 December 2012

23.7. Migration and asylum

C-451/11, Natthaya Dülger v Wetteraukreis, 19 July 2012

C-329/11, Alexandre Achughbabian v Préfet du Val-de-Marne, 6 December 2011

C-540/03, European Parliament, v Council of the European Union, 27 June 2006

Judgment C-648/11 MA and Others – asylum, MS responsible for examining asylum application of unaccompanied minors, Article 24 of the Charter

Reference for a preliminary ruling from the Court of Appeal (England and Wales) (Civil Division) (United Kingdom)) - Regulation (EC) No 343/2003 (Dublin II) – Determining the Member State responsible for examining asylum applications lodged by unaccompanied minors who are third-country nationals – Several applications – Best interests of the minor

Question referred

In Regulation 343/2003/EC establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L50 25 February 2003 p. l), where an applicant for asylum who is an unaccompanied minor with no member of his or her family legally present in another Member State has lodged claims for asylum in more than one Member State, which Member State does the second paragraph of article 6 make responsible for determining the application for asylum?

Judgment:

"*The second paragraph of Article 6 of Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national must be interpreted as meaning that, in circumstances such as those of the main proceedings, where an unaccompanied minor with no member of his family legally present in the territory of a Member State has lodged asylum applications in more than one Member State, the Member State in which that minor is present after having lodged an asylum application there is to be designated the 'Member State responsible'.*

23.8. Social policy, social security, child allowances, maintenance obligations

Case C-308/14 Advocate General's Opinion Commission v United Kingdom – social security system – allowances for children - Checking whether claimants are lawfully resident in the host Member State in accordance with EU law when claims for certain social benefits are dealt with is justified by the necessity of protecting that State's public finances

Judgment C-5/12 Betriu Montull – Social policy – Right to leave of employed fathers – National legislation providing for the right of employed fathers who adopt a child, but not those who have a child by birth, to suspend their contract of employment and to return to the same job, paid for by the social security system – Infringement of the principle of equal treatment

C-619/11, Patricia Dumont de Chassart v Office national d'allocations familiales pour travailleurs salariés (ONAFTS), 21 February 2013

C‑611/10 and C‑612/10, Waldemar Hudziński v Agentur für Arbeit Wesel – Familienkasse (C-611/10) and Jarosław Wawrzyniak v Agentur für Arbeit Mönchengladbach – Familienkasse (C-612/10), 12 June 2012

C-225/10, Juan Perez Garcia, Jose Arias Neira, Fernando Barrera Castro, Dolores Verdún Espinosa, successor in title to José Bernal Fernández, v Familienkasse Nürnberg, 20 October 2011

C-149/10, Zoi Chatzi v Ipourgos Ikonomikon, 16 September 2010

C-247/09, Alketa Xhymshiti v Bundesagentur für Arbeit – Familienkasse Lörrach, 18 November 2010

C-16/09, Gudrun Schwemmer v Agentur für Arbeit Villingen-Schwenningen – Familienkasse, 14 October 2010

C-363/08, Romana Slanina v Unabhängiger Finanzsenat, Außenstelle Wien, 26 November 2009

C-449/06, Sophiane Gysen v Groupe S-Caisse d'Assurances sociales pour indépendants, 14 February 2008

C-299/05, Commission of the European Communities v European Parliament and Council of the European Union, 18 October 2007

C-213/05, Wendy Geven v Land Nordrhein-Westfalen, 18 July 2007 (see also C-212/05)

C-543/03, Christine Dodl, Petra Oberhollenzer v Tiroler Gebietskrankenkasse, 7 June 2005

C-153/03, Caisse nationale des prestations familiales v Ursula Schwarz, née Weide, 7 July 2005

C-302/02, Nils Laurin Effing, 20 January 2005

C-433/01, Freistaat Bayern and Jan Blijdenstein, 15 January 2004

C-333/00, Eila Päivikki Maaheimo, 7 November 2002

C-255/99, Anna Humer, 5 February 2002

C-95/99 to C-98/99 and C-180/99, Mervett Khalil (C-95/99), Issa Chaaban (C-96/99), Hassan Osseili (C-97/99) and Bundesanstalt für Arbeit, between Mohamad Nasser (C-98/99) and Landeshauptstadt Stuttgart and between Meriem Addou (C-180/99) andLand Nordrhein-Westfalen, 11 October 2001

C-85/99, Vincent Offermanns and Esther Offermanns, 15 March 2001

C-43/99, Ghislain Leclere, Alina Deaconescu and Caisse nationale des prestations familiales, 31 May 2001

C-33/99, Hassan Fahmi, M. Esmoris Cerdeiro-Pinedo Amado and Bestuur van de Sociale Verzekeringsbank, 20 March 2001

C-211/97, Paula Gómez Rivero and Bundesanstalt für Arbeit, 3 June 1999

C-275/96, Anne Kuusijärvi and Riksförsäkringsverket, 11 June 1998

C-262/96, Sema Sürül and Bundesanstalt für Arbeit, 4 May 1999

C-194/96, Hilmar Kulzer and Freistaat Bayern, 5 March 1998

C-131/96, Carlos Mora Romero and Landesversicherungsanstalt Rheinprovinz, 25 June 1997

C-85/96, María Martínez Sala and Freistaat Bayern, 12 May 1998

C-266/95, Pascual Merino Garcia and Bundesanstalt für Arbeit, 12 June 1997

C-59/95, Francisco Bastos Moriana et al, 27 February 1997

C-245/94 and C-312/94, Ingrid Hoever, Iris Zachow and Land Nordrhein-Westfalen, 10 October 1996

C-451/93, Claudine Délavant and Allgemeine Ortskrankenkasse für das Saarland, 8 June 1995

C-218/91,Miriam Gobbis and Landesversicherungsanstalt Schwaben, 18 February 1993

C-111/91, Commission of the European Communities, v Grand Duchy of Luxembourg, 10 March 1993

C-78/91, Rose Hughes and Chief Adjudication Officer, Belfast, 16 July 1992

C-188/90, Mario Doriguzzi-Zordanin and Marzio Doriguzzi-Zordanin and Landesversicherungsanstalt Schwaben (Regional Insurance Office, Swabia), 19 March 1992

C-186/90, Giacomo Durighello and Istituto Nazionale della Previdenza Sociale, 28 November 1991

C-15/90, David Maxwell Middleburgh v Chief Adjudication Officer, 4 October 1991

C-251/89, Nikolaos Athanasopoulos v Bundesanstalt für Arbeit, 11 June 1991

C-2/89, Bestuur van de Sociale Verzekeringsbank, as successor to the Raad van Arbeid, Eindhoven, and Heirs and/or successors in title to G. J. Kits van Heijningen, 3 May 1990

C-114/88, Patrick Delbar and Caisse d'allocations familiales de Roubaix-Tourcoing, 5 December 1989

C-42/87, Commission of the European Communities v Kingdom of Belgium, represented by the Minister for Foreign Relations, 27 September 1988

C-377/85, Beverly Leila Burchell and Adjudication Officer, 9 July 1987

C-60/85, M. E. S. van Vermoolen, née Luijten, and Raad van Arbeid [Labour Council], Breda, 10 July 1986

C-153/84, Antonio Ferraioli, Munich, and Deutsche Bundespost [German Federal Post Office], 23 April 1986

C-104/84, J. W. M. Kromhout, Noordwijkerhout (Netherlands), and Raad van Arbeid [Labour Council], Leiden, 4 July 1985

C-41/84, Pietro Pinna and Caisse d'allocations familiales de la Savoie [Family Allowances Fund, Savoie], 15 January 1986

C-238/83, Caisse d'allocations familiales de la région parisienne [Family Allowances Fund for the Paris Region] and Mr and Mrs Richard MeadE, 5 July 1984

C-191/83, F. A. Salzano v Bundesanstalt für Arbeit — Kindergeldkasse (reference for a preliminary ruling from the Sozialgericht München), 13 November 1984

C-149/82, Stephanie Robards and insurance officer, 3 February 1983

C- 104/80, Kurt Beeck and Bundesanstalt für arbeit [Federal Employment Office], 19 February 1981

C-143/79, Margaret Walsh and National insurance officer, 22 May 1980

C-129/78, Bestuur van de Sociale Verzekeringsbank, Amsterdam v A. E. Lohmann, 8 March 1979

C-100/78, Claudino Rossi and Caisse de compensation pour allocations familiales des régions de Charleroi et Namur, 6 March 1979

C-134/77, Silvio Ragazzoni v Caisse de Compensation pour Allocations Familiales "Assubel" "Family allowances", 20 April 1978

C-115/77, Gert Laumann and Anja Laumann and Landesversicherungsanstalt RHEINPROVINZ, Dusseldorf, 16 March 1978

C-32/76, Alfonsa Reale, née Saieva, residing at Montaperto, Italy, and La Caisse DE Compensation des Allocations Familiales for the Mining Industry of the Charleroi and Basse-Sambre Coalfieds, Charleroi, Belgium, 13 October 1976

C-7/75, Mr AND Mrs F. v Belgian State, 17 June 1975

C-9/74, Donato Casagrande, Munich And Landeshauptstadt München (City of Munich), 3 July 1974

C-76/72, Michel S. of Brussels and Le Fonds National de Reclassement Social des Handicapés, of Brussels, 11 April 1973

C-3/70, Michel S. of Brussels and Le fonds national de reclassement social des handicapés of Brussels, 17 June 1970

23.9. Health protection and environment

T-52/09, Nycomed Danmark ApS v European Medicines Agency (EMA), 14 December 2011

C-446/08, Solgar Vitamin's France v Ministre de l'Économie, des Finances et de l'Emploi, 29 April 2010

C-9/04, Geharo BV, 6 October 2005

C-132/03, Ministero della Salute v Coordinamento delle associazioni per la difesa dell'ambiente e dei diritti degli utenti e dei consumatori (Codacons), Federconsumatori, 26 May 2005

C-391/92 Koinopraxia Enoseon Georgikon Synetairismon Diacheiriseos Enchorion Proionton (KYDEP) v Council of the European Union, 15 September 1994

23.10. Common foreign and security policy

T-181/08, Pye Phyo Tay Za v Council of the European Union, 19 May 2010

23.11. Television broadcasting activities

C-244/10 and C-245/10 Mesopotamia Broadcast A/S METV (C-244/10) and Roj TV A/S (C-245/10) v Bundesrepublik Deutschland, 22 September 2011

T-69/99, Danish Satellite TV (DSTV) A/S (Eurotica Rendez-Vous Television), v Commission of the European Communities, 13 December 2000

23.12. Freedom to provide services

C-46/08, Carmen Media Group Ltd Land Schleswig-Holstein,Innenminister des Landes Schleswig-Holstein, 8 September 2010

23.13. Link to ECtHR case law database

As regards the ECtHR case law, the database of cases on children can be found here: http://www.coe.int/t/dg3/children/caselaw/CaseLawChild_en.asp

23.14. Link to CRIN UNCRC database

The Child Rights Information Network (www.crin.org) maintains a database of case law on the UN Convention on the rights of the child and it is searchable for Europe http://www.crin.org/Law/CRC_in_Court/index.asp.