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## **Steering Committee for the Rights of the Child (CDENF)**

### **Compilation of replies to the questionnaire on recent developments in member States**

Replies reproduced in the language in which they were submitted

### **Recueil des réponses au questionnaire sur les développements récents dans les Etats membres**

Réponses reproduites dans la langue dans laquelle elles ont été soumises

Compilation prepared by the Children's Rights Division

Recueil réalisé par la Division des droits des enfants

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**Compilation of responses on recent developments in member States related to the Strategy for the Rights of the Child (2022-2027)**

**Recueil des réponses au questionnaire sur les développements récents dans les Etats membres liés à la Stratégie pour les droits de l'enfant (2022-2027)**

**Austria / Autriche**

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

**Developments in 2021**

To Implement the **EU Council's Recommendation on a European Child Guarantee** at the national level, Austria has been working on the **National Action Plan on Child Opportunities** since the fall of 2021. The European Child Guarantee and the National Action Plan on Child Opportunities seek to reduce the risk of poverty for socially disadvantaged children by providing access to health care, care, education, nutrition, and housing. Austrian civil society organisations were asked to participate in the development of the National Action Plan on Child Opportunities and were invited to a nationwide conference.

**Developments in 2022**

The National Action Plan on Child Opportunities is currently being finalised.

**Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

**Developments in 2021**

The Federal Chancellery (Directorate General Family and Youth) promotes violence prevention measures for children in various ways. In 2021, funding for child protection centres and family counselling centres was further increased.

Concerning restraining orders for protection against violence, the following new provisions were adopted:

Extended notification obligations provide for better cooperation between the authorities and to strengthen the protection of minors affected by violence: Previously, the child and youth welfare authority and the guardianship court had to be notified without delay of the content of the order deciding on an application for the issuance of an interim injunction for protection against violence and protection against interference with privacy and of an order revoking the interim injunction if one of the parties was a minor. Now, the guardianship court and the child and youth welfare office must also be notified if it is clear from the files that a minor lives in the apartment or house covered by the temporary injunction.

The limited power of victim protection organisations to represent victims, which had been introduced by decree during the COVID-19 crisis, was transposed into permanent law: A party at risk may be represented by a suitable victim protection organisation in an application for a temporary injunction for protection against violence or protection against interference with privacy and the submission of further pleadings in the proceedings of the first instance.

*The **Hate on the Net Combat Act** ("Hass-im-Netz-Bekämpfungsgesetz," HiNBG), which entered into force on 1 January 2021, **further expanded the psychosocial and legal support for criminal proceedings** for victims of hate on the net, but also **for minor witnesses of family violence** under the "Istanbul-Convention" and made it significantly easier for victims of hate on the internet to enforce their rights. According to § 66b CCP, at their request, minors who have witnessed violence in the social environment (violence in the family, violence against children) are now entitled to psychosocial or legal assistance in criminal proceedings insofar as this is necessary to preserve the rights of the victim, taking into account their concerns.*

(NB: the Hate on the Net Combat Act entered into force before 1 February 2021: however, with a view to relevant developments in 2021, it seems necessary to include this legislative project.)

#### Developments in 2022

Currently, at the EU level, a proposal for a directive on combating **violence against women and domestic violence** is being discussed, which aims to effectively prevent and combat violence against women and domestic violence and includes measures in the areas of

- Criminalization of and sanctions for relevant crimes,
- Strengthening victim protection and access to justice,
- Victim assistance,
- Prevention and
- Coordination and cooperation.

The various rights and protective measures foreseen in this proposal are also aimed at minor victims of (domestic) violence in reference to the Istanbul-Convention. The proposal for a directive is currently being discussed under the Czech Council Presidency in a subgroup of the Council working group COPEN set up especially for this purpose.

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### Developments in 2021

The **EU Youth Dialogue** is a dialogue mechanism between young people and decision-makers that takes place within the framework of the EU Youth Strategy that offers young people an opportunity to participate in the political decision-making process. The activities happen in 18-month work cycles. Each cycle focuses on a different theme set by the Council of Youth Ministers. The current one (from the beginning of 2022 to mid-2023) is "A Sustainable and Green Europe." The thematic priority is therefore directly connected to the Youth Goals number 3: "Inclusive Societies" and number 10, "Sustainable Green Europe."

In every Member State, the process is organised by national working groups that are in charge of conducting consultations and activities in their country with young people, youth organisations, and policymakers. In order to address young people, including those with fewer opportunities, workshops are held on a local and regional level in Austria. These activities take place in addition to the online consultation. Further Information about the European Youth Goals: <https://youth-goals.eu/> and the Youth Dialogue process in Austria: <https://jugenddialog.at>

In order to enhance participation of young people at the work place, the age limit for **voting rights** for work councils has been reduced from 18 to 16 years.

During the development of the **Austrian Youth Strategy**, youth participation has played and will continue to play a central role. Youth participation is also one of the four fields of action of the Youth Strategy. To take into account the views and perspectives of young people in the youth objectives of the Austrian Youth Strategy, and to receive new impulses and suggestions, the youth objectives of the respective federal ministries are reflected with young people directly (Reality Check). Further information about the Austrian Youth Strategy: <https://www.bundekanzleramt.gv.at/en/agenda/youth/austrian-youth-strategy.html>

#### Developments in 2022

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

#### Developments in 2021

See above (Question 2 on **Hate on the Net Combat Act**): According to § 66b CCP, at their request, minors who have witnessed violence in the social environment (violence in the family, violence against children) now are entitled to psycho-social or legal assistance in criminal proceedings insofar as this is necessary to preserve the rights of the victim, taking into account their personal concerns.)

In 2021, the Federal Ministry of Justice set up a Child Welfare Commission in order to identify threats to the best interest of the child in asylum proceedings. The Commission issued a report with recommendations on how to safeguard the best interest of the child.

During the **COVID-19-crisis**, the prosecution of perpetrators and access to justice for all victims – and thus also for minor victims– is and was guaranteed at all times. Also, the protection that was provided by protection orders was and remains unchanged during the pandemic; there were and are no restrictions in the court system in this regard. Rather, facilitations were made available, e.g. that persons in quarantine could file an application for a protection order via the police.

#### Developments in 2022

Currently, at the EU level a proposal for a directive on combating **violence against women and domestic violence** is being discussed, which aims to effectively prevent and combat violence against women and domestic violence and includes measures in the areas of

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The various rights and protective measures foreseen in this proposal are also aimed at minor victims of (domestic) violence in reference to the Istanbul-Convention. The proposal for a directive is currently being discussed under the Czech Council Presidency in a subgroup of the Council working group COPEN set up especially for this purpose.

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

**Developments in 2021**

**Five steps to move towards a decision in the best interests of the child**

In March 2021 the Department for Culture, Youth and Media published the guide “Five steps to move towards a decision in the best interests of the child”, which contains a roadmap, an infographic and a grid form.

The Department for Culture, Youth and Media commissioned the Children's Rights Knowledge Centre (KeKi) to develop these tools for practitioners in Flanders in various professional contexts (such as youth aid, education, youth work and justice), involved in decisions involving an individual minor or a small group of minors (e.g. siblings, a class group, a youth group in a youth organisation).

The tools were presented during a webinar.

These tools are being translated into English.

For the Dutch version: <https://www.vlaanderen.be/cjm/nl/jeugd/vlaams-jeugd-en-kinderrechtenbeleid/5-stappen-naar-een-beslissing-het-belang-van-het-kind>

**Developments in 2022**

- Sans attendre la refonte globale du Code pénal discutée depuis plusieurs années déjà, le droit pénal des mœurs désigné sous la notion de « droit pénal sexuel » a été réformé par la loi du 21 mars 2022 modifiant le code pénal (<http://www.ejustice.just.fgov.be/eli/loi/2022/03/21/2022031330/justel> ). Les modifications opérées par la loi sont nombreuses : définition légale du consentement, insertion de la notion d'intégrité sexuelle, renforcement des peines, ouverture à l'exploitation de la prostitution de majeurs... Ainsi, selon l'article 417/5, « le consentement suppose que celui-ci a été donné librement. Ceci est apprécié au regard des circonstances de l'affaire. Le consentement ne peut pas être déduit de la simple absence de résistance de la victime. Le consentement peut être retiré à tout moment avant ou pendant l'acte à caractère sexuel.

Il n'y a pas de consentement lorsque l'acte à caractère sexuel a été commis en profitant de la situation de vulnérabilité de la victime due notamment à un état de peur, à l'influence de l'alcool, de stupéfiants, de substances psychotropes ou de toute autre substance ayant un effet similaire, à une maladie ou à une situation de handicap, altérant le libre arbitre.

En tout état de cause, il n'y a pas de consentement si l'acte à caractère sexuel résulte d'une menace, de violences physiques ou psychologiques, d'une contrainte, d'une surprise, d'une ruse ou de tout autre comportement punissable.

En tout état de cause, il n'y a pas de consentement lorsque l'acte à caractère sexuel a été commis au préjudice d'une victime inconsciente ou endormie."

Par ailleurs, un mineur qui n'a pas atteint l'âge de seize ans accomplis n'est pas réputé avoir la possibilité d'exprimer librement son consentement. Un mineur qui a atteint l'âge de quatorze ans accomplis mais pas l'âge de seize ans accomplis, peut consentir librement si la différence d'âge avec l'autre personne n'est pas supérieure à trois ans. Il n'y pas d'infraction entre mineurs ayant atteint l'âge de quatorze ans accomplis qui agissent avec consentement mutuel lorsque la différence d'âge entre ceux-ci est supérieure à trois ans. Un mineur n'est jamais réputé avoir la possibilité d'exprimer librement son consentement si:

1° l'auteur est un parent ou un allié en ligne directe ascendante, ou un adoptant, ou un parent ou un allié en ligne collatérale jusqu'au troisième degré, ou toute autre personne qui occupe une position similaire au sein de la famille, ou toute personne cohabitant habituellement ou occasionnellement avec le mineur et qui a autorité sur lui, ou si

2° l'acte a été rendu possible en raison de l'utilisation, dans le chef de l'auteur, d'une position reconnue de confiance, d'autorité ou d'influence sur le mineur, ou si

3° l'acte est considéré comme un acte de débauche ou un acte de prostitution visé dans la sous-section 2 de la section 2, intitulée "De l'exploitation sexuelle de mineurs à des fins de prostitution".

En résumé, la notion de consentement est clarifiée dans la loi. Le consentement doit être exprimé de manière explicite et peut être retiré à tout moment (avant ou même pendant l'acte sexuel). Une absence de réaction ne sera plus suffisante pour justifier un acte sexuel consenti. L'âge de la majorité sexuelle reste fixé à 16 ans avec une tolérance à partir de 14 ans en cas de consentement et de différence d'âge de trois ans maximum (contre 5 ans auparavant). La nouvelle loi insiste donc sur le fait qu'il ne peut y avoir de consentement en dessous de 14 ans. En dessous de cet âge, tout acte sexuel sera considéré comme un viol. L'inceste est enfin mentionné dans la loi et reconnu comme crime à part entière. La notion d'inceste concerne tout préjudice auprès d'un mineur causé par un parent ou un allié descendant en ligne directe, un allié en ligne collatérale jusqu'au 3e degré ou toute personne occupant une position similaire au sein de la famille. La loi considère qu'aucun consentement n'est possible en cas d'inceste. La notion d'inceste concerne donc les mineurs d'âge et non les personnes majeures, dans ce cas on parlera de viol intrafamilial (qui sera plus sévèrement puni qu'un viol « classique »).

- Plan d'action national contre le racisme 2021-2024 : En 2001, la Belgique a signé la déclaration de Durban<sup>1</sup> et s'est ainsi engagée à élaborer un Plan d'action national contre le racisme. Ce Plan concrétise l'engagement que la Belgique a pris il y a 20 ans et répond à la demande de la Commission européenne d'adopter un Plan d'action national d'ici à la fin 2022. Il répond également à la demande de la Commission de garantir que des représentants de la société civile et des organes de promotion de l'égalité de traitement soient associés à l'élaboration, la mise en œuvre et l'évaluation des plans d'action nationaux contre le racisme. Il comprend des mesures pour chaque entité fédérée et des mesures pour l'autorité fédérale ainsi qu'une partie transversale.

(<https://sarahschlitz.be/wp-content/uploads/sites/300/2022/07/NAPAR-Mesures-federales-du-Plan-dAction-National-contre-le-Racisme.pdf> )

- Plan Fédéral pour une Belgique LGBTQI+friendly : Élaboré en collaboration avec la société civile et 10 ministres et secrétaires d'État, ce plan en 133 mesures entend renforcer la sécurité des personnes lesbiennes, gays, bisexuelles, transgenres, queers, intersexes, asexuelles et toute personne ne se reconnaissant pas dans les normes hétérosexuelles et cisgenres, et tendre vers plus d'inclusivité. Le troisième plan fédéral, adopté en mai 2022 et qui court jusqu'en 2024, se déploie en quatre axes stratégiques (connaissance et information, politique d'inclusion, bien-être et santé, anti-discrimination) mis en œuvre au sein des ministères et secrétariats d'État de la Justice, de l'Intérieur, des Affaires étrangères, de la Coopération au développement, de la Fonction publique, de l'Asile et migration, de l'Égalité des chances, de la Mobilité, de la Santé et du Travail.

Parmi les mesures phares se retrouve l'interdiction des thérapies de conversion, soit diverses pratiques se basant sur le postulat que l'homosexualité et la transidentité sont des maladies qu'il conviendrait de guérir.

- Plan d'action nationale de la Garantie pour l'enfance : La Garantie européenne pour l'enfance vise à promouvoir l'égalité des chances pour les enfants exposés au risque de pauvreté ou d'exclusion sociale. Ce risque concernait plus de 22% (18 millions) des enfants vivant sur le territoire européen en 2019, juste avant la crise sanitaire. En Belgique, la pauvreté infantile touche un enfant sur cinq.

Le Plan d'action national adopté le 5 mai 2022 rassemble des engagements, mesures et actions définies par chaque autorité compétente et issues - entre autres - des politiques et plans en cours

aux niveaux régionaux, communautaires et fédéral. Il intègre, notamment, les catégories d'enfants bénéficiaires des mesures à prendre, mais aussi des objectifs qualitatifs et quantitatifs.

- Plan d'action national de lutte contre les violences basées sur le genre 2021-2025 : Ce PAN ambitieux s'appuie sur la Convention du Conseil de l'Europe sur la prévention et la lutte contre la violence à l'égard des femmes et la violence domestique, dite Convention d'Istanbul et sur les recommandations adressées à la Belgique concernant la mise en œuvre de cette Convention. Il comprend 201 mesures relevant de l'Etat fédéral, des Communautés et des Régions. (<https://igvm-iefh.belgium.be/sites/default/files/downloads/20211125-pan-2021-2025-clean-fr.pdf> )

#### **Les Plans d'actions relatifs aux droits de l'enfant pour la Fédération Wallonie-Bruxelles (PADE FWB 2020-2024) et pour la Wallonie (PADE wallon 2020-2024)**

Les Plans d'actions relatifs aux droits de l'enfant pour la Fédération Wallonie-Bruxelles (PADE FWB 2020-2024) et pour la Wallonie (PADE wallon 2020-2024), qui ont été adoptés fin 2020, ont fait l'objet d'une évaluation intermédiaire en 2022. Ces rapports intermédiaires seront soumis aux gouvernements en décembre 2022. Ils permettent de faire état de l'avancée des mesures des Plans, ainsi que des difficultés et leviers rencontrés dans la mise en œuvre de celles-ci.

Le PADE de la Fédération Wallonie-Bruxelles comprend 88 mesures (projets opérationnels), qui se répartissent dans 9 axes stratégiques:

- 1. Lutter contre la pauvreté en améliorant l'accessibilité des structures et activités propices à l'intégration sociale et à l'épanouissement personnel
- 2. Prévenir toute forme de violence et de harcèlement
- 3. Garantir la participation des enfants aux décisions qui les concernent
- 4. Soutenir la prise en charge des besoins fondamentaux des plus vulnérables
- 5. Maintenir le lien avec les parents
- 6. Former les futurs enseignants et professionnels de l'accueil de l'enfance ainsi que le personnel de la fonction publique à une prise en compte systématique des droits de l'enfant
- 7. Favoriser les interactions entre secteurs en charge des enfants en matière de gestion de crise
- 8. Amplifier le pilotage des droits de l'enfant
- 9. Elargir la coopération intra-francophone relative aux droits de l'enfant et en améliorer la gouvernance

Le PADE wallon comprend 54 mesures qui se répartissent dans 3 axes:

- 1. Gouvernance/Pilotage des politiques publiques
- 2. Communication/Information/Formation
- 3. Accès aux droits/Lutte contre les inégalités

<https://oejaj.cfwb.be/droitsdelenfant/les-droits-de-lenfant-en-belgique/>

#### **Mid-term report of 17 June 2022 on the implementation of the Flemish Youth and Children's Rights Policy Plan 2020-2024**

The Flemish Youth and Children's Rights Policy Plan (hereinafter JKP) is a policy instrument which outlines, for the next term of office, the Government of Flanders' vision on the youth and children's rights policy to be pursued with regard to five established priorities. This plan applies to all children, young people and young adults in Flanders aged between 0 and 30.



Since the 2000-2004 term of office, the Government of Flanders has been bundling its efforts for children and young people across the policy areas in youth policy plans. From the outset, children's rights have formed one of the foundations of these youth policy plans. In response to the concluding observations of the UN Committee on the Rights of the Child, the Government of Flanders adopted separate Flemish Children's Rights Action Plans in 2004 and 2011. From the 2015-2019 term of office onwards, the efforts for children and young people in all policy areas of the Government of Flanders were bundled together into an integrated youth and children's rights policy plan. This is the second combined youth and children's rights policy plan.

Priorities of this plan are:

1. Priority 1. Well-being and positive identity development
2. Priority 2. Healthy and liveable neighbourhoods
3. Priority 3. Civic engagement through volunteering
4. Priority 4. Leisure for all
5. Priority 5. Media literacy

The mid-term report has been transferred to the Flemish Parliament and the Flemish children's rights commissioner.

The report has been supplemented with the relevant concluding observations UN Committee on the Rights of the Child (2019) listed in an annex to the JKP by priority with a reference to the JKP actions from the mid-term report that implement them in whole or in part. So, the report gives substance to the legal obligation in Flanders to implement the concluding observations via the JKP.

**Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

#### Developments in 2021

- Un nouveau décret visant l'éthique sportive a été adopté le 14 octobre 2021. Il instaure 3 outils :
  - Un code d'éthique sportive : texte décliné en charte, code intitulé « Vivons sport »
  - un Observatoire de l'Ethique dans les activités physiques et sportives (Espace de dialogue, d'échanges et d'évaluation)
  - un réseau Ethique au sein des fédérations sportives (aussi appelé référent « Vivons Sport »: lieu d'échanges et d'informations, de bonnes pratiques, relais vers l'Observatoire des problématiques de terrain)

Parmi d'autres objectifs, cette révision du décret vise une meilleure protection de l'enfant contre toute forme de violence.

[https://www.gallilex.cfwb.be/document/pdf/49972\\_000.pdf](https://www.gallilex.cfwb.be/document/pdf/49972_000.pdf)

- Outils développés dans le cadre du projet "PARCS" ("Pour des Activités Récréatives dans un Cadre sûr"), géré par l'ONG belge DEI en partenariat avec le programme de lutte contre la maltraitance de la Fédération Wallonie-Bruxelles (YAPAKA) et le Délégué Général aux droits de l'enfant (DGDE), avec la collaboration du secteur du sport, des représentants du secteur Jeunesse, l'Office de la Naissance et de l'Enfance (ONE) et d'autres partenaires. L'objectif principal est d'améliorer le bien-être et la protection des

enfants dans le cadre des activités sportives et de loisirs par la promotion et la mise en œuvre de politiques de protection de l'enfance claires et adaptées.

<https://www.dei-belgique.be/index.php/projets/acheves/parcs.html>

- Le projet «Child Safeguarding In Sport» s'est développé en 2021, et s'est poursuivi en 2022. L'objectif est de mettre en place des fonctions de « référents maltraitance » dans le sport afin de renforcer les capacités de prévention et de protection, par l'élaboration d'un plan d'actions adapté au contexte de la Fédération Wallonie-Bruxelles

'Grenswijs' is a Flemish website/ tool subsidized by the Flemish government in 2021 for the period 2021-2026 to help organisations to draw up a policy on aggression, bullying and sexual transgression. Or to put it more positively: this tool helps you draw up a policy on physical, emotional and physical integrity.

The Flemish Sports Tribunal (VST) handles since 1 January 2021 disciplinary complaints relating to transgressive behaviour committed by members or appointees of sports organisations affiliated to the VST.

In 2021 the Flemish network against bullying started with Flemish subsidies to develop a platform about (cyber)bullying: <https://www.allesoverpesten.be/> with 4 objectives:

1. Gather knowledge, inform, raise awareness
2. Access to assistance
3. Professionalisation and policy advice
4. Knowledge and expertise exchange (knowledge network)'

#### Developments in 2022

- En juin 2022, La fédération Wallonie-Bruxelles a adopté un décret modifiant le décret du 18 janvier 2018 portant le code de la prévention, de l'aide à la jeunesse et de la protection de la jeunesse afin de mieux organiser la prise en charge des enfants victimes de violence les soirs et week-end : <https://www.pfwb.be/documents-parlementaires/document-decccf-001737986>
- Un plan spécifique en matière de lutte contre le harcèlement en milieu scolaire et le harcèlement en ligne est en cours d'élaboration (note relative au plan adoptée en septembre 2021, cadre décretaal en cours d'élaboration).
- Une offre de formation par les Administrations de l'Aide à la Jeunesse et des Maisons de Justice est en cours de développement sur les violences conjugales et les enfants exposés, en vue d'une meilleure identification des situations et d'un accompagnement adapté. Les formations sont prévues pour débiter en 2023.

The Flemish Parliament adopted a decree (Act of Parliament) to check the **criminal background** of persons working with children. Scripts are being developed for the different sectors in order to support the entry into force of the legislation in Spring 2023.

In 2022 different initiatives were taken to support to spread information about the **integrity** in the Youth as well in the Sports sector. Subsidies are given to spread tools, workshops...:

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### Developments in 2021

**Les Plans d'actions relatifs aux droits de l'enfant** pour la Fédération Wallonie-Bruxelles (PADE FWB 2020-2024) et pour la Wallonie (PADE wallon 2020-2024) portent une attention particulière à la participation des enfants.

Pour le PADE FWB, il s'agit du 3ème axe stratégique: "Garantir la participation des enfants aux décisions qui les concernent". Cet axe comprend différentes dimensions, dont le renforcement d'une culture de la participation dans les secteurs de l'enfance et de la jeunesse, l'accroissement de la démocratie scolaire, le développement du rôle des médias dans la connaissance et la mise en œuvre des droits de l'enfant, la garantie à l'enfant de son droit à être entendu dans les décisions judiciaires civiles qui le concernent.

Pour le PADE wallon, il s'agit d'un fil rouge transversal au Plan et 12 des 54 mesures sont construites avec la participation des enfants. Ces mesures concernent différentes matières: démocratie participative, développement durable, formation des professionnels aux droits de l'enfant, énergie, environnement et cadre de vie, logement, pauvreté. En 2021, 6 de ces mesures ont été lancées.

Participation of minors and their parents is one of the objectives in the **Decree on Integral Youth Aid and the Decree on the Legal Status of Minors**. Various initiatives are being taken to support this: a 'participation compass' (<https://participatiekompas.jeugdhulp.be/>) has been developed in 2021 to support care workers in working on participation and a training was also given.

In 2021 KeKi (Children's rights knowledge centre) and youth organization Mediaraven supported the participation of Belgian/ Flemish children in the preparation of the **CoE strategy on the rights of the child** and the Rome Conference in Spring 2022.

The **Flemish pupils council (VSK)** receives an annual subsidy from the Flemish Department of Education and Training and can also count on a number of secondments. The legal basis for this is the decree (Act of Parliament) of 30 March 1999 on subsidies for student and student umbrella organisations. In 2021, the Flemish Government concluded for the first time a management agreement with VSK for the period 2021-2023. This enshrines the objectives around which VSK must work. In the framework of the 2021-2023 management agreement, VSK monitors a number of aspects of its operations, such as the calculation of pupil participation (number of schools participating in an activity, guidance or training by VSK on pupil participation) and the quality of the training courses (based on the evaluation scores of training courses by participants).

#### Developments in 2022

En juin 2022, La fédération Wallonie-Bruxelles a adopté un décret modifiant le décret du 18 janvier 2018 portant le code de la prévention, de l'**aide à la jeunesse** et de la protection de la jeunesse afin de mieux organiser la prise en charge des enfants victimes de violence les soirs et week-end : <https://www.pfwb.be/documents-parlementaires/document-decccf-001737986>

Les Plans d'actions relatifs aux droits de l'enfant pour la Fédération Wallonie-Bruxelles (PADE FWB 2020-2024) et pour la Wallonie (PADE wallon 2020-2024) portent une attention particulière à la participation des enfants.(voir supra 2021 pour plus de details).

En 2022, un dispositif participatif avec des élèves a été lancé dans le cadre du projet de développement d'un nouvel organe représentatif des élèves au niveau communautaire. Un dispositif participatif avec des enfants est également organisé dans le cadre de la réforme de l'Accueil Temps Libre.

Pour le PADE wallon, il s'agit d'un fil rouge transversal au Plan et 12 des 54 mesures sont construites avec la participation des enfants. En 2022, les six autres mesures participatives avec des enfants ont été lancées.

Participation of minors and their parents is one of the objectives in the **Flemish Decree on Integral Youth Aid and the Decree on the Legal Status of Minors**. Various initiatives are being taken to support this. To improve policy participation by minors and parents, client organisations (including Cachet vzw) are recognised and subsidised (decree 2019, and subsequent implementing decrees) and a client forum was also set up in 2022. These client organisations also organise training to and dialogue with youth services to strengthen their participatory work. The Community Institutions Department commissioned a study on how the space for participation in the closed setting of Community Institutions is experienced by young people, and how guidance and policy look at this. In addition to a final report, the research resulted in a concrete 'participation compass', an instrument that can be used to make informed choices about which actions to expand the participation space might be useful. The research report was delivered in the summer of 2020. The trajectory 'Expanding the participation space of young people, parents and counsellors' was started in 2021 and will run until the end of 2023. This is a participatory trajectory in which all teams within the Community Institutions are offered support in taking action to expand the participation space of all stakeholders. Taking concrete actions together with young people, parents and supervisors themselves, in addition to informing and supporting all those involved, is an important part of the trajectory.

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

#### Developments in 2021

En octobre 2021 la Fédération Wallonie-Bruxelles a adopté modifiant le décret du 18 janvier 2018 portant le code de la prévention, de l'aide à la jeunesse et de la protection de la jeunesse et le décret du 14 mars 2019 relatif à la prise en charge en centre communautaire des jeunes ayant fait l'objet d'un dessaisissement. Ce décret vise à mieux protéger les droits des mineurs détenus dans ce centre en précisant et limitant notamment les protocoles de sanctions et en assurant une meilleure information des jeunes concernés.

<https://www.pfwb.be/documents-parlementaires/document-decccf-001729411>

An **intersectoral guideline on the prevention of seclusion and fixation in (Flemish) youth care** has been developed in 2021. It explicitly forbids isolation as a punishment.

#### Developments in 2022

An **intersectoral guideline on the prevention of seclusion and fixation in (Flemish) youth care** has been developed in 2021. The guideline and the multi-annual implementation process were commented in April 2022:

<https://www.steunpuntwvg.be/events-webinars/intersectorale-richtlijn-voor-de-preventie-en-toepassing-van-afzondering-en-fixatie-in-de-brede-resi>

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## Bulgaria / Bulgarie

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

### Developments in 2021

The National Action Plan for the period 2021-2023 according to  
The National Strategy of the Republic of Bulgaria for Roma Equality, Inclusion and Participation 2021-2030  
National Program for the Prevention and Counteraction of Trafficking in Human Beings and Victim Protection for 2021

### Developments in 2022

The Child Protection Act was amended and supplemented in its part prohibiting the use by children, except for alcoholic beverages, tobacco and related products, smoking products other than tobacco products, and nitrous oxide (paradise gas).

Also, an ordinance 26 of the Ministry of Health was supplemented, which provides, outside the scope of the mandatory health insurance, up to four preventive examinations during the pregnancy of each woman without health insurance.

National Program for the Prevention and Counteraction of Trafficking in Human Beings and Victim Protection for 2022.

The National Council for Child Protection approved the "European Child Guarantee" and the Plan for its implementation. At the moment, the Plan is in the process of being adopted by the Council of Ministers.

A Mechanism for work and cooperation between institutions in cases of children involved in parental conflicts, as well as Methodological guidelines for preparing a child for adoption, is being developed.

**Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

### Developments in 2021

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### Developments in 2022

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In 2022 the development of a National Program for the Prevention of Violence and Abuse of Children (2022-2026) was launched, and for this purpose a updated lineup of a working group was created at the National Child Protection Council, the main consultative body to the Chairperson of the State Agency for Child Protection, which held a number of meetings. An Action Plan was also developed for the implementation of the national program for the prevention of violence and abuse of children (2022 - 2024). conducting a broad consultative process with all stakeholders and key partners.

These two documents are in the process of being updated and their adoption by the Council of Ministers is expected.

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### **Developments in 2021**

In 2021 5 meetings of the Children's Council were held, and during one of them, an Alumni Club of the Children's Council was established under the chairman of the State Agency for Child Protection. The founders of the Alumni Club are 14 current and eight former members of the Children's Council. In November 2021, by order of the State Agency for Child Protection (DAZP), a study was conducted on the topic: "The right to choose in the lives of children in the Republic of Bulgaria". The research was carried out by a research team from the Faculty of Pedagogy at SU "St. Kliment Ohridski".

#### **Developments in 2022**

In 2022 5 meetings of the Children's Council were held, and at the last one children had the opportunity to give their opinions and opinions on the "European Child Guarantee" (2030) - an initiative of the European Commission, which aims to provide the most vulnerable children in the European Union with access to healthcare, education, child care, acceptable housing and a suitable diet, as well as the Plan for its implementation in Bulgaria.

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

#### **Developments in 2021**

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#### **Developments in 2022**

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### **Croatie / Croatie**

Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?

#### **Developments in 2021**

In 2021, work was done on creating a national strategic act, the National Plan for Children's Rights in the Republic of Croatia 2022-2026, which was adopted by the Government in May 2022. The

emphasis of the Plan is on the continuation of interdepartmental cooperation in implementing policies for protection of children's rights, with the aim of ensuring the conditions for the protection of the rights of every child without exception and prioritizing the best interests of every child. The Plan promotes the comprehensive improvement of the protection of children's rights through the joint action of the entire system and all stakeholders participating in the amendment and adaptation of existing laws and acts, within the framework of interdepartmental cooperation. Therefore, all factors that contribute to the protection of the child's rights, and which together enable the child's optimal development, play an active role.

#### Developments in 2022

In 2022, the measures foreseen in the framework of the five special goals of the National Plan for Children's Rights in the Republic of Croatia, which relate to: suppression of discrimination and social exclusion of children, protection of children from all forms of violence; participation of children in decision-making at local, regional and at the national level; systematic support for children in the digital environment; efficient and effective justice in procedures related to children.

Croatia has prepared a proposal for a National Action Plan for the Implementation of the Recommendations on establishing a European Child Guarantee, which includes measures and activities aimed at children who are at risk of poverty and social exclusion until 2030. The needs and potential of the Action Plan are defined through six general goals with corresponding special goals: access to early and preschool education; ensuring access to education and supporting children at risk of poverty and social exclusion; ensuring access to quality nutrition for children at risk of poverty and social exclusion; ensuring access to health services for children at risk of poverty and social exclusion; ensuring access to adequate housing for children at risk of poverty and social exclusion; social services in the community aimed at children at risk of poverty and social exclusion.

Also in 2022, the National Plan for Suppression of Sexual Violence and Sexual Abuse 2022-2027 is being prepared, within which there are also measures aimed at children victims of sexual violence and sexual abuse, in raising their level of awareness about the types of violence that occur in the digital environment, but also facilitating their position as victims of this type of violence.

### Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?

#### Developments in 2021

Growing up in a safe and stimulating environment is extremely important for a child's development, and it is necessary to work to ensure the well-being and complete development of each child. In such an effort, the Croatian social welfare system acts proactively for the purpose of comprehensive protection of children, and especially in the implementation of improved policies for the prevention of violence, abuse, exploitation and exclusion of children. In 2021, the manual 'Child safety and well-being: Structured approach to the protection of children in social care' was published as a kind of guide for experts in the social welfare system, which enables the competences of experts in the social welfare system to be strengthened, especially in the area of child and family protection.

#### Developments in 2022

The Republic of Croatia continuously works to prevent all types of violence against children, there is zero tolerance for all types of violence against children, which is seen as a form of violation of human rights. Violence threatens the social development and integrity of the child, and all national initiatives highlight the importance of improving the system for eliminating all forms of violence against children, starting with physical, psychological and sexual abuse, domestic violence, but also violence between peers and violence in the digital sphere.

In the National Plan for Children's Rights in the Republic of Croatia, a special goal is set - Protection of children from all forms of violence. Achieving this special goal will improve the system for eliminating all forms of violence against children, starting with physical, psychological and sexual abuse, violence in the family, but also violence between peers and violence in the digital sphere. The foreseen measures envisage support for child victims and witnesses of violence, while work with vulnerable groups also envisages the measure of working with child victims and perpetrators of peer violence and their parents for the purpose of preventing and reducing peer violence and educating students with the aim of preventing violence.

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### **Developments in 2021 and 2022**

In the National Plan for Children's Rights in the Republic of Croatia, a special goal is set - Children's participation in decision-making at the local, regional and national level. The implementation of this special goal will improve the forms of children's participation, especially in the education system. Children's participation is an important aspect of various activities of children's participation in social processes and the expression of children's opinions, children's well-being and active citizenship. Measures for the implementation of a special goal: 1. Organization of education for experts in the education system on the importance of children's participation; 2. Creation of a procedure for the inclusion of children in the development and adoption of public documents at the local, regional and national level; 3. Encouraging cities to establish and operate children's councils; 4. Encouraging children's participation in the activities of the Council of Users at providers of social housing services for children and the Council of Foster Children and Youth.

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

#### **Developments in 2021 and 2022**

The best interests of children are of primary importance in the Republic of Croatia in any action that affects them. This is certainly reflected in cases where children are involved in court proceedings, as well as in any contact they have with the law.

In March 2022, specialized departments for dealing with cases under the law governing family relations in all municipal courts began their work. This ensured more effective family law protection, especially family law protection of children. In the specialized departments, there will be judges who meet certain conditions and who have a strong preference for the needs and progress of children, education, have basic knowledge in the fields of social pedagogy, youth psychology and social work for young people, with the obligation to regularly attend professional training in the aforementioned areas. In relation to lawyers, the Croatian Bar Association will, in the coming period, pass the necessary by-laws, as well as start organizing the implementation of education in accordance with the current Law on the Bar, which stipulates the obligation of their professional training.

In relation to the improvements in the work of the Center for Special Guardianship, the Ministry of Labour, Pension System, Family and Social Policy started the process of establishing four more Branches of the Center for Special Guardianship. In addition to the already employed lawyers who perform the duty of special guardians, it is planned to employ professional associates: social workers, psychologists and social pedagogues.



**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

#### **Developments in 2021**

- The enactment of the legislation in April 2021 of establishing a **child friendly justice system for children in conflict with law**, which regulates issues of prevention and combating **juvenile delinquency within the context of the justice system**, drafted by the Cypriot Commissioner.  
[http://www.cylaw.org/nomoi/arith/2021\\_1\\_055.pdf](http://www.cylaw.org/nomoi/arith/2021_1_055.pdf)
- Moreover, the 12th amendment on the Law governing the **Protection of Maternity** was implemented. According to the amendment, maternity leave is extended from 18 weeks to 22 weeks for mothers in employment who give labor to a second child and 26 weeks for a third child and any subsequent children.
- The House of Representatives is currently examining 9 proposed legislation bills for the amendment of family law.
- The Social Welfare Deputy Ministry was founded with the mission to accomplish equal access and the provision of personalized social services in a human- centered, multi- thematic and efficient way, aiming to safeguard the rights of vulnerable groups, improve their standard of living and develop their full potential.
- The House of Representatives are examining a proposed legislation bill for the regulating **Inclusive Education**.

#### **Developments in 2022**

- The Ministry of Education submitted a bill before the Parliament for extending **free, compulsory pre-primary education for all children from the age of 4**, as part of the Cypriot Recovery and Resilience plan by the European Commission.
  - A bill is been discussed before the Parliamentary Committee for Human Rights, regarding **making compulsory the sexuality education from pre-primary education to high school**.
  - The Education Ministry's 2022- 2024 Strategic Plan ensuring the provision of **learning opportunities to all pupils** through the **implementation of an educational policy** which embodied the values of equality, inclusiveness, creativity and innovation.
  - Tuition Subsidy and Feeding Scheme for Children up to 4 years old** (Σχέδιο Επιδότησης Διδάκτρων και Σίτισης Παιδιών ηλικίας μέχρι 4ων ετών) was implemented.
  - The House of Representatives voted a proposed legislation bill for regulating **Parental Leave** in order to meet the goals set by the Directive (EU) 2019/1158 Of The European Parliament And Of The Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU.
- According to the Social Welfare Deputy Ministry's strategic plan for 2022- 2024, its mission is:
- (a) to ensure conditions of social cohesion, social solidarity and a decent standard of living, as well as to provide social protection, combat social exclusion, promote the interests of individuals, families and communities, promote equality of opportunity for all legal residents in the Republic and to implement modern and effective social protection and welfare.

(b) To upgrade the structures and the way the State's social welfare services act, with the aim to create conditions for solidarity and more efficient and effective working methods for the benefit of citizens and vulnerable families and groups.

Moreover, certain measures were implemented by the Social Welfare Services (SWS) for the improvement of the treatment of children under the legal care of the state. These include:

- I. The SWS promoted outsource services from professionals (e.g. psychologists, child psychiatrists) in order to support the professionals working in the institutions with children in care and in general to help with the operation of the institutions.
- II. A procedure was activated according to which all social welfare officers are granted the possibility for individual or group professional supervision.
- III. To strengthen the interdisciplinary approach in dealing with the serious problems of antisocial and delinquent behavior presented in the institutions, a cooperation agreement was signed with a specific Multidisciplinary Center, which will undertake the implementation of multi-level interventions.
- IV. Amending bills have been promoted to modernize the legislation regarding children in care, as well as the preparation of a specific bill that regulates foster care issues.

**Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

Please include any examples of legislation, policies or other mechanisms in the boxes below.

**Developments in 2021**

- In April 2021 **the Commissioner of Children's Rights published a Position paper regarding the handling by the responsible Authorities of a case of sexual abuse of a child.** She provided recommendations to be adopted by the Attorney General, the Minister of Justice and Public Order, the Minister of Labour, Welfare and Social Services, the Minister of Health, the Police Chief, the Director of Social Welfare Services and the Director of Mental Health Services.

-In July 2021 **the Commissioner of Children's Rights provided recommendations to the Police Chief, the Director of Social Welfare Services and the Director of Mental Health Services, regarding the handling by the responsible Authorities of cases of domestic violence against children.** Among other responses, the Police has reported a recent increase of exclusion orders against perpetrators, for better protection of victims of violence.

-In November 2021, the Ministry of Education, Culture, Sports and Youth published a **revised chapter on 'Teachers' manual to recognise and deal with cases of sexual abuse against children' that are being reported within the school.** The revised chapter includes clarifications regarding the whole process, the role of education professional and the collaboration protocol between the responsible Authorities.

**Developments in 2022**

-In March 2022, a Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO Committee) visited Cyprus and held consultations with several stakeholders. Following their visit, GREVIO experts submitted a baseline Evaluation Report with particular recommendations for the Cypriot Authorities.

- In July 2022, the Minister of Justice and Public Order invited the Commissioner of Children's Rights to submit her comments on a bill regarding the 'Prevention and action against sexual abuse, sexual exploitation and child pornography' (amended) Law of 2022'. The Commissioner has provided her comments on the responsibilities of the Authority for the supervision of convicts of sexual crimes, as requested.

-A bill is also been discussed before the Parliamentary Committee for Law and Justice, regarding regulating violence (bullying) against children in all settings.

-The Parliament has adopted an amendment in the Law of Cyprus Sports Organisation with the purpose of protecting young athletes from any form of violence in the context of sports

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### Developments in 2021

-Commissioner considers safeguarding participation of children as one of her top priorities: thus, as part of the CRIA (Child Rights Impact Assessment) Report that her Office conducted and published in 2021, **Commissioner did a survey, collecting children's views on how pandemic impacted their life.** With the participation of large number of children in the process, from various geographical locations and with a diversity of backgrounds, including children in vulnerable situations, Commissioner emphasized the importance of children's participation and how useful methodological approach/tool can be when conducting a CRIA.

-In the context of the Office's Strategic Planning, the Commissioner developed collaborations with experts to prepare a Guide, which includes material, criteria and guidelines so that the Services of the various Ministries are able to develop procedures for determining the Best Interest of the Child, for specific groups of children who fall under their jurisdiction and for whom they are called upon to make decisions that affect them. During 2021, the legal framework was studied and a bibliographic review was conducted of the Authority for Ensuring the Interest of the Child and the Best Interest Determination Procedure.

As part of the action to create the Guide, various professional groups were trained in the process of determining the best interests of the child.

#### Developments in 2022

- The Office of the Commissioner for the Citizen promotes through various activities the participation of children and young people in decision-making. One of the Commissioner's goal is the preparation and the **implementation of the "National Strategy on Active Citizenship and Participatory Governance"**, that was launched in September 2022

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

#### Developments in 2021

As mentioned above, there is a specific Law since April 2021 which only applies for children in conflict with the law. [http://www.cylaw.org/nomoi/arith/2021\\_1\\_055.pdf](http://www.cylaw.org/nomoi/arith/2021_1_055.pdf)

According to the Law, in all cases there must be an individual evaluation of all the circumstances and specific needs of the child, including of course the situations of particular vulnerability (provision of translator if needed, access to lawyer, right to medical exam, call of Social Welfare Services if the child is under the care of the State etc).

Moreover, according to article 11 of the new law established in 2021, regarding Children in Conflict with the Law, in cases where the Court finds that there is a conflict of interest between the parents/ legal guardians and the affected child or that the parents/ legal guardians are in no position to represent their child's best interest, **the Court has the authority to assign the child's representation to the Commissioner of Children's Rights.**

#### Developments in 2022

Whilst the "Law for children in conflict with the law" provides specialised provisions for children in conflict with the law such as a committee for the development and evaluation of diversion of judicial mechanisms programmes, specialised juvenile courts in different premises than the other courts or detention centres outside Cyprus Central Prisons, those measures have not been implemented yet. Currently, there are some measures in place such as • in the prisons there is a special section that accommodates young people between 16-21 years old • the judicial proceedings of children in the courts of law are held without any audience.

Also there is currently a discussion before the Parliament regarding **the purchase of services of Curators and services for the establishment of special detention centres for children 14 to 18 years old.**

### Denmark / Danemark

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

#### Developments in 2021

In 2021, a broad majority in the Danish Parliament agreed to allocate more than DKK 700 million a year to a reform called "Children First" (Børnene Først). The reform aims to ensure better and earlier help for vulnerable children and young people, continuity for children in care, better quality in placements outside the home and in case processing and to strengthen legal certainty for children and families. The reform includes more than 30 initiatives in total.

The implementation of several of the initiatives in the Children's First reform has been well started. For instance, the initiative "School of Rights" (rettighedsskoler) where the funds were cashed out ultimo 2021. The initiative is being implemented in 2022 and is aiming at securing that all children know and understand their rights.

One of the main initiatives in the reform was the decision to establish a new Children's Act (Barnets Lov). Here, all regulation concerning support for vulnerable children and children with disabilities will be assembled. Moreover, the new Children's Act will, if adopted in Parliament, provide vulnerable children with a number of new rights that aims to ensure that the voice of the child will be in the forefront in cases regarding special support.

### Developments in 2022

The proposal for the new Children's Act has been presented to the Danish Parliament this year. However, the process has been paused and is pending on the decision of the government that will be formed after the Parliamentary elections on 1 November 2022.

Denmark submitted its national action plan for the implementation of the European Child Guarantee in May 2022.

### Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?

### Developments in 2021

The Children's First reform from 2021 includes initiatives that are intended to strengthen municipalities' response to violence against children. This includes a yearly follow-up on municipalities with the lowest number of cases in the children's houses. The aim of the children's houses is to gather the relevant authorities in order to secure a coordinated and interdisciplinary high quality effort in cases of assault against children. The first round of follow-up with municipalities took place in 2022. Another initiative is an investigation of the root cause behind the differences in the municipalities' use of the children's houses where the final report is expected to be published primo 2023.

Additionally, in 2021, as part of the reserve for the area of social, health and labour market (SSA-reserven) for the period 2022-2025, a broad majority of the parliament allocated the following resources to initiatives that respond to violence against children:

- 23,1 mio. DKK in 2022-2025 to early support to perpetrators of violence and families who are victims of violence. The supported initiatives are the outpatient service of the non-profit organization Dialogue against Violence (Dialog mod Vold) og to the non-profit organization Lev Uden Vold's project "Let go of the Violence". Furthermore, Lev Uden Vold got resources to strengthen the municipality's knowledge of and competences within early detection of victims of violence and perpetrators of violence and to make partnerships with relevant front actors in this regard.
- 4,5 mio. 2022-2024 DKK to the non-profit organization Mother's Aid (Mødrehjælpen) in order to develop, target and expand their treatment offers for children who face domestic violence

On 1 May 2021 a penalty increase with 1/3 regarding violence against children committed by a person within or closely related to the child's household entered into force. Furthermore, persons sentenced to unconditional imprisonment for the aforementioned types of violence against children will be quarantined from certain social benefits in a 3 year period from the time of release from prison.

### Developments in 2022

As mentioned above, the implementation of initiatives, which were agreed on in the Children's First (Børnene Først) reform has been ongoing in 2022.

The implementation of several initiatives concerning online crime have begun as part of a 'Digital Safety Initiative Collection' (Digital Tryghedspakke), including one initiative aimed at improving and accelerating the identification by the police of children who are assumed to be sexually abused or groomed. As part of this effort, it will be sought to improve the initial investigation in cases concerning online incidents.

Another relevant initiative from the same collection of initiatives is the initiation of a pilot project concerning digital victim recognition, where face recognition technology is used to identify victims in child abuse material, in order to put an end to ongoing abuse as fast as possible.

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### **Developments in 2021**

The Ministry for Social Affairs has involved young people with experience from the social system and organizations representing children in the preparation of the reform “Children First” and the future Children’s Act.

As an example, young people with experience from the care system has contributed with inputs to avoid stigmatizing language in the new Children’s Act.

Furthermore, as part of the Children’s First reform, in 2021, a broad majority of the parliament agreed on strengthening the voice of the children in the National Council for Children (Børnerådet). For instance, this was reflected when the new members were appointed by the Minister of Social Affairs in 2022. These include representatives with experience from key children and youth organizations.

#### **Developments in 2022**

The work with the Children’s Act has continued throughout 2022 with involvement of interests representing children.

**Question 4: Since February 2021, has any action been taken to guarantee children’s access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

#### **Developments in 2021**

The following initiatives have been made in relation to children’s access to justice and protection of their rights related to the handling of cases of special support to children, placement in care outside home etc.

In this regard, the Children’s First reform includes the following initiatives:

- A strengthening of the arrangement which was already in place in order to secure that children and young persons who have a case under the Danish Act on Social Services at any time in the case management process can be supported by a third party (bisidder). In 2022, the funds for this initiative (1 mio. DKK) were cashed out to the non-profit organization Children’s Welfare (Børns Vilkår) who is responsible for this arrangement.  
A permanent strengthening of yearly 5 mio. DKK starting in 2022 to a permanent Task Force for the area of vulnerable children and youth that supports municipalities in strengthening the case management and thus improve the justice for children and their families.

Furthermore, in 2021, a broad majority of the parliament decided on establishing a Children’s Act to provide vulnerable children with a number of new rights. These are intended to strengthen the voice of the child in cases regarding special support and to strengthen children’s rights in judicial proceedings. The proposal for the new Children’s Act has been presented to the Danish Parliament

this year. However, the process has been paused and is pending on the decision of the government that will be formed after the Parliamentary election 1 November 2022.

On 28 December 2021 the Administration of Justice Act was amended. It follows from the Act that upon request, the victim of serious crimes including violence, psychological violence, threats or other types of offences against a person or sexual offences has the right to be notified of the time of the convicted person's first unaccompanied exit from prison, release from prison and of possible evasion, if the convicted person has been in custody and has not been released between the sentencing and execution of the judgement. With the amendment of the Act the victim is guaranteed the same opportunity to be notified if there has been a conviction for stalking. This includes notifying parents or other custodians to a child that is a victim of stalking.

#### Developments in 2022

The proposal for the new Children's Act has been presented to the Danish Parliament this year. However, the process has been paused and is pending on the decision of the government that will be formed after the Parliamentary election 1 November 2022.

On 15 February 2022 the Criminal Code and the Administration of Justice Act was amended. With this amendment sexual intercourse with children below the age of 15 will be punishable as rape if the offender is above the age of 22. The maximum penalty will in this case be 12 years imprisonment. Before the amendment, the maximum penalty was 8 years imprisonment.

With the amendment of the Administration of Justice Act, victims of certain violations of the Criminal Code concerning sexual assaults, including incest, rape, sexual intercourse with children below the age of 15, indecent exposure and other violations are given the rights to a free consultation with a lawyer prior to a possible filing of a report to the police.

In the same cases victims have the right to a free follow-up consultation with a lawyer following the end of legal proceedings at court or following the Prosecution Services decision to withdraw charges or dismiss charges.

### Finland / Finlande

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

#### Developments in 2021

- Finland's first national Strategy for Children was prepared in parliamentary cooperation and published 23.2.2021 (Government publications 2021: 8). The strategy is based on the knowledge base on the status of children, young people and families as well as Finland's fundamental and human rights obligations. The purpose of the Child Strategy is to build a child and family-friendly Finland that respects the rights of the child. The objective of the strategy is to provide a sustainable, coherent and long-term basis for child and family policies. (<https://julkaisut.valtioneuvosto.fi/handle/10024/163977>)
- There is two levels in the national Strategy for Children. The two-tier implementation supports the monitoring and continuous evaluation of the implementation of the strategy as required by the UN Committee on the Rights of the Child. The parliamentary strategy for children exceeds the terms of government. For the implementation of the strategy, each government will draw up a plan for the implementation of the child strategy for its term of

office. The plan specifies in more detail which measures will be taken to promote strategic policies during each government term. The implementation plan will be prepared as official work covering different administrative branches and approved by the Government. The first implementation plan was adopted at the General Session of the Government on 7.10.2021 (Government Publications 2021: 81). The implementation plan also includes measures to create coordination structures for the implementation of the EU child guarantee. The European Child Guarantee is implemented in Finland as part of the national strategy for children. (<https://julkaisut.valtioneuvosto.fi/handle/10024/164040> (Finland implements the Child Guarantee as part of the work related to the national Child Strategy, which has been implemented from the very start in line with the guidelines of the EU Strategy on the Rights of the Child.))

#### Developments in 2022

- In its report, the Parliamentary Committee preparing the national Strategy for Children emphasised that the effective implementation of the Strategy requires adequate resources and permanent structures as well as a close focus on strategic planning and decision-making by central government, regional government and municipalities. The Government agreed on 1.9.2022 to establish a child strategy unit to ensure the continuity of national strategy work for children over governmental periods. The child strategy unit to be established will promote the implementation of the child strategy through cross-administrative action plans of future governments. Key tasks include coordinating the work of the Children's Rights Network and ensuring parliamentary contact, implementing the Children's Strategy, monitoring and reporting, and coordinating and monitoring the European Child Guarantee. In addition, the Unit is tasked with strengthening and promoting data collection on children, young people and families, training on the rights and inclusion of children, child impact assessment and child budgeting, and children's inclusion. The function will be assigned to the Ministry of Social Affairs and Health.
- The Finnish Action Plan for the European Child Guarantee was completed in March 2022 and submitted to the EU.
- In July 2022, reformed provisions on sexual offences in the Finnish Criminal Code (Chapter 20) were passed. The legislation will enter into force on 1 January 2023. The reform aims to strengthen everyone's right to sexual self-determination and the protection of personal integrity. At the same time, the extensive reform will harmonise and clarify the provisions on sexual offences in the Criminal Code. The definition of rape in the Criminal Code will be explicitly based on consent. Rape is defined as sexual intercourse with a person who does not participate in it voluntarily. The reform will also strengthen the various provisions for sexual offences against children.
- The Parliament adopted the new Parenthood Act (775/2022) in June 2022. The new act replaces the current Maternity Act (253/2018) and Paternity Act (11/2015) as of the beginning of year 2023. The main aim of the legislative project was technical consolidation. The principal terminology has been maintained and the titles of 'mother' and 'father' remain. Otherwise the language has been made as gender neutral as possible. Some adjustments have been made that have arisen in the application of the two Acts.
- The ongoing social security reform aims for a clear and well-functioning social security system. A parliamentary committee is in charge of the reform. The committee's working term is two government terms (2020-2027). In February 2022, the committee set a working



group to address questions related to children and families' social security. Also, during the year 2022, measures have been taken to ensure participation of children and young people in the social security reform: several workshops, as well as a questionnaire concerning social security and the reform, both directed to people in the age of 13–20, has been organized.

- To support especially the low income families with children, the Government proposes that an additional child benefit be paid to all child benefit recipients in December 2022. This additional child benefit would not be taken into account when calculating recipients' social assistance.
- The Government also proposes temporary changes to the legislation in order to raise the amounts of the child increment to unemployment security, the single-parent increment to child benefit, the family provider increment to study grant, and the basic social assistance for children under 18 years of age during the year 2023. A permanent raise is proposed to the maximum amount of the care increment to child home care allowance and private childcare allowance. It is further proposed that the annual maximum limit on out-of-pocket costs for the medicine reimbursement system under the Health Insurance Act be frozen at the 2022 level in 2023.
- In September 2022 a government proposal for amending the Act on Equality between Women and Men was given aiming to promote gender equality in early childhood education and care. The amendment has not yet been adopted, but it is expected to enter into force in June 2023.
- Equality planning will be made obligatory also in early childhood education and care. In addition, discrimination related to gender diversity will be prevented in early childhood education and care. Equality plans, a tool for the practical work in early childhood education and care, help to systematically promote gender equality and prevent discrimination. The proposed measures aim to achieve gender-sensitive practices and change the behavior of the adults working in early childhood education and care. Children attending early childhood education and care shall be given an opportunity to attend equality planning (including also implementation and updating) according to their age and maturity.

**Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

#### **Developments in 2021**

- Non-Violent Childhoods 2020–2025 – implementation and communication plan was published (Reports and Memorandums of the Ministry of Social Affairs and Health 2021:17, <http://urn.fi/URN:ISBN:978-952-00-5406-9>). A broad group of experts from various organisations, ministries and NGOs were involved in preparing an implementation and communication plan for the The Action Plan for the Prevention of Violence against Children 2020–2025, entitled NonViolent Childhoods. The objective of the Action Plan is to prevent emotional and physical violence against children aged 0–17 across different sectors and sexual violence in different growth and operating environments. Plan includes 93 measures. The implementation of the measures are, as a rule, promoted as part of different organisations' own work. The core messages concerning the implementation of the whole Action Plan are based on General Comment No 13 (2011) of the UN Committee on the Rights of the Child. Every child and young person has the right to non-violent childhood and

youth. All forms of violence against children can and must be prevented. Children and young people can overcome even difficult situations and lead a good life if adults fulfil their responsibility towards children and young people and support them (positive attitude).

- The National Strategy for Children says that children's diverse life situations and needs are identified and the fight against violence, discrimination and inequality is taken seriously. A number of different policies have been included in the Strategy for Children in relation to the protection of children against violence. The implementation of the Strategy for Children has been promoted by concrete measures written in the implementation plan.

### Developments in 2022

- Non-Violent Childhoods 2020–2025 mid-term review of the Action Plan is carried out under the supervision of the steering group in 2022. Mid-term review will be published in January–February 2023.
- The Ministry of Social Affairs and Health appointed a working group to formulate Finland's first Action Plan for the Lanzarote Convention (Finnish Treaty Series 87-88/2011) to prevent sexual violence against children and young people aged 0–17 (<http://urn.fi/URN:ISBN:978-952-00-8675-6>). The Action Plan was prepared through extensive cooperation with a range of operators. The preparation work was closely linked with the preparation of the National Child Strategy, and it also involved a pilot project to include young people in the preparation of the Action Plan. The Action Plan takes account of other ongoing national work relevant to the matter, such as the Action Plan for the Prevention of Violence against Children, entitled Non-Violent Childhoods, and the implementation of the Istanbul Convention. Efforts were also made to avoid any overlap with them. The Action Plan includes a total of 33 measures, which are divided into three themes: the prevention of violence, the protection of children against violence, and the promotion of national and international cooperation against sexual exploitation and sexual violence. The Action Plan draws attention to prevention in all situations and aims to nurture the sense of hope that exists even in the most difficult situations. The Action Plan will be implemented in 2022–2025. The aim was to draw up the measures of the Action Plan in such a way that various operators could take part in them either through their own actions or in partnership with others. The working group which drew up the Action Plan will now continue its work as a working group monitoring the implementation.
- The Committee for combating violence against women and domestic violence (NAPE) prepared a plan for implementing the Istanbul Convention (Finnish Treaty Series 53/2015) for the years 2022–2025. The purpose of the Action Plan is to promote the national implementation of the Istanbul Convention. The preparatory work for the Action Plan took into account the ongoing government-level work closely related to the subject, such as the National Action Plan for the Lanzarote Convention (Ministry of Social Affairs and Health) and the Action Plan for Combating Violence Against Women (Ministry of Justice) and other measures for preventing violence that are based on the Government Programme. The Action Plan includes long-term objectives and a total of 36 measures to be implemented in 2022–2025. The objectives are largely based on the recommendations issued by GREVIO. The three main objectives aim at strengthening the gender perspective and intersectionality in the implementation of the Istanbul Convention, reinforcing intersectoral and multiprofessional cooperation and improving both the identification of violence against women and domestic violence and intervention in them. (<https://urn.fi/URN:ISBN:978-952-00-8659-6>)

- The National Plan for the Implementation of the Child Strategy contains a number of measures concerning the protection of children against violence. These measures will be completed by 2022 or at the latest by the beginning of 2023.

As part of the implementation of the child strategy:

- 1) a child victim survey is carried out. Child victim research is a survey conducted on the basis of a nationally representative sample of children and young people, which extensively examines the threat experiences of children and young people in different areas of life and living environments. Child victim research produces basic information on violence against children, which is needed to reduce the phenomenon and develop the related activities of the authorities. Child victim research has provided important information not only to researchers but also to professionals in different fields working with children and young people.
  - 2) Implementation of a guide and training package on demanding divorce situations and post-divorce violence
  - 3) The Finnish National Board of Education implements a website for combating bullying, sexual harassment, violence, hate speech and discrimination against children and young people
  - 4) An up-to-date report on maltreatment in substitute care will be prepared by the Ministry of Social Affairs and Health.
  - 5) National action plans will be drawn up by the Ministry of Social Affairs and Health to prevent unauthorised departure from substitute care facilities, to prevent unauthorised absences and to follow-up work;
  - 6) Statistics Finland plans and modelling a knowledge base for monitoring the wellbeing of children and young people. Special attention will be paid to information on vulnerable children and young people. The objective is that the knowledge base facilitates the discovery, use and monitoring of the status of the child
  - 7) in cooperation with Pesäpuu ngo, a survey on sexual violence was conducted in the preparation of the Lanzarote Convention's National Implementation Plan for young people aged 15 –17 years. Its results were published “No consent” for children and young people. Sexual violence – communicating, assisting and preventing '[https://pesapuu.fi/wp-content/uploads/2022/10/Sexual standard reporting and pre-emptive verkkoversio.pdf](https://pesapuu.fi/wp-content/uploads/2022/10/Sexual%20standard%20reporting%20and%20pre-emptive%20verkkoversio.pdf)
- In addition, Ministry of Social Affairs and Health, Finnish Institute for Health and Welfare and the National Child Strategy co-ordinate the Information Base Working Group on Violence against Children. The Data Base Working Group has been established under the Steering Group for the Prevention of Violence against Children (Non-Violent Childhoods Action Plan).
  - In Finland, the National Action Plan for the European Child Guarantee is implemented within the framework of the National Strategy for Children and its implementation plans. Children and young people who have experienced violence are one group of children and one of the themes targeted at examining the Action Plan for the Child Guarantee.
  - In accordance with the Government programme, the Ministry of Justice appointed a working group to assess ways to enhance the effectiveness of restraining orders in 2020. On basis of the working group report proposals to reform the legislation on restraining orders were prepared in the Ministry of Justice. The Government proposal was submitted to Parliament in September 2022. The reform aims to improve the effectiveness of restraining orders, reduce the incidence of violations of restraining orders and improve the

safety of victims. According to the proposal, in cases of immediate danger, the police should order emergency barring orders at their own initiative regardless whether victims are able to apply for the order themselves. In most serious cases, compliance with extended restraining orders could be monitored electronically. Applying for a restraining order would be free of charge in all situations while currently a fee is charged in cases where the restraining order is not granted. The aim is that the new legislation will enter into force in autumn 2023.

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### Developments in 2021

- There are many references to the promotion of education for democracy and human rights in the current Government Programme. The overarching National Democracy Programme 2025, as well as the National youth work and youth policy programme 2020–2023 and the Right to Learn Programme, refers to the importance of education for democracy and human rights. The aim is to increase the participation of the pupils and the students in the decision-making processes in schools and to develop education for democracy and human rights.
- The Ministry of Education and Culture and the Ministry of Justice co-chair a steering group to implement the actions on education for democracy and human rights and students' participation outlined in the Government Programme. The aim of the steering group is to draw up proposals for further actions on this topic in 2023.
- Within the framework of the aforementioned steering group, a project was implemented in 2021 to collect and disseminate good practices in democracy and human rights education. The outcomes of the project were published at [the National Board of Education website](#) in March 2022.
- With regard to child participation, the National Strategy for Children has outlined that:
  - 1) The inclusion of children, the right to be heard and access to information are systematically taken into account in decision-making and activities concerning children, whether directly or indirectly. The content and significance of children's views are specified in the explanatory memorandum to the decisions.
  - 2) Ensure that all adults working with children have sufficient understanding and competence to support the inclusion and functioning of children.
  - 3) The inclusion of children, the right to be heard and access to information will be further improved through cross-administrative work and by strengthening good practices as part of structures and children's everyday lives. The work will pay particular attention to those children whose views are currently less taken into account.
- The preparatory work on the Strategy for Children and its first implementation plan has been reinforced ways of inclusion and consultation for a wide range of children. The consultation of children has been carried out using different methods: questionnaires conducted in several languages and in various workshops in cooperation with actors in ngo.
- The measures of the Strategy for Children and related projects have committed themselves to promoting the inclusion of children and the right of children to be informed and consulted. In addition, a commitment has been made to explore and assess opportunities

and possible ways of involving children and young people in the implementation of the measure.

- The National Strategy for Children has produced several publications related to the inclusion of children:
  - Part 1: Based on participation in the National Strategy for Children
  - Part 2: Implementation of participation in the preparation of the Strategy for Children
  - Part 3: Children's and young people's perspectives on inclusion
  - Handbook on child consultation for law drafters (in cooperation with the silent agents affected by legislation) research project (<https://www.hiljaisettoimijat.fi/?lang=en> )

#### Developments in 2022

- Measures of the National Strategy for Children on the Inclusion of Children and Young People, completed in 2022-2023:
  - a development project on access to services for children and young people;
  - Developing up-to-date lesson packages for early childhood education and school on a child strategy and children's rights
  - Implementation of a pilot project for democracy and human rights education
  - Implementation of a training package on the rights of the child and, in particular, the inclusion of children for professionals
  - Implementation of a campaign to ask children and young people about ideas for measures to promote their rights
  - Developing an operating model to support children's participation in social decision-making through digitalisation
  - Implementation of the Child Welfare Manual for Children and Young People
- In 2021 –2022, the National Strategy for Children has implemented pilots related to the consultation of children and young people, for example in the drafting of legislation. (e.g. preparation of the Transgender Act and preparation of amendments to the Child Welfare Act).
- As a follow-up to the democracy and human rights education good practices project, the steering group for education for democracy and human rights planned and launched a set of pilot projects to be implemented in the school year 2022-2023. The aim of the pilot projects is to test and develop various models and practices of democracy and human rights education at primary schools, in cooperation with teacher education institutions and local communities. The aim is to develop and disseminate methods and good practices in democracy and human rights education at national level to support the implementation of the national curriculum and local curricula. The pilot projects are coordinated and supported by the National Board of Education.
- In March 2022, a research project was launched with the aim of assessing the practical implementation of the objectives for democracy and human rights education defined in the national curricula in early childhood education, primary and secondary education, and in teacher education. The aim is also to assess the realization of the inclusion and participation rights of children, pupils and students. The study will be completed in spring 2023.
- In April 2022, the Ministry of Justice launched a new online platform [www.digiraati.fi](http://www.digiraati.fi) ("digital council") aimed especially at young people. The purpose of the new platform is to

provide a reliable and secure channel for consulting children and young people and for dialogue between children, young people and decision-makers. The Ministry of Justice is responsible for the maintenance and development of the platform, which has been produced in co-operation with the Ministry of Education and Culture, the National Child Strategy, the ALL-YOUTH research project of the University of Tampere, the Center of Excellence for Youth Participation and the Finnish Red Cross Youth Shelters.

- Finland is a partner in the EU funded CP4Europe project, coordinated by the Council of Europe. The main goal of Finland's national project activities is to develop methods, gather good practices, produce training materials and provide training on child participation. In October 2022, the Ministry of Justice published an online training package on child and youth participation and consultation. The training is intended for all experts who need skills in participation and consultation of children and young people. The training especially supports law drafters in the planning and implementation of consultation with children and young people. As part of the CP4Europe project and commissioned by the Ministry of Justice, SOS Children's Villages Foundation has gathered good practices on child participation in decision-making, and developed and tested consultation methods for children with special needs. A communication and challenge campaign for line Ministries to promote the training package and the materials will be launched in November 2022.
- The new Parenthood Act includes a new, separate provision on ascertaining the child's opinion when assessing the best interests of the child. The new provision has a clarifying effect on the legal situation, which ensures children's right to be heard in matters concerning them.

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

#### **Developments in 2021**

- In 2021, the National Strategy for Children carried out a study on the realisation of children's rights in substitute care in 2018 –2020. The report was made from the perspective of complaints made by the Children's Parliament to the Ombudsman.

#### **Developments in 2022**

- The new Parenthood Act strengthens the child supervisor's duty to bring an action into court on behalf of the child for the establishment of parenthood even if the birth mother does not support it.
- The National Strategy for Children will launch a study on the representation system for unaccompanied children in Finland. The report examines the current state of the representative system and its problems, and collects experiences from children/young people within the representative system. On the basis of the report, the main proposals concerning the development of the representative system will be presented. The report will be completed in 2023.
- As a measure of the National Strategy for Children, a comprehensive study will be conducted on the child's participation and right to self-determination in the regulation of social and health care. The report systematically examines the legal status of children and

young people as well as their guardians or other parties involved in decision-making in the existing social and health care legislation, assesses the effectiveness of regulation and its possible shortcomings, in particular from the perspective of fundamental and human rights, and makes proposals for the development of regulation and its application on the legal status, inclusion and right of decision-making of children. This report serves as background work on minors in extensive drafting of legislation on the self-determination of patients and social welfare clients. The report will be completed in 2022.

- The comprehensive education package of the National Strategy for Children (open online training for professionals working with children in different fields on children's rights and, in particular, participation) prepares a module for the police, prosecutors and judges. The education package will be completed in 2023.

## France / France

**Question 1 : Quelles nouvelles législations, stratégies nationales, plans d'action et autres mesures politiques ont été adoptées pour renforcer les droits de l'enfant dans votre pays depuis février 2021 ?**

### Développements en 2021

#### Le code de la justice pénale des mineurs (CJPM) :

La loi n° 2021-218 du 26 février 2021 a ratifié l'ordonnance du 11 septembre 2019 portant partie législative du CJPM qui est entré en vigueur le 30 septembre 2021. Ce nouveau code vient renforcer les droits des mineurs dans le cadre des procédures pénales les concernant :

- Instauration d'une **présomption de non-discernement** pour les mineurs âgés de moins de 13 ans (**mise en conformité avec l'article 40 3. a) de la CIDE** qui requiert des Etats parties d' « établir un âge minimum au-dessous duquel les enfants seront présumés n'avoir pas la capacité d'enfreindre la loi pénale ») ;
- Création de la mesure éducative judiciaire (MEJ), une mesure éducative unique, modulable et adaptable dans le temps afin de faire primer l'éducatif dans la prise en charge des mineurs délinquants ;
- Durcissement des conditions de recours aux mesures de sûreté (notamment concernant le placement en détention provisoire) ;
- Renforcement du principe de spécialisation des juridictions et des procédures (notamment création de juges des libertés et de la détention spécialement chargés des affaires concernant les mineurs ; consécration du principe de continuité de l'intervention de l'avocat du mineur) ;
- Le CJPM encadre désormais la procédure dans des délais précis et restreints, le but étant de statuer rapidement sur la culpabilité du mineur afin de favoriser la mise en place de mesures éducatives au plus vite, dans l'intérêt du mineur ;
- Le CJPM renforce également l'échange d'informations relatives au mineur entre les services chargés de son suivi pour une meilleure prise en charge de ce dernier.
- **Loi n° 2021-478 du 21 avril 2021 visant à protéger les mineurs des crimes et délits sexuels et de l'inceste.** Création de six nouvelles infractions sexuelles : le crime de viol sur mineur de moins de 15 ans, le crime de viol incestueux sur mineur de moins de 18 ans, le délit d'agression sexuelle sur mineur de moins de 15 ans et le délit d'agression sexuelle incestueuse sur mineur de moins de 18 ans, le délit de sextorsion et le délit d'extorsion

d'images pornographiques. Création d'un double seuil de non consentement sexuel fixé à 15 ans pour tous mineurs, et à 18 ans en cas d'inceste. Précision de la définition du viol en y incluant les actes bucco-génitaux. Extension du périmètre de l'inceste aux grands oncles et tantes. Aggravation de la peine du délit d'exhibition sexuelle, des peines de proxénétisme et de recours à la prostitution à l'encontre de mineurs de moins de quinze ans. Allongement des délais de prescription et création de la prescription glissante.

- **Loi n° 2021-1109 du 24 août 2021 confortant le respect des principes de la République.** Cette loi rend obligatoire la scolarisation de tous les enfants en établissement scolaire dès la rentrée 2022 et l'instruction d'un enfant en famille dérogatoire. L'école à la maison est ainsi devenue soumise à autorisation et non plus à simple déclaration et est désormais accordée seulement sous 4 motifs (état de santé ou handicap de l'enfant, pratique d'activités sportives ou artistiques intensives, itinérance de la famille, situation propre à l'enfant motivant le projet éducatif).

- **Loi n°2021-1017 du 2 août 2021 relative à la bioéthique.** Amélioration de la prise en charge des enfants intersexes et de leur famille, dans le respect des principes de nécessité médicale et de proportionnalité.

- **L'arrêté du 1<sup>er</sup> octobre 2021 modifiant l'arrêté du 28 octobre 2011 fixant la liste des mentions de spécialisation en usage dans la profession d'avocat**

Cet arrêté crée la spécialisation « droits des enfants », répondant à une forte demande des avocats exerçant dans le domaine.

## Développements en 2022

- **Loi n° 2022-140 du 7 février 2022 relative à la protection des enfants (Loi Taquet).** Cette loi vise à améliorer la situation et la sécurité des enfants protégés par l'Aide sociale à l'enfance (ASE) et notamment l'accompagnement de ces enfants jusqu'à 21 ans. Le texte prévoit :
  - l'interdiction des placements à l'hôtel des mineurs et jeunes majeurs confiés à l'aide sociale à l'enfance d'ici 2024,
  - l'interdiction de séparer des fratries, sauf si cela est contraire à l'intérêt de l'enfant
  - la fin des sorties "sèches" de l'ASE à la majorité en garantissant un accompagnement pour les 18-21 ans par les départements et l'Etat,
  - la priorisation de ce public dans l'accès au logement social,
  - la recherche systématique de la possibilité de confier l'enfant à une personne de son entourage (famille, voisins ou amis connus) avant d'envisager son placement à l'ASE,
  - une meilleure protection des enfants contre les violences,
  - La valorisation du métier des assistants familiaux (projet de leur garantir une rémunération minimale pour l'accueil d'un enfant ; création d'un fichier national des agréments des assistants familiaux pour mieux les contrôler),
  - La réforme de la gouvernance nationale de la protection de l'enfance (meilleure coordination des instances nationales existantes ; renforcement des services de protection maternelle et infantile dans leur rôle d'acteur pivot en matière de santé publique).
- **Lancement du plan d'action « Pour un usage raisonné des écrans par les jeunes et les enfants » :** création d'ateliers de la parentalité numérique pour mieux accompagner les parents face à l'utilisation du numérique par leurs enfants, extension du site internet



jeprotectemonenfant.gouv.fr et développement des compétences numériques des élèves dès le CM1 via la plateforme Pix.

- **Loi n° 2022-219 du 21 février 2022 visant à réformer l'adoption** a permis d'ouvrir l'adoption aux couples non-mariés, mais aussi de rendre plus d'enfants adoptables dans des conditions de sécurité renforcées.
- Le 13 septembre 2022, une délégation aux droits des enfants a été créée par l'Assemblée nationale. Composée de 36 députés, elle pourra se pencher sur toutes les thématiques relatives aux droits et à la protection des enfants, avec la possibilité d'entendre toute personne dont elle estime l'audition nécessaire à sa bonne information, de présenter des rapports d'information ou encore de réaliser des missions flash sur les sujets de sa compétence.
- **Loi n° 2022-299 du 2 mars 2022 visant à combattre le harcèlement scolaire** prévoit que « les établissements d'enseignement scolaire et supérieur publics et privés ainsi que le réseau des œuvres universitaires prennent les mesures appropriées visant à lutter contre le harcèlement dans le cadre scolaire et universitaire ». Elle prévoit notamment :
  - la création d'un délit spécifique de harcèlement scolaire ;
  - des peines pouvant aller jusqu'à dix ans de prison et 150 000 euros d'amende en cas de suicide ou de tentative de suicide de la victime harcelée ;
  - la possibilité pour le juge de prononcer également un stage de sensibilisation aux risques liés au harcèlement scolaire ;
  - une formation continue relative à la prévention, à la détection et à la prise en charge du harcèlement scolaire et universitaire à destination des personnels de l'éducation nationale ;
  - la mention dans le projet d'école ou le projet d'établissement des lignes directrices de la prévention, détection et traitement des faits de harcèlement.

**Question 2 : Depuis février 2021, quelles initiatives récentes ont été mises en œuvre dans votre pays pour prévenir et répondre à la violence à l'égard des enfants ?**

#### Développements en 2021

Le plan de lutte contre les violences faites aux enfants 2020-2022 se structure autour de 6 axes et 22 mesures visant à prévenir et lutter contre les violences faites aux enfants dans tous leurs milieux de vie. L'année 2021 a été consacrée au déploiement des différentes mesures en vue de leur pleine effectivité en 2022.

- **Loi n° 2021-478 du 21 avril 2021 visant à protéger les mineurs des crimes et délits sexuels et de l'inceste.** Création de six nouvelles infractions sexuelles (cf supra). Création d'un double seuil de non consentement sexuel fixé à 15 ans pour tous mineurs, et à 18 ans en cas d'inceste. Précision de la définition du viol en y incluant les actes bucco-génitaux. Modification de la définition de l'agression sexuelle avec l'introduction d'acte d'auto-pénétration imposé.  
Les nouvelles infractions sont ainsi réprimées :
  - Le crime de viol sur mineur de moins de 15 ans : 20 ans de réclusion criminelle ;
  - Le crime de viol incestueux sur mineur (de moins de 18 ans) : 20 ans de réclusion criminelle ;

- Le délit d'agression sexuelle sur mineur de moins de 15 ans : 10 ans d'emprisonnement ;
- Le délit d'agression sexuelle incestueuse sur mineur (de moins de 18 ans) : 10 ans d'emprisonnement.

Cette loi introduit également un principe de « prescription glissante » : le délai de prescription du viol sur un enfant peut désormais être prolongé si la même personne viole ou agresse sexuellement par la suite un autre enfant jusqu'à la date de prescription de cette nouvelle infraction. Ce principe vaut également pour les délits sexuels sur mineurs (agressions et atteintes sexuelles).

Un délit est également créé pour réprimer le fait pour un adulte d'inciter un mineur à se livrer à des pratiques sexuelles sur Internet (puni de 7 ans d'emprisonnement et de 10 ans d'emprisonnement si la victime a moins de 15 ans).

Le délit d'exhibition sexuelle est également précisé afin de punir certains gestes obscènes qui sont réalisés sans que le corps soit dénudé, et double la peine encourue lorsque la victime a moins de 15 ans.

Extension du périmètre de l'inceste aux grands oncles et tantes.

Aggravation de la peine du délit d'exhibition sexuelle, aggravation des peines de proxénétisme et de recours à la prostitution à l'encontre de mineurs de moins de quinze ans.

- **Création du premier plan national contre la prostitution des mineurs adopté en 2021** doté d'un budget de plus de 14 millions d'euros. Plan interministériel reposant sur 4 piliers : la sensibilisation et l'information, le renforcement des repérages à tous les niveaux des jeunes impliqués, l'accompagnement des mineurs en situation prostitutionnelle et le renforcement de l'action judiciaire contre les clients et proxénètes. Lancement de la campagne de sensibilisation « Je Gère », objectif de créer un dispositif d'accompagnement et/ou d'hébergement dans chaque département pour protéger les mineurs victimes de prostitution.
- **Installation d'un groupe de travail interministériel pour la prévention et la lutte contre les violences sexuelles intrafamiliales.** Proposition de mesures sur la prévention, la formation des personnels, la systématisation du repérage en milieu scolaire par les personnels de santé.
- **Installation d'une commission indépendante sur l'inceste et les violences sexuelles faites aux enfants (CIIVISE).** Sa mission principale est d'organiser le recueil de la parole des victimes et de proposer aux victimes un accompagnement et une orientation adaptés à leur situation.
- Le plan de lutte contre les violences faites aux enfants (PLVE) 2019-2022 qui compte 22 actions s'est développé en 2021.
  - Dans ce cadre, plusieurs actions sont mises en œuvre :
    - Le renforcement de la prévention des violences sexuelles à l'école donne lieu, depuis septembre 2021, à un dépistage systématique durant les trois visites médicales scolaires obligatoires entre 3-4, 5-6 et 10-11 ans. Trois vademécums sur l'éducation à la sexualité et les violences sexuelles ont également été créés pour accompagner les professeurs et personnels scolaires dans l'animation de séquences de prévention.

- Pour lutter contre les violences éducatives ordinaires, le site «1000-premiers jours.fr» a été créé le 15 septembre 2021 tout comme l'application «1000 jours pour mieux accompagner les parents durant les premières années de leur enfant».
- 
- La situation préoccupante de la prostitution des mineurs abordée dans le cadre de ce PLVE a donné lieu à un premier plan de lutte nationale contre la prostitution des mineurs présenté à la presse le 15 novembre 2021.
- Ce plan prévoit des actions interministérielles définies par 13 mesures relatives à cinq priorités nationales : sensibiliser, informer et mieux connaître ; renforcer le repérage à tous les niveaux ; accompagner les mineurs en situation prostitutionnelle ; poursuivre et réprimer plus efficacement ; s'organiser pour répondre aux défis.
- 
- Le ministère de la Justice travaille à la mise en œuvre de plusieurs mesures du plan de lutte nationale contre la prostitution des mineurs, parmi lesquelles :
  - Développer des actions de sensibilisation à destination des mineurs accueillis dans les structures de l'aide sociale à l'enfance (ASE) et de la protection judiciaire de la jeunesse (PJJ).
  - Créer un dispositif d'accompagnement et/ou d'hébergement dans chaque département pour protéger les mineurs victimes de prostitution.
  - Développer une formation croisée dans chaque département dès la rentrée 2022 à l'égard des professionnels.
  - Déployer la recherche pour mieux connaître le phénomène en cofinçant dès 2022 une recherche sur la prostitution des mineurs dans les territoires ultra-marins.
- 
- Le ministère de la Justice, au travers de la direction judiciaire de la jeunesse, a également signé un partenariat avec l'association e-Enfance pour développer la lutte contre la cyber-violence, notamment au moyen de la plateforme 3018 (numéro unique d'assistance consacré à la lutte contre les violences en ligne envers les mineurs qui permet aux victimes de cyber-violence et à leurs parents d'accéder à une équipe de psychologues, juristes et spécialistes du numérique de manière anonyme et gratuite).

### **Développements en 2022**

La loi du 7 février 2022 relative à la protection des enfants comprend des dispositions visant à lutter contre les violences faites aux enfants, y compris institutionnelles. Elle prévoit notamment :

- Les fratries doivent être prises en charge dans un même lieu d'accueil, sauf si c'est contraire à l'intérêt de l'enfant ;
- Est généralisée l'utilisation par les départements d'un référentiel national d'évaluation des situations de danger ou de risque de danger pour l'enfant de la Haute Autorité de santé ;
- les mineurs en situation de prostitution, même occasionnelle, sont réputés en danger et doivent bénéficier d'un soutien matériel, éducatif et psychologique par le service d'aide sociale à l'enfance ;
- Est renforcé le contrôle des antécédents judiciaires des personnes intervenant ou exerçant toute fonction permanente ou occasionnelle, à quelque titre que ce soit, y compris bénévole, et à intervalle régulier pendant l'exercice de cette fonction ;
- doivent être définie au sein des établissements une politique de prévention et de lutte contre la maltraitance en établissement ou service et désignée une autorité extérieure pouvant être saisie par l'utilisateur ; la désignation de cette autorité extérieure permettra aux mineurs d'avoir un référent indépendant vers qui se tourner en cas de violences sexuelles subies dans les lieux où ils sont accueillis ;
- Le refus d'accorder l'agrément d'assistant familial si l'une des personnes majeures ou mineures âgées d'au moins treize ans vivant au domicile du demandeur, à l'exception de celles accueillies en application d'une mesure de protection de l'enfance, est inscrite au FIJAIS ;

- Enfin, la définition de la maltraitance figure désormais comme un des principes généraux guidant l'action sociale et médico-sociale dans le code de l'action sociale et des familles.

Par ailleurs, la forte mobilisation des acteurs institutionnels et associatifs concernés a permis de mettre en œuvre la quasi-totalité des mesures prévues dans le plan de lutte contre les violences faites aux enfants 2020-2022 tels que :

- La structuration d'un parcours de soins adapté aux enfants victimes de violences dans chaque département en France et le déploiement sur l'ensemble du territoire des unités d'accueil pédiatriques enfants en danger ;
  - La formation des professionnels au contact des enfants sur les maltraitances ;
  - La création du site [jeprotegemonenfant.gouv.fr](http://jeprotegemonenfant.gouv.fr) pour lutter contre l'exposition des mineurs à la pornographie ;
  - L'expérimentation d'un numéro unique en direction des personnes attirées sexuellement par des mineurs pour éviter le passage à l'acte ;
  - La création d'une plateforme de contrôle systématique des antécédents judiciaires des personnes exerçant une activité au contact habituel d'enfants, ainsi que des bénévoles ;
  - Le lancement du premier plan national de lutte contre la prostitution des mineurs 2021-2022, doté d'un budget de plus de 14 millions d'euros ;
  - La réalisation d'un répertoire des actions et outils pédagogiques sur la prévention des violences faites aux enfants et la promotion de leurs droits
- **Loi n° 2022-300 du 2 mars 2022 visant à renforcer le contrôle parental sur les moyens d'accès à internet.** Système de contrôle parental obligatoire sur les appareils connectés pour mieux protéger les enfants contre les contenus violents ou pornographiques sur internet.

**En octobre 2022, le Gouvernement a lancé une campagne nationale de sensibilisation aux numéros d'aide pour les enfants victimes de violence : le 119 (numéro national dédié à la prévention et à la protection des enfants en danger ou en risque de l'être), le 3018 (enfants victimes de cyber-harcèlement) et le 3020 (enfants victimes de harcèlement scolaire).**

- Généralisation du programme pHARe : Expérimenté entre 2019 et 2021 dans six académies, le programme de lutte contre le harcèlement à l'école (pHARe) a été étendu à toute la France en septembre 2021. Depuis la rentrée 2022, le programme est déployé dans 100 % des écoles élémentaires et des collèges publics de France. 380 référents académiques et départementaux sont chargés de suivre les situations de harcèlement qui leur sont signalées, en lien avec les familles et les établissements. Des élèves ambassadeurs sont présents dans chaque établissement pour prévenir le harcèlement.

Le programme pHARe combine plusieurs dispositifs et outils concrets pour prévenir le harcèlement et pour intervenir le cas échéant, et prévoit plusieurs actions à mettre en place tout au long de l'année scolaire :

- constitution et formation d'équipes ressources chargées de rédiger et de mettre en œuvre un protocole de prise en charge des situations de harcèlement ;
- participation à trois temps forts dans l'année qui sont autant d'occasions de sensibiliser les élèves au phénomène du harcèlement et à ses conséquences ;
- programmation pour tous les élèves du CP à la 3e de 10 heures annuelles d'apprentissage consacrées à la prévention du harcèlement et au développement des compétences psychosociales ;

- organisation d'ateliers de sensibilisation à l'attention des familles et des personnels ;
- formation d'une équipe d'élèves ambassadeurs contre le harcèlement dans chaque collège.

**Question 3 : Depuis février 2021, l'importance de la participation des enfants dans votre pays a-t-elle été mieux reconnue ? Si oui, quelles mesures ont été prises pour garantir que les enfants soient systématiquement consultés sur toutes les questions qui les concernent ?**

#### Développements en 2021

- **Stratégie nationale de prévention et de protection de l'enfance 2020-2022.** Stratégie visant à faire changer le regard de la société sur les enfants, à davantage leur donner la parole et à mieux prendre en considération leurs avis et ce qu'ils vivent. Mise en place d'une consultation en ligne des enfants et des jeunes accompagnés

#### Développements en 2022

- **Loi n° 2022-140 du 7 février 2022 relative à la protection des enfants, Loi Taquet.** Amélioration de la prise en compte de la parole des enfants protégés et amélioration de la procédure d'assistance éducative, avant placement. L'enfant est désormais auditionné individuellement par le juge des enfants (art. 375-3 al.7 code civil) et peut être plus régulièrement représenté par des administrateurs ad hoc ou défendu par des avocats, lorsque cela correspond à son intérêt. Proposition systématique à l'enfant protégé d'être accompagné par un parrain, une marraine ou un mentor lors de son entrée au collège. Mise en place de mesures d'interdiction de séparation des fratries, de renforcement du projet pour l'enfant, et de préparation renforcée à l'autonomie à l'approche de la majorité.
- **En 2021, le collège des enfants du Haut conseil à la famille, à l'enfance et à l'âge (HCFEA) a participé activement à la rédaction du plan national d'action de mise en œuvre de la garantie européenne pour l'enfance.**

**Question 4 : Depuis février 2021, des mesures ont-elles été prises pour garantir l'accès des enfants à la justice et assurer la protection de leurs droits dans les procédures judiciaires ? Certaines de ces mesures concernent-elles les enfants en situation de vulnérabilité particulière ?**

#### Développements en 2021

- **Loi n° 2021-218 du 26 février 2021 ratifiant l'ordonnance n° 2019-950 du 11 septembre 2019 portant partie législative du code de la justice pénale des mineurs.** Accélération des procédures pénales et renforcement de la prise en charge des mineurs délinquants par la protection judiciaire de la jeunesse (PJJ). Réaffirmation des grands principes de la justice pénale des mineurs : atténuation de la responsabilité pénale des mineurs en fonction de leur âge, ou excuse de minorité, primauté de l'éducatif sur le répressif et spécialisation des juridictions et des procédures. Instauration de la présomption de non-discernement pour les mineurs âgés de moins de 13 ans. Renforcement de la spécialisation des juges des libertés et de la détention. Inscription de l'intervention de l'avocat du mineur tout au long de la procédure. Obligation de notifier ses droits à un mineur en des termes simples et accessibles. Création d'une mesure éducative unique, modulable et adaptable dans le temps prenant en compte la personnalité et l'évolution du mineur.

- Une soixantaine d'unités d'accueil pédiatriques enfance en danger (UAPED) ont été créées en 2021 sur le territoire, avec l'appui de partenariats locaux, pour favoriser le recueil de la parole de l'enfant victime et assurer une prise en charge globale sur le plan sanitaire, judiciaire et médico-légal.

Une unité d'accueil pédiatrique enfant en danger regroupe, dans un centre hospitalier, des ressources soignantes spécialisées en santé de l'enfant et de l'adolescent et une salle d'audition adaptée. L'UAPED permet de prendre en charge les mineurs victimes de toute forme de violence, incluant les maltraitances et négligences dans le cas de suspicion de violence ou de violence avérée, afin qu'ils bénéficient de la mise en place d'un parcours de soins pédiatriques adapté à leurs besoins.

Il s'agit plus précisément d'organiser et de faciliter, pour un mineur victime ou présumé victime, l'accès aux soins et la mise en place d'un parcours de soins si nécessaire, en s'assurant également que les autres volets de sa prise en charge sont bien prévus ou en cours de mise en place (protection judiciaire, aide éducative, accompagnement...). Fin 2022, il y a plus de 100 unités d'accueil pédiatriques enfance en danger sur l'ensemble du territoire français.

- La loi du 21 avril 2021 visant à protéger les mineurs des crimes et délits sexuels et de l'inceste

Le principe de « prescription glissante », qui a pour effet de différer le point de départ de la prescription, augmente de fait le délai pendant lequel des infractions commises contre les mineurs et non révélées pendant leur minorité, peuvent être poursuivies.

## Développements en 2022

- **Loi n° 2022-140 du 7 février 2022 relative à la protection des enfants, Loi Taquet.** Amélioration de la prise en compte de la parole de l'enfant et de l'accompagnement judiciaire des enfants protégés par l'aide à l'enfance (cf supra). - **Loi n° 2022-140 du 7 février 2022 relative à la protection des enfants, Loi Taquet.** Amélioration de la prise en compte de la parole de l'enfant et de l'accompagnement judiciaire des enfants protégés par l'aide à l'enfance (cf supra). En imposant au juge de « *systématiquement effectuer un entretien individuel avec l'enfant capable de discernement lors de son audience ou de son audition* », cette loi garantit l'accès des enfants à la justice et assure la protection de leurs droits dans les procédures judiciaires les concernant.

- **Protection des mineurs victimes de prostitution**

### La loi du 7 février 2022 relative à la protection des enfants

Cette loi inscrit à l'article L.221-1 du code de l'action sociale et des familles que tout mineur victime de prostitution relève du champ des missions de l'aide sociale à l'enfance, afin que ces mineurs puissent bénéficier d'un soutien matériel, psychologique et éducatif.

- **Protection des mineurs non accompagnés**

### La loi du 7 février 2022 relative à la protection des enfants

Afin de garantir la protection des droits des mineurs non accompagnés dans les procédures judiciaires, la loi du 7 février 2022 a modifié les critères de répartition des MNA sur le territoire. Jusqu'ici, la répartition reposait sur un critère démographique et d'éloignement géographique, désormais, deux nouveaux critères ont été créés : les spécificités socio-économiques des départements et leur action en faveur des MNA à leurs 18 ans (à savoir le nombre de bénéficiaires de contrats jeunes majeurs) sont pris en compte.

Cette loi interdit également la ré-évaluation de la minorité des MNA, afin de leur assurer une protection efficace dans les procédures judiciaires auxquelles ils vont être soumis. Elle incite par

ailleurs les départements à recourir à une méthode d'évaluation unifiée sur tout le territoire français.

#### **La Présidence Française de l'Union Européenne, juin 2022**

A l'occasion de la Présidence Française de l'Union Européenne, la Direction de la Protection Judiciaire de la Jeunesse a organisé un colloque européen portant sur l'évaluation des mineurs non accompagnés. Dans une démarche comparative, les différents modes d'évaluation mis en place au sein de l'Union européenne ont été présentés, les enjeux communs et les éventuelles « bonnes pratiques » des Etats membres ont été identifiés

### **Georgia / Géorgie**

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

#### **Developments in 2021**

Protection of the child rights continues to be a top priority for the government of Georgia (hereinafter the GoG). Throughout the whole year of 2021, the Interagency Working Group, set up for the Development of the National Human Rights Strategy was working on the new National Human Rights Strategy for 2022-2030. The process was prolonged due to Coronavirus restrictions, however, consultations with relevant state institutions were ongoing constantly with the coordination of the Government Administration. The process was supported by the United Nations Development Program (UNDP) and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Prior to approval by the government, the draft Strategy was also shared with the Public Defender and relevant non-governmental organizations for their comments and suggestions.

#### **Developments in 2022**

The GoG approved the abovementioned National Human Rights Strategy (2022-2030) on September 5, 2022. The second strategy is a comprehensive document that covers all fundamental human rights and freedoms including civil, political, social, economic and cultural. The strategy puts special emphasis on the protection of the rights of vulnerable groups. One of the chapters of the Strategy is dedicated specifically to rights of a child, namely improving the mechanisms for protection of children's rights and their well-being, taking into account the best interests of the child and strengthening of policies promoting independent living.

Currently, the document is in the parliament awaiting its final adoption. It is noteworthy to mention, that after the adoption of the Strategy, the National Action Plan on the protection of the human rights will be elaborated and adopted by the government. The Plan will envisage proper aims, goals and activities for the implementation of the provisions set out in the Strategy. Protection of child rights, as well as child welfare and safety will take a large space in the NAP.

On August 31, 2022, the GoG approved the Unified National Strategy of Education and Science of Georgia 2022-2030 and respective Action Plan 2022-2024 with its' annexes by decree N446. The strategic vision declares that Georgia's high-quality education system will enable individuals to make the best choices for developing their competencies and capabilities, which, in turn, will contribute to forming a sustainable, knowledge-based, and strong civil society. The policy documents cover three main pillars of systemic development: Quality and sustainable education focusing on the needs of students, society, and the state; An equitable, inclusive, and diverse education; Enhanced system of management and accountability of education. The main aspiration is to strengthen achieved progress and develop individual-oriented system at all level of education, especially at all early childhood and preschool care and education institutions and general

educational institutions, in order to provide an accessible learning process for each student and be focused on high attainable results, high-quality, supportive, and development-oriented care and the educational process by students' holistic development.

**Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

#### **Developments in 2021**

A significant accomplishment of the work of UNICEF and the GoG is an establishment of a Psycho-Social Service Centre for the juvenile victims of Violence. Namely, In 2020, the Government approved the concept of a center for psychological and social services for the children victims of violence. The aim of the Center is to provide child victims with short and long-term psychosocial rehabilitation, prevent secondary victimization and conduct effective investigation. The preparatory procedures required for launching the center started in 2021. This included setting up the infrastructure, purchasing the necessary equipment, development of SOPs and training of staff.

Since 2021, intensive trainings on crimes against sexual freedom and inviolability have been provided for specialized prosecutors and investigators. Furthermore, infrastructure projects are ongoing to set up child friendly environment in law-enforcement structural subunits.

In August 2021, 24-hour respond mechanism to the urgent cases of violence against child was established by the Order of the head of the LEPL Agency for State Care and Assistance for the (statutory) Victims of Human Trafficking. The goal of the mechanism is to respond to the cases of violence against children effectively and timely during the day or night time by social workers or mobile groups in every region of Georgia.

In 2021, Kojori children's house was deinstitutionalized and 14 children were placed in 2 specialized small group homes, where children have a better access to family type environment and individual care orientated on their needs and best interests.

The GoG puts great emphasis on raising awareness on prohibition and prevention of corporal punishment and bullying. In order to prevent bullying in schools, post conflict restorative approaches are being introduced to teachers and students. The whole-school model was piloted in 11 schools. Safety and public order in schools is ensured by resource officers. School Mediation concept has been developed and piloted.

#### **Developments in 2022**

The Psycho-Social Service Center for the juvenile victims of Violence was launched in Tbilisi, in March, 2022, in a pilot mode. On the basis of pilot results, one more center will be established in Kutaisi in a short time. This innovative first-ever center in Georgia, is similar to so-called "BARNAHUS" model, which is well known in Scandinavian countries.

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### **Developments in 2021**



It is worth mentioning, that pursuant to the Code of the Rights of the Child (approved in 2019), administrative bodies have an obligation to ensure the participation of the child when resolving any matter affecting his/her rights, in accordance with child's best interests.

#### **Developments in 2022**

The Government has been actively working in the frames of the Interagency Commission for the implementation of the Convention on the Rights of the Child and Children's Rights Issues. The Commission is chaired by the Head of the Human Rights Secretariat of the Administration of the Government and consists of the representatives of key Ministries, Parliament, Supreme Court, Public Defender's office, UNICEF and some of the child rights' NGOs. Special attention is paid to the inclusion of NGOs working with children in the process, since their first-hand experience helps to identify specific needs of children and find ways to solve existing issues.

On 5 April 2022, the meeting of the mentioned Commission was conducted, where members of the Commission with the representatives of local civil society and international organizations discussed the status of implementation of the UN Committee recommendations on the rights of the child as well as the challenges that each state agencies are facing.

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

#### **Developments in 2021**

To ensure accessibility of child-friendly justice, in close cooperation with UNICEF, during the years 2018-2021, the child-friendly interview rooms refurbished, equipped with appropriate technical equipment and have been opened at the Prosecutor's Offices, police departments and at the City court in both eastern and western Georgia. The environment is suited to children and represents an important achievement in building a child-friendly justice system in Georgia.

In 2021, the Parliament of Georgia approved the package of legislative changes, according to which, the Witness and Victim Coordinator of the Ministry of Internal Affairs of Georgia is authorised to support the witness/victim during the legal proceedings. Coordinators provide support to juveniles and/or vulnerable people in a priority manner. In addition, the coordinator assists the witness and the victim in establishing effective communication with the investigative authorities, provide them with appropriate information during the investigation phase, and, if necessary, offer state services to the witness and the victim and assist in the process of involvement in the mentioned services. The Witness and Victim Coordinator Service has been operating in the MIA since 2019.

#### **Developments in 2022**

In 2017, Georgia became a partner of the Global Partnership to End Violence against Children and in 2018, it gained the status of a Pathfinding Country, thus, taking a responsibility to apply INSPIRE methodology during policymaking. In 2022, the Government held a policy dialogue that involved all line Ministries and state bodies dealing with the rights of the child to draft a country statement, making a public commitment to comprehensive action to end all forms of violence against children. The statement was officially released during the ongoing year and is available on the following link: <https://www.end-violence.org/sites/default/files/paragraphs/download/Georgia%27s%20Together%20to%20End%20Violence%20Leaders%20Statement.pdf>

## Germany / Allemagne

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

### Developments in 2021

- The **Act on Corporate Due Diligence Obligations in Supply Chains** (Gesetz über die unternehmerischen Sorgfaltspflichten in Lieferketten) was published in the Federal Law Gazette on 22 July 2021 after completion of the parliamentary procedure. This is the first time the responsibility of German enterprises to respect human rights in global supply chains has been put on a legal footing. From 2023, the act places enterprises with at least 3,000 employees that have their central administration, principal place of business, administrative headquarters, statutory seat or branch office in Germany under the obligation to respect human rights by implementing defined due diligence obligations. From 2024, the Act additionally will apply to enterprises with at least 1,000 employees in Germany. The core elements of the due diligence obligations include the establishment of a risk management system to identify, prevent or minimise the risks of human rights violations and damage to the environment. The Act sets out the necessary preventive and remedial measures, makes complaint procedures mandatory and requires regular reports. The due diligence obligations cover, among many other aspects, ILO Convention No. 138 concerning the Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The due diligence obligations apply to an enterprise's own business area, to the actions of a contractual partner and to the actions of other (indirect) suppliers. This means that an enterprise's responsibility no longer ends at its own factory gate but applies along the entire supply chain.
- In September 2021, the German Bundestag and the Bundesrat adopted the **Act on Providing All-Day Care and Education for Primary School Children** (*Ganztagsförderungsgesetz*/All-day Childcare Act). The law is a milestone for families in Germany because a legal entitlement to all-day care for children of primary school age will be gradually introduced from 1 August 2026.
  - The legal entitlement will initially only apply to the first grade and will be expanded annually by one grade. From 1 August 2029, every primary school child in the first four grades will be entitled to all-day care. In addition, the Federal Government will provide up to 2.75 billion euros of financial assistance within the framework of the *Ganztagsförderungsgesetz* (Act on Providing All-Day Care and Education for Primary School Children). Furthermore, the Federal Government will support the Federal States (*Länder*) by gradually increasing funding starting in 2026 and will provide permanent funding of 1.3 billion euros annually from 2030 for operating costs.
  - The Federal Government is already providing the Federal States (*Länder*) with financial assistance of 750 million euros for investments as part of an investment programme for all-day education and care which was launched at the end of 2020 with the objective to accelerate the expansion of all-day care places for children of primary school age.
- „**Aktionsprogramm Aufholen nach Corona für Kinder und Jugendliche in 2021 und 2022**“ (action programme **Catching up After Corona for Children and Young People in 2021 and 2022**), amounting to two billion euros for 2021 and. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is spending about one billion euros for additional sports, leisure and holiday activities, and support for children and young people in day-to-day life.

The Federal Ministry of Education and Research is investing one billion euros to support school students to catch up on missed education through additional support services.

- **New regulation of the protection of children and young people in the media by the Second Act Amending the Youth Protection Act (JuSchG):** The Act contains an obligation for interactive Internet services to establish precautionary measures to enable children and young people to use the services relevant to them safely (Section 24a (1) JuSchG). The aim is to protect against so-called interaction risks, such as bullying, sexualized approaches ("cybergrooming") or hate speech. The Federal Agency for the Protection of Children and Young People in the Media (Bundeszentrale für Kinder- und Jugendmedienschutz, BzKJ) is in charge of developing binding guidelines and enforcing the law with regard to precautionary measures.
- Act to strengthen children and young people (reform of the Book VIII of the Social Code - child and youth welfare)
  - The Act provides changes in legislation regarding child protection, placement of children in institutional care or with a foster family, prevention and participation of children, young people and families. In addition the act introduced the right for children and young people to seek advice without the knowledge of their parents or their guardian. Moreover, it sets the course for the implementation of an inclusive child and youth welfare system.
  - In terms of child protection, the Act, among others, strengthens the effectiveness of institutional care supervisory authorities and increases the requirements for educational measures abroad. Besides, it improves cooperation between child and youth welfare and other parties who are in charge of children's well-being and growing up.
- Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and UNICEF have published a new revised edition of the "**Minimum standards for the Protection of Refugees in Refugee Accommodation Centres**" (April 2021, <https://www.bmfsfj.de/bmfsfj/meta/en/publications-en/minimum-standards-for-the-protection-of-refugees-in-refugee-accommodation-centres-184704>)
- In May 2021, the German Bundestag and the Bundesrat adopted the **Act to protect children with gender variants**. The law made clear targeted gender reassignment treatments are illegal and prohibited, if there is no other purpose thereof. Other surgeries of the external or internal sex characteristics of children are now subject to a family court approval procedure if those surgeries could cause a gender reassignment. Further provisions encourage parents to address a multidisciplinary committee (ad hoc or standing) to get guidance on the decision about a surgery causing gender reassignment. Such committee guidance shall be taken into account by the family court.
- Since April 2021, unaccompanied **intercountry adoptions have been expressly prohibited** and better standards of protection must be observed in every intercountry adoption. This ensures that, for example, the examination of the child's need for adoption or the examination of the suitability of the adopters are complied with.

- Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has published a new edition of the **children's rights brochure**. Children and young people were actively involved in designing both the layout and the text. The brochure provides an overview of children's rights in a child-friendly and very descriptive way. See: <https://www.bmfsfj.de/resource/blob/201770/48f1902124407b6637986b7d812ee853/ure-kinderrechte-data.pdf>
- **National Action Plan (NAP) „Neue Chancen für Kinder in Deutschland“** (“**New Opportunities for Children in Germany**”) on the Implementation of the Council Recommendation on the Establishment of a European Child Guarantee. In 2022, the NAP was significantly prepared with the participation of numerous stakeholders; the adoption in the federal cabinet is planned for spring 2023.
- DEU will strengthen the right of children to grow up in social security and enable better opportunities for children and young people. Therefore, we will bundle various existing benefits for families into a **basic child allowance**.
  - The basic child allowance is intended to bundle a large number of support benefits, such as child benefit, benefits from SGB II/XII for children, parts of the education and participation package, and the child supplement, and to base the amount on a newly defined sociocultural subsistence minimum for children. At the same time, the foundation is being laid for the perspective goal that in the future the tax exemption of the child's subsistence minimum will be achieved solely through the new guaranteed amount of the basic child allowance. The basic child allowance should be easier for families to receive, digitally compatible and therefore as unbureaucratic as possible to pay out. Families who do not claim previous benefits should be better reached by the basic child allowance.
  - The German government has set up an interministerial working group - the IMA Kindergrundsicherung - to prepare the reform of the basic child benefit system. Seven ministries are working in specialist working groups under the leadership of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth to develop the basic child security concept by 2023. The legislative process for the basic child allowance is scheduled to start in 2023. Until the introduction of the basic child allowance, the federal government has been granting an immediate supplement of 20 euros per month for children in families with no or low income since July 1, 2022. The immediate supplement is an ongoing and unbureaucratic form of assistance; a total of around 2.9 million children can benefit from the immediate supplement.
- The Federal Ministry of Justice is currently undertaking **an evaluation of the provisions about measures limiting the personal freedom of children in health or care institutions**. 2017 a new law was introduced requiring parents to obtain a family court approval to consent to any such measure before it can be applied in healthcare, care or similar institutions. This covers a broad range of measures like “time out” rooms, locking up rooms, fixation at the bed, giving drugs to sedate a young patient or putting her or him into a specific equipment to hinder uncontrolled movement. The evaluation is assisted by an academic research project and should deliver results in 2023.
- The Federal Ministry of the Interior, the Federal Ministry of Justice and the Foreign Affairs Office are jointly conducting **a survey about the outcome of the practical handling of the provisions to prevent an abuse of paternity acknowledgments affecting the lives of children**. In 2017, new provisions were introduced to respond to a decision of the Federal

Constitutional Court and to continue to prevent such abuses.

- The Federal Ministry of Justice is preparing a **reform of the law on parental care and contact with the child** with a particular focus on children with separated parents and children with unmarried parents.
- The Federal Ministry of Justice is preparing a **reform of the law on parenthood (filiation)** in order to address the needs of children born after assisted reproduction.
- Provision of needs-oriented play and development materials through the **project "Kits for Kids" (Plan International) to strengthen the rights to protection, play and participation for children in initial reception facilities** and in follow-up accommodations and provision of training of professionals on psychological first aid and trauma-sensitive work with children, self-care and stress management through a project run by Save the Children.
- The Federal Ministry for Economic Development and Cooperation (BMZ) is currently conducting an **external review of its child rights action plan for German development cooperation "Agents of Change" (2017-2019)**. The findings and recommendations of the review will guide the further strategic orientation of German development cooperation in the field of children and youth rights.

**Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

#### **Developments in 2021**

- The **Act to Combat Sexualised Violence against Children**, whose criminal law provisions entered into force on 1 July 2021, significantly increased the scope of punishment for sexual abuse of children and child pornography offences in the German Criminal Code (Strafgesetzbuch, StGB), recategorising the basic offences as serious criminal offences. Among other amendments, sentencing ranges were increased as follows: for offences pursuant to section 176 (1) StGB (sexual abuse of children) from imprisonment from six months to ten years to imprisonment of not less than one year; for offences pursuant to section 184b (1), first sentence, StGB (dissemination of child pornographic content) from imprisonment from three months to five years to imprisonment from one year to ten years; for offences pursuant to section 184b (2) StGB (dissemination of child pornographic content committed on a commercial basis or by a gang) from imprisonment from six months to ten years to imprisonment of not less than two years; and for offences pursuant to section 184b (3) StGB (procurement and possession of child pornographic content) from imprisonment of up to three years or a fine to imprisonment from one year to five years. Also, a new offence was introduced criminalising the manufacture, distribution, acquisition and possession of sex dolls with a childlike appearance (section 184i StGB). The Act to Combat Sexualised Violence against Children also provides for the adoption of additional measures:
  - It implemented some of the recommendations made by the reform commission on criminal law for sexual offences. Thus, the constituent elements forming the criminal offence of sexual abuse of persons in one's charge (section 174 StGB) were redefined, setting a uniform protective age limit of 18 years, and extended to include acts performed with or in the presence of a third person.
  - Limitation periods: With the 49th Act to Amend the German Criminal Code, which entered into force on 27 January 2015, the legislature introduced far-reaching amendments of the provisions on periods of limitation, ensuring that sexual

offences can still be prosecuted many decades after they were committed. Section 78b (1) no. 1 StGB now provides that the limitation period for sexual offences under sections 174 to 174c, 176 to 178, 180 (3) and 182 StGB must be stayed until the victim has reached the age of 30. This means that the limitation periods only begin to run once the victim has reached the age of 30. As a result of the Act on Combating Sexualised Violence against Children, this now applies to the offence of producing child pornographic content depicting an actual act as well. As a result of the above-mentioned increase in sentencing ranges, a limitation period of 20 years no longer only applies to qualified offences, such as aggravated sexual abuse, but also to the basic offences of sexual abuse of children and commercial or gang-based dissemination of child pornographic content depicting an actual or realistic occurrence.

- Investigative measures under criminal procedure law (remand detention, telecommunications surveillance, online search and collection of traffic data) have been expanded.
- In the Code of Criminal Procedure (Strafprozessordnung, StPO), an express requirement of accelerated proceedings was set down for criminal proceedings involving minor victim-witnesses.
- The period of time laid down in the Federal Central Criminal Register Act (Bundeszentralregistergesetz) for which entries of criminal convictions appear on the extended certificate of good conduct has been considerably extended from three years to ten years. In the case of offences that are of particular relevance for child protection and where a sentence to imprisonment or youth custody of more than one year is imposed, this period has been extended to twenty years. For convictions for serious sexual child abuse or for sexual child abuse resulting in death to at least five years imprisonment, as well as for repeated convictions for such types of serious offences, the applicable law in Germany now provides for a lifelong period of inclusion in the extended certificate of good conduct.
- In the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (Gesetz über das Verfahren in Familiensachen und in Angelegenheiten der freiwilligen Gerichtsbarkeit, FamFG) the position of children was strengthened. In proceedings on parental separation or child protection the family court now has the obligation to hear the child independently of the age of the child and has to obtain a personal impression of the child. Furthermore, qualification requirements for family court judges and for guardians ad litem of minors were anchored in law, according to which verifiable knowledge of the developmental psychology of the child and communication with children are required for these activities. Furthermore, the existing specific qualification requirements for youth court judges as well as for juvenile public prosecutors have been regulated more concrete and binding by amending the Youth Court Act."
- The Act to Amend the Criminal Code – Improving Protection under Criminal Law against "Enemies Lists", Criminal Liability for the Dissemination and Possession of Instructions for Committing Sexual Abuse of Children and Improving the Combating of Hate-mongering Content and Combating Propaganda and Symbols of Unconstitutional and Terrorist Organisations of 14 September 2021, which entered into force on 22 September 2022, inserted a new offence into the German Criminal Code, criminalising the dissemination and possession of instructions for committing sexual abuse of children (section 176e StGB).

- **Publication of the goals, concrete implementation steps and identification of further challenges of the National Council against Sexual Violence against Children and Adolescents** for in a "common understanding". The central goal of the National Council is a

significant reduction in the number of cases through improvements in prevention, intervention and assistance, as well as increased research on sexual violence against children and adolescents.

#### Developments in 2022

- **Adoption of an Agenda of the National Council against Sexual Violence against Children and Adolescents** for the current legislature und restart of several working groups.
- Development and launch of a **joint awareness and behaviour campaign by the Federal Ministry of Family Affairs and the Independent Commissioner for Child Sexual Abuse Issues**. The goal of the campaign is to spread the awareness that sexual violence can also affect your own children and children you know. While the campaign is not intended to shock, the goal is to raise doubts about the common assumption that sexual violence only takes place elsewhere and happens only to other children. The campaign calls on the public to pay attention and to act in support of victims. The second phase of the campaign intends to establish a nation-wide network of actors relevant for child protection (planned from 2023 onwards).
- In preparation of reforms in the fields of family law and family court procedure law, the issue of domestic violence directed to or witnessed by children is of great importance. The reforms shall ensure that duly established domestic violence must be taken into account in court proceedings on contact with the child.

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### Developments in 2021

- GER has established a Youth Advisory Council at the Federal Ministry for Economic Cooperation and Development (BMZ). The constitutive session took place on May 21/22. The Council is currently composed of 16 members aged from 16 to 24 years.

#### Developments in 2022

- Based on the coalition agreement for the 20th legislative period, the existing youth strategy is being further developed with a National Action Plan (NAP) for child and youth participation. This will place a special focus on expanding the participation of young people at all political levels. The NAP for child and youth participation is being developed in a broad dialog process with the federal government, the states, local authorities and civil society, as well as children and young people in particular. In essence, the aim is to develop recommendations for strengthening young people's opportunities for participation.

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

#### Developments in 2021

- The **Act to Combat Sexualized Violence against Children** of June 16, 2021, further strengthened the legal position of children and adolescents in family court proceedings. The obligation to hear the child in family court proceedings on parental separation or child protection was made age-independent and extended to include the obligation of the judge(s) to obtain a personal impression of the child. Furthermore, qualification requirements for family court judges and suitability requirements for guardians ad litem of minors were anchored in law, according to which verifiable knowledge of the developmental psychology of the child and communication with children are required for these activities. In addition, the Federal Ministry of Justice plans to provide age-appropriate information materials for children and adolescents between the ages of 6 and 18.
- In 2021 a **set of forms adjusted to different stages and situations of juvenile criminal proceedings was made available (in several languages) via internet**. These forms had been drafted by a working group of ministries of justice of the Laender and the Federal Ministry of Justice in 2020 and are intended for the use of police and judicial authorities to inform accused children about the main features of juvenile criminal proceedings and about their rights in such proceedings (see [https://www.bmj.de/SiteGlobals/Forms/Suche/Belehrungsformularesuche\\_Jugendliche\\_Formular.html;jsessionid=E056E4CBFBABC026412647898558B3DF.2\\_cid289?resultsPerPage=20](https://www.bmj.de/SiteGlobals/Forms/Suche/Belehrungsformularesuche_Jugendliche_Formular.html;jsessionid=E056E4CBFBABC026412647898558B3DF.2_cid289?resultsPerPage=20))."

#### Developments in 2022

- A working group of the National Council against Sexual Violence against Children and Adolescents has also developed and published **guidelines to support professionals in making family law proceedings more child-friendly**. (Praxisleitfaden zur Anwendung kindgerechter Kriterien für das familiengerichtliche Verfahren).

#### Greece / Grèce

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

#### Developments in 2021

##### MINISTRY OF LABOUR

A. **Law 4808/2021**, art. 137, regarding the benefits given for children on foster care, **Law 4837/2021**, art. 24: Addition of new members at the National Council of Foster Care and Adoption (ESANY), increasing its diversity.

Art. 26: increasing the age limit for foster parents, from 25 years old to 30 and from 60 years old to 75 years old.

Art. 28: regarding the competent authorities for the supervision of the placement of a child in foster care.

Art. 29: providing an exception from attending the mandatory by law educational programs for foster parents, to ones who became foster parents to the child of their wife/husband.

Art.30: providing an exception from attending the mandatory by law educational programs for adoptive parents, to ones who became adoptive parents to the child of their wife/husband (interfamily adoptions).



**Law 4865/2021**, art. 43: giving for the first time to people who have HIV or hepatitis B, and are under treatment, the opportunity to become foster or adoptive parents.

**B. Furthermore, by virtue of Law 4837/2021:**

- The National Center for Social Solidarity (EKKA) is appointed as the National Coordinator for the implementation of the "Child Guarantee" Recommendation {see also below}
- The National Council of Preschool Education is instituted
- The KYPSELI program is established for all nurseries, nurseries and kindergartens with the aim of developing and enhancing the abilities and skills of children, as well as monitoring and evaluating their development.

#### **National Centre for Social Solidarity (EKKA)**

- The National Centre for Social Solidarity (E.K.K.A.) was nominated as the National Child Guarantee Coordinator by article 53 Law 4837/2021 (Gazette A 178/1.10.2021). The mission of the National Child Guarantee Coordinator is the elaboration and preparation of the National Action Plan, effective coordination, and monitoring of the implementation of EU Recommendation 2021/1004 and the Action Plan, as well as the monitoring, supervision and evaluation of the actions integrated into the National Action Plan.

- Regulatory acts with direct relevance to the NAP:

1. Joint Ministerial Decision on: Designation of representatives and their alternates as liaisons with E.K.K.A. as National Child Guarantee Coordinator, in application of par. 2a of art. 59 of Law 4837/2021 (GG YOΔΔ 30/21.01.2022).

2. Ministerial Decision on: Establishment and Composition of a Working Group consisting of officials from the Ministry of Labour and Social Affairs and the National Centre for Social Solidarity (E.K.K.A.) to implement the Recommendation on the European Child Guarantee and the National Action Plan (article 59 par. 2 of Law 4837/2021, ΑΔΑ: 9ΙΘ546ΜΤΛΚ-ΓΨΟ).

- Prevention and tackling the incidents of abuse and neglect of the minors are provided for in part A (articles 1-12) of the Law 4837/2021. The main policy measures concern:

1. The establishment of National System of Recording and Monitoring the Incidents of Minors' Abuse, as a coordinating mechanism, in the National Centre for Social Solidarity (E.K.K.A.) (art. 9). The purpose of the National System is fourfold: i) development of a database, ii) export statistics, iii) monitoring the application of the relevant policies and iv) evaluation the effectiveness of the relevant interventions.

2. The appointment of Minor Protection Officer in each child protection unit throughout the country. The procedure is in progress.

#### **MINISTRY OF JUSTICE**

- The rights of minors and the principles of child-friendly justice were added to the new legal framework for the National School of Judges (Law 4871/2021) as compulsory training programs.

- In cooperation with the Ministry of Education and Religious Affairs, following a proposal of the Ministry of Justice to the Institute of Training Policy, human rights related material with emphasis on the rights of the child (such as the International Convention on the Rights of the Child and the two Protocols on the Rights of the Child, the EU Charter of Fundamental Rights, information on national bodies to which children can address for advice and assistance) have been included in the skills workshops and the curricula in primary, lower, and upper secondary education.

- Close cooperation of the Ministry of Justice with UNICEF in the context of the design and implementation of policies to promote child-friendly justice. In March 2021, a representative of the

UNICEF - Greece Country Office was added to the Composition of the National Mechanism for the Preparation, Monitoring and Evaluation of Action Plans for the Rights of the Child, so that the mechanism can benefit from UNICEF's rich experience and know-how in design, training and implementation of the current as well as future Action Plans for the Rights of the Child.

- In collaboration with the National School of Judicial Officers interdisciplinary seminars on child rights-related issues and child-friendly justice took place based on the guidelines of the Council of Europe and the Fundamental Rights Agency of the EU.

### **Special Secretariat for the Protection of Unaccompanied Minors (SSPUAM)**

#### **– MINISTRY OF MIGRATION & ASYLUM**

##### **1. Finalization of the National Strategy for the Protection of Unaccompanied Minors.**

The Special Secretariat for the Protection of Unaccompanied Minors of the Ministry of Migration and Asylum, as mandated by law, in November 2020 drafted the National Strategy for the Protection of Unaccompanied Minors in Greece which was updated and finalized during 2021. The National Strategy has four core pillars of action: 1) enhancing reception and promoting the rights of children, 2) identifying and implementing durable solutions, 3) strengthening the protection framework to prevent trafficking, abuse, violence of children, 4) improving data collection.

2. The SSPUAM together with UNHCR designed and launched in April 2021 the National Emergency Response Mechanism as a means of rapidly identifying unaccompanied children who are homeless or in precarious living conditions and transfer them to safe accommodation. By the end of the year, the NERM consisted of 24/7 hotline manned by child protection experts and supported by remote interpretation, two mobile units and two information desks in Athens and Thessaloniki regions, and emergency accommodation facilities. Actors providing the aforementioned services were: the International Organization for Migration (IOM), NGO Arsis, NGO METAdrasi and NGO the Network for Children's Rights.

3. Introduction and adoption of the article 19 of the Law 4825/2021(government gazette 157 A/4.9.2021), according to which all unaccompanied children whose asylum case has been rejected, and thus lack a legal status, continue having full health care coverage for as long as they are underage and remain in the country.

4. By the end of the year, the "safe zones" in the open accommodation facilities (camps in the mainland) were gradually put out of operation and all the unaccompanied minors who were accommodated there, were transferred in long-term accommodation facilities suitable for their age and needs. At the same time the SSPUAM enhanced the national long-term accommodation capacity by increasing the number of places up to 60%.

### **Developments in 2022**

#### **MINISTRY OF LABOUR**

**A.** As far as the implementation of the "Child Guarantee" Recommendation is concerned, the National Action Plan (N.A.P.) was approved by the European Commission and published in September 2022. In the framework of the National Action Plan for the "European Child Guarantee", i) "children in need" are defined *[a) homeless children or children experiencing severe housing deprivation, b) children with disabilities, c) children with mental health issues, d) children with a migrant background or minority ethnic origin and Roma children, e) children in alternative and institutional care, f) children in precarious family situations]*, ii) quantitative and qualitative targets

are set so that the access of these children to key services is guaranteed, and iii) new policy measures are planned.

Furthermore, a mechanism for monitoring and evaluating the actions under the National Action Plan has been settled.

**B.** Furthermore, UNICEF, with the support of the EC and in collaboration with the Greek government, is currently implementing the Pilot Child Guarantee project aiming at addressing systematic disadvantages for particularly vulnerable groups of children. [It's a 2-year project, since July 2020 with governments from seven EU Member States (Bulgaria, Croatia, Germany, **Greece**, Italy, Lithuania, and Spain) and key national and local stakeholders].

**C.** The Reform "**Child Protection**" is included in the **Greek Recovery and Resilience Plan (RRP)**. The measure consists of: a) a reform of the curriculum and educational program of infants aged from 3 months to 4 years aimed to promote their cognitive development. The reform is accompanied by investments in educational material and cognitive development assessment tools for 3,000 childcare centers. The measure also includes investments allowing for:

b) the placement of minors with severe disability (over 67%) and/or severe mental disorders in the care of professional foster carers;

c) the transfer of adolescents from Child Protection Units (CPUs) to Supported Independent Living apartments (SILs) with the aim of deinstitutionalization, skills' building and improvement of employability;

d) the creation or expansion of early childcare centres for infants aged from 2 months until 2,5 years (baby centres); and

e) the creation of science, technology, engineering and mathematics (STEM) centres of creative activities for children aged 12-15.

In the context of the prevention of institutional type of care, the Ministry of Labour and Social Affairs plans, also, the development of the Early Intervention program which has been included in the RRP, planned to be implemented between 2022-2025. For the implementation of the program coupons will be offered to provide individualized treatment / education for approximately 1,450 children with disabilities and/or developmental issues or those at risk of establishing them and their families, focusing at the social dimension of early intervention.

Moreover, Technical Support for the development and implementation of reforms concerning "family centered early childhood intervention services in Greece", otherwise known as the ECI Greece project, is funded by DG REFORM and currently implemented by EASPD in cooperation with the European Commission (running from September 2021 to September 2023).

The implementation of the reform and investments shall be completed by 31 December 2025.

#### **National Centre for Social Solidarity (EKKA)**

- Submission of the National Action Plan for the Child Guarantee to European Commission (09/2022) by the National Child Guarantee Coordinator and Preparation for the implementation of the National Action Plan for the Child Guarantee (in progress) *{see also above}*
- A Joined Ministerial Decision (40494/11-05-2022) about conditions for the establishment and operation of Child Protection and Care units by private, non-profit legal entities. The aim is to set, for the first time in the country, rules for the safest and best care of children in institutional structures.
- Preparation of the Joint Ministerial Decision on Operation and Supervision of the National System of Recording and Monitoring the Incidents of Minors' Abuse in application of art.12 of Law 4837/2021 is in progress.

## **MINISTRY OF JUSTICE**

- The National Action Plan on the Rights of the Child 2021-2023, adopted by the National Mechanism for the monitoring and evaluation of Action Plans for the Rights of the Child on June, 17, 2021, is still running.

The Action Plan focuses on the following priorities: (1) Combating child poverty and alleviating the negative impact of the economic crisis on children, (2) protecting children in the context of the refugee - migration crisis, (3) ensuring children's health, (4) safeguarding children's rights in education, culture and sports (5) strengthening community child protection mechanisms and institutions, (6) child - friendly justice, (7) horizontal actions for the rights of children with disabilities. It is to be noted that at a recent meeting of the National Elaboration Mechanism, Monitoring and Evaluation of Action Plans for the Rights of the Child it was unanimously decided that in November 2022 procedures for the preparation of the next National Action Plan for the Rights of the Child (2024-2027) will be commenced while representatives of the children will participate in the consultation process for its preparation, in a manner to be determined at subsequent meetings. The actions implemented by the Ministry of Justice are included in the second axis of high priorities of the National Action Plan (axis "Child-Friendly Justice"), for the promotion of which relevant reformation of the website of the Ministry took place. ([https://www.ministryofjustice.gr/?page\\_id=7812](https://www.ministryofjustice.gr/?page_id=7812)).

- In November 2021, the Prime Minister presented a new initiative for the drawing up of a National Action Plan (2022-2027) for the protection of children against sexual abuse and exploitation, which is aligned with the Council of Europe Convention on the Protection of Children against on sexual exploitation and abuse ('Lanzarote Convention') and the EU strategy for combating child sexual abuse for the period 2020-2025. In August 2022, the Action Plan was approved by the Council of Ministers and since October 27, 2022, it is available for public consultation that will last fourteen (14) days, until November 9, 2022. On November 2, 2022, the Action Plan will be presented by the Prime Minister to the Parliament, in a joint meeting of the co-competent parliamentary committees. The main objectives of the National Action Plan in consultation are the following: a) facilitating the reporting of crimes to contain perpetrators and the early rescue of victims who often suffer in silence for years, b) reducing actual cases by increasing administrative and social surveillance and c) readjustment of institutional procedures, so that they work in support of the child victim and his family. The National Action Plan is governed by the following five basic principles on which all its measures and policies are based: 1) focusing on prevention, 2) establishing child-friendly justice, 3) children's participation, 4) child-centered approach, 5) strengthening of cooperation (inter-sectoral as well as with Civil Society). For the monitoring of the implementation of the aforementioned National Action Plan, a National Coordinating Committee is established with the institutional participation of all competent Ministries represented by their Secretaries General, together with distinguished national child protection agencies.

- Seminars on child rights-related issues and child-friendly justice took place or are scheduled to take place within the year 2022 in collaboration with the National School of Judicial Officers, the Training Institute and the Athens Bar Association.

## **Special Secretariat for the Protection of Unaccompanied Minors**

1. On 20.07.2022 Law 4960/2022 (Govern. Gazette A' 145) entitled "National Guardianship System and Accommodation Framework of Unaccompanied Minors within the competence of the Ministry of Migration and Asylum" was adopted by the Hellenic Parliament. Under the new law:
  - 1.1. A new regulatory framework for the guardianship of unaccompanied children was introduced (with the provision of a transitional period until approximately the end of November 2022).
  - 1.2. Noteworthy that actors providing guardianship services, or accommodation or transfer and accompaniment services to UAMs must adhere to a Child Protection Policy (CPP), which follows the general principles of the United Nations Convention on the Rights of the Child, ratified by Law 2101/1992 (A192), which is based on international, European and national law for the protection of children from all forms of violence, abuse or exploitation.
  - 1.3. The framework for the rules and procedures applicable to the system of accommodation for unaccompanied minors are established.
  - 1.4. The National Emergency Response Mechanism for Unaccompanied Minors identified in precarious living conditions, which, as mentioned above, has been operating as a pilot since April 2021, has been regulated.
  - 1.5. An information database for the registration of data concerning unaccompanied minors found in Greek territory is established under the name "National Registry for the Protection of Unaccompanied Minors"; the processing of which will be undertaken by the Special Secretariat for the Protection of Unaccompanied Minors.
  - 1.6. It sets the frame for secure and organized accompaniments of UAMs in the country.

**Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

#### **Developments in 2021**

##### **MINISTRY OF LABOUR**

Law 4837/2021 includes important provisions regarding child protection.

By virtue of this law:

- Specific measures are taken to prevent and address child abuse and neglect.
- The National System for Recording and Monitoring Reports of cases of child abuse is established.
- It becomes mandatory to appoint the Head of Juvenile Protection in each child protection unit.
- Conditions are established for the recruitment of people in child protection units.

##### **MINISTRY OF JUSTICE**

- Law 4800/2021 "Reforms Concerning Relations between Parents and Offspring, Other Matters of Family Law, and Other Urgent Provisions", enacted on May 21, 2021, introduced provisions which revised family law to provide further protection to minors within the family environment. The Right of the Child to be heard is enshrined in Article 1511 (3) of the Civil Code (with regard to decisions on parental responsibility) and 612 (1) of the Code of Civil Procedure (conflict between parents regarding their common parenting). Articles 1532 and 1533 of the Civil Code provide for the removal of parental responsibility in cases of improper exercise of such responsibility (such as incidents of neglect, abandonment, domestic violence, etc.), where there is an immediate danger for the physical or mental health of the child, as well as for the best solution for the child's protection (such as temporary assignment of parental responsibility to an Institution or competent

social services etc.). The provisions of this law, according to the Explanatory Memorandum accompanying it, "are interpreted and applied in accordance with international conventions, which bind the country, in particular the Council of Europe Convention on Preventing and Combating Violence against Women and domestic violence (Istanbul Convention) ratified by Law 4531/2018 (AD 62), and cannot be considered to justify non-compliance with the obligations arising from them". Furthermore, article 17 of law 4800/21 stipulates that cases subject to this law are adjudicated by judges who have successfully attended the special training seminars at the National School of Judicial Officers (NSSI), in accordance with articles 33 and 34 of law 3689/2008 (A` 164). The above training is conducted by court officials, professors of Higher Education Institutions and specialist scientists, especially psychologists and social workers. The seminars cover, inter alia, international conventions, in particular the International Convention on the Rights of the Child and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

- In addition, the legislative framework was further strengthened by provisions introduced by Law 4855/2021 which amended the Penal Code and the Code of Criminal Procedure and enhanced protection of minors who are victims of crimes. Article 227 of the Code of Criminal Procedure, provides that children who are victims or witnesses of crimes against personal or sexual freedom, trafficking etc. are examined under a special procedure during criminal proceedings at Child Advocacy Centers. Moreover, it provides that the examination of the victim is conducted through a specialized psychologist or psychiatrist with appropriate training. Additionally, it stipulates that the testimony of the child is always audio-visually recorded, so that the child doesn't have to testify again in the ensuing proceedings. Furthermore, the Code of Criminal Procedure provides for the conduct of hearings without the presence of the public.

As concerns the new Penal Code, it is to be noted that the introduced changes provide, inter alia, for the commencement of the statute of limitations for crimes against minors from their adulthood and for one or three additional years, depending on the distinction of the offense as a misdemeanor or felony, the change in the manner of examination of juvenile and adult victims of sexual abuse, the possibility of absolute priority for the adjudication of cases relating to crimes against sexual freedom and economic exploitation of sexual life, life imprisonment as the only sentence imposed for serious crimes such as rape of a minor and gang rape, in combination with the amendment of the provisions for the conditional release of those convicted of crimes of this gravity, so that the greater part of the sentence imposed is served but also in order to exclude the service of sentence by electronic - remote supervision in the above offenses.

### **Special Secretariat for the Protection of Unaccompanied Minors**

1. Finalization of the National Strategy for the Protection of Unaccompanied Minors, one of the aims of which is the prevention and provision of effective protection against all forms of violence, exploitation and abuse.

2. Since July 2021 a "Mentorship" programme has been launched. The project targets minors reaching majority and hosted in accommodation centers for UAMs and Supported Independent Living (SIL) apartments. Through direct communication and focus groups with minors it aims to enhance the minors' socialization and empowerment, to navigate them with regards integration in the hosting community, studies and vocational training as well as employability. The "Mentorship" program is implemented by former unaccompanied minors -now adults- who act as role models in terms of building resilience, capacities and integration skills in order to support the successful

transition to adulthood under the overall protection mandate of the SSPUAM. In this way it is considered as preventive measure against all forms of violence and exploitation.

3. In February 2021 a series of online training workshops organized by the SSPUAM in cooperation with the Office of the National Rapporteur on Trafficking in Human Beings took place, the objective of which was the prevention of human trafficking and exploitation of unaccompanied minors by informing and familiarizing the participants with issues relating to trafficking in human beings, migration, vulnerability of unaccompanied minors as well as the suitable response mechanisms in (suspected or confirmed) child victims of trafficking. Approximately 300 professionals (psychologists, social workers, lawyers, care givers and interpreters) working in accommodation and care centres for unaccompanied minors participated.

4. All the personnel who support and assist the operation of NERM, including caseworkers, professionals in the information desks and in the mobile units are trained in issues of child protection, domestic violence and trafficking and thus prepared to detect and respond to relevant cases.

## **Developments in 2022**

### **MINISTRY OF LABOUR**

A new national plan to protect children from abuse, exploitation and sexual abuse will be released for public consultation very soon.

The National Action Plan for the Protection of Children from Sexual Abuse and Exploitation includes actions and rules that apply to many sectors and ministries.

It is a collective project of 12 Ministries under the coordination of the Presidency of the Government, which includes 11 horizontal policies and 80 individual actions.

#### **National Centre for Social Solidarity (EKKA)**

The National Centre for Social Solidarity (EKKA) has implemented 8 training programs for social workers and psychologists working in child protection, on the development of skills to investigate cases of possible abuse and neglect of minors. The implementation of underwriting programs, etc have been organized by EKKA in cooperation with the Institute for the Health of the Child, the National Association of Social Workers and Children's ombudsman in different regions in the country. More than 200 social workers and psychologists already participated in these three-day trainings. A key element of the trainings is the provision of a homogenized SOPs and an assessment form to be used by CP professionals.

### **MINISTRY OF JUSTICE**

- On September 6, 2022, a Memorandum of Cooperation was signed between the Ministries of Health and Justice for the purpose of joint drawing and implementation of policies and actions to strengthen the protection, support and rehabilitation of victims of criminal acts. As part of the implementation of the Memorandum, the two Ministries will take measures and initiatives with an emphasis on the protection of the most vulnerable groups, and, especially, children, people with disabilities and victims of domestic violence.

- The General Secretariat of Justice and Human Rights participates in the Task Force against domestic violence established within the framework of implementation of the program "Using the Icelandic Police's paradigm to build a Greek multi-Agency substantial partnership, in order to strengthen the support and protection of women and children victims of domestic violence, in line with the standards of the Istanbul Convention"

(acronym: #GR\_IS\_UnitedForDVSurvivors)".

- The Ministry of Justice participates in a consortium with foreign bodies in the project "Towards a Comprehensive European Strategy Against tech-facilitated GRooming and Missing". The project aims to better understand the seduction of minors via the internet, and, in particular, how it is facilitated by technology as well as how it can lead to the sexual abuse and disappearance of children, so that, based on this better understanding, to ensure that the online seduction of minors for sexual abuse, potentially leading to disappearance, is prevented as far as possible and to ensure that victims are identified and receive appropriate support. The duration of the project is two years and its implementation is expected to soon begin.

#### **Special Secretariat for the Protection of Unaccompanied Minors**

1. According to the 5-year National Strategy for the Protection of Unaccompanied Minors drafted by the SSPUAM:

- i) promoting public awareness raising campaigns, on child protection issues and the risks of all forms of violence, abuse, deceit and trafficking that unaccompanied minors are often exposed to, as well as
- ii) promoting workshops in all accommodation facilities, are included in terms of child protection policies regarding raising the awareness of the hosting community, child protection professionals (case workers and caregivers) as well as, unaccompanied minors on risks and coping strategies.

2. The NERM has included street work activities in order to identify unaccompanied children at risk.

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### **Developments in 2021**

##### **NATIONAL CENTRE FOR SOCIAL SOLIDARITY (EKKA)**

According to Article 53 paragraph c of Law 4837/2021, the National Coordinator of the European Child Guarantee draws up the National Action Plan, in cooperation and consultation with local and regional networks, civil society actors, relevant NGOs, UNICEF, other international organizations and children.

##### **MINISTRY OF JUSTICE**

- Cooperation with the Group for the Rights of the Child of the NGO "Smile of the Child" to discuss proposals on issues of sexual abuse, domestic violence and racism and active participation of the group in the formulation of the National Action Plan for the Rights of the Child. Several of the children's proposals were adopted both in the context of amendments to the Criminal Code and the Code of Criminal Procedure that took place in 2021 and in the context of the National Action Plan for the Rights of the Child. In this context, the children submitted written and oral proposals in two one-on-one meetings with the Deputy Minister of Justice.

- February 2021 – December 2021 : Participation of the Ministry of Justice in the thematic of child-friendly Justice of the initiative undertaken by the Council of Europe on "Consultation with children in the process of building a new Council of Europe on: Strategy for the rights of the child (2022-2027)". The "New Strategy of the Council of Europe for the Rights of the Child (2022-2027)"



was presented at a High Level Conference held in Rome under the auspices of the Italian Presidency and the Council of Europe, on 7 and 8 April 2022.

### **Special Secretariat for the Protection of Unaccompanied Minors**

1. Finalization of the National Strategy for the Protection of Unaccompanied Minors, one of the aims of which is to enhance the participation of unaccompanied minors in all matters and procedures that affect them by ensuring the provision of child friendly information, designing trainings on child-rights based approach in procedures and actions and safeguarding representation.
2. In the context of the development of the new Council of Europe Strategy for the Rights of the Child 2022-2027 the Secretary Special for the Protection of Unaccompanied Minors participated in the child consultation process. The process was coordinated by Defence for Children International - Italy. As part of the process, SSPUAM participated in workshops regarding the approach, methodology, implementation, and presentation of results of the child consultations. The specific thematic undertaken by the SSPUAM was "Children's rights in crisis and emergency situations". Three face-to-face consultations were implemented in June 2021 with unaccompanied minor girls in two shelters in Athens. Each consultation lasted two (2) hours. Two groups of 11 unaccompanied minor girls were formed (one per shelter). The age of the participants ranged from 13 to 17 years old. The countries of origin of the participants are Syria, Afghanistan, Palestine, Somalia, Kuwait, Congo, Ivory Coast, Cameroun and Bangladesh.
3. From 2021 until today, in the visits made in the context of the supervision and evaluation of the accommodation facilities, consultations with children are held to evaluate the services that the children receive and to express their opinions and their needs through focus groups.

### **Developments in 2022**

#### **MINISTRY OF LABOUR & NATIONAL CENTRE FOR SOCIAL SOLIDARITY (EKKA)**

The participation of children was an important part in the preparation of the National Action Plan for the implementation of the "Child Guarantee" Recommendation.

They were represented in two actions:

(a) A questionnaire was completed anonymously via a web-based platform Survey Monkey. The questionnaire was sent to general secondary and upper secondary vocational schools (EPALs) throughout the country, after being approved by the Ministry of Education and acquiring consent from their guardians. The questionnaire was developed in cooperation with UNICEF and the Child's Ombudsman. The National Institute of Labour & Human Resources (EIEAD/NILHR) processed the questionnaires.

(b) At the same time, one-hour focus groups with children aged 12-17 years were organized with children from the following vulnerable groups: Roma children, children with disabilities, unaccompanied minors, LGBTQ children or LGBTQ family members, children living in institutions, children in precarious living conditions and children from low-income families. The focus groups were coordinated by 2 E.I.E.AD. researchers with relevant research experience and an E.K.K.A. social worker. The National Institute of Labour & Human Resources (E.I.E.AD.) analyzed the data obtained from the above-mentioned focus groups. In particular, the responses came from 159 municipalities of the country, mainly from the Community centres, 7 from regions, 5 from non-profit institutions, 1 from a University and 1 from a Public sector Agency. The survey included participation from all 13 regions, while 23.1% of the questionnaires replied came from municipalities in the Region of Attica,

12.1% from Central Macedonia and an equal share from Thessaly. In addition, two focus groups were carried out by UNICEF and the Children's Ombudsman with children of various vulnerable groups.

#### **MINISTRY OF JUSTICE**

- Greece, through the Ministry of Justice, participates in the JUST CLOSER project (EU Justice Program), which focuses on the practical implementation of EU Directive 2016/800 on procedural guarantees for children who are suspected or accused in the context of criminal proceedings. JUST CLOSER aims to strengthen respect for the procedural rights of children and young people in conflict with the justice system, taking into account their views and suggestions and promoting their active participation, while strengthening the skills of professionals working with and for children. The project has duration of 24 months and its implementation started in September 2022.
- In a recent meeting of the National Elaboration Mechanism, Monitoring and Evaluation of Action Plans for the Rights of the Child, it was unanimously decided that representatives of children will participate in the consultation process for the preparation of the next National Action Plan for the Rights of the Child (2024-2027) that will start in November 2022.

#### **Special Secretariat for the Protection of Unaccompanied Minors**

1. The newly introduced legislation on the guardianship institution, being in full agreement with the objectives of the national strategy, contains provisions that ensure the inclusion of minors in the procedures that affect them, by enshrining as a general principle the duty of the relevant authorities and bodies to inform minors of their rights, procedures, decisions and consequences in a language they understand, to seek the opinion of unaccompanied minors and to take it into account, depending on their age and degree of maturity.
2. It also provides for the establishment of a relevant complaints mechanism thus promoting the inclusion of minors in all matters that affect them.
3. A three-day-study visit to Athens, Greece, was organized in September 2022 as part of the Project "Building Futures, Sharing Good Practices: Migrant Children's Transition to Adulthood" (the Project). The Special Secretariat for the Protection of Unaccompanied Minors (SSPUAM) and, more specifically, the Unit for Integration and Support of UAMs was the organizer and facilitator of the study visit. In this framework, the SSPUAM's main priority was to give space to UAMs to express their views and perspectives. This was achieved by, on the first day, inviting UAMs – a group of boys and a group of girls – who were close to adulthood from three shelters in Athens to share their views and feelings. In order to ensure the meaningful participation of UAMs and facilitate the experience sharing, the SSPUAM's Unit of Integration and Support of UAMs worked intensively with these UAMs and the three actors operating the shelters during July and August on what would be presented during the study visit. Additionally, former UAMs who are now young adults, were also invited to join the last day of the study visit in order to describe with their own voice what it was like to "wake up 18".
4. Creation of a Teens Network with representative unaccompanied Minors from Centers all over Greece. Pilot face to face consultation meetings with UAMs from Athens were implemented in the summer to define goals and purposes and establish selection criteria. In September the information and awareness campaign took place followed by a selection process. The Teens Network had its first meeting October 25th.

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

#### **Developments in 2021**

##### **MINISTRY OF JUSTICE**

- Law 4478/2017 provided for the establishment of Independent Offices for the Protection of Minor Victims - "Children's Homes" in five major cities of the country. The "Children's Homes" are responsible for carrying out the individual assessment of minor victims to determine special protection needs, the assessment of the perceptive capacity and mental state of minor victims by specialized staff, the provision of assistance to pre-investigative, investigative, prosecutorial and judicial authorities for the appropriate child-victim-friendly examination during criminal proceedings.

Article 227 of the Code of Criminal Procedure, as amended by Law 4855/2021, provides that the examination as a witness of the minor victim is carried out at the Independent Offices for the Protection of Minor Victims of the Appellate District or, where these do not operate, at specially designed and adapted for this purpose, without culpable delay and with as few interviews as possible. In addition, it provides that the examination of the minors is carried out by the pre-investigative officers and judicial officials through and in presence of a child psychologist or child psychiatrist and that the child's statement is drawn up in writing and recorded in an electronic audio-visual means, so that the child does not have to testify again at the next stages of the procedure as the electronic testimony replaces the physical presence.

- The co-located Independent Offices for the Protection of Minor Victims "Children's Home" of Athens and Piraeus are in full operation since December 2021 (December) in a specially designed space, accessible and friendly to children, equipped with the appropriate logistical infrastructure for the monitoring and recording of testimonies. In both services, the judicial interviews are carried out by a specially trained psychologist who follows the Protocol of the judicial examination, and the statements are recorded with modern audio-visual means in order to avoid secondary victimization of the children.

#### **Developments in 2022**

##### **MINISTRY OF JUSTICE**

- Independent Offices for the Protection of Minor Victims "Children's House" are staffed with specially trained staff in Thessaloniki and Patras and actions are being taken by the Ministry and other Greek authorities (Building Infrastructure S.A., Real Estate Service) for their housing in appropriately designed spaces.

- The Ministry of Justice supports the "Child Front" project. The project, under the full title "Child friendly justice in the Greek and Cypriot courts" aims to strengthen child-friendly justice in Greece and Cyprus. In this direction, the project will record the educational needs of judges in matters of child-friendly justice in Greece and Cyprus, as well as good practices worldwide.

#### **Hungary / Hongrie**

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

#### Developments in 2021

In the field of fight against human trafficking, the priority task for 2021 was the implementation of the action plan of the national strategy for the period 2020-2021 adopted by the Government Decision 1046/2020 (18.II.20.) (see below).

No new legislation or national strategy was adopted in this period.

#### Developments in 2022

Point II.3.2 and point II.3.10 (see below) of the Government Decree 1228/2022 (IV. 14.) on the Action Plan for the implementation of the National Strategy for Combating Human Trafficking in 2020-2023, to be implemented in the period 2022-2023 have relevance in this respect and contain measures related to the protection of children against human trafficking.

According to the amendment of Act XXXI of 1997 on Child Protection and the Administration of Guardianship (thereinafter: Child Protection Act), which entered into force on August 1, 2022, the child who is capable of forming his/her own views must be notified of the possibility of making a statement in guardianship procedures, including in adoption procedures – with the simultaneous notification of the legal representative.

This amendment strengthens the enforcement of the child's right to express his/her opinion in matters that significantly affect his/her future life, enabling the acting guardianship authority to take it properly into account when making its decision.

**Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

#### Developments in 2021

Family transition homes can provide out-of-home care for families who are able to live independently with minimal support, no longer require ongoing assistance and can be enabled to leave the care system through social work.

In the field of fight against human trafficking, a priority task for 2021 was the implementation of the action plan for the national strategy for the period of 2020-2021 adopted by the Government Decree 1046/2020 (18.II.II.). Measure II.1.10, under the child welfare responsibility of the Ministry of Human Capacities, set out increasing the capacity of assistance services that respond to forms of exploitation, in particular those available for family transition homes. The strategy called for the creation of at least 5 external places each accommodating 5 persons by 31 December 2021 with an amount of 250 000 000 HUF. The Ministry of Finance has allocated HUF 220 000 000 for this purpose.

The Ministry of Human Capacities provided the Hungarian Protestant Aid Organisation with an additional HUF 30 000 000 in support of the above objective, which was used to create 3 external places (flats) providing suitable accommodation for 3 families.

In addition, the Ministry provided an extra HUF 35 million for the maintainers of temporary shelters for families which are skilled in assisting and rescuing victims of human trafficking.

**Altogether 285 million HUF covered the costs of the establishment of 109 new external places in 22 flats** on the basis of the applications submitted, thus helping the reintegration of families living in temporary family shelters into society, the support of their independent living and the reduction of the likelihood of return in institutionalisation.

No new initiatives were implemented in the given period, the child protection law contains zero tolerance towards violence against children.

#### Developments in 2022

II.3.2. point 2 of the Government Decree 1228/2022 (IV.14.) on the Action Plan for the implementation of the National Strategy for Combating Human Trafficking in 2020-2023, to be implemented in the period of 2022-2023 set out the objective of modelling therapeutic institutional care for children who are victims of trafficking and are raised in their families in 2023. Organisations working on the rescue and care of victims of human trafficking have previously indicated that there are children who become victims while living in their families, and that it is not always justified to take the child into care, thus limiting parental custody rights. A new type of sheltered accommodation should be created for children living with their families, where special therapeutic care can be provided, and where families can be actively helped and supported to avoid the removal of children from their families and their placement in foster care. In this way, the re-victimisation of the child can be reduced and the family's capacity to maintain and hold together the family can be strengthened. Therapeutic care for children is planned to be provided in an existing children's transition home designated by the Minister, under the Swiss-Hungarian Cooperation Programme period II.

Point II.3.10 of the Government Decree 1228/2022 (IV. 14) on the Action Plan for the implementation of the National Strategy for Combating Human Trafficking in 2021-2023, to be implemented in the period of 2022-2023 underlines the need to increase the capacity of assistance services, in particular in family transition homes, in response to the forms of exploitation by providing access to external accommodation. Infrastructure development shall be carried out from domestic budgetary resources by 31 December 2023. The applications have already been evaluated and the decision will lead to the creation of 59 new places in 14 dwelling houses.

No new initiatives were implemented in the given period, the child protection law contains zero tolerance towards violence against children.

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### Developments in 2021

According to the Child Protection Act, the opinion of minors who are capable of forming their own views must be taken into account in all cases concerning their circumstances and affecting their life. Indeed, in some official proceedings, no decision can be made without hearing minors.

#### Developments in 2022

No change took place in 2022.

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

### Developments in 2021

In 2021, another Barnahus house has been opened in the city of Debrecen, which, in addition to promoting the protection of children's rights, protects children from retraumatization.

### Developments in 2022

Section 47 of the Act LXII of 2021 on international judicial cooperation on parental responsibility amended Section 4:171 Paragraph (4) of the Act V of 2013 on the Civil Code (hereinafter referred to as 'Civil Code') as follows:

„(4) During the action the court shall hear both parents, except if any insurmountable obstacles exist, and shall notify the child who is capable of forming his/her own views of the opportunity to express his/her views. If the child him or herself requests to be heard, or if the court is of the opinion that a hearing is in order whether requested or not, the court shall hear the child personally or through an expert. If the child is over the age of fourteen years, the decision relating to custody and his/her placement can be made upon the child's agreement, except when the child's choice is considered to jeopardize his/her development.”

The amendment is effective as of 1 August 2022.

The regulation regarding the hearing of the child involved has been in effect for a long time before, the amendment of the Civil Code just added the rule on the obligation of the court to notify the child who is capable of forming his/her own views of the opportunity to express his/her views. The amendment of the Civil Code brought the Hungarian Civil Code into conformity with the Regulation 1111/2019/EU (effective also from 1 August 2022).

Pursuant to the latter it is necessary that in all cases regarding parental responsibility and falling under its scope the child capable of forming his/her own views ought to have a genuine and effective opportunity to express his/her views and the court shall give due weight to the views of the child in accordance with his/her age and maturity.

As from 1 January 2021, pursuant to the Criminal Procedure Act, the court, the prosecutor's office and the investigating authority may also perform the service stipulated in the Child Protection Act, with the assistance of a consultant providing the service concerned. This makes it possible to use image and sound recordings which were made during the service according to the Barnahus model as evidence in the criminal proceedings instituted by the Child Protection Act. The amendment of the Criminal Procedure Act was enacted on 1 January 2022, which specified the conduct of the procedural action with the assistance of the specialist consultant, removing all obstacles related to the application of the Barnahus model.

## Iceland / Islande

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

### Developments in 2021

Since 2021 several new legislations, police measures and strategies have been adopted with the aim of strengthening the rights of the child. The replies do not reflect an exhaustive list of all these changes but hopefully they give a good overview of some of the most important changes.

A policy and an action plan on the implementation of the UN Convention on the Rights of the Child - Child-Friendly Iceland was adopted by Parliament in June 2021. The Policy and Action Plan was

based on a wide-ranging consultation, including with 785 children from all over the country. The Action Plan includes diverse, scheduled and financed actions, that among others aim at increasing child participation, the development and implementation of a child rights impact assessment for the government and education on children's rights.

Efforts are ongoing to set up a comprehensive system for collecting data on children's welfare and rights in Iceland. A Government steering committee on a children's welfare dashboard was set up in 2020. It is made up of representatives of seven Ministries, the Office of the Ombudsman for Children, Statistics Iceland and the Icelandic Association of Local Authorities. The committee is developing a dashboard that will give a comprehensive overview of children's welfare by publishing anonymous statistical data on children all over the country. The aforementioned parliamentary resolution on the implementation on the CRC states that the dashboard shall be accessible to everyone and shall be taken into consideration in the priority ranking of projects and public policy-making.

The Children Act, No 76/2003, was amended in the spring of 2021 to permit parents who do not live together but exercise joint custody over a child to negotiate split residence for the child under certain circumstances. Split residence entails that all decisions made by the parents of a child with split residence will be joint. Amendments were also made to the provisions of the Act to make it easier for parents to negotiate child support and maintenance payments. The Act provides that the precondition for parents to negotiate split residence is that parents are able to cooperate sufficiently and consult with each other about the child. The Act stresses that parents must always take into consideration whatever is best for the child's circumstances and needs when negotiating matters like custody, residence and access. The Act also includes the novel provision that a child can take the initiative for the District Commissioner to invite the parents to an interview to discuss arrangements for custody, domicile, residence and access. This considerably strengthens the rights of children to participate in matters that concern them and increases the likelihood of children being able to live in conditions that support, in a constructive way, their well-being and development. Amendments were also made to the provisions on children's right to express their opinions, to further strengthen children's right to participation.

In the autumn of 2021 a new policy on leisure and social activities for children and young people for 2030. It covers organised leisure activities. Significant efforts have also been made in recent years to make sure that students at all school levels are offered inclusive and equitable education, have equal rights and equal opportunities. To that end, the Icelandic Parliament adopted in 2021 a resolution on the Education Policy 2030 with the aim to safeguard and strengthen the Icelandic education system.

A parliamentary resolution on public health policy for 2030 was adopted by Althingi in June 2021. Its emphases include clearing systemic obstacles that reduce people's chances to live a healthy life and increasing education about health literacy within the education system. This policy serves both children and adults.

An action plan on services relating to reproduction was adopted by the Minister of Health in September 2021. Its objectives include giving necessary support to new families in their new roles. It also includes a special emphasis on ensuring access to counselling about sexual and reproductive health for primary school pupils.

An action plan on medical transport services and intensive care for 2025 was adopted by the Minister of Health in September 2021. Its objectives include increasing the use of distance health care solutions in the field for the benefit of all, children as well as adults.

### Developments in 2022

There has been a strong emphasis on children's rights in recent years. A new Ministry of Education and Children began its operations in the beginning of February 2022, reflecting the increased emphasis on matters concerning children and the coordination of services for them.

In January 2022 a new comprehensive Act on the Integration of Services in the Interest of Children's Prosperity entered into force. The aim of the legislation is to improve children's prosperity in Iceland, by integrating and strengthening services, including by giving service providers the right tools for co-operation with the interests of the child in mind. The Prosperity Act provides a framework for early support with the objective of reducing the need for more severe interventions. Various new provisions can be found in this body of law, including on policymaking, both at the State and municipal levels. The legislation is currently being implemented in broad cooperation and several different groups have with various different stakeholders have been established.

As of 1 January 2022, the Government Agency for Child Protection ceased to exist in its current form and two new institutions replaced it. Under the Act on the National Agency for Children and Families, No. 87/2021, the main function of that Government Agency is to provide and support services benefiting children and promoting high quality development in line with the best available knowledge and experience at any given time.

The first Icelandic LGBTI (lesbian, gay, bisexual, transgender and intersex) Action Plan was approved by Alþingi in 2022. Specific actions within the plan are aimed at increasing the rights of children, including Action No. 8 on LGBTI children in sports, youth activities and recreational activities stating that educational material about the situation of LGBTI children and young people in sports and youth activities and recreational activities should be prepared, as well as guidelines for those responsible for such activities and Action No. 9 on a study of the well-being of queer children and young people in schools.

### Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?

### Developments in 2021

A parliamentary resolution on the prevention of sexual and gender-based violence and harassment among children and young people was adopted by Alþingi in the summer of 2020, along with an action plan for 2021–2025. Its goal includes promoting preventive measures among children and young people. The preventive measures will be integrated into teaching and school activities at all school levels and will be implemented by after-school activity centres and youth centres, in sports and youth activities and other recreational activities. The actions laid out in the plan are fully financed and various parties within the administrative system are responsible for the implementation of specific projects; the follow-up is in the hands of the Prime Minister's Office's Department of Equality and Human Rights.

Various amendments have been made to the General Penal Code in order to strengthen the standing of victims of violence, including children. In February 2021, the Act on the Protection of Sexual Privacy was adopted. Its objective is to increase protection against digital sexual violence and promote increased personal liberty, security of person and sexual liberty of individuals. That same month, the Act on Stalking was adopted, which aims to strengthen even further the protection of those subjected to stalking, especially women and children. The Act makes it punishable to threaten, follow, monitor, contact or, through other comparable means, stalk another person if the behaviour is repeated and conducive to causing fear or anxiety.



In June 2021 the Icelandic Parliament adopted changes to the Child Protection Act. Amendments to the Act aim to increase the emphasis on expert knowledge of child protection staff and ensure the integration of child protection with other services for children. There is also an emphasis on clearer accountability of those who work in the field of children's rights and protection, on promoting children's participation in the handling of child protection cases, and on increasing children's rights to receive information about their cases in a child-friendly manner. Additionally, the handling of specific child protection measures has been simplified, especially solutions regarding those who work with children, cases concerning the removal of a family member from the home, and restraining orders and solutions concerning unborn children. A comprehensive revision of the Child Protection Act is foreseen.

An emphasis has been placed on educating people about the requirement to report cases to the child protection authorities, especially the reporting requirement for those who work with children. The aforementioned plan on action against violence includes an action intended to increase education about violence among people who work with children, including a focus on the reporting requirement of the Child Protection Act.

Efforts have been made to make it easier for children to contact the child protection authorities. The 112 emergency helpline receives notifications on behalf of the child protection committees around the clock. Standby services for child protection emergencies can be reached through the hotline on weekends and public holidays. Children and young people can find educational materials about violence, resources, etc. on the 112 website, and children can contact the hotline through a net chat.

#### Developments in 2022

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### Developments in 2021

Yes, the importance of child participation has been better recognised in recent years. In June 2021, Althingi adopted the Child-Friendly Iceland parliamentary resolution, the aim of which is to ensure a comprehensive implementation of the CRC. As mentioned in the reply to question number 1 the Policy and Action Plan was based on a wide-ranging consultation, including with 785 children from all over the country. The Action Plan includes diverse, scheduled and financed actions, that among others aim at increasing child participation, the development and implementation of a child rights impact assessment for the government, and education on children's rights.

Within the Policy and Action Plan there are several different actions aimed at increasing child participation. An English version of the document with more detailed information on these different actions is attached to the questionnaire. It includes a measure aiming to use the findings of the Assembly on Child Matters in public policy-making in an even more systematic manner and to ensure follow-up on results within the Government. The procedure for such follow-up is being developed.

To give one example, while preparing the changes to the Child Protection Act in 2020-2021 children were directly consulted.

**Developments in 2022**

Iceland is an active participant of the European Union/Council of Europe Joint Project “CP4EUROPE - Strengthening National Child Participation Frameworks and Action in Europe” which aims to contribute to the promotion of children’s rights to participation at national and pan-European levels in accordance with Council of Europe standards and tools in this area. It is implemented over 24 months (01 April 2021- 31 March 2023) in 5 partner countries: the Czech Republic, Iceland, Portugal, Slovenia and Finland, and at the European level. Various projects are ongoing in relation to the project and in relation to the aforementioned Policy and Action Plan on Child friendly Iceland.

**Question 4: Since February 2021, has any action been taken to guarantee children’s access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

**Developments in 2021**

As mentioned in the replies to question 2 the Icelandic Parliament adopted changes to the Child Protection Act in June 2021. These changes, among others aim at strengthening the right to participation within the child protection system as well as increasing the right to child friendly information and a child friendly environment.

**Developments in 2022**

According to the Code of Criminal Procedure, Article 41, the police shall appoint victims of THB a legal rights protector as soon as there is reason to do so if they request one. In the spring of 2022, the Icelandic Parliament passed a bill on amendments to the articles on legal rights protectors of the CCP. The amendments improve the legal position of victims in more serious cases, providing for information disclosure on the progress of the case, greater access to documentation by the legal rights protector, allowing compensation claims to be admitted at the appeal stage despite the acquittal of an accused by the District Court, and authorising the appointment of a legal rights protector for the victim at the appeal stage even if the victim's claim for compensation is not under review. Also, legal aid has been ensured at all stages if a case must go back before the courts as a civil claim case.

**Ireland / Irlande**

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

**Developments in 2021**

- A new Youth Justice Strategy was published in 2021. While focussing on children as perpetrators of crime, it nonetheless takes a child-centre approach and develops the State’s long-standing policy of diverting child offenders from the criminal justice system as far as possible, with prosecution being the last resort.

The Strategy expands the range of community-based services available, with a particular focus on early intervention, family support and outreach work with the most prolific young offenders who are harder for other services to reach.

- Parent’s Leave and Benefit was extended from 2 weeks for each parent to 5 weeks as announced in Budget 2021.

- The Strategic Action Plan for Healthy Ireland for 2021-2025, has a new sixth theme added on “Reducing Health Inequalities”. The Sláintecare Implementation Strategy and Action Plan 2021-2023, also includes Reform Programme 2: Addressing Health Inequalities. This will give an added impetus to this work, and the inequalities which lead to food poverty are a critical element of this.
- In May 2021 Adoption Policy Unit published the general scheme and Heads of Bill for the Birth Information and Tracing Bill. It was referred to the joint Oireachtas committee for pre-legislative scrutiny in July and completed this process in December. The aim of the Bill was to provide access to identity information for persons who were adopted, boarded out or nursed out, subject to an illegal, or resided in a mother and baby home or county home institution as a child.
- The National Participation Office was established by the Department of Children Equality Disability Integration and Youth in 2021. The National Participation Office works across local and national Government to build, develop and sustain structures to enable the meaningful participation of children and young people in decision making at local and national level.
- Through Hub na nÓg the Department of Children, Equality, Disability, Integration and Youth published the National Framework for Children and Young People’s Participation in Decision-making in 2021. Hub na nÓg is the national centre for excellence and best practice on children’s participation and on the participation of seldom heard children and young people. The Framework supports departments, agencies and organisations to improve their practice in listening to children and young people and giving them a voice in decision-making. The Framework is the strategic foundation from which the Hub will develop targeted policy and practical guidance.
- The Comhairle na nÓg 5 year Development Plan was published in 2021, providing a blueprint for the development and expansion of the principal youth council structure in Ireland. Operating in each of the 31 Local Authority areas across Ireland, Comhairle na nÓg gives children and young people the opportunity to be involved in, and have a voice in the development of, local and national services and policies and any issues that affect them in their local area. It is the recognised national structure for participation by children and young people (aged 12-17 years) in decision-making. Comhairle na nÓg is funded and managed through the Department of Children Equality Disability Integration and Youth. At the local level, Comhairle na nÓg is managed by Local Authorities.
- The Five Year Development Plan, builds on the strengths of Comhairle na nÓg as a structure for allowing children and young people to have a say in decisions that affect them. The plan aims for Comhairle na nÓg to reach more children and young people, influence more decision-makers and deliver on Article 12 of the United Nations Convention on the Rights of the Child (UNCRC), to make a true difference to the lives of young people.
- The publication of the National Action Plan for Childminding 2021-2028), which is available at [www.gov.ie/childminding](http://www.gov.ie/childminding)
- The Government aims to significantly increase the footprint of apprenticeship within the education landscape over the coming five years, ensuring that apprenticeships are open and accessible and are seen as a viable and exciting path to skills and a qualification.
- The positive impact of learning which is closely linked to the workplace is well recognised, providing benefits for learners, employers and society as a whole. Employers can

proactively support a pipeline of talent targeted to their needs and learners have the benefit of immediate access to applied skills development within the workplace, enhancing knowledge development and boosting career options.

- An ambitious target of 10,000 new apprentice registrations per annum by 2025 underlines the Government's commitment to reforming the position of apprenticeship in the wider education and training sector. This plan will set out a structure for an apprenticeship system that is flexible and responsive, providing a strong value proposition for employers and potential apprentices, is attractive and easy to engage with, and delivers high standards and sought-after qualifications. Apprenticeship is a work based learning opportunity and delivery of this Plan is dependent on engagement by employers, industry partners and the education and training sector.

### Developments in 2022

- The Child Care (Amendment) Act 2022 was signed by the President in July 2022. The purpose of the Act is to regulate Guardians *ad litem* who are appointed for a child in proceedings under the Child Care Act 1991.

The provisions of the Act do not come into operation automatically, but require a Commencement Order signed by the Minister. The Department is currently undertaking necessary preparatory work to establish an Executive Office which will have responsibility for operating the new national guardian *ad litem* service. When these preparations are at a more advanced stage, the sections of the Act which regulate guardians *ad litem* will be commenced by the Minister.

Minister O'Gorman has signed a Commencement Order in respect of a number of sections of the Act which do not specifically relate to guardians *ad litem*, with effect from 21 September 2022 -see S.I. 464 of 20. This includes section 4 which is intended to reflect the intent of Article 42A of the Constitution by specifying that in any proceedings before a court in relation to the care and protection of a child, under the Child Care Act 1991, including proceedings before the High Court in relation to special care, the court shall regard the best interests of the child as the paramount consideration.

- The Third National Strategy on Domestic, Sexual and Gender-based Violence (DSGBV) was launched on 28 June 2022. The €363 million strategy is built on the four pillars of the Istanbul Convention framework and the accompanying implementation plan contains 144 detailed actions for implementation this year and next. Implementation will be ensured by strong oversight and coordination at central Government level.

This Strategy seeks to clearly identify children and young people as both witnesses and victims/survivors. This focus on children and young people as victims and survivors reflects the focus of both the UN Convention on the Rights of the Child, and the Istanbul Convention on Preventing and Combating Violence Against Women and Domestic Violence, on the need to protect girls and boys.

The Strategy ensures the provision of child protection services, and facilitates wrap-around support services provision across all relevant agencies through the national network of Local Community Development Committees (LCDCs).

It will ensure that all professionals and frontline workers involved in DSGBV work with adults and children in the courts and in the justice, legal and policing systems have the skills and understanding of DSGBV to equip them with the necessary expertise they require.

It will also enhance the understanding of all children and young people on what creates gender inequalities and what constitutes gender equality, consent and healthy relationships (using best practice evidence).

- In 2022 the Department of Children Equality Disability Integration and Youth established the National Youth Assembly as an overarching structure to allow young people (12-24) consider issues of national importance and to feed their views into Government policy. The National Youth Assembly will meet a maximum of four times a year, once as the Youth Climate Assembly and once as the Rural Youth Assembly. This involves preparation workshops, Youth Advisory Groups and other lead-in events. The Youth Assembly will convene at other times on related issues or on other issues as required.
- In June 2022 Tusla published its Strategic Plan for Residential Care Services for Children and Young People 2022 -2025
- In October 2022 Tusla published its Strategic Plan for Foster Care Services for Children and Young People 2022 – 2025
- Tusla will publish its Strategic Plan for Aftercare Services in December 2022.
- Ireland's National Action Plan for Childminding (NAPC) was published in 2021 and implementation is underway. The NAPC sets out an incremental and supportive pathway to regulation of childminders, who provide home-based early learning and care services.

Through regulation the NAPC aims to:

- support effective access to additional early learning and care services for children,
  - enable childminders to access Government subsidies, making these services more affordable to more families,
  - improve the quality of provision, supporting child outcomes,
  - support the quality assurance of childminders, and
  - safeguard children by extending inspection.
- The National Access Plan is a strategic action plan for equity of access, participation and success in higher education.

The National Access Plan, which will cover the period from 2022- 2028, is a national priority and a key commitment in the Programme for Government.

An additional €35 million will be provided by the department to deliver the targets. The plan names 3 priority groups:

- students who are socio-economically disadvantaged
- students who are members of Irish Traveller and Roma communities
- students with disabilities including intellectual disabilities

Under the first cohort, an additional focus will be on students who:

- have experienced homelessness

<ul style="list-style-type: none"> <li>○ are survivors of domestic violence</li> <li>○ have experience of the care system</li> <li>○ are carers</li> <li>○ have experience of the criminal justice system</li> </ul>
<ul style="list-style-type: none"> <li>● In January 2022, the Birth Information and Tracing Bill was published. Between March and June it progressed through the legislative stages in the houses of the Oireachtas and was signed into law on 30 June. All services established under the Act are open to applications since 03 October. The act provides a clear right of access to birth, early life, care, and medical information for persons over 16 who were adopted, boarded out or nursed out, subject to an illegal, or resided in a mother and baby home or county home institution as a child. For persons aged 16 and 17 it provides for the information to be released with additional supports. The Act also established a Contact Preference Register and statutory Tracing Service, to which adoptive parents of persons under 18 may apply on their child's behalf to seek contemporaneous information including medical information. It also provides for the adoptive parents of a person under 16 to apply on their behalf for any provided items (letters, photographs, mementos that may have been left by the person's parent at birth).</li> </ul>

**Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

Developments in 2021
<ul style="list-style-type: none"> <li>● On 27 April 2021 the Minister for Justice published the General Scheme of the Policing, Security and Community Safety Bill, which will provide a legislative framework for the implementation of recommendations made by the Commission on the Future of Policing in Ireland (CoFPI). Key concepts include making the prevention of harm and protection of people who are vulnerable or at risk an objective for An Garda Síochána as well as making the safety of communities a “whole of government” responsibility.</li> </ul> <p>When enacted, the new legislation will support a new Community Safety Strategy and new Local Community Safety Partnerships, which are in the process of being piloted around the country. The Local Community Safety Partnerships will bring together a range of service providers, including An Garda Síochána and youth services, along with a diverse range of community representatives, including youth representatives, to prioritise community issues of concern and develop a local community safety plan. Implementation of the new Youth Justice Strategy 2021-2027 will align with and complement the development of the broader Community Safety Strategy so that there is a comprehensive approach to the prevention of harm to children, including harm from engaging in offending behaviour.</p>

Developments in 2022
<ul style="list-style-type: none"> <li>● The Third National Strategy on Domestic, Sexual and Gender-based Violence (DSGBV) was launched on 28 June 2022. The €363 million strategy is built on the four pillars of the Istanbul Convention framework and the accompanying implementation plan contains 144 detailed actions for implementation this year and next. Implementation will be ensured by strong oversight and coordination at central Government level.</li> </ul> <p>This Strategy seeks to clearly identify children and young people as both witnesses and victims/survivors. This focus on children and young people as victims and survivors reflects the focus of both the UN Convention on the Rights of the Child, and the Istanbul Convention</p>

on Preventing and Combating Violence Against Women and Domestic Violence, on the need to protect girls and boys.

The Strategy ensures the provision of child protection services, and facilitates wrap-around support services provision across all relevant agencies through the national network of Local Community Development Committees (LCDCs).

It will ensure that all professionals and frontline workers involved in DSGBV work with adults and children in the courts and in the justice, legal and policing systems have the skills and understanding of DSGBV to equip them with the necessary expertise they require.

It will also enhance the understanding of all children and young people on what creates gender inequalities and what constitutes gender equality, consent and healthy relationships (using best practice evidence).

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### **Developments in 2021**

- Actions to implement the **National Framework for Children and Young People's Participation in Decision-making** in 2021 are increasing awareness of the requirement and value of seeking the views of children and young people when developing policy, services, legislation and research. In 2021 the Department of Children Equality Disability Integration and Youth, through Hub na nÓg, provided support to organisations that included the delivery of a capacity building grant and training programme across sectors including seldom heard organisations (particularly travelling community and disability), early years and arts organisations.
- Specific arrangements were put in place for child participation in the development of the Youth Justice Strategy, including consultation with existing and former participants in community-based youth diversion programmes.

#### **Developments in 2022**

- Ongoing implementation of the National Framework for Children and Young People's Participation in Decision-making in 2022 places the emphasis for capacity building on youth organisations, through direct training for youth workers and delivery of a 'train the trainer' model for larger organisations.
- In 2022 the Department of Children Equality Disability Integration and Youth supported the lead Government departments on climate, rural life and artificial intelligence to get the views of young people on key issues in national policy, through the mechanism of the National Youth Assembly.

The inaugural Youth Climate Assembly convened in January 2022, in collaboration with the Department of the Environment, Climate and Communications. The views of young delegates to this Assembly will inform the Climate Action Plan 2022.

Since February 2022:

- The Second Rural Youth Assembly met in July 2022, in collaboration with the Department of Rural and Community Development. The views of young delegates

will inform recommendations for the work programme of the national strategy Our Rural Future: Rural Development Policy 2021-2025.

- A National Youth Assembly on Artificial Intelligence was held in October 2022, in conjunction with Department of Enterprise, Trade and Employment. The recommendations delivered by the National Youth Assembly delegates will help to inform Government policy developments in AI.
- In developing the new Third National DSGBV Strategy, consultations were carried out with specialist child victim services (Barnardos) to ensure the voice of the child was heard in relation to what actions needed to be taken to tackle all forms of DSGBV. The success of these consultations led to the development of a child friendly version of the strategy which can be found on the Irish Governments Zero Tolerance of DSGBV webpage here.

The Strategy itself commits to work closely with support services and all victims, child and adult, to ensure that the actions and their outcomes reflect lived experiences and authentic voices of victims and provides an opportunity for their voices to be heard at different levels.

In relation to child victims specifically it commits to;

- Undertake a review of best international practice in relation to strengthening the voices of the child in court proceedings; and
- Devise a mechanism (with associated supports) to ensure the Strategy will be informed by the Voice of the Child.

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

#### Developments in 2021

- Work commenced on a new Family Justice Strategy, which is expected to be completed by end-2022. The Strategy will provide for a more user friendly and accessible family court system, which will also better protect and support children in such proceedings.

#### Developments in 2022

- As noted above, the Child Care (Amendment) Act 2022 has been enacted. It should be noted that this Act deals with the appointment of guardians *ad litem* for a child in public law child care proceedings under the Child Care Act 1991.

When fully commenced, this Act will provide a presumption in favour of appointment of a GAL for a child. A GAL will be required to ascertain the views of the child, communicate these to the court and to make recommendations to the court on what is in the best interests of the child.

- Under the new third DSGBV Strategy there are 144 specific actions which include commitments to ensure that children's rights are protected in judicial proceedings such as to:



- Publish and implement the Family Justice Strategy and enact the Family Court Bill to make a more user-friendly family court system;
- Ensure a victim/survivor centred wraparound service through the creation of clear integrated local pathways (building on the mapping of the victim/survivor journey work) for adults and child (female and male) victims/ survivors to access the domestic violence and sexual violence information, services and supports;
- Roll out and progress development of additional comprehensive Barnahus facilities (in Dublin and Cork) for child victims of sexual violence with links to the Sexual Assault Treatment Units (SATUs);
- Expand the provision of specialist interview suites employed when engaging with child victims of DSGBV;
- Begin engagement with the judiciary to consider the creation of specialised judges for domestic, sexual and gender based violence cases;
- Establish a review cycle within the Department of Justice to identify and consider further reforms to the law;
- Provide improved training for legal professionals and support staff on children's rights and child-friendly communication; and
- Provide guidelines on children's rights and DSGBV in court settings

## Italy / Italie

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

### Developments in 2021

On 21 May 2021, the **Observatory for childhood and adolescence** - chaired by the Minister in charge of family policies and made up of about 50 representatives of the central administrations and of the associations and civil society organizations working with children - approved the outlines of the **5th National Action Plan for the protection of the rights and the development of children and adolescents**. For the first time, **minors were involved** and actively **participated** in the definition of the national Plan, through questionnaires and focus groups. **Education, equity and empowerment** are the three strategic axes of the Plan, which identifies 12 ambitious goals and 31 concrete actions to achieve them. They are integrated actions which form part of a single coherent system, consistent with international and European standards. The actions envisaged include: to fight against absolute child poverty; to strengthen educational opportunities in order to promote social inclusion; to protect children and adolescents from the risk of abuse and ill-treatment; to prevent risk conditions but also to promote the psychological and physical well-being of children and adolescents.

On 21 May 2021, furthermore, the Department for Family Policies published the **Guidelines for the safe management of non-formal and informal educational and recreational activities**, aimed at the well-being of minors during the COVID-19 emergency, updated to 21 May 2021. The document was drafted thanks to joint work with the National Association of Italian Municipalities, the Union of Provinces of Italy, the Conference of Regions and Autonomous Provinces, the Italian Society of Pediatrics, in agreement with the Ministries of Education, of Health, of Labor and social policies, as

well as with the Department for youth policies and sport of the Presidency of the Council of Ministers, and is supplemented by the recommendations of the technical-scientific Committee of the Department of Civil Protection of the Presidency of the Council of Ministers.

On 19 November 2021, on the occasion of the celebration of the national Day for the Rights of Children and Adolescents, the Department for Family Policies and the Parliamentary Commission for Childhood and Adolescence organized a **conference entitled "Childhood and adolescence: right to the future"**, in order to contribute, in such a significant moment for the country, to the public debate on the implementation of children's rights, in particular the right to a future and to participation.

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As far as the **Ministry of Health** is concerned, attention is drawn to the following points.

In December 2021, Law no. 227 of 21 December 2021, delegating to the Government matters of disability, was approved. In particular, with reference to the definitions concerning the condition of disability as well as to the revision, reorganization and simplification of the sectoral legislation, in article 2, paragraph 2, letter a, it provides for *"the separation of the evaluation pathways provided for the elderly from those provided for adults and from those provided for minors"*.

In art. 2, para 2, letter c, with regard to the multidimensional assessment of disability and the realization of the individual, personalized and participatory life project, provides that the latter *"is aimed at achieving the goals of the person with disabilities according to his/her wishes, his/her expectations and his/her choices, improving his/her personal and health conditions as well as the quality of his/her life in its various areas, identifying the barriers and the facilitators that affect life contexts and respecting the principles in this regard enshrined by the United Nations Convention, indicating the tools, the resources, the services, the measures, the reasonable accommodations that must be adopted for the realization of such project ... in the various areas of life and in the various reference contexts, including the work and school ones, as well as the cultural and sporting ones, and in any other context of social inclusion"*.

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**Independent Italian Authority for Children and Adolescents (IACA):** Since February 2021, the Italian Authority for Children and Adolescents (IACA) has been developing national studies (and, through recommendations towards institutional stakeholders, national policies) aimed at supporting and safeguarding children's rights in different fields, in the light of the difficult period of pandemic that children and their families have been undergoing: *Pandemia, neurosviluppo e salute mentale di bambini e ragazzi* ([Documento di studio e di proposta](#)) and *La scuola che vorrei*. [Risultati della consultazione pubblica promossa dall'Autorità garante per l'infanzia e l'adolescenza](#) – studies on the incidence of the pandemic on children's mental health and on the Italian school system.

On 7 September 2021, the "Technical Table on the protection of children's rights in the context of social networks, services and digital products on the net" was established. The members are the Independent Authority for Children and Adolescents, together with the Data Protection Authority, AGCOM and the Ministry of Justice. The table was created with the aim of identifying technical legislative measures aimed at protecting children's rights in the use of social networks, online services and digital products connected to the Network.

In order to strengthen co-operation in the field of children's rights, in 2021, the IACA also adopted a number of memorandum of understandings with: UNICEF (30 July), the Ministry of Justice (16 December), the Italian Presidency of the Council of Ministers - Under-secretary with responsibility for sport (24 September).

On 29 March 2022, the national Observatory for Childhood and Adolescence approved the **Italian Action Plan for the implementation of the Child Guarantee as prepared by an interinstitutional** working group led by the Ministry of Labor and Social Policies. Among the members of the WG are the Department for Family Policies, the Ministry of Education, the Ministry of Health, Municipalities, Regions, stakeholders and the active participation of girls and boys representing the beneficiaries of the interventions, through the **Youth Advisory Board** (see below for further details).

By decree of the Minister for Family and for Equal Opportunities of 19 May 2022, **a group of experts** was established within the Observatory for Childhood and Adolescence, **with the task of accompanying the development of the European Child Guarantee in Italy** and ensuring the connection, in terms of coherence of policies, between the programming exercise required by the EU and the existing policies in the field of children and adolescents, with particular attention to those indicated in the 5<sup>th</sup> National Action Plan for the protection of the rights and the development of children and adolescents 2022-2023.

On 1 June 2022, the Observatory for Childhood and Adolescence adopted the **“Guidelines for the participation of children and adolescents”** (<https://famiglia.governo.it/media/2790/21685773linee-guida-visto-2599.pdf>), in implementation of the provisions set out in Action no. 25 of the 5th National Action Plan for the protection of the rights and the development of children and adolescents 2022-2023 (finally adopted by the Republic Presidential Decree of 25 January 2022). The Guidelines are a strategic tool which, in compliance with the indications set out in art. 12 of the 1989 UN Convention on the rights of the Child, in the Recommendation of 14 June 2021 establishing a European Child Guarantee and the recent Council of Europe Strategy on the Rights of the Child (2022-2027), promote a meaningful and enhanced participation of all children and adolescents in institutions, families, communities and schools. The Observatory is currently committed to monitoring and implementing the actions and interventions provided for in the 5th National Action Plan and in the drafting of the biennial report on the situation of children in Italy for the period 2020-2021. The Department for Family Policies is involved as a promoter in the implementation of some specific actions of the Plan. The new national Plan focuses on children and adolescents, offering the country and policy makers an articulated set of orientations and guidelines to fully recognize their needs and provide adequate answers. A stable platform is going to be activated for the consultation of children and adolescents; it has been established to ensure their participation, in compliance with the principles of the above-mentioned Guidelines for the participation of Children and Adolescents, in all the institutional decisions concerning them.

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The **Ministry of Labour and Social Policies** notes the following.

The **National Action Plan (NAP) of the Child Guarantee** was drawn up and submitted to the European Commission in March 2022 as an implementation tool of the Recommendation establishing the Child Guarantee, approved on 14 June 2021. This document is planned up to 2030 and edited by the Working Group set up within the Ministry of Labour and Social Policies. The group run in co-ordination with a specific group inside the National Observatory for Childhood and Adolescence.

The NAP was set up by exploiting also the outcomes of the Deep Dive promoted by Unicef and starting from the essential direct involvement of stakeholders, Ministries, Municipalities, Regions, the Authority for Children and Adolescents, experts and representatives of the professions, representatives of civil society, the Third Sector, and above all by promoting active participation, through the YAB (Youth Advisory Board), of the girls and boys who are the beneficiaries of the interventions as an essential element to define intervention priorities, monitor the ongoing results

and evaluate the level of effectiveness of public policies for a strong approach to the fight against child poverty and for the strengthening of the socio-economic inclusion of children and adolescents. The NAP addresses two fundamental issues: the first one concerns how to combine the universality of the rights of children with the specific action addressed to an identified target. The other one concerns how the reorganization of the various systems, starting from the administrative, social, school and health system, can improve governance at all levels and promote intersectoral and inter-professionalism. Another aspect not to be overlooked concerns the increase and qualification of all professional figures operating in the world of childhood and adolescence.

The NAP addresses to all targets identified within the European Recommendation (children in conditions of poverty or at risk of social exclusion):

- a) refugee children from the war in Ukraine
- b) homeless children or in situations of severe housing disadvantage
- c) children with disabilities
- d) children with mental health problems
- e) children with a migrant background or belonging to ethnic minorities, especially Roma
- f) children who are in alternative care facilities, especially institutional ones
- g) children in precarious family situations.

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As far as the **Ministry of Health** is concerned, the following is highlighted.

1. In September 2022 an inter-ministerial decree was signed for the adoption of the "*Guidelines for the preparation of the certification of disability of children and adolescents for the purposes of school inclusion and the operating profile, taking into account the International Classification of Diseases (ICD) and the WHO International Classification of Functioning, Disability and Health (ICF)*". The guidelines were drawn up by the Ministry of Health in the implementation of art. 5, para 6, of Legislative Decree 66/2017 "standards for the promotion of school inclusion of students with disabilities", as amended by Legislative Decree 96/2019. The legislative decree n. 66 of 2017 introduced, in fact, some significant innovations in the pre-existing process of needs assessment of children and adolescents with regard to school inclusion, including: the assessment of disability that takes into account the criteria of the biopsychosocial model of the International Classification of Functioning, Disability and Health (ICF), useful to provide elements for the description of the interaction between a person with health problems and his/her limits and potential with the specificity of the real context in terms of barriers and facilitators; the biopsychosocial model becomes the common denominator of three sequential processes: description of the functioning, assessment of the condition of disability in developmental age for the purpose of school inclusion, drafting of the individualized educational plan (IEP), defined by the decree of the Minister of Education no. 182 of 2020. Specifically, the Guidelines define, therefore, the methodological framework of the new assessment of disability in the developmental age for school inclusion, with a view to reaching the definition of concrete support tools for operators who will have to implement the provisions of law and concerns pupils of kindergarten, primary school, junior high school and secondary school students with recognized disabilities pursuant to art. 3, paragraphs 1 and 3, of Law no. 104 of 5 February 1992.

2. The guideline document "Investing in health early: actions and strategies in the first thousand days of life" was produced, prepared by the Technical Roundtable on the protection and promotion of health in the first 1000 days of life: from conception to two years of age, of the Ministry of Health, and on 14 September 2022 the activities of the permanent joint table on the first 1000 days of life were launched, set up with the aim of evaluating its implementation and updating the document, available at the following link:

[https://www.salute.gov.it/imgs/C\\_17\\_pubblicazioni\\_3120\\_alnex.pdf](https://www.salute.gov.it/imgs/C_17_pubblicazioni_3120_alnex.pdf)

3. Following the Council Recommendation (EU) 2021/1004 establishing a Child Guarantee, the Ministry of Health has taken part in the activities of the Working Group "Policies and social interventions in favour of minors in implementation of the Child Guarantee", coordinated by the

Ministry of Labor, for the definition and implementation of the National Action Plan for the Child Guarantee (PANGI), recently made available in the Italian version, following validation by the European Commission.

The PANGI is available at the following link:

<https://www.lavoro.gov.it/temi-e-priorita/infanzia-e-adolescenza/Documents/PANGI.pdf>

**Independent Italian Authority for Children and Adolescents (IACA):** On May 10, 2022, the Technical Table on the protection of children's rights in the context of social networks, services and digital products on the net ended. Numerous proposals for action emerged from the work of the table, including a new system for verifying the age of children accessing digital services, based on the certification of identity by third parties to maintain fully protected the right to privacy. The Authority reiterated that the age of consent for online service providers to process data should be raised from 14 to 16 years. Another point on which the Authority has worked is that relating to the phenomenon of baby influencers. In this regard, the Table proposed the introduction of a discipline that provides for the verification of profits generated online by minors and the 'right to be forgotten' (diritto all'oblio) by children once they reach 14 years. Another proposal was to extend the phenomenon of *sharenting*, that is, the online sharing by parents and other relatives of children's photos. The participants decided to establish at the Ministry of Justice a permanent coordination between the authorities to follow up the activities of the Table on an ongoing and stable basis.

Moreover, in 2022, the IACA realised national data collection and monitoring activities, studies and surveys on children in reception centres (*La tutela dei minorenni in comunità – La quarta [raccolta dati](#) sperimentale elaborata con le procure della Repubblica presso i tribunali per i minorenni*) and on early school drop-out (*La dispersione scolastica in Italia: un'analisi multifattoriale. [Documento di studio e di proposta](#)*). New adventures of [Geronimo Stilton](#) – *Alla scoperta del mondo digitale* (the funny mouse discovering the digital world) were also published.

In order to strengthen co-operation in the field of children's rights, in 2022, the Italian Authority for Children and Adolescents adopted a number of memorandum of understandings with: the Ministry of Education (8 June), the Ministry of Internal Affairs and the National Council of Social Services (31 May), the Italian Red Cross (11 February).

**Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

#### Developments in 2021

On 12 January 2021, the Minister for equal opportunities and family re-established the **Observatory for the fight against pedophilia and child pornography**, a strategic body for the study and monitoring of the prevention and contrast of sexual abuse and exploitation of children. Its tasks include the collection of data and information on the measures taken by public administrations to prevent and combat sexual abuse and exploitation of children and young people, as well as the preparation of the national Plan on preventing and combating sexual abuse and exploitation of children. The Observatory, chaired by the Head of Department for Family Policies, is now composed of: four experts designated by the Minister for equal opportunities and family; six representatives nominated respectively by the Ministry of Interior, the Ministry of Justice, the Ministry of Health, the Ministry of Labour and Social Policies, the Ministry of Education, the Ministry of Foreign Affairs and International Cooperation; three representatives nominated respectively by the Police, Carabinieri, Guardia di Finanza; three members designated by three national organizations/associations actively engaged in the fight against pedophilia and child pornography. The Italian independent Authority for Children and Adolescents, the national Anti-mafia and

Counterterrorism Directorate and, more recently (2022), the Italian Episcopal Conference are invited to participate in the work of the Observatory, through their respective representatives, on a permanent basis. The Observatory was set up on 18 May 2021 and 4 working groups were established within it: 1) Awareness-raising and training initiatives; 2) Interventions in favour of victims and offenders; 3) Safety in the digital world; 4) Developing and sharing databases. It is worth mentioning that a **Data base is established within the Observatory**, aimed at systematically organizing data and information from the various administrations, for monitoring the phenomenon and the relevant preventive and repressive actions.

The Department for Family Policies, through its **institutional communication activities**, promotes the widest dissemination of the issues falling under its competencies, thus contributing to stimulate the public debate. The Department draws up publications also within collaboration agreements with partners, both public and private, useful for disseminating the activities carried out by the Department to a wider public.

Pursuant to art. 3, para 5, of Law no. 71 of 29 May 2017 entitled "*Provisions for the safeguarding of minors for the prevention and combating of cyberbullying*", the Department for Family Policies carries out periodic information, prevention and awareness-raising campaigns on cyberbullying, in collaboration with the Communications Regulatory Authority (Agcom) and the Ministry of Education.

On 25 February 2021, the **second edition of the communication campaign** was launched on the theme of combating the phenomenon of **cyberbullying**. Its aim was to raise awareness, especially among young people and their families, about the dangers of online violence, both inflicted and suffered, due to the distortions of the network, the indiscriminate use of social media and the dysfunctional relationships that many young people live within the network. The initiative was a new communication tool to protect the rights of minors and for the benefit of a greater intergenerational dialogue and family well-being. In particular, with the worsening of the health emergency due to the spread of coronavirus COVID-19, the Department for Family Policies considered that a new media campaign on this specific issue was necessary in order to spread greater knowledge of the dangers of "Internet addiction": a phenomenon that was considerably aggravated due to the prolonged exposure to digital technology and the use of social media in times of physical-social distancing imposed by the aforementioned global pandemic. The Campaign, broadcasted on RAI channels (radio / TV commercials), on selected national and local radio stations and on the Spotify network, wanted to represent the dangers of possible abuses of children through social media and, at the same time, intended to convey a positive image of the correct use of social networks, nowadays a fundamental part of the relational life of every person, especially children and adolescents.

The images of the whole campaign were constructed using a contemporary, essential and at the same time original and youth visual language. The Campaign closed with a payoff evoking the metaphor of the sea: "**Learn to protect yourself, surf safely**" (<https://famiglia.governo.it/it/politiche-e-attivita/comunicazione/campagne-di-comunicazione-istituzionale/impara-a-proteggerti-naviga-sicuro/>).

It was an exhortative payoff directly aimed at children and adolescents in a positive and reassuring way, encouraging them to behave correctly and responsibly.

The Department for Family Policies promotes interventions to combat violence and ill-treatment of minors. On 18 November 2021, on the occasion of the European Day on the protection of children against sexual exploitation and sexual abuse, the Department launched, for the second consecutive year, a **communication campaign aimed at raising awareness of the « 114 child emergency service »**, a hotline service managed by "Telefono Azzurro", promoted and co-financed by the Department for family policies – Presidency of the Council of Ministers. The slogan of the campaign was "**Come out of the dark. Ask for help**" and, for the first time, the advertising was designed to be



aired exclusively on the Internet, giving priority to social channels, aimed at reaching, in a targeted and widespread manner, the adolescent target identified as the main audience of the campaign. The objective was to inform young people and make them more aware of the resources at their disposal to ask for help in case of abuse and distress.

The Department for Family Policy deals with the prevention and the fight against violence and the various forms of sexual abuse of minors also through the drafting of a **report that the President of the Council of Ministers submits annually to Parliament** (pursuant to Article 17 of Law 269/1998). The report contains information on the measures taken by all public administrations to protect minors from sexual exploitation and abuse and to provide support.

**Independent Italian Authority for Children and Adolescents (IACA):** The Authority participated in the work of the thematic group 'awareness and training initiatives' in the Observatory for the fight against paedophilia and child pornography aimed at developing awareness-raising and training actions on the issue of abuse and sexual exploitation of children for different target groups (minors, families, operators).

- The members of the Council of Boys and Girls (Consulta delle ragazze e dei ragazzi) of the Authority discussed in depth the subject of paedophilia and pornography.
- They also deepened the effects that the pandemic from covid-19 had on the lives of children and adolescents. In particular, they addressed the issue of the impact that the measures to contain the pandemic have produced with regard to domestic violence, also through a meeting with a psychologist of the association 'Telefono Rosa'. In this regard, the Council drew up some recommendations addressed to the Government, the adult world and their peers. Two members of the Youth Council shared these recommendations with peers from other European countries participating in the Enya project at the 'Let's talk young Forum. Let's talk about the impact of Covid-19 on children's rights' in which many of their recommendations were incorporated.
- In 2021, the second national survey on the abuse of children and adolescents in Italy was published. The survey was answered by 196 municipalities. The study - consisting of five chapters and an appendix, with the methodology and tables of the research - was conducted by the Authority in collaboration with Terre des Hommes and Cismai.
- The Authority's office worked on the translation and adaptation of the book for children between the ages of 4 and 7 "Kiko and the Manymes" and related Parental Guidelines. The book aims to teach children how to use the internet safely, transmitting them the "golden rules" of the network, especially with regard to the protection of privacy and their safety online.
- The Authority initiated an exchange of views with the Undersecretary of the Prime Minister with responsibility for sport, Valentina Vezzali, which led to the signing of a memorandum of understanding on 24 September. The agreement is in line with Resolution 2020/C 419/01 on the work plan of the European Union for Sport, which indicated among the priority areas of intervention "the protection of the integrity and values of sport". The European Commission is currently working on a proposal for a Council Directive on the approximation of the laws of the Member States relating to the approximation of the laws of the Member States. With a module focused on the role of the Authority, the UN Convention on the rights of children and adolescents and the system of child protection in Italy, the training activity is aimed at raising awareness of technicians and coaches also on the issue of abuse in sports.

## Developments in 2022

On 31 January 2022, the **third edition of the communication campaign on cyberbullying** was launched by the Department for Family Policies. The claim of the new campaign was “**Cyberbullying, if you talk about it you'll get help** » (<https://famiglia.governo.it/it/politiche-e-attivita/comunicazione/campagne-di-comunicazione-istituzionale/cyberbullismo-se-lo-racconti-ti-aiuti/>).

The aim was to raise awareness among children, adolescents and families about the phenomenon of cyberbullying, informing them about the consequences that can affect their relationships, emotions and social behaviour, whether they are victims, witnesses or perpetrators of online bullying. The campaign also aimed to raise awareness of the risks of using digital technologies, which, especially in recent years, have invaded a large part of young people's daily lives.

On 5 May 2022, on the occasion of the National Day against pedophilia and child pornography, the Observatory for the fight against pedophilia and child pornography approved the **National Plan for the prevention of and fight against child sexual abuse and exploitation**. The 2<sup>nd</sup> National Plan provides for the implementation of 21 actions in the three macro-areas that already characterize the 5<sup>th</sup> National Action Plan for the protection of the rights and the development of children and adolescents, of which it is an integral part.

In particular, as for the **education** area, activities to prevent and raise awareness on child sexual abuse and exploitation, as well as training activities for the professionals involved, are envisaged; as for the area of **equity**, activities include the protection of minors from of sexual abuse and exploitation - contrasting the inequalities of interventions, including territorial ones, and promoting social inclusion - as well as assistance and recovery interventions for perpetrators, both minors and adults , of sexual crimes committed against minors; as for the **empowerment** area, activities are planned to promote a greater awareness among children and adolescents regarding the use of digital technologies as well as activities to improve all the qualitative and quantitative information available on the phenomena in order to better define the characteristics of the crimes committed, of the victims and of the offenders.

For the first time, a group of about **70 boys and girls participated in the drafting of the Plan**, coming from schools, reception facilities for minors, recreational and sports associations. They formulated their own recommendations on the topics of the working groups established within the Observatory for the fight against pedophilia and child pornography. In this way, also in this case, the right of minors to be heard, enshrined in Article 12 of the Convention on the Rights of the Child, has been implemented.

On 21 May 2022, with a view to celebrate the International Missing children's Day (25 May), the Department for Family Policies, in agreement with the Office of the Government's Extraordinary Commissioner for Missing Persons, promoted an awareness-raising campaign, aimed at preventing the phenomenon of missing children, thus elaborating joint institutional responses to combat it. The claim of the campaign was “**Help us to find them**”.

(<https://www.youtube.com/watch?v=7QEar2Z79mw>)

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The **Ministry of Labour and Social Policies** highlights what follows.

The National Action Plan of the Child Guarantee addresses policies of prevention against violence towards children in *Area 2. Psychological and social well-being of children, pre-adolescents and adolescents. Action 5 - Strengthening of Developmental Psychology and Child/Adolescent Neuropsychiatry services* takes into account the specificities of adopted children and adolescents and their families in order to prevent adoption failures; they are a category of children at risk (as highlighted by all the scientific literature) due to previous traumatic experiences (abuse, neglect, institutionalisation, interruption of emotional ties), the risk of developing psychiatric illnesses, and



the negative effects of discrimination (as adopted children and/or as belonging to ethnic minority groups).

*Area 3. Access to health services for minors with a migration background, unaccompanied foreign minors, and minorities* provides a specific protection for Ukrainian children facing violence and displacement in *Action 11 - Interventions and policies aimed at receiving and protecting foreign children from Ukraine*

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The **Ministry of Health** highlights what follows.

1. In 2022, the work of the interprofessional Table, consisting of social service, psychological and pedagogical professionals and representatives of the Ministry of Health, was completed. Those professionals discussed the issue of taking care of children victims of violence and ill-treatment, within the project entitled "Integrated Trauma Informed Therapy for Children Victims of Violence (I.N.T.I.T.)", co-financed by the European Union, which the Ministry of Health intended to support already in 2020. The aim of the table was to define an interprofessional consensus document on the foundations of a multidisciplinary and multi-agency intervention system for the care of minors exposed to trauma and violence, which makes it possible to better address the child protection and prevention policies. Caring for children victims of violence is, in fact, a highly complex process, as it requires integrated, multidisciplinary and specialized interventions, which involve the justice system, the healthcare system, the psychological and pedagogical areas, and interinstitutional intervention networks are required. A fundamental prerequisite for the establishment of integrated intervention networks is the development of a shared culture, also through multidisciplinary and multi-agency dialogue. To this end, the Table offered the opportunity for a joint reflection among the representatives of the professionals who share the responsibility of the intervention concerning minors, through the following steps: explain the aspects that make the collaboration particularly complex; share the critical issues related to caring; identify solutions on the basis of shared principles; define common standards of intervention relating to caring; outline cross-cutting guidelines.

2. The Ministry of Health launched the project "*Hypatia Ccm 2021 - Strategies for the prevention of violence against women and minors*", dedicated to violence prevention strategies, through the training of health professionals, with particular regard to the effects of Covid- 19.

The project started in November 2021, will last two years and involves the *Istituto Superiore di Sanità* (Italian Institute of Health), the National Institute for Health, Migration and Poverty (INMP), the IRCCS Foundation Cà Granda Ospedale Maggiore Policlinico of Milan and six Italian regions (Lombardy, Friuli-Venezia Giulia, Tuscany, Umbria, Puglia, Basilicata).

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#### **Independent Italian Authority for Children and Adolescents (IACA):**

- The Authority presented in Catania the vademecum 'The protection of children's rights in sport' aimed at technicians and sports managers.
- On the occasion, a training initiative dedicated to teachers and sports tutors on the right to sport of minors was also presented. The aim is that this volume allows to find references and resources useful to those who work every day in the field of sports, allowing them not to feel alone in dealing with phenomena such as bullying, racism, use of prohibited substances, abuse and violence.
- The Authority and the Italian Red Cross signed in Rome a memorandum of understanding for the promotion of the rights and welfare of children in Italy. It includes initiatives of education to emotions and psychophysical health, in addition to the involvement of Red Cross volunteers in activities of dialogue and discussion with the Council of Boys and Girls of the Authority especially on the issue of the importance of children's consent with respect to sexual affectivity.

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### **Developments in 2021**

As mentioned above, **involvement and consultation of children and adolescents within the work of both the Observatory for Childhood and Adolescence and the Observatory for the fight against pedophilia and child pornography**

**Guidelines for the participation** of children and adolescents: see above

Establishment of a **Youth Advisory Board**, in order to ensure the participation of children and adolescents in the drafting of the National Action Plan of the Child Guarantee.

#### **Independent Italian Authority for Children and Adolescents (IACA):**

The Authority participated in the preparation of the Italian Child Guarantee (which provides for the participation of children as an essential level of performance) contributing to the work of the groups, actively intervening in the field of kindergartens, early school leaving, monitoring and participation and proposing a bottom up governance in order to realize participation processes.

- Since 2018, the Youth Council of the Authority has been working as a tool for the participation of children in the decisions that the Authority takes. Among the various activities carried out during 2021 there is the translation from English, in collaboration with the Interministerial Committee for Human Rights (CIDU) and the Italian Committee for UNICEF, of General Comment No. 25 of the UN Committee on the Rights of the Child on children's rights in the digital environment. The translation work concerned both the full version of the Comment (with its glossary) and its child friendly version. Three members of the Youth Council were involved in the latter activity, and they actively collaborated in the discussion on the opportunities and risks of the digital environment and the translation work.

- The Youth Council also translated and adapted from English the Council of Europe leaflet *Learn about your rights in the digital environment*. The leaflet illustrates the fundamental rights that children can assert, with respect to the use of the network and social media. It also indicates the actions that institutions must take to ensure that children and young people can enjoy their rights in the digital environment.

- In addition, the Youth Council carried out activities related to participation in the Enya project, supported by ENOC. Through discussion with experts, debate and exchange of views, minors discussed the impact that the pandemic had on their lives, particularly its effects on schools, the digital environment and violence. The work carried out led to the formulation of recommendations that two representatives of the Council shared with peers from other countries participating in the Enya project at the *Let's talk young. Let's talk about the impact of Covid-19 on children's rights* Forum. The recommendations were also presented at the Annual Fundamental Rights Agency Forum, held on 11 and 12 October. The event was also attended by the Office of the Authority and a representative of the Youth Council.

- In response to the request for reflection on the effects of the pandemic, the Authority launched a public consultation on the school, entitled 'La scuola che vorrei' ('The school I would like'). The consultation - aimed at girls and boys between 14 and 18 years old - was hosted by the Skuola.net portal between October 8 and November 23, 2021 and over 10,000 children participated.

- In addition, in 2021 a study of the National Council of Associations and Organizations, chaired by the Authority, on the participation of children in the processes that affect them began. The Authority launched a shared reflection, aimed at the dissemination and promotion of forms of children's participation in institutions and community life, analysing good practices in national

territory and identifying obstacles to the full implementation of CRC Article 12. Another aim of the work is to stimulate the dissemination of the culture of children's participation and listening practices through activities that allow all minors to express their opinions and to be heard, ensuring that their proposals are duly taken into account. The final objective is a study and proposal document, aimed at a uniform and widespread application of Article 12 throughout the national territory.

- On 16 March 2021, the Authority and the UNHCR signed a memorandum of understanding to promote joint initiatives aimed at the protection of foreign minors arriving alone in Italy. The agreement provides for measures to ensure the right to listen and participation of children welcomed in reception facilities and informal settlements, through a series of visits to assess their needs and listen to their proposals.

The Authority is also completing the cycle of visits to the SAI centres for the reception of foreign minors as fundamental moments of encounter with children and Institutions.

- On 18 November 2021, the Authority presented the 'Manifesto on children's participation: five requests addressed to Parliament, Government, regions and local authorities to concretely promote the right of children to participate in decision-making processes. In summary, the Authority asked: the involvement of children by the institutions in all the decisions that concern them; a legislation to regulate and support the active participation of children; a public online platform reserved for children's consultations; the inclusion of participation in the educational offer of schools in the field of civic education; the establishment of a national day for children's participation. Finally, the Authority translated the Manifesto into English and shared it with ENOC.

## Developments in 2022

The **Ministry of Labour and Social Policies** underlines what follows.

With regard to the the National Action Plan of the Child Guarantee, it is important to underline that the beneficiaries of the interventions are also involved through active participation tools in the institutional processes related to the Child Guarantee: a Youth Advisory Board (YAB) was established in December 2021, with 23 girls and boys between 14 and 21 years old from all over Italy, including young Italians and young people with migratory backgrounds, second generation girls and boys, Roma, Sinti and Caminanti, care leavers, girls and boys with disabilities.

The YAB participants reflected on the issues identified as priorities by the Recommendation: education, health, nutrition, housing conditions, and early childhood education and care, involving over 900 peers through an online survey, the results of which were auditioned by the plenary working group during the discussion and drafting of the plan. The NAP integrates the recommendations of the young people of the YAB, since they are a relevant part of the Plan.

### **Independent Italian Authority for Children and Adolescents (IACA):**

- The Authority participated in the process of consultation of children within the framework of the Council of Europe Committee project on the rights and best interests of the child in parental separation and custody procedures (CJ/ENF-ISE). Through the involvement of children of the Youth Council the Authority wrote a report on the topic and children's recommendations on every aspect of the process.

- Children of the Youth Council drew up recommendations on the annual theme of Enya (climate justice). Two of them participated in the Annual Forum discussing these recommendations and one representative attended the ENOC Annual Conference.

- The project of spreading the 'Gruppi di Parola' ('Word Group') promoted by the Authority in collaboration with the Catholic University of the Sacred Heart and the Eos Foundation has been

concluded. These Groups are short interventions, which aim to accompany children (6-11 years), adolescents (12-15 years) and their families during the reorganization of daily life that follows separation or divorce. During these meetings, children who live the experience of separation can talk and share thoughts and emotions, through play, drawing and other activities, with the help of specialized professionals. Thanks to the exchange and support among peers they can get out of isolation and find ways to dialogue with parents to face the difficulties related to family changes.

• On 20 October, the training program for primary school teachers 'Geronimo Stilton and children's rights in the digital environment' began. An initiative intended to involve 502 classes throughout Italy, for a total of over 29 thousand students. The goal is to promote among children the knowledge and awareness of their rights.

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

#### Developments in 2021

Implementation of the European Child Guarantee in Italy: see above

**The Department of Juvenile and Community Justice – Ministry of Justice** highlights what follows.

The Department of Juvenile and Community Justice guarantees:

- the implementation of the provisions of the judicial authority in criminal matters;
- the treatment, reception, accompaniment, socio-educational assistance and maintenance of minors and young adults;
- the organization and implementation of interventions concerning them;
- the implementation of treatment projects with the involvement of the territory; control over the services provided by the communities in coordination with the juvenile prosecutors.

It also favors alternative measures and "probation" through protocols with local authorities, for the development of public utility projects and for increasing training and work offers.

In 2021, despite the restrictions caused by the pandemic, the Juvenile Justice Services ensured a high standard of quality, in particular with regard to the personalization of interventions, the flexibility of educational projects, the involvement of the family and the local community. With the gradual resumption of ordinary activities, in 2021 an attempt was made to increase cooperation between the services of the justice administration, local authorities and the private social sector to identify projects that respond to the continuous evolutions, as well as to the changes in adolescent distress, through the active involvement of the community and the strengthening of collaboration with the judiciary both in the definition of socio-educational projects and in their evaluation.

At the territorial level, the Juvenile Justice Centers have entered into numerous agreements to encourage the development of projects aimed at minors in the criminal area. The central administration has also entered into national agreements to support the Services, including:

1. the Memorandum of Understanding with "*Con i bambini*" *Impresa Sociale s.r.l.* ", signed on 9 November 2021, aimed at promoting interventions to combat child educational poverty and at identifying common strategies to increase pathways for social reintegration through learning and job placement of minors who enter the criminal circuit.
2. the cooperation agreement with the "*Conferenza Nazionale Volontariato Giustizia*" (CNVG), renewed on 3 November 2021. Such agreement has been particularly important in favoring the wide involvement of bodies, associations and groups engaged on a daily basis in volunteering experiences in the field of the enforcement of sentences. The collaboration agreement also provides for the implementation of socially useful activities and public utility works.

At the regulatory level, the following is highlighted:

**Law no. 206 of 26 November 2021**

Delegation to the Government for the efficiency of the civil trial and for the revision of the discipline of alternative dispute resolution tools and urgent measures to rationalize the proceedings regarding the rights of persons and families as well as with regard to forced execution.

**Law no. 134 of 27 September 2021**

Delegation to the Government for the efficiency of the criminal proceedings as well as in the field of restorative justice and provisions for the rapid definition of judicial proceedings

**Independent Italian Authority for Children and Adolescents (IACA):**

- As part of its cooperation with the Council of Europe, in 2021 the Authority shared with the Office of the Commissioner for Human Rights the comments contained in the opinion on the reform of civil justice adopted in October ([https://www.garanteinfanzia.org/sites/default/files/2021-11/parere\\_comm.\\_giustizia\\_camera\\_su\\_ac\\_3289.pdf](https://www.garanteinfanzia.org/sites/default/files/2021-11/parere_comm._giustizia_camera_su_ac_3289.pdf)).

- The Authority launched, in collaboration with the Ministry of Justice and the Institute of the Innocents, a research project on the issue of restorative justice in the juvenile criminal field. The project also involved the European Forum for Restorative Justice (European Forum for Restorative Justice - Efrj). The specific objectives of the project are: to carry out an investigation on the effects of restorative justice in the juvenile criminal field, for the victim and the offender and for the community as a whole; to detect the programs of restorative justice in use in Italy in the juvenile criminal field; to update the 2018 mapping with regard to the presence of services for restorative justice in the national territory. The research - of a qualitative nature - uses focus groups, interviews and questionnaires and develops over a period of two years, with a conclusion expected in June 2023.

**Developments in 2022**

Adoption of the Italian Action Plan on the Child Guarantee: see above

**The Department of Juvenile and the Community Justice** highlights what follows.

The continuous and sudden changes in society inevitably lead to the emergence of new phenomena of juvenile deviance. The discomfort - which also affects young people of medium-high social background, in addition to traditionally "deprived" children - is further aggravated by the significant increase among adolescents in developmental disorders and mental distress. Within this framework, the Department of Juvenile and Community Justice has undertaken initiatives aimed at consolidating the relationship between all the institutions and subjects that, at public or private level, work with this age group, in order to ensure unity and a continuity of interventions.

To this end, it is worth mentioning the renewal, in 2022, of the protocol with "*Associazione Libera*" "*Associations, names and numbers against mafias*", aimed at promoting pathways to educate people about living within the law, actions of social utility, re-education activities, social reintegration and job learning, as well as participation in events such as the national day in memory of the victims of mafias.

Furthermore, in 2022 the Department promoted the resumption of the work of the Table on penitentiary health to start a debate on the priorities of the juvenile justice system in terms of protecting the health of minors and young adults subject to criminal proceedings.

With the Ministry of Education, work continued to promote equal opportunities in the educational pathways of those who are in custody and those subject to non-custodial criminal measures by the judicial authorities. The main objectives were: the implementation of certifiable, modular and flexible pathways both in content and duration, with the possibility of continuation even after leaving the detention circuit; the acquisition of individual skills and competences; the development

of an education policy integrated with vocational training through collaboration with the Regions and the business world.

At the regulatory level, the following is highlighted.

- **Legislative Decree no. 149 of 10 October 2022** (implementation of law no. 206 of 26 November 2021, *Delegation to the Government for the efficiency of the civil trial and for the revision of the discipline of alternative dispute resolution tools and urgent measures to rationalize the proceedings regarding the rights of persons and families as well as with regard to forced execution*).

The Decree provides, within two years from the date of its publication, for the establishment of the Court for persons, minors and families. This single jurisdictional body will make it possible to unify the competences between the Ordinary Court and the Juvenile Court. All proceedings in family and juvenile matters, which currently fall within the jurisdiction of the Ordinary Court, the Juvenile Court and the Tutelary Judge, will be placed before such body.

The current Juvenile Court will be transformed into a district section, to which only adoptions, criminal proceedings and matters of international protection and citizenship will be assigned.

- **Legislative Decree no. 150 of 10 October 2022** (implementation of Law no. 134 of 27 September 2021, *Delegation to the Government for the efficiency of the criminal proceedings as well as in the field of restorative justice and provisions for the rapid definition of judicial proceedings*).

In 2019, the Department of Juvenile and Community Justice issued – as a tribute to the indications contained in the Recommendations of the Council of Europe on victims and "restorative justice" - the guidelines on restorative justice and protection of victims of crime, with the aim of defining its peculiarities and ordering, updating and integrating the best experiences gained on the subject.

Decree 150/2022 highlights how the provisions relating to restorative justice programs involving minors for any reasons are applied in an appropriate manner to the personality and needs of the minor, taking into account his or her best interests, in accordance with the provisions of article 3, paragraph 1, of the Convention on the Rights of the Child of 20 November 1989, ratified in Italy by Law no. 176 of 27 May 1991. In addition, the need to assign mediators with specific aptitudes, having regard to the training and skills acquired, is emphasized for the carrying out of restorative justice programs involving minors for any reasons. The principle of the best interest of the minor permeates the provision that intends to comply with the child friendly justice marked by international sources. In order to adapt the provision to the broader contents of the current reform of restorative justice in criminal matters, including for minors, the law provides that the Judge may issue prescriptions to the minor, also aimed at formulating an invitation to participate, where the conditions are met, in a restorative justice program, without prejudice to the application of the fundamental principles of restorative justice, namely that it must be a free, personal and conscious choice. Therefore, the possibility is provided also for convicted minors (as for adults), to access restorative justice programs at any stage of execution, subject to adequate information and on a voluntary basis and also on the initiative of the Judicial Authority.

- **Legislative Decree no. 151 of 10 October 2022.**

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#### **Independent Italian Authority for Children and Adolescents (IACA):**

The research project on the subject of restorative justice in the juvenile criminal field continues in the process of elaborating the final report of the study. The report contains the voices of the protagonists of justice (both boys and girls, both authors and victims) and also involves families and mediators.

## **Malta / Malte**

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

### **Developments in 2021**

- At community level, the community services within the Agency for Community and Therapeutic Services (ACTS) within FSWS continued to offer space for child participation, such as Kidspoint, Superheroes of the Earth, Il-Belt mil-Lenti taż-Zghar etc, while the Home-Based Therapeutic Services (HBTS) within FSWS, which provide both individual and group home-based interventions across diverse localities in Malta, continued to offer their services as well. The Incredible Years Parenting Programme, which is designed to strengthen and stabilise the environment of families is also instrumental to equip parents with parenting skills that allow the nurturing of children's rights within a family.
- By the 17th December 2021, 650 professionals were trained in how to deliver difficult news about the birth or condition of a baby. The 650 professionals attended a professional training through which they were given guidance on how to deliver difficult news related to a baby that is about to be born or any condition that the baby has. Apart from having an impact on the parents/guardians, such sensitive news can affect the professionals who give it and even leave an impact on them over time. Professionals from different disciplines took part in this training including nurses, midwives, doctors, psychologists, and other frontliners such as ambulance workers. This training took place in a series of online seminars, during which there was the chance to discuss real scenarios that professionals encounter, share evidence on how best to deliver the news and even listen to cases of parents who experienced this news. As a result of the large attendance for this training, the need was felt for this training to continue to be provided even during the next year so that there is a wider range of professionals who are trained.
- In May 2021, a Sensory Integration Therapy Centre was opened at a local primary school (Marsa primary school). The Centre will act as a specialised clinic to provide its services to all children in Malta who have learning difficulties, such as children with autism. The aim of the service is to help children with learning difficulties to participate fully in the education system.

#### Developments in 2022

- As a national effort, a research study was conducted by the Commissioner for Children on Child-Friendly Towns and Villages: [HEALTHY-SPACES-report-soft-copy.pdf \(gov.mt\)](https://www.family.gov.mt/wp-content/uploads/2022/09/HEALTHY-SPACES-report-soft-copy.pdf).
- The National Action Plan for a Child Guarantee 2022-2030 has been published by the Ministry for Social Policy and Children's Rights on 9 June 2022 and implementation is currently underway. This National Action Plan can be accessed at: <https://family.gov.mt/wp-content/uploads/2022/09/National-Action-Plan-Child-Guarantee-EN.pdf>.
- The Positive Parenting website themed 'Be the Parent Yourself' was launched on 7th September 2022. This is now the major platform of the Committee for Positive Parenting and Strengthening the Family, which is part of the Ministry for Social Policy and Children's Rights. The site <https://positiveparenting.gov.mt/en/> seeks to help parents to relate to their children's behaviour, while identifying new ways that can improve parents' relationships with their children.
- An Evaluation of the Positive Parenting Campaign was completed. A Positive Parenting Taskforce Progress Report for was launched, providing a detailed overview of the work carried out by this Taskforce during the last three years and the impact that followed. From recent cross-sectional surveys, it transpired that a noticeable part of the parents' population found the three Positive Parenting campaigns (to date) effective. The main key positive messages and lessons grasped by parents during these campaigns were: 'To spend more quality time with your children'; 'How to build a parent-child relationship'; 'How to

be a better parent'; 'The way how you educate your child/children'; and 'How to be positive with your children'.

- A study of the obesity rate in Malta in relation to 4-year-olds attending kindergarten is currently underway. The results of the study will serve to identify the trends and issue recommendations on how we can support a healthier life for children.

**Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

#### **Developments in 2021**

- In general, the Directorate for Child Protection Services (DCPS) within FSWS strives continuously towards excellence. Every aspect of its operation and service is geared towards responding well towards violence against children. Therefore, whilst there is no one standout incentive to report, the general operation of the service is intended always to improve, response efficacy, response time and the formation of new solutions for children victims of violence.
- The DCPS is also very active on the media in order to deliver preventative messages against violence with children. An example of this is the Blue Ribbon Campaign in April.

#### **Developments in 2022**

- The seventh edition of the BeSmartOnline!, a co-funded project by the European Union, which aims to raise awareness and educate minors (children and youths) on the safer use of the Internet, targeting minors themselves, carers, and professionals. FSWS is the lead partner and takes care of the Safer internet centre and the helpline and the hotline in Malta.

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### **Developments in 2021**

- Malta believes that the participation of children is receiving more acclaim. The theme of the voice of the child is gaining momentum.

#### **Developments in 2022**

- The Directorate for Alternative Care within FSWS has set up a series of consultation groups for children in care and youths living in difficult social situations. The aim of these groups are to empower children to speak up and put forward their ideas to the policy makers.
- The Children's Rights Unit within the Policy Development and Programme Implementation Directorate in the Ministry for Social Policy and Children's Rights was established in May 2022.

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**



#### Developments in 2021

- In the year 2021, the Foundation for Social Welfare Services refurbished both the premises and the procedure of the Children House (CH). The service was made available for the Courts of Malta and it was formally established in the Islands of Malta.

Agreements were set up in the year 2021 between the Child Protection Services (as the main entity operating the Children House) and the Malta Police Force (Vice Squad) to use the Children House procedures wherever possible, so that the child may have the opportunity to participate in the judicial process in safety. The main value of the CH in 2021 was that the Juvenile Court began its formal position of hearing all minors before it for matters relating to Protection Orders on minors, in accordance with CHAPTER 602 [Minor Protection (Alternative Care) Act] of the Laws of Malta, via the Children House. In conjunction with the provision of formal legal services through the Children's Advocacy Institution, the child now has a real child friendly opportunity to be represented and participate more fully in a process that directly affects his/her life.

#### Developments in 2022

- In 2022, the Children House procedure was improved and fine-tuned further via more modern apparatus. In 2022, more professionals were trained to become forensic interviewers.
- Throughout 2022, there has been more outreach with the judiciary, outside the scope of the Juvenile Court, in an attempt to attract other areas of Justice into utilizing this format. In fact, such outreach happened with major stakeholders in the judiciary in Malta, such as the Magistrates and Judges, as well as with all heads of important Judicial Offices (such as, Legal Aid, Mediation Services, etc) within the Ministry for Justice.

#### Norway / Norvège

The answers below are probably not giving an exhaustive list on all activities on Child's right, directly or indirectly since 2021. Strategies and plans are found on the Governments webpage. Furthermore some Ministries have sent information on different activities. The list is not chronological in any way apart from the year 2021 and 2022.

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

#### Developments in 2021

**A new action plan to prevent and combat violence in close relationships (2021-2024)** "Freedom from violence". The action plan contains a separate section on violence and abuse in Sami communities. Launched in August 2021.

#### **A national strategy against internet-related abuse against children**

A national strategy to combat and prevent internet-related sexual abuse against children was launched in August 2021. The main aim of the strategy is to contribute to a more coordinated intergovernmental approach, involving the work of eight ministries with the Ministry of Justice and Public Security as coordinator. Areas of support are: safe internet for children; public-private partnerships; more knowledge for prevention; and efforts against abuse – follow-up and international cooperation. The Government will launch a new *Escalation Plan against Violence and*

*Abuse against Children and against Violence in Close Relationships* in 2023, including on stepping up the efforts to prevent and combat sexual abuse of children via digital platforms.

**The government's action plan to prevent and combating violence in close relationships 2021–2024** The action plan contains 82 measures to further strengthen efforts against this crime. There is also a final report on the measures in the escalation plan against violence and abuse (2016–2021) 2021

**The Government's Action Plan for Suicide Prevention 2020–2025**  
It was launched on 10 September 2020, Measure 6 in the action plan is as follows: The Government will contribute to public-private cooperation on measures to ensure safer Internet use for children and young people.

**New action plan on “Freedom from negative social control and honor-related violence (2021–2024)**

The freedom to decide on one's own life is fundamental in our society. Nevertheless, we see repeated examples of how this freedom is curtailed. There is a need for an active policy to combat attitudes and actions that prevent the individual's opportunities to both succeed and live a free and safe life. The first report on the action plan measurers, after its launch on 15 June 2021.

Since the action plan Freedom from negative social control and honor-related violence (2021–2024) was launched, the integration work has been moved from the Ministry of Education (KD) to the Ministry of Employment and Inclusion (AID).

Official Norwegian Reports NOU 2021: 3 Children's life in front, behind and in the screen and a note with proposals for changes to the Picture Program Act

The report examines the knowledge about the harmful effects of exposure to various types of media content and outlines alternative options for increased protection of children. A main conclusion is that there is a need for a coordinated interaction of sector-wide measures to safeguard children's best interests in the digital media reality.

**A new National strategy for safe digital growth**

The strategy was launched in September 2021 and aims to ensure children and young people an active, participatory and safe digital upbringing. The Norwegian Media Authority has had a central role in the preparation of the strategy. The strategy will contribute to improving the work for a safer digital upbringing. Followed up by a new Action plan 2023 on safe digital upbringing.

**The urban and living conditions committee has investigated living conditions and integration challenges in areas in and around the large cities in Norway.** The committee proposes strategies and measures to ensure that everyone can live and grow up in safe and inclusive local communities with good living conditions, good growing up conditions, good living conditions and good prerequisites for integration. Children in focus. Responsible Ministries are the Ministry of Education and the Ministry of Local Government and Modernization, December 2020

**Proposals for changes in the Children Acts**  
The Children's Act Committee has examined proposals for a **comprehensive new Children's Act**. A consistent problem is the law's relationship to human rights, which affects all the law's themes. In addition, the mandate provides a number of specific guidelines on material issues that have been assessed separately.

**National Strategy for Children growing up in Low-income Families (2020–2023)**

It was launched towards the end of 2020. Six out of ten of these children have an immigrant background. The strategy covers 65 different measures within areas such as the family, housing, health, education, leisure activities and employment

**Report on the socio-economic consequences of marginalization and alienation among children and young people, november 2021.**

The report shows that low income, neglect, violence and abuse, and functional impairment significantly increase the risk of experiencing marginalisation. The analysis also shows large socio-economic costs of exclusion from working life among formerly marginalized children and young people. The large costs indicate that measures that contribute to preventing and countering marginalization and exclusion from an early age can bring great benefits, both for the individual and for society.

**Responsibility for unaccompanied minor asylum seekers**

From July 1 2021 the responsible for the care for unaccompanied minor asylum seekers between the age of 15 and 18 is regulated in the Norwegian Immigration Act. Up until then, the responsibility was not regulated by law. The responsibility is further specified in a separate regulation, where it inter alia is stated that the care provided must be adapted to the minor's individual needs, age and maturity. The regulations also contain requirements for the physical layout of the reception centres, staffing, mapping, individual follow-up, resident complicity and activities for the minors.

**The Governments report to OECD on migration and integration 2020-21**

The report covers children in migration and integration

**The Governments action plan against racism and discrimination on the grounds of ethnicity and religion (2020-2023)**

It was launched in December 2019 and provides an overview of the measures in the action plan as of June 2021. There is also a Status report for the Action Plan against racism and discrimination due to ethnicity and religion (2020-2023) Originally published by: Ministry of Culture.

**The Ministry of Climate and the Environment's new knowledge strategy 2021-2024**

Designing climate and environmental policy requires a good knowledge base. The knowledge system for climate and environment is the key word. The strategy defines goals, sub-goals and specific measures. The strategy also points to important knowledge needs going forward and the need for strategic work with knowledge production, compilation and dissemination. A good common knowledge base requires good cooperation between the various sectors. Climate and environmental knowledge includes knowledge in all subject areas that look at climate and environment and its connection with society and human influence. Indigenous and local communities. Traditional knowledge is also part of this picture. (human beings, not children=

**"BarnUnge21 strategy**

The Government's new strategy on research and innovation in the scop of vulnerable children and youth. ". The aim of the strategy is to create a targeted, comprehensive and coordinated national effort for research, development and innovation for vulnerable children and young people. Now the strategy "Out of the blind spots" was launched in 2021. The strategy covers both cooperation and research.

Voluntary National Review 2021 Norway [Report on the Implementation of the 2030 Agenda for Sustainable Development](#)

**Developments in 2022**

**The child welfare services reform,**

The child welfare services reform which came into force on 1 January 2022. The reform will strengthen the preventive work in the municipalities throughout the childcare sector. The goal is for more children and families to get the help they need, when they need it, and for the service offering to be adapted to local conditions to a greater extent.

**Knowledge report about sexual abuse of children and young people on the internet.**

The report is a knowledge overview about sexual abuse of children and young people with a particular focus on the perpetrator, venue and victim as seen in context.

Official Norwegian Report on your privacy. The report was prepared by a commission and the title is "Your privacy – our shared responsibility – Time for a privacy policy". The report also covers privacy issues concerning children. 2022.

**A mapping study on services to veterans and their families**

A mapping on the Employment and Welfare Agency's services to veterans and assessed the need for the agency to have its own veteran contact in some counties in addition to a nationwide competence environment for veterans' affairs. And the need for their children.

**Supervision of reception centres for unaccompanied minors**

A new regulation regarding supervision of reception centres for unaccompanied minors entered into force on July 1 2022. Supervision must be carried out to ensure that the care for unaccompanied minors living in asylum reception centres is in accordance with the requirements of the Immigration Act and regulations to the Immigration Act

**New non-custodial sanctions for young offenders**

Two new non-custodial sanctions for young offenders were implemented in Norway in July 2014. These sanctions, called "youth punishment" and "youth follow-up", are based on the principles of diversion and restorative justice, and are alternative criminal sanctions for offenders between 15 and 18 years of age at the time of the offence. The sanctions are executed by the Norwegian Mediation Service, which is a public service that provides restorative processes in penal and civil cases, and is further regulated in the Mediation Service Act. The evaluation of the new sanctions shows that many young offenders received help for their problems. (*Therese Andrews and Ann Kristin Eide: Mellom hjelp og straff – fungerer nye straffereaksjoner for ungdom etter intensjonen? NF-rapport nr. 2/2019.*) However, the evaluation also shows that there are still some challenges. The Ministry of Justice and Public Security is working on a proposal to improve the youth sanctions, and presented in October 2022 a second consultation on a proposal for changes. The proposal also aims to ensure that the young offenders are systematically consulted in matters that affect them during the execution (with reference to question 3)

**"The threshold for deportation from Norway in cases affecting children"**

Report from the working group, issued on 24 January 2022

**A new report about the characteristics of children and young people who commit criminal acts, the punishments they receive and the consequences for their life situation afterwards.** The analyzes are mainly based on data from Statistics Norway, the Secretariat for the Conflict Councils and the Court Administration. It was launched June 2022.

**Consequences of covid 19 on childrens lives**

15 reports about services for vulnerable children and young people during the Covid-19 pandemic  
Status reports

### **The Governments "Action plan against gambling problems for the period 2022-2025**

The action plan contains measures targeting children.

### **The government's action plan for universal design 2021–2025**

The aim is to contribute to a sustainable and equal society through the design of physical and technical surroundings. The action plan includes, among other things, measures in spatial planning, infrastructure, construction, transport and digitalisation in addition to the development of universal solutions in new areas. (including measures for children with disabilities )

### **Prevention and combating internet-related abuse against children.**

[national strategy for coordinated efforts \(2021–2025\) \(PDF\)](#)

### **The government's action plan against discrimination on grounds of sexual orientation, gender identity, gender expression and gender characteristics 2021–2024.**

The government wants to contribute to a society that is safe for all, with greater openness about gender and sexuality diversity and has launched an action plan "Safety, diversity and transparency" with 46 measures.

### **The Kindergarten strategy'**

The Government's aim is to ensure that all children have a high-quality nursery service, and it should contribute to: at least 50 per cent of the employees in the kindergarten must be kindergarten teachers, at least 25 per cent of the employees in the nursery must be child and youth workers. The proportion of managers and kindergarten teachers with a master's degree in kindergarten is increasing. All employees in the nursery are given the opportunity to develop skills all kindergartens develop their pedagogical practice through kindergarten-based competence development. Among all....ensures that all children's rights are safeguarded, in particular Sami children's rights

**The Governments Action plan for wild pollinating insects 2021 – 2028.** The measures will improve knowledge about and the condition of the pollinating insects, which need more and better habitat, such as flower-rich meadows. Bees and other pollinating insects are absolutely decisive for the state of ecosystems on land, and for us humans. This applies not least to the wild pollinating insects, which have a negative development globally. Important for the childrens future.

### **Strategy for parental support**

The Government is still working on parental support, the aims in the

[The government's strategy for parental support \(2018-2021\) Safe parents - safe children](#)

are thoroughly followed up even the strategy period has expired but the aims continues.

**Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

#### **Developments in 2021**

<b>A common knowledge base for policy development</b>
Norwegian Social Research (NOVA) have, as commissioned by the Ministry of Justice and Public Security, done a comprehensive literature review, mapping existing knowledge about digital sexual violence against children and adolescents (NOVA Report NR 3/21). Technology facilitated sexual abuse consists of a wide range of different acts, with distinctive dynamics and participants. Further, the report shows that victims of different types of technology-facilitated sexual abuse share many

common characteristics. Overall, girls are more at risk of victimisation than boys, and adolescents are more at risk than the children.

#### Developments in 2022

##### Storing of digital evidence

The legislation around the storage of digital traces created obstacles for the police. An obligation for providers of electronic communication networks to store and hand over information related to IP addresses, Sections 2-8 a and 2-8 b of the Act relating to electronic communications (The Electronic Communications Act), was adopted by an amendment in June 2021, cf. Prop. 167 L (2020-2021), in force from 1 January 2022. For providers who are mentioned in Section 2-8a of the Electronic Communications Act, and as of 1 January 2022 do not have systems that can meet the requirements in Section 2-8a and Section 2-8b of the Electronic Communications Act enter into force when such systems are available, and no later than 1 January 2023.

##### Coordinated efforts across sectors

From 2022 the Norwegian Media Authority is given coordination responsibility at directorate level through a separate mandate for efforts against internet-related abuse, which must be done in conjunction with the other work on digital security.

Police online patrol in Norway

##### The police's online patrols

The online police patrols are present on the internet and in social media. They offer advice and guidance on crime on the internet and reply to questions from the public. The patrols can be found on several of the major social media sites, including Reddit from 2022.

##### Amendments to the welfare services legislation on cooperation, coordination and children's coordinator.

In order to strengthen the follow-up of vulnerable children, young people and their families, provisions have been adopted by the Parliament of Norway with effect from 1 August 2022. There are revisions in 14 welfare service laws which came into force on 1 August 2022 on duty to cooperate, coordinate and to provide children's coordinators and individual plans in the municipalities.

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### Developments in 2021

#### Developments in 2022

### **Proposed changes to the Guardianship Act**

The government has proposed changes to the Guardianship Act to strengthen children's rights to co-determination in economic and other legal affairs that fall under the scope of the Guardianship Act. In the proposal, it is suggested to lower the age limit for when a guardian (in most cases the parents) has to consult the child before making a decision, from 12 to 7 years. It was considered to remove the age limit entirely, but an age limit for when the child must be heard was considered the best way to ensure that children will in fact be heard. The proposal (prop. 141 L (2021-2022)) is sent to the Parliament.

### **A pilotstudy- on participation of children and youth in the municipalities,**

There is a pilotstudy that will contribute to new knowledge-based measures in the local environment with a focus on meaningful participation of children and youth. The upbringing cooperation pilot study evaluates a prevention model for knowledge-based development of measures for young people. The model shall strengthen the participation of young people and parents in the work for a better growing up environment and when it is developed preventive measures in municipalities. The directorate for Children and family affairs has received an assignment to try out the model, and the work is a cooperation with the Directorate of Health its Program for public health work in the municipalities. 2022. The Labor Research Institute (AFI) is writing a knowledge summary of young people working in Norway and the Nordic countries and with a surveying young people's participation in ten selected municipalities in order to acquire knowledge about how one can improve the quality of participation. At the same time a methodology will also be developed to involve youth and parents in the work of the municipalities with developing local measures and in municipal planning processes.

### **Youth Councils in the municipalities**

Training of youth councils for youth councils [Documentation from workshop in Karasjok, June 2022.](#)

The Guide /guidelines helping the municipalities to increase the **participation of youth** in municipality council. There are formal regulations and useful tip to find the best possible way. The Youth Council must be the youth's channel to speak to and with politicians and decision-makers, and must have an advisory role for the municipality and the county council. The council shall represent the interests of the young people in the municipality or county and has the right to speak in all matters concerning young people. Youth councils can also debate their own cases.

Responsible for the guidelines are the Ministry of Local Government and Modernization and the Ministry of Children and Families.

[Ungdomsråd - ein rettleiar | Bufdir](#)

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

### **Developments in 2021**

#### **A children's rights assessment**

Children's ombudsman in Norway asks the authorities to make investigations and knowledge based decisions that affect children and young people, there is often a lack of a good assessment of the consequences for children's lives and rights,. - A children's rights assessment must ensure that the positive and negative consequences of proposed laws and other measures come to the table before final decisions are made. The authorities are considering different ways of integrating knowledge base looking at the consequences affecting in all assessment affecting children....

### **Developments in 2022**

## Other initiatives

### Developments in 2021

The Parliament of Norway has adopted new provisions on cooperation, coordination and children's coordinators in 14 welfare service laws which come into force on 1<sup>st</sup> August 2022.

[A new guide](#) was published on 15<sup>th</sup> September: Collaboration between services for children, young people and their families in order to strengthen the follow-up of vulnerable children, young people and their families, on cooperation, coordination, children's coordinators and individual plans.

### Developments in 2022

#### Proposed changes to the Guardianship Act

As mentioned above under question 3, the government has proposed changes to the Guardianship Act. This includes a proposal to lower the age limit from 12 to 7 years for when a child shall be heard by the court in a case concerning deprivation of the guardianship for one of its guardians. Even if the age limit is lowered, it remains voluntary for the child to express his or her opinion in such a case.

The Government presented its climate status and plan together with the state budget for 2022-2023. The plan covers reporting under the Climate Act and summarizes the government's climate policy. This is groundbreaking work in Norwegian climate policy. The Public Health Act mandates municipalities and county municipalities to have the necessary overview of the state of health in the population (**including children and youth**) and the factors that may affect this, take into account conditions related to climate change, which increase accident and disease risk linked to, among other things extreme temperature changes, risk of avalanches and avalanches, poorly maintained pipe network for water supply, possible increase in vector-borne infection carriers, new sick judges and extended pollen season. There is expected to be a need for temperature-regulating measures in hospitals and other long-term institutions. Locally, you must also have emergency preparedness with you consideration of possible post-traumatic disorders, depression and anxiety disorders following extreme weather and natural disasters.

## Poland / Pologne

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

### Developments in 2021

### Developments in 2022

Act amending the Act on Family Support and the Foster Care System and Certain Other Acts

On 7 October 2022 The Polish Parliament passed an act amending the Act on Family Support and the Foster Care System and certain other acts. On 13 October 2022, the Act was signed by the President of the Republic of Poland. Most of the new solutions will come into force on February 1, 2023. Their aim is to increase the number of family forms of foster care, accelerate the pace of deinstitutionalization, and improve the situation of candidates for adoption and adoptive parents, especially in terms of their rights related to parenthood. An important change is also the



introduction of the ICT Register of Foster Care, which will contribute to a faster search for a suitable foster family for a specific child and will increase the effectiveness of activities for sibling reunification.

#### Temporary guardian for a minor citizen of Ukraine arriving unaccompanied

Act of 12 March 2022 on assistance to Ukrainian citizens in connection with armed conflict on the territory of that state (Journal of Laws of 2022, item 583).

The Act establishes an "institution" of a temporary guardian. It is a legal solution dedicated to the current, extraordinary situation, hitherto unknown to the Polish legal order.

A temporary guardian is appointed by the guardianship court.

The main task of the guardian is to represent and care for the person and property of a minor citizen of Ukraine.

Temporary guardians established for Ukrainian children who remain in Poland without the care of a statutory guardian (parent) can obtain parental benefits from the "Family 500+" program, co-financing for nursery care, good start benefit.

If it is not possible to appoint a temporary guardian, an unaccompanied minor are placed in Polish foster care.

#### Children's rights at school

A new subject *Historia and Teraźniejszość* (History and Present) has been introduced to the core curriculum in Polish schools, which contains teaching content on the law, including the rights of the child – Regulation of the Minister of Education and Science of 8 March 2022 amending the Regulation on the core curriculum of general education for general secondary schools, technical secondary schools and stage II sectoral vocational schools (Journal of Laws, item 622)

### **Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

#### **Developments in 2021**

On the website of the Ministry of Education and Science (MEiN) and The Centre for Education Development (ORE) there is a free download of the guide entitled Safe School. Risks and recommended preventive measures for the physical and digital safety of students, link:

<https://www.gov.pl/web/edukacja-i-nauka/bezpieczenstwo-fizyczne-i-cyfrowe-uczniow--poradnik-men>.

It is a compendium of knowledge for the student, teacher, parent and director on how to recognize threat situations, ways to react to difficult situations and rules of conduct. The study contains a package of tasks recommended for implementation at school, and in detailed issues refers to solutions, training materials, documents and educational multimedia. These materials allow teachers and school heads to improve their competences in the field of ensuring the safety of students, including in cyberspace, as well as to systematize the knowledge they already have.

In August 2022, the Centre for the Development of Education as part of in-service teacher training published on its website current educational materials, trainings / webinars. Currently, the fifth edition of the e-learning training "Counteracting peer violence at school – the role of a witness" - <https://www.ore.edu.pl/2022/08/v-edycja-szkolenia-e-learningowego-przeciwdzialanie-przemocy-rowiesniczej-w-szkole-rola-swiadka/>.

The aim of the training is among others:

providing information on bullying and deepening knowledge about the types of roles adopted by students in a bullying situation.

The Centre for Education Development (ORE) annually conducts training for in-service teacher training institutions in the field of special procedure called "Blue Cards". He also developed

numerous information and educational materials, which were posted on the website: [www.ore.edu.pl](http://www.ore.edu.pl).

ORE also conducts cyclical courses (e-learning) entitled "Counteracting domestic violence against children and implementing the "Blue Cards" procedure in education". The recipients of the training are specialists from in-service teacher training centers, psychological and pedagogical clinics and school specialists. The aim of the course is to provide knowledge in the field of counteracting violence against a child in the family and to familiarize with the obligations of education employees resulting from legal provisions and the "Blue Cards" procedure.

As part of the implementation of the National Health Programme for the years 2021-2025 – in 2021, the Minister of Education and Science announced an open competition of offers for the implementation in the years 2021 – 2023 of the task in the field of public health entitled Positive school climate – implementation of educational, educational, intervention and preventive projects and programs based on scientific foundations, including universal, indicative and selective prevention programs.

Tasks in the field of public health are carried out:

- a) On-line clinic. Protecting the mental health of children, young people, teachers during the pandemic and after returning to schools after remote learning. The use of universal, selective and indicative prophylaxis as part of the activities of psychological and pedagogical counseling and cross-sectoral cooperation in the local environment.
- b) School climate. Protecting the mental health of children and young people by creating conditions for building a positive climate in the teaching and upbringing environment and improving the ability to solve difficult and conflict situations.

In the years 2021-2023, funds in the total amount of 3,381 thousand PLN were planned for the above tasks, in 2021 - 865 000 PLN were planned (and spent).

In addition, in the school year 2021/2022, the Minister of Education and Science ensured the operation of a nationwide, free intervention and information hotline, open 24 hours a day, 7 days a week. From 1 November 2021, this hotline has been replaced by the helpline of the Ombudsman for Children. Under the new toll-free number 800 12 12 12, children and young people experiencing violence can receive psychological support.

As part of the nationwide Network for Assistance to Victims, operating with the resources of the Justice Fund, which provides immediate and free emergency assistance to victims of crime, witnesses and persons closest to them, in 2021 over 7800 people under 18 years of age received help, providing over 2600 hours of legal assistance, over 24,000 hours of psychological or psychiatric assistance and over 2.1 million PLN of in-kind assistance.

In the period from January to August 2022, the Victim Assistance Network almost helped 6,400 persons under 18 years of age. Persons of this age represent around 30 % of all beneficiaries of assistance from the Fund within the Network. During this time, minors benefited from over 1750 hours of legal assistance, 10400 hours of psychological or psychiatric assistance and services in the field of material assistance in the amount of over 1.5 million PLN.

Trainings for teachers entitled "Counteracting violence on the Internet and strengthening the competences of professionals" were organized. The trainings were aimed at familiarizing teachers with the comprehensive impact prevention program (Interdisciplinary Model of Counteracting Aggression and Technological Cyberbullying). Publications entitled "Child Justice" were prepared, as well as "Protecting children from harm during the COVID-19 pandemic" or "Children have a voice (?) – an attempt to map the forms and practices of children's participation in Poland". As part of the project, the Club of a Certified Psychologist is also run. The club is addressed to psychologists acting

as court experts, but also professionals interested in cooperation with the justice system, especially in the context of children's participation in criminal procedures. In the second half of 2021, the 18th edition of the festival took place. Edition of the conference "Child Victim of Crime". It is a meeting of professionals working to help children who have experienced various forms of violence and exploitation, as well as to protect the rights of children who participate in legal procedures. It is the largest conference in Poland devoted to this subject, enjoying great popularity among judges, prosecutors, family curators, employees of 20 Crime Victim Assistance Centers, psychologists, educators, psychiatrists and other specialists working with children injured by crime or taking part in legal procedures.

In September 2021, the Minister of Justice established the Team for Counteracting Crime against Sexual Freedom and Decency to the Detriment of Minors, which is to develop the first national action plan in Poland to counteract crime against sexual freedom and morality to the detriment of minors;

A "Free yourself from violence" page has been launched, which provides important and useful information for those affected by violence. (it is available in Polish and Ukrainian);

### Developments in 2022

The amendment to the Act on Family Support and the Foster Care System adopted includes a clarification of the obligation to check in the Register of Perpetrators of Sexual Offences with limited access certain categories of persons indicated in the Act of 9 June 2011 on family support and the foster care system.

Monitoring and control of the living conditions of children from Ukrainian foster care and their guardians in the Polish

Social Welfare Centres or Social Service Centres (PCPR) or another organisational unit designated by the head of the commune or mayor, the mayor, the president of the city, in accordance with the place of residence of the minor, supervises the implementation of the rights and obligations of the temporary guardian.

PCPR provides support in supervising the implementation of the rights and obligations of the temporary guardian by the above-mentioned units.

The caregiver and the ward have the right to use free psychological assistance.

If the temporary guardian has more than 15 children in his or her care, the PCPR manager hires an additional person to help.

The Centre for Education Development (ORE) continued its training department for in-service teacher training institutions in the field of the "Blue Cards" procedure, as well as the provision of information and educational materials on the website: [www.ore.edu.pl](http://www.ore.edu.pl). ORE has completed courses (e-learning) entitled "Counteracting domestic violence against children and implementing the "Blue Cards" procedure in education".

In October 2022. - The Minister of Education and Science addressed letters to:

- all Superintendents of Education, with a request to disseminate on the websites of offices information reminding about the statutory obligation to have an account in the ICT system of the Register of Perpetrators of Sexual Offences and to make inquiries pursuant to Article 21 of the aforementioned Act;

- kindergartens, schools and institutions located in the address database of the Educational Information System, with the legal basis of the above obligation and the place of obtaining more detailed information.

On the Ministry of Education and Science website, in the Recreation Base, in the sections for parents and organizers, there is information and two letters addressed to the heads of the REAs and heads of kindergartens, schools and institutions, which contain information about the obligation to use the Register of Sexual Offenders (RSPTS) with limited access.

As part of the implementation of the National Health Program for the years 2021-2025 – in 2021, the Minister of Education and Science announced an open competition of offers in the years 2022 - 2024 tasks in the field of public health entitled Positive school - implementation of educational, educational, intervention and preventive projects and programs based on scientific foundations, including universal, indicative and selective prevention programs.

Tasks in the field of public health are carried out:

1. Diagnostic platform.

The task is to prepare substantive recommendations resulting from the diagnosis of protective factors and risk factors, on the basis of which school and institution heads will undertake appropriate educational and preventive actions addressed to students, parents and teachers.

2. Promotion and prevention of mental health.

The task is to prepare teachers for the implementation of good quality programs in schools or institutions in the field of mental health promotion, universal, selective or indicative prevention, including intervention activities, and effective implementation of these programs in schools and institutions.

3. School volunteering.

The task is to activate children and youth, develop and strengthen peer relationships and protect mental health through volunteer activities carried out in educational, educational or social projects, at the same time for the benefit of the school community and the local environment.

Funds were allocated for the above tasks (in the years 2022 – 2024) in the total amount of

4 768 769 PLN

4. Standards of activities in the field of health promotion and prevention.

The task is to increase the competences of children, students and their parents as well as teachers in the field of actively leading a pro-health lifestyle.

5. Protecting the mental health of children and students with diverse needs in a multicultural kindergarten and school environment.

The task is to improve the competences of teachers, including specialist teachers and educators in the multicultural environment of kindergarten and school in the field of recognizing early symptoms of mental health disorders of children and students and adapting individual and group support to the identified needs.

6. Work standards. Improving the quality of work with the child, student and family in the field of individual, group and family psychotherapy and psychological assistance in public and non-public psychological and pedagogical counselling centres, including specialist ones, as well as in kindergartens, schools and institutions.

Funds in the total amount of 329 100 PLN were allocated to the above activities.

In 2022, are also being conducted the research on the subject of corporal punishment against children. In March 2022, a publication entitled "Psychosocial and legal determinants of protecting a child from the perpetrator of violence" appeared. In October this year, another edition of the conference "Child Victim of Crime" took place.

The celebration of the Week of Assistance to Victims was also organized, where the leitmotif were minors as victims of crime. A series of programmes addressed in particular to children, young people and their parents, for example on peer and domestic violence, children's rights, cybercrime among adolescents, non-maintenance and parental alienation.

Also in 2022, the Ministry of Justice, together with the Ministry of the Interior and Administration, the Ministry of Family and Social Policy and the Border Guard, developed an algorithm for dealing with children arriving from Ukraine without a legal guardian. Thanks to it, children without a guardian were sent to a safe place where they could wait for their legal situation to be regulated and a guardian to be appointed;

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### **Developments in 2021**

#### **Developments in 2022**

##### Activities of the Council of Children and Youth of the Republic of Poland at the Ministry of Culture and National Working Group on EU Youth Dialogue

In January 2022, the Minister of Education and Science established the Council of Children and Youth of the Republic of Poland at the Ministry of Culture and Culture (RDIM), whose tasks include expressing opinions, including presenting proposals on issues related to children and youth, in particular presenting opinions on planned changes in the field of education, including proposals for solutions. This is the sixth term of this body.

In accordance with the adopted mode of work, the Council has established the International Affairs Commission, which plans to organize or take part in meetings (on-line) with the Youth Councils of other European countries, during which issues that fall within the competence of the RDIM will be raised. For this purpose, the Youth Council of Ukraine, the Youth Council of Moldova and the Youth Council of Hungary were selected.

In addition, January 26, 2022 The Minister established the National Working Group on EU Youth Dialogue, within which representatives of the Council of Children and Youth operate.

The International Affairs Committee of the RDIM plans to cooperate in the National Working Group on EU Youth Dialogue and focuses on the implementation of activities undertaken under the KRG, including the promotion and implementation of the objectives and programmes resulting from the European Union Youth Conference in Prague (Czech Republic).

In addition, members of the Council of Children and Youth represented Poland at the Parliamentary Youth Forum of the Council of the Baltic Sea States in Stockholm in June 2022. where they promote and undertake activities resulting from the arrangements and programmes adopted at the conference, which are based among others at the European Union Youth Strategy 2019-2027.

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

Developments in 2021
<p><u>EU procedural guarantees</u> – Act of 16 December 2020 amending Act – Code of Criminal Procedure (Journal of Laws of 2021, item 155) – entered into force on 9 February 2021.</p> <p>The purpose of the Act was to introduce changes aimed at clarifying and clarifying the applicable provisions relating to procedural safeguards victims under EU law.</p> <p>Solutions introduced in the Act:</p> <ol style="list-style-type: none"> <li>1) Art. 49a of the Criminal Procedure Code – the principle of presumption of the age of the aggrieved party – to victims whose doubts as to age cannot be removed, and there is a reasonable assumption that the aggrieved party is a minor, the provisions of the Code of Criminal Procedure regarding minor victims apply;</li> <li>2) Art. 52a of the Code of Criminal Procedure – the obligation of the authority conducting criminal proceedings to determine the circumstances of the case and to receive from the aggrieved party a statement regarding individual assessment in connection with the implementation of procedural guarantees and the application of protection and security measures.</li> </ol> <p><u>Act on Support and Rehabilitation of Minors</u> (Journal of Laws of 2022, item 1700) - entered into force on 1 September 2022.</p> <p>The most important solutions included in the new regulation regarding minors are:</p> <ol style="list-style-type: none"> <li>1) Reaction to minors committing the most serious criminal acts</li> <li>2) New educational measure – placement in a district educational center</li> <li>3) Protection of the youngest <ul style="list-style-type: none"> <li>- the introduction of a lower age limit for the liability of minors in cases of demoralization at the level of 10 years. The provisions of the Act are aimed at protecting children of early school age from a certain amount of negative experiences and stigmatization, which inevitably involve the initiation of proceedings focused on the minor and the involvement of the Police and the family court if it is considered that in such a situation the best interests of the child are at stake, it will be possible for the guardianship court to issue specific orders addressed primarily to the parents or guardian of the child.</li> </ul> </li> <li>4) Underage mothers – homes for mother and child <ul style="list-style-type: none"> <li>- in order to prevent situations of separation of children from their mothers, the possibility of introducing placing a minor mother with her minor child in specially organized homes for mother and child intended for juvenile pupils who have given birth to a child and have declared their willingness to care for him (in youth educational centers, correctional institutions and shelters for minors and new district educational centres);</li> <li>- to enable them to exercise custody or to participate in the exercise of ongoing custody of the child;</li> <li>- at the request of the minor, the guardianship court will adjudicate with the consent of the child's father.</li> </ul> </li> <li>5) Commission on a treatment measure for minors <ul style="list-style-type: none"> <li>- the establishment of a commission for the treatment of minors, which will indicate a suitable treatment facility for the minor in order to carry out the medical measure imposed on him;</li> <li>- ensuring that the minor receives appropriate assistance as soon as possible curative, therapeutic and rehabilitation;</li> <li>- ensuring the improvement of enforcement proceedings in cases of treatment applied to minors;</li> <li>- ensuring the participation of a body with expertise in mental health;</li> </ul> </li> </ol>

- the commission for the juvenile medical treatment appointed by the Minister of Health will be an auxiliary body for the family court at the stage of performing the treatment measure.

6) Procedural safeguards and protection of the rights and freedoms of minors extension of the conditions for appointing a juvenile ex officio defence counsel (a minor will also have to have a lawyer in any case of application of a temporary measure against him related to the change of residence and in the event of a reasonable suspicion that the minor has committed a criminal offence that is exhaustive of the elements of a crime and a criminal act that is exhaustive of the elements of an offence referred to in Art. 10 §2 of the Penal Code, as well as in the event of other circumstances that the family court considers to hinder the minor's defense) and at the request of the minor, his parents or guardian (also in the event of other special circumstances) circumstances other than the impossibility of incurring the costs of the lawyer's remuneration of choice);

7) Commission for the referral of minors to a youth center

Parental

– the establishment of a commission whose task will be to direct and transfer minors to an appropriate center, after consulting the members of that commission, in order to select an institution that will ensure appropriate educational and resocialization activities towards the minor, taking into account his educational needs and development deficits.

## Developments in 2022

From 1 August 2022, the provisions of **Council Regulation (EU) 2019/1111 of 25 June 2019** on jurisdiction, recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility and on international child abduction.

Work is underway on the Criminal Code – the Act of 7 July 2022 amending the Criminal Code and certain other acts (Sejm paper No. 2024 et seq.).

Designed solutions m.in:

1) Art. 41 § 1a of the Criminal Code – a **mandatory decision of a penal measure was introduced in the form of a ban** on occupying any or specific positions, performing any or specific professions or activities related to the upbringing, education, treatment or care of minors for a definite period of time or for life, in the event **of a conviction to imprisonment for an intentional crime against life or health to the detriment of a minor** (this is now the basis for the optional imposition of a penal measure);

2) Art. 53 § 2a of the Criminal Code – as aggravating circumstances taken into account by the court when imposing the penalty, m.in, the use of helplessness, disability, illness of the victim, committing a crime as a result of motivation deserving special condemnation, committing a crime in cooperation with a minor or using his participation were indicated;

3) Art. 64a of the Criminal Code – separate, stricter rules have been introduced for **imposing a sentence on an offender** previously convicted of murder in connection with rape or for an offence against sexual freedom punishable by imprisonment, the upper limit of which is at least 8 years, which he committed within 5 years after serving at least 6 months of imprisonment, will renew such an offence – in this case, the court imposes a custodial sentence freedom from the lower limit of the statutory risk increased by half to the upper limit of the statutory risk increased by half;

4) Art. 101 § 4 of the Penal Code – statute of limitations for crimes against life or health committed to the detriment of a minor, punishable by a penalty exceeding 5 years of imprisonment and crimes specified in Chapter XXV, committed to the detriment of a minor

the minor or, where the pornographic content involves the minor, may not take place before the victim reaches the age of 40 (currently 30);

5) Art. 105 points 3-6 of the Criminal Code – the application of the limitation period to:

a) offences referred to in Art. 197 §§ 4 or 5 of the Penal Code, committed on the basis of damage to a minor under 15 years of age,

b) offences referred to in Art. 148 § 2 point 2 or § 3 of the Penal Code, committed in connection with the rape of a minor under 15 years of age or in connection with rape with particular cruelty,

c) offences referred to in Art. 197 §§ 4 or 5 of the Penal Code, if the perpetrator acted with particular cruelty,

d) the offence referred to in Article 156 § 1 and Article 197 § 4 of the Penal Code in conjunction with Article 11 § 2 of the Penal Code;

6) tightening the criminal sanction for crimes:

a) deprivation of liberty lasting more than seven days of a person who is clumsy due to his or her age, mental or physical state (Article 189 § 2a of the Penal Code – imprisonment from 2 to 15 years),

b) trafficking in human beings (Art. 189a § 1 of the Penal Code – imprisonment from 3 to 20 years),

c) rape (Article 197 § 1 of the Penal Code – imprisonment from 2 to 15 years), aggravated rape (Article 197 § 3 of the Penal Code – imprisonment from 3 to 20 years), rape against

a minor under 15 years of age and rape with particular cruelty (Art. 197 § 4 of the Penal Code – imprisonment from 5 to 30 years or life imprisonment),

d) sexual intercourse with a minor under 15 years of age (Art. 200 § 1 of the Penal Code – imprisonment from 2 to 15 years),

e) producing, recording, importing, storing, possessing, distributing or presenting pornographic content with the participation of a minor (Article 202 § 3 of the Penal Code – imprisonment from 2 to 15 years),

7) Art. 200 § 6 of the Penal Code – as qualifying circumstances when imposing a penalty for crimes of sexual abuse of a minor specified in Art. 200 § 1, 3 or 4 of the Criminal Code, the commission of a crime against a minor who at the time of the act was in a relationship of dependence on the offender, in particular under his care, or using the critical position of the minor – in this case, the court imposes a custodial sentence provided for the offense attributed to the offender in the amount from the lower limit of the statutory threat increased by half.

Work is underway on the president bill amending the Act on the State Commission for the Clarification of Cases of Acts Directed Against Sexual Freedom and Decency towards a Minor Under 15 Years of Age (PKDP) and certain other acts (Sejm Paper No. 2528).

Designed solutions:

1) organizing the concepts used by the current regulation in the field of defining the tasks of PKDP;

2) supplementing the existing regulations regarding the investigation procedure to which PKDP is entitled (regarding entry in the Register of Sexual Offenders) – the draft regulates in detail the course of this procedure,

the powers of PKDP and the manner and type of decisions issued, as well as appeal proceedings;

3) modification of the scope of PKDP's competences in the course of preparatory and court proceedings – access to the files of preparatory and court proceedings also at the seat of the PKDP Office, and

the possibility of joining the criminal process as an auxiliary prosecutor at any stage, subject to the consent of the victim;

4) granting PKDP the right to monitor proceedings in juvenile cases, in cases of crimes under Chapter XXV of the Criminal Code committed to the detriment of a minor under 15 years of age;

5) granting PKDP rights in the field of access to legally protected information, e.g. covered by m.in medical, nursing, pharmacy, medical and psychological secrecy;

6) making changes in the organizational functioning of PKDP;



7) modification of the PKDP's competence to conduct research activities consisting in the preparation of a report on the phenomenon of sexual abuse of minors every three years, together with recommendations.

## Serbia / Serbie

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

### Developments in 2021

1. **The National Strategy for Prevention and Combating Gender-Based Violence Against Women and Domestic Violence 2021-2025** was adopted at the Government session on 22 April 2021.
2. **The Action Plan for the period until 2022 for the implementation of the Strategy for Improving the Position of Persons with Disabilities in the Republic of Serbia for the period until 2024** was adopted at the Government session on 8 April 2021.
3. A new mandate of the Council for the Rights of the Child of the Government of the Republic of Serbia started on 1 April 2021 by the Decision on Forming of CRC.
4. In 2021, the Ministry of Labour, Employment, Veteran and Social Affairs and the Ministry of Family Care and Demography jointly adopted a new **Instruction on the manner of work of social protection institutions and social protection organizations for providing social protection services to children in protecting children from child labour abuse**. This Instruction was forwarded to all centres for social work in the Republic of Serbia together with *the Professional methodological instruction on prevention for professionals in social protection, Guide on the application of child abuse indicators for the social protection system and Instrument for psychosocial assessment of children at work*.
5. **The Law on Temporary Social Care Residents** was adopted in December 2021. It has been in force since 31 December 2021. This law regulates the manner of exercising the rights of beneficiaries of temporary accommodation services in social protection, as well as the rights of beneficiaries of temporary accommodation services in social protection institutions that are in the process of deinstitutionalization, and principles, accommodation procedure, preparation procedure for community living, protection against exploitation and neglect, as well as other rights and obligations of beneficiaries when using temporary accommodation services until the time when living conditions in the community can be provided, and ways of dealing with incidents of imminent danger to life or safety of the beneficiaries or other persons.
6. **The Law amending the Law on Financial Support to Families with Children was adopted on 29 December 2021**. The Law is in application since 1 January 2022. In order to improve the population policy, the Law determined a new higher amount of parental allowance for the first child born on 1 January 2022 or later, namely RSD 300,000.00, and introduced two new rights for children born on 1 January 2022 or later: the right to funds for construction, participation in the purchase, or purchase of a family-residential building or apartment based on the birth of a child, and the right to one-time assistance for the birth of the second and third child in the amount of RSD 100,000.00.)

### Developments in 2022

**Strategy for Deinstitutionalization and Development of Community-Based Social Protection Services 2022-2026** was adopted at the session of the Government held on 20 January 2022. The Strategy for Deinstitutionalization and Development of Community-Based Social Protection Services 2022-2026 foresees measures and activities aimed at realizing the right of beneficiaries to live in the community through the process of deinstitutionalization and social inclusion.

**Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

#### Developments in 2021

In November 2021, the Provincial Institute for Social Protection (PISP) implemented an accredited training program *"Starting a Respite Service for Children with Disabilities and Their Families"* as a form of support to potential service providers for children and youth with disabilities.

#### Developments in 2022

1. On 10 February 2022, the Government of the Republic of Serbia adopted **the General Protocol for the Protection of Children against Violence**, with the adoption of which the General Protocol for the Protection of Children against Abuse and Neglect from 2005 ceased to be valid. The right to protection against violence is defined by the new protocol as a fundamental right of every child as established by the Convention on the Rights of the Child and a series of international treaties in the field of human rights protection ratified by the Republic of Serbia. The Protocol defines more than 20 forms of violence against children, including physical and peer violence, domestic violence, sexual and digital violence, abuse of child labour and child marriage as forms of violence that grossly violate children's rights.
2. The Government of the Republic of Serbia, with the support of the Office for Information Technologies and e-Government, launched a project to establish a national platform for the prevention and suppression of violence in schools called **"I'm protecting you"**. The platform integrates all necessary aspects of fundamental prevention and tools for combating violence in schools in one place. The Protocol on cross-sectoral services delivery through the software solution "I'm protecting you" was also adopted in order to protect children from abuse, neglect, violence and exploitation. In addition to peer violence, which is the focus of this platform, it is a tool that will help in the fight against violence against employees in the educational institutions throughout Serbia. The development of a part of the platform that will enable online reporting of violence and follow-up actions on such reports is underway.

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

#### Developments in 2021

1. During the preparation of the Strategy for the Prevention and Protection of Children against Violence 2020-2023, children were given the opportunity to express their opinions at a public debate held in several cities in Serbia. Furthermore, the Strategy foresees the inclusion of children in the creation of programs for the prevention of violence against children from the earliest age, and the training of children through peer education on the prevention and protection of children against all forms of violence, as well as on non-violent ways of resolving conflicts. It also foresees ensuring and strengthening the participation of

children in the work of international networks, forums, groups, etc. which deal with the protection of children's rights.

2. Children also took part in several sessions of the Council for the Rights of the Child of the Government of the Republic of Serbia, and their views and observations were taken into account when making decisions and conclusions of this Government body.

#### Developments in 2022

"Children's Week" is traditionally held in the month of October in order to draw public attention to children and young people, to their needs and rights in the family, society and local community, to the right to grow up under the best possible conditions, to equal chances for development and achievement of all their potential. In 2022, it was held in the period from 3-9 October and was marked under the slogan "WHAT DOES A CHILD NEEDS TO REACH FOR THE SKY?". The Children's Week program consisted of a series of activities and actions with the full participation of children and young people, for whom this event is intended.

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

#### Developments in 2021

As part of the Permanent Training Program, the Judicial Academy holds seminars on "Minors as perpetrators of criminal acts and minors as victims of criminal acts". The following topics are presented at the seminars: Substantive law in the Law on Juvenile Offenders and Criminal Protection of Minors; selection and imposition of criminal sanctions against minors; Procedural provisions from the Law on Juvenile Offenders and Criminal Protection of Minors and their application in practice; The European Convention on Human Rights with reference to the concept of "the child-friendly justice", as well as notes and reasons for the adoption of the new Law on Juvenile Offenders and Criminal Protection of Minors. According to the data available on the website of the Judicial Academy, during 2021, 5 advanced trainings for judges were held on the topic "Improving the rights of the child in civil court proceedings through strengthening the capacity of judges and experts for social protection" organized by the Judicial Academy and UNICEF. 4 trainings "Child-Friendly Justice" were held for judges, deputy public prosecutors, lawyers, representatives of centres for social work and the non-governmental sector within the project that the Child Rights Centre implements in cooperation with the Action against Trafficking in Human Beings - ASTRA and the International Rescue Committee (IRC) in cooperation with the Judicial Academy.

#### Developments in 2022

In cooperation with the Republic Institute for Social Welfare (RISP), the Child Rights Centre (CRC) implemented the project "*Promoting Positive Juvenile Justice in Serbia*" in the period from 1 January 2020 to 30 September 2022, which is financially supported by the European Union within the Rights, Equality and Citizenship Programme. The goal of the Project was to contribute to improving the position and rights of the child by promoting a positive juvenile justice approach for children in conflict with the law and children with behavioural challenges as a particularly vulnerable group of children. The project activities were aimed at developing various treatment programs for working with children and accompanying training programs for professionals who work with children in the social protection and justice systems, then at the implementation of peer education in institutions for the education of children and youth in cooperation with members of the DX Club of the CRC, as well as the promotion of child-friendly justice through a campaign on social media.

## Slovak Republic / République slovaque

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

### Developments in 2021

Development of the Action plan of the National Strategy for the protection of children in the digital environment 2022-2023, which is a continuation of the AP from 2020-21; The AP includes the establishment of a Safe Internet Centre and also connection to the INHOPE network

### Developments in 2022

Creation of National Strategy – Violence free Childhood for all Children, which has the following goals: multidisciplinary cooperation and coordination of policies in the area of protecting children from violence, child-friendly justice, increasing knowledge and awareness of the professional public, critical thinking and tolerance, rights of children in crisis situations; The strategy also contains two horizontal principles: prevention and awareness and participation of children;

Preparation of the National Action Plan in connection with the European Child Guarantee

Strategy for the integration of refugees from Ukraine in the conditions of the Slovak Republic.

The Act on Asylum - where § 2 was amended and takes into account the principle of the best interest of the child in all activities

Professional Fosters Parents Act

The Strategy of legal aid activities for the years 2022-2024

Strategy for the prevention of crime and other anti-social activities until 2028

New Act No. 264/2022 Coll. on media services and on amendments and additions to certain laws (the Media Services Act), the Media Services Act regulates the protection of minors in § 62 in such a way that it establishes the obligation of the broadcaster and audiovisual media service provider, upon request, to ensure that the programs do not in any way disturb the psychological and the physical development of the child, especially with regard to the spread of hate speech, misinformation, content that can seriously disrupt the development of minors, cyberbullying, media literacy, media commercial communication, political promotion, internal and external media plurality and the level of media freedom, and especially the obligation to initiate and carry out activities promoting media literacy.

**Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

### Developments in 2021

Amendment to Act No. 171/1993 Coll. on the Police Force which specified the provision on the expulsion of a person from a shared household in situations where a child lives in a shared household or the child is a person at risk. This change set the rules for informing the social services by the Police Department about cases of children at risk of violence, which also ensured that measures for the protection of children at risk of domestic violence can be taken in time and quickly in these cases.

**Developments in 2022**

Support for deinstitutionalization of foster and social care: Creation of a Program for assessing the child's situation, which provides the employees of social services and centres for children and families with tools to improve the risk assessment.

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

**Developments in 2021**

Children participated in the creation of the Strategy of the Council of Europe for the Rights of the Child for the years 2022-2027

**Developments in 2022**

Participation of children directly in the creation and formulation of tasks for the new strategy Violence free Childhood for all children - represented children from all over Slovakia, where they discussed directly with adults, who work in the field of protection of children about their rights how they are respected and what the Slovak Republic must remember when creating strategies and legislation. This is the first direct involvement of children in the creation of a strategy, where their outputs will not be in the appendix but directly integrated into the tasks.  
In October 2022, the Slovak Ombudsperson for Children helped establish the Children's Parliament, where children from all over Slovakia are represented.

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

**Developments in 2021****Developments in 2022**

Adjustment of rights and obligations of collision guardian;

Civil non-litigation procedure - unification of juvenile court cases under one judge and limitation of the duration of emergency measures in this cases

**Slovenia / Slovénie**

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

**Developments in 2021**

In May 2021, the **Action plan 2020-2022 for the implementation of the Programme for Children 2020-2025** was adopted. Activities for all priority areas were defined: equal opportunities, child participation, life without violence and safety in digital environment, child-friendly procedures.

In March 2021 the **Child protection in Criminal Proceedings and Comprehensive Treatment of Children in the Children's House Act** has been unanimously adopted in the parliament. The act was drafted and peer-reviewed with the CoE experts 'help, and it is also a product of long and open public debate with special emphasis on consultation with children.

The above-mentioned act gives basis to the Governments decision for **the establishment of the first Barnahus in Slovenia.**

Adoption of **Rules on the programme and the procedure regarding the implementation of training for judges, state prosecutors, police officers, defence attorneys and mediators in criminal cases, that participate in the procedures against juvenile offenders** (Official Gazette of the Republic of Slovenia, No. 67/21 of 30 April 2021); The basis for the adoption of these rules is Act Amending the Criminal Procedure Act – Act on Amendments to the Criminal Procedure Act - ZKP-O (Official Gazette of the Republic of Slovenia, No. 200/20 of 29 December 2020). **A number of specialist training courses** have been held already, which are attended not only by judges, state prosecutors, police officers, defence attorneys and mediators but also by social workers that participate in the procedures against juvenile offenders.

The European Commission and Council of Europe **joint project 21SI10 - "Improving the juvenile justice system and strengthening the education and training of penitentiary staff"** is being implemented from September 2021. It aims to support the efforts of the Republic of Slovenia to improve the juvenile justice in line with the latest European and international standards and good practices.

In connection with protection of children in enforcement proceedings the **Act Amending the Enforcement and Security Act** (Official Gazette of the Republic of Slovenia No. 36/21; ZIZ-M) expressly regulates the possibility to stay the enforcement in matters concerning custody and care of children by taking into account only circumstances due to which the immediate enforcement would not be in accordance with the protection of the child's best interests and no longer taking into account the general circumstances for stay of enforcement (paragraph 9, Article 238.e of the ZIZ). In accordance with the ZIZ-M the court, possessing more data on experienced enforcement agents - bailiffs than creditors, has been also given more choice in appointment of the bailiff in the enforcement procedure. The court may decide that the enforcement is to be carried out by more than one bailiff which is particularly important in the case of more children participating in the enforcement (paragraph 2, Article 238.e of the ZIZ). In order to avoid delays in proceedings, the court may appoint a professional institution taking part in the proceeding instead of a professionally qualified person (paragraph 3, of the Article 238.e of the ZIZ). Speeding up of interim injunctions for the protection of the child's best interests was ensured while maintaining constitutional guarantees (Article 273.b of the ZIZ).

**The Protocol of Recommended Conduct**, which was already published in November 2020, and the Rules amending the Rules on the performance of bailiff services are also connected to the amendments to the ZIZ-M.

The inter-institutional working group of the Supreme Court of the Republic of Slovenia, in cooperation with a wide range of institutions prepared a Protocol of recommended conduct in the event of the enforcement of a decision on the removal of a child by direct handing over, which the Supreme Court of the Republic of Slovenia also made public on its website in November 2020. The protocol is a working tool for a better understanding of the circumstances relevant to the

enforcement of child removal in such a way as to protect the child's best interests as much as possible and contains non-binding recommendations for managing procedures for the enforcement of decisions on child removal by direct handing over.

With the **Rules amending the Rules on the performance of bailiff services** (Official Gazette of the Republic of Slovenia No. 34/19), in order to ensure the enforcement without delays in enforcement proceedings of custody and care of children, certain time availability of bailiffs and a list of bailiffs, who can be reached on weekdays, as well as during court holidays, was determined, which may be prepared by the Chamber of Bailiffs of Slovenia (Article 18 of the Rules on the performance of bailiff services).

**The Act Amending the Court Fees Act – ZST-1D** (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 204/21 of 28 December 2021) has provided a new fee exemption on the basis of an Act for a child who has reached 15 years of age and is capable of understanding the meaning and legal consequences of his or her actions, and a child's guardian. It stipulates that in proceedings for the regulation of personal statuses and family relations a child who has reached 15 years of age and is capable of understanding the meaning and legal consequences of his or her actions, and a child's guardian are exempted from paying court fees.

**The Rules Amending the Rules on court experts, certified appraisers and court interpreters** (Official Gazette of the Republic of Slovenia (Uradni list RS), No. 148/21 of 15 September 2021) provide a new remuneration policy for those court experts that work in an area, sub-area or language for which there is a significant lack of experts (deficient area). For those court experts (and court appraisers as well as court interpreters) the remuneration is increased by 50 %. The minister for justice determines which areas, sub-areas or languages are deficient.

**The Healthcare Intervention Measures Act** (Official Gazette of the Republic of Slovenia (Uradni list RS), No.112/2021 of 13 July 2021) regulated funding for an additional 30 specialisations in the sub-area of clinical psychology. Considering this, Ministry of health published a public tender for 10 specialisations of clinical psychology.

**Health - In 2021, around EUR 2.5 million was allocated to programmes for health protection and promotion of children and youth (Call for tender for the co-financing of public health programmes 2019 until 2022):**

- Co-financing of nutrition and physical activity programmes (EUR 356.939/2021).
- Programmes for the prevention of the use of licit and illicit drugs and non-chemical addictions and related harm (EUR 1.142.285/2021).
- Programmes for the prevention of communicable diseases through vaccination, control of HIV infection and other sexually transmitted infections (EUR 325.766/2021).
- Youth mental health programmes: co-financing of health protection and promotion programmes (EUR 651.722/2021).
- Youth cooperation programmes for the implementation of the Strategy of the Republic of Slovenia for Children's Health concerning the Environment 2012-2020 (EUR 58.993/2021).

## Developments in 2022

**The Child protection in Criminal Proceedings and Comprehensive Treatment of Children in the Children's House Act** has entered into force on 1.5.2022. Based on this act and government decision, the Decree on cooperation between Children's House – Barnahus Slovenia and other stakeholders in providing comprehensive treatment in Children's House has been enacted; as well as the Rules on the procedures and requirements of assessing the qualifications of professionals and counsellors who provide the comprehensive treatment of children in Children's House.

In 2022 the joint CoE and EU project “Supporting the implementation of Barnahus in Slovenia - Phase II” has ended, inevitably influencing the intensity in training of all the stakeholders, from judiciary, clinical psychologists to police. One of the important results is also adapted to Slovenia's system Protocol for conducting forensic interviews with children.

The **Decision on deficient areas and sub-areas**, which refer to the areas of court expert opinions, and deficient languages of court interpretation was published in Official Gazette of the Republic of Slovenia, No. 35/2022 of 11 March 2022. According to this, court experts for sub-area of clinical psychology and sub-area of juvenile and adolescent psychiatry (pedopsychiatry), that are frequently appointed in family disputes, are included in the list of deficient sub-areas and thus their remuneration is increased by 50 %.

On the 13 October 2022, The Government of the Republic of Slovenia adopted the proposal of **Act for emergency measures to contain the COVID-19** and mitigate its consequences in the field of health care, which defines financial means from the budget of the Republic of Slovenia for funding an additional 70 specialisations in the area of clinical psychology, namely:

- 30 specialisations in 2023, and
- 40 specialisations in 2024.

Supreme Court of the Republic of Slovenia is running a **project "Maintenance tables"** (tabular representation of the amounts of maintenance/child support payments in relation to the declaration of asset and income based on German model - "Düsseldorfer Tabelle") with a view to achieving greater efficiency and more uniform decision-making for the best interest of child.

**Strategy to reduce the effects of tobacco use: SLOVENIA WITHOUT TOBACCO 2022–2030 from May 2022** poses an ambitious vision for Slovenia to be a **tobacco-free society until 2040**. By 2030, the percentage of people aged 15 and older who will use tobacco, related products and other nicotine products that are not registered as nicotine replacement therapy, **will not exceed 5%**. In most cases, people begin to smoke before the age of 25. Therefore, children, adolescents and young adults are key target groups to reduce smoking and the use of new tobacco products and related products.

The strategy also envisages the development of programs for particularly vulnerable groups of children, adolescents, and young adults, e.g., drop-outs who are not included in the school system, students in schools with less demanding educational programs where the proportion of smokers/users of related products is higher.

**Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

#### **Developments in 2021**

**The Child protection in Criminal Proceedings and Comprehensive Treatment of Children in the Children's House Act.**

**Action Plan against domestic violence and an Action Plan against sexual abuse of children.** (Prepared by The Slovenian Police and are valid for police work (preventive, collaboration with NGO's, etc.) in the next three years.



<b>Developments in 2022</b>
Fully functioning Barnahus; intensive training of the stakeholders; preparation of bylaws and other protocols.

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

<b>Developments in 2021</b>
Slovenia is one of the partner countries of the “CP4EUROPE - Strengthening National Child Participation Frameworks and Action in Europe” aims to contribute to the promotion of children’s rights to participation at national and pan-European levels in accordance with Council of Europe standards and tools in this area. Slovenian activities at the national level are: - organise a network of professionals working with children + gather professionals working with children via workshops; - invite professionals to test the Council of Europe Handbook on children's participation + prepare a specific national handbook on children's participation; - prepare the child safeguarding protocols; - develop of checklists for improving the participation of deprived children in various contexts; - involve of deprived children (e.g. young children, children from a rural areas, from less educated or disadvantaged families, with migrant background) through specific participation tools to pilot these tools in practice + collect, analyse and share relevant feedback and data + disseminate key findings; - draft policy recommendations for national stakeholders and advocating them in different contexts (political, administrative and professional) and at different level (national and international); - final conference.

<b>Developments in 2022</b>
Children participated in the preparation of the Slovenian National Action Plan for European Child Guarantee. On March 9, 2022, consultations were held with 37 children (between 12 and 15 years of age) from all over Slovenia. It was co-organised by the Ministry of Labour, Family, Social Affairs and Equal Opportunities, Social Protection Institute of the Republic of Slovenia, the Association of Friends of the Youth of Slovenia, the Legal and Information Centre of Non-Governmental Organizations and the Slovenian UNICEF Foundation.  Children were invited to assess the Barnahus equipment and the atmosphere in the premises. They gave an important insight of what else can be done to make the premises relaxing and friendly for the children. Their suggestions were taken on board.

**Question 4: Since February 2021, has any action been taken to guarantee children’s access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

<b>Developments in 2021</b>
See question 1 about The Act Amending the Court Fees Act – ZST-1D (1).  With the enactment of the Child protection in Criminal Proceedings and Comprehensive Treatment of Children in the Children's House Act the preparations for the establishment of the Barnahus has started to intensify. Firstly, by renovating and equipping premises of the Barnahus, to make it

children friendly on the hand and on the other to enable conducting a forensic interview with the evidentiary power in court. Pursuing the goal of children never needing to enter the court. In cases with particularly vulnerable children everything starts with special “preparatory meeting” of experts to establish the condition and the needs of the particular vulnerable child.

In 2021 we got our “Rules on the programme and the procedure regarding the implementation of training for judges, state prosecutors, police officers, defence counsels and mediators in criminal cases, that participate in the procedures against juvenile offenders”.

### Developments in 2022

The work in Barnahus continues and helps develop different protocols to be able to adjust to the needs of children and the requirements of the criminal proceedings.

In 2022 we started with special trainings for police officers about special treatment of juvenile offenders of different criminal acts.

## United Kingdom / Royaume Uni

**Question 1: What new legislation, national strategies, action plans and other policy measures have been adopted to strengthen the rights of the child in your country since February 2021?**

### Developments in 2021

#### Education

- In 2021, Foreign and Commonwealth Development Office (FCDO) launched a new Girls’ Education Action Plan that outlined the three pillars that supported United Kingdom Government’s (UKG) international development cooperation to advance children’s rights, with regard to education.
- In 2021, UKG hosted the Global Education Summit, along with Kenya, to support the Global Partnership for Education (GPE) and secured £2.9bn to deliver education for the next five years to help 175 million children learn.

#### Discrimination

- UKG investigated race disparities as part of wider monitoring efforts through the Commission on Race and Ethnic Disparities (CRED) [Report](#) (2021). In response to the CRED report, ‘Inclusive Britain’ details 74 actions for UKG, including improvements for children at risk of exclusion and funding for disadvantaged children.

#### Health

- UKG’s White Paper on reforming the Mental Health Act (2021) set out proposals for how patients, including children, will have treatment plans that outline their preferences, enabling them to nominate who they want involved in their care.
- UKG introduced the [Botulinum and Cosmetic Fillers \(Children\) Bill 2021](#) to prohibit specific cosmetic procedures being performed on children under 18, in particular girls.

### Developments in 2022

#### Education

- The UKG’s Schools White Paper (2022) outlined changes to how schools are managed and run, the length of the school week, and the standards pupils should achieve in English and Maths to ensure equality in education.
- Following the Timpson Review, a programme of work was implemented, including a public consultation with children on the revised exclusions guidance (2022), alongside a Behaviour

Hubs programme to improve schools' behaviour culture.

#### **Implementation of the UN Convention on the Rights of the Child (UNCRC)**

- The Cabinet Office Guide to Making Legislation (2022), covered the procedures to be followed in preparing primary legislation, highlighting the importance of giving due consideration to the UNCRC.
- The Isle of Man (IoM) sought to ratify two UNCRC Optional Protocols and UKG are in the final stages of extending these to the IoM.
- Gibraltar officials are working closely with UKG to extend the Convention to Gibraltar.
- Training on the UNCRC, and the use of Child's Rights Impact Assessments (CRIAs) in policymaking is widely promoted across government.

#### **International Development**

- The UKG's [Strategy for International Development](#), published in May 2022, sets out the government's vision for the future of UK international development. The Strategy outlines a focused set of priorities, including delivering honest, reliable investment, providing women and girls with the freedom they need to succeed, stepping-up the government's life-saving humanitarian work and taking forward work on climate change, nature and health.

**Question 2: Since February 2021, what recent initiatives have been implemented in your country to prevent and respond to violence against children?**

#### **Developments in 2021**

##### **Terrorism**

- In 2021, William Shawcross was appointed [Independent Reviewer of Prevent](#) (England, Wales, Scotland). The review is considering the UK's strategy for protecting people being drawn into terrorism, and the full report, alongside recommendations will be published in late 2022.
- The [Channel Duty Guidance](#) (2021) sets out the duty for professionals to support all vulnerable people from being drawn into terrorism.
- In UKG, the Covert Human Intelligence Source (CHIS) code of practice (2021) was revised to reflect new provisions, including that a child can only be used as a CHIS in exceptional circumstances.

##### **Online safety**

- UKG supports the Age-Appropriate Design Code (2021), which provides stronger protections for children's personal data and guidance for companies on suitable privacy standards.

##### **Gambling Harm**

- In 2021, UKG increased the minimum age of sale for National Lottery products to 18 to ensure children and young people are kept safe from gambling-related harm.

##### **Violence Against Girls and Domestic Abuse**

- The [Violence Against Women and Girls Strategy \(2021\)](#) aims to prevent crimes, support survivors, and pursue perpetrators.
- The Domestic Abuse Act (2021) recognises children as victims of domestic abuse in their own right, and the Domestic Abuse Commissioner encourages good practice support for children affected by domestic abuse.

- The UK Lanzarote Convention came into force in 2021. It ensures UKG takes robust action, through greater information sharing and international cooperation with 43 countries, to tackle sexual violence and child abuse.

### **Modern Slavery**

- In 2021, UKG announced a review of the 2014 Modern Slavery Strategy, to build on existing work. Officials will consider the lived experience of individuals with experience of modern slavery in the coming months to inform the review.
- In 2021, National Referral Mechanism (NRM) pilots were launched to test devolving responsibility of decisions from UKG to Local Authorities (LAs), for 12 months, (England, Scotland and Wales). Pilots will test whether LAs can determine and identify if a child is a victim of modern slavery within existing multiagency safeguarding structures, responding to the Concluding Observation.

## **Developments in 2022**

### **Child Sexual Abuse**

- The UK will host an international [Preventing Sexual Violence in Conflict \(PSVI\) conference](#) on 28-30 November 2022, marking 10 years since the launch of the PSVI Initiative in 2012, and will rally international support to tackle conflict related sexual violence. The conference is an opportunity to build on the UKG launched call to action to ensure the rights and wellbeing of children born of sexual violence in conflict, an important step to protect this vulnerable group.
- In 2022, UKG commissioned an evidence review of harmful sexual behaviour (HSB), by the University of Surrey, which discusses examples of interventions pertaining to HSB, positive peer relationships and sexual behaviours in schools, to inform policy.
- In May 2022, the Independent Care Review published its final [report](#). The Review's recommendations include calling for a reset of the children's social care system so that it acts decisively in response to abuse; providing more help to families in crisis; and ensuring those in care have lifelong relationships and homes.

### **Online Safety**

- UKG introduced the Online Safety Bill (2022) to hold technology companies to account for harmful content and activity on their service, with the strongest protections for children. The Bill (2022) and the Online Harms interim code of practice protect children online and help companies take action against online CSE.

### **Crime and violence**

- The Police, Crime, Sentencing and Courts Act 2022 will introduce the Serious Violence Duty and require partners to work together to formulate an evidence-based analysis of the problems associated with serious violence in a local area, which includes gang-related violence and knife crime against children.

### **Violence against women and girls**

- The Health and Care Act 2022 criminalises virginity testing and bans hymen repair surgery.
- In UKG, the Marriage and Civil Partnership Act (2022) has been passed and the legal age of marriage will be raised to 18, in England and Wales.

**Question 3: Since February 2021, has the importance of child participation in your country been better recognised? If so, what measures have been taken to ensure that children are systematically consulted in all matters that affect them?**

## Developments in 2021

### UNCRC

- UKG distributed children's rights surveys through Civil Society (2021). The surveys helped the Department understand how aware children are of the UN Convention on the Rights of the Child (UNCRC). The [findings](#) were incorporated into the UK's State Party report submitted in June 2022 to the UN Committee. The report highlights the aims of the research, the surveys used, and the findings from the surveys.

### Health

- In 2021, the NHS conducted a Mental Health of Children and Young People Survey to improve data collection and explore mental health trends during the pandemic.
- Through the Childhood Obesity Trailblazer Programme, the UKG is working with local authorities to address childhood obesity. Trailblazers such as Nottingham and Bradford, have been working with early years settings and Islamic religious settings respectively, and have involved children and families in the development of their measures to tackle obesity.

### Climate Change

- Throughout the development of a climate change strategy, and events at COP26, UKG worked with children through organisations such as Teach the Future, MOCK COP, the UK Sustainable Schools Network, and the Green Skills Youth Council. UKG set up a youth panel reflecting children's voices to incorporate into the strategy's development.

### Special Educational Needs and Disability (SEND)

- The [National Disability Strategy](#) (2021) outlined actions UKG taken to improve the everyday lives of disabled people, including children.

### Children's Social Care

- UKG launched the [Independent Review of Children's Social Care](#) (March 2021) to take a comprehensive look at what is needed to make a difference to the needs, experiences and outcomes of children supported by social care. The Review prioritised hearing the voices of children and adults with experience of children's Social Care.

### Policy Development

- To enable meaningful participation in decision-making at all levels funding is provided to the UK Youth Parliament programme, and the Youth Engagement Grant is used to fund the Youth Policy Development Group, which engages Ministers to influence policy.

## Developments in 2022

### Health

- In April 2022, UKG opened a [call for evidence](#), that included children, with lived experience of mental ill-health, to share views and inform a new 10-year mental health plan.

### Climate Change

- UKG's [Sustainability and Climate Change Strategy](#), launched in April 2022, included two major initiatives; the National Education Nature Park and the Climate Leaders Award, that will encourage children from all backgrounds to take climate action, and feel empowered through practical positive action.

### SEND

- UKG listened to a range of people, including children, and their families during the [SEND review](#). The SEND Green Paper (March 2022) outlined proposed reforms to SEND and Alternative Provision.

#### **Schools**

- There was a public consultation with children on the revised exclusions guidance (2022), alongside a Behaviour Hubs programme to improve schools' behaviour culture.

**Question 4: Since February 2021, has any action been taken to guarantee children's access to justice and ensure that their rights are protected in judicial proceedings? Do any of these measures refer to children in situations of particular vulnerability?**

#### **Developments in 2021**

##### **Police and children in custody**

- Since May 2021, children have been automatically entitled to in-person legal advice in police custody interviews. Amendments to the Police and Criminal Evidence Act ensure that 17-year-olds detained in police custody are treated as children. Youth Offending Teams (YOTs), LAs, and CRIAs ensure that the child's views are considered.
- UKG introduced proposals through the Police, Crime, Sentencing and Courts Bill 2021 to tighten the tests the courts must satisfy to remand children into custody (England and Wales). The new rules will require the court to record their rationale for remand decisions affecting children.
- UKG is reviewing the Searching, Screening and Confiscation guidance, engaging with the third sector, to look at the roles of parents, the police, and teachers in these situations. UKG aims to publish revised guidance in 2022 to ensure all schools are clear on their duties relating to safeguarding and protecting the welfare of all pupils.

##### **Victims**

- [The Victims' Code \(2021\)](#) ensures child victims are eligible to enhanced rights.

#### **Developments in 2022**

##### **Victims**

- A consultation on improving victims' experiences of the justice system ended in February 2022.
- In May 2022, UKG published the consultation response and a landmark [draft Victims Bill](#), to put victims, including children, at the heart of the criminal justice system. This will now go through pre-legislative scrutiny.

##### **Children in custody**

- In England, the [Review of Custodial Remand for Children](#) (2022) made several findings, noting that 'The number of children on custodial remand and the overall number of remand episodes have fallen significantly over the last decade.' The Review concluded that 'engagement with partners across the system shows evidence of careful consideration of remand decisions and significant efforts to ensure viable alternatives to custodial remand are available.'