

2^{ème} réunion du Groupe de Commissaires “Droits fondamentaux, lutte contre la discrimination et égalité des chances”

Mercredi 16 février 2005 14h30 – 16h00

Berlaymont, 13^{ème} étage, Salle de la Commission

Information sur la protection des enfants

Groupe de Commissaires

Droits fondamentaux, lutte contre la discrimination et égalité des chances

16 février 2005

CHILDREN STRATEGY – FACTUAL OVERVIEW DG JLS, February 2005

ACTIONS	WHAT ? / HOW ?	WHEN ?
LEGISLATIVE ACTIONS – Under implementation or to be monitored at short – medium term		
Criminal Justice		
1. Framework Decision (2002/62/JHA) on combating trafficking in human beings	Framework Decision obliges Member States to criminalise human trafficking for the purpose of sexual and labour exploitation.	Deadline for implementation by Member States was August 2004 and the Commission is currently evaluating the legislative texts submitted.
2. Framework Decision 2004/68 on combating the sexual exploitation of children and child pornography	Framework Decision targets sexual child abusers for acts committed within and outside the EU, and includes provisions on penalties, liability of and sanctions on legal persons, jurisdiction, prosecution of perpetrators and assistance to victims.	Decision must be implemented by the Member States by 20 January 2006 .
3. Directive 2004/81 on residence permits for victims of trafficking	The Directive indicates the circumstances when a residence permit can be issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration. It gives particular attention to the interest of unaccompanied minors.	Directive must be implemented by the Member States by 6 August 2006 .

ACTIONS	WHAT ? / HOW ?	WHEN ?
4. Framework Decision 2001/220 on the standing of victims in criminal proceedings and draft Framework Decision on certain	The 2001 Framework Decision provides that where the victim is a child, each Member State shall take the measures possible to ensure appropriate assistance for his or her family. The Commission has also proposed a draft Framework Decision on	Framework Decision is implemented by the Member States. The new proposal is under inter-institutional

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procedural rights applying in proceedings in criminal matters throughout the European Union	procedural rights with a number of provisions that apply specifically to minors.	consultations and will hopefully be adopted by the end of 2005 or beginning of 2006.
5. White Paper on exchanges of information on convictions in the European Union	White Paper aims to create a European index of convicted persons permitting national authorities to identify criminal convictions in the other Member States.	Commission adopted the White Paper on 25 January 2005 and will in the following years propose a series of related legislative and operational measures.
Border Control, Immigration and Asylum Policy		
6. Directive 2003/86 on family reunification .	The Directive foresees that Member States defines the conditions for exercising the right to family reunification for the spouse and the minor children of the sponsor and/or of the spouse, included minor adopted children (mandatory provisions).	Directive must be implemented by the Member States by 3 October 2006 .

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ACTIONS	WHAT ? / HOW ?	WHEN ?
7. Directive 2003/109 on long-term residents	The Directive applies to minors, such as the right to equal treatment with nationals on a number of rights, in particular as regards education and vocational training (including study grants).	Directive must be implemented by the Member States by 23 January 2006 .
8. Directive 2004/114 on admission of students	The Directive contains specific provisions on school pupil exchange programs and on persons participating in voluntary service schemes.	Directive must be implemented by the Member States by 12 January 2007 .
9. Directive 2001/55 on temporary protection of refugees	The Directive requires Member States to pay special attention to unaccompanied minors, including the provision of medical care, access to education and the importance of family unity, as well as the need for legal representation when applying for asylum.	Directive is implemented by the Member States.
10. Directive 2003/9 on the reception of asylum seekers	The Directive pays particular attention to the protection of minors seeking asylum in the EU.	Implementation by Member States was due by 6 February 2005 . Commission to follow up.
11. Directive 2004/83 on qualification and status of refugees	The Directive pays particular attention to the protection of minors seeking asylum in the EU.	Directive must be implemented by the Member States by 10 October 2006 .
12. Draft Directive on asylum procedures	The draft directive explicitly deals with the applicable procedures for minor asylum applicants.	Ongoing inter-institutional consultations.

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Civil Justice		
13. The New Brussels II Regulation on parental responsibility	The Regulation seeks to ensure that a child can maintain contact with both parents after a separation and to prevent child abduction between Member States. It extends the rules on mutual recognition to all judgments on parental responsibility and introduces specific provisions on visiting rights and child abduction. The “exequatur” procedure is abolished for visiting rights and decisions ordering the return of an abducted child. It creates a system of co-operation between central authorities.	The Regulation will apply as of 1 March 2005.
14. Proposed legislation on maintenance obligations	The Commission will present two proposals (a Regulation and a Directive) to accelerate and simplify the enforcement of decisions to ensure the effective recovery of maintenance. They proposals will include the abolition of the “exequatur” procedure, improved cooperation between authorities and the creation of minimum standards to simplify the enforcement procedure.	The Commission will propose a Regulation and a Directive in the second half of 2005.

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15. Draft Directive on mediation	The draft Directive on mediation encourages the use of mediation in civil matters, including family mediation. The Commission has also participated in the elaboration of a Code of Good Conduct for mediators.	The Commission presented a draft Directive on mediation in October 2004. The proposal is currently discussed in the Council.
16. International conventions	The Commission has submitted proposals to sign international instruments, in particular the 1996 Hague Convention on child protection and the 2002 Council of Europe Convention concerning contact with children .	Both proposals are blocked in the Council since 2003, due to a bilateral conflict between Spain and the U.K. concerning Gibraltar.
17. Enforcement of family law judgments	To address the problem of enforcement of family law judgments, the Commission will commission a study in 2005 to take stock of national laws and practical difficulties.	Study to be launched in 2005 .

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FUNDING PROGRAMMES		
18. Daphne II Programme	Community programme to support organisations that develop measures and actions to prevent or to combat all types of violence against children and women and to protect the victims and groups at risk.	Programme duration 2004-2008 . (50 M€for 5 years)
19. AGIS	Community programme to support cooperation between judicial and police authorities in, <i>inter alia</i> , the area of trafficking in human beings and the sexual exploitation of children	Programme duration 2003-2007 . (65 M€for 5 years)
20. European Refugee Fund	The European Refugee Fund (ERF) co-finances actions in the field of reception conditions of asylum seekers and asylum procedures, integration of refugees and voluntary returns.	Programme duration 2005-2010 . (604M€for 6 years)

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21. INTI	INTI is an EU funding programme for preparatory actions promoting the integration in the EU member states of people who are not citizens of the EU.	Preparatory actions for the budgetary years 2003-2006 . (amount decided on a yearly basis)
22. ARGO	ARGO is a programme that supports administrative cooperation between Member States for asylum, external borders, visas and immigration.	Programme duration 2002-2006 . (25M€for 5 years)
23. Preparatory actions for financial support to management of returns	Preparatory actions in the field of return management in order to assist the improved management of return in all its dimensions of illegal entrants and residents in the European Union to countries of origin, former residence or transit.	Will be established for the first time in 2005
24. AENEAS	AENEAS is a programme for financial and technical assistance to third countries in the area of migration and asylum. Projects focusing on the protection of minors are eligible for financing.	The 2004 call for proposals, with a total budget of EUR 2 million, closes on 30 March 2005.

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OTHER ACTIONS		
25. Childoscope study	Study commissioned by the Commission, following Council resolution (2001) on the contribution of civil society in finding missing or sexually exploited children , on the actual extent of the phenomenon of missing or sexually exploited children and on the possibilities and conditions regarding an involvement of civil society in this area.	Commission is due to officially submit a report to the Council on the study by the first half of 2005 .
26. Experts Group on Trafficking in Human Beings	The group submitted a report to the Commission on 22 December 2004 with a view to assist the Commission to launch further proposals at EU level in order to strengthen the fight against trafficking in human beings.	The Commission will issue a Communication on trafficking in human beings by the first half of 2005
27. Council-of-Europe negotiations on a European Convention on Action Against Trafficking in Human Beings	Commission is negotiating, on behalf of the Community, first pillar issues, including specific provisions for children victims of trafficking and unaccompanied minors.	Final draft of the Convention shall be open for signature in May 2005 .
28. Child Pornography Image Database	Commission project to create a tool for law enforcement in identifying victims and offenders of child sexual exploitation on-line.	Under current implementation.

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POSSIBLE FIELD ACTIONS – for consideration		
29. European Network for Missing and Sexually Exploited Children	<p>Possible Commission funding of the creation of a network of “Child Focus”-like call centres in all 25 Member States through :</p> <p>(a) the Daphne II Programme through its annual calls for proposals</p> <p>(b) an annual operating grant under JLS Framework Programme “Fundamental Rights and Justice”.</p>	<p>Daphne: Calls for proposals in 2005 and 2006.</p> <p>Framework Programme: From 2007 onwards.</p>
30. Creation of two call centres for children (Child Focus – like) in Thailand and Sri Lanka	<p>Immediate and concrete answer of the European Union to the Tsunami consequences on children.</p> <p>To make use of the funds available in the framework of the 2004 AENEAS programming call for proposals.</p>	<p>If funding is possible, hopefully up and running in 2006.</p>

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ACTIONS	WHAT ? / HOW ?	WHEN ?
31. EU Children's common emergency telephone number	Possible Commission funding of the establishment of one single emergency telephone number / hotline throughout the EU for missing and abused children through an annual operating grant under JLS Framework Programme "Fundamental Rights and Justice" .	From 2007 onwards
32. International Conference on "International adoption of children" <i>[or on "Protection of Children's Rights in the EU"]</i>	After consultation with the EP, possibility of a shared organisation by the EP and the Commission. Possible funding under either the Framework Programme on judicial cooperation in civil matters or the Daphne II Programme	Conference could be held in November 2005.