

Doc. GA39/CC38/REP/12

REPORT*

on

**“Child protection in the BSEC Member States:
an assessment of recent developments”**

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** Text considered and adopted by the Thirty-Eighth Meeting of the Cultural, Educational and Social Affairs Committee in Sofia, on 21 March 2012 and approved by the Thirty-Ninth General Assembly in Yerevan on 23 May 2012*

I. INTRODUCTION

1. Children and adolescents comprise one third of the world's population. As a group they have a particular set of needs and rights, including the right to be safe from all forms of violence and exploitation. However, their rights are regularly abused or neglected and child protection does not reach all children equally.

2. On the occasion of the 15th Anniversary Summit of BSEC, the Heads of State and Government reiterated their commitment to contribute to the attainment of UN Millennium Development Goals (MDGs) at national, regional and global levels and invited the Council of Ministers of Foreign Affairs to examine possible steps for the achievement of these goals in the BSEC region.

3. Guaranteeing the rights of all children is necessary for consistent and sustainable progress on the eight MDGs, and protecting children has been recognized as part of this progress.

4. The PABSEC has already addressed the subject of child protection within the framework of its discussions of the Report on *The legal framework for child protection in the BSEC member countries* and the respective Recommendation 41/1999. Recommendation 110/2009 also addressed one aspect of child protection: *The need to protect children from commercial exploitation in the BSEC Member States*, focusing on sexual exploitation of children through the internet. Children-related issues have been also considered in the following Reports and Recommendations:

- 10/1995 on *Cooperation among the PABSEC Member Countries for the Improvement of Education*
- 14/1996 on *Social Guarantees during the Transition Period in the PABSEC Member Countries*
- 24/1997 on the *Youth Cooperation in the Black Sea Region*
- 74/2003 on *The Fight against Poverty in the BSEC Member States*
- 77/2004 on *Improving Social, Economic and Civil Rights of People with Disabilities*
- 109/2009 on *Migration in the BSEC Member States – Social and Cultural Aspects*

5. Furthermore, in order to promote friendship and cooperation among the young generation, the Assembly supported the establishment of the Black Sea Cultural Alliance in Moscow, which organized the Children and Youth Festival of the BSEC Member States, in Sochi (Russia), in August 2001 (*rec. 48/2000*), and August 2002, (*rec. 58/2001*) under the PABSEC auspices.

6. More than a decade has elapsed since Recommendation 41/1999 during which the BSEC region has changed in many ways. The Cultural Educational and Social Affairs Committee has deemed it necessary to re-examine the issue of child protection as a follow-up of the aforementioned Recommendation and therefore decided to discuss "Child protection in the BSEC Member States: an assessment of recent developments" as the main agenda item of its 38th Meeting.

7. The Rapporteur would like to thank the national delegations of Albania, Azerbaijan, Greece, Romania, Serbia and Ukraine, as well as the World Vision regional office for Middle East and Eastern Europe for their contributions to the Report. Reference material was also obtained through the PABSEC Secretariat from the official websites of the UN, the Council of Europe, the EU and other relevant institutions.

II. CHILD PROTECTION ISSUES IN THE BSEC REGION

8. The painful process of transition to market economy and democracy that most of BSEC Member States went through during the 1990's resulted in declining output, increased inequality and the emergence of widespread and unaccustomed poverty. The provision of basic needs, including shelter, heating, education and health care, deteriorated for many people. Moreover, the shock of transition to a market-based economy was, in many cases, exacerbated by political change, which in some cases led to ethnic and civil conflicts, loss of life and property, displacement.

9. Children in the BSEC member countries in transition have found themselves among the most socially vulnerable sections of the population adversely effected by the economic recession, growing poverty and hardships accompanying the transition period. Children and young people often have been directly affected by the collapse of social services and reduced opportunities, all of which threaten their ability to survive, participate and compete in society.

10. The inability of parents to take care of their children led to an increase in the number of children in institutional infant homes, which for example increased by 50% in **Ukraine** between 1989 and 2005, and the number of orphans registered in state assistance programmes, which increased threefold from 2001 to 2005.

11. The extended family has also been weakened by large-scale emigration and rising divorces. Children growing up in single-parent (usually female-headed) households face a higher risk of being poor.

12. Child labour has also been on the increase in a number of BSEC Member States. Parents see benefits from having their children work or help in the home, while poverty and inadequate access to public assistance or financial markets may mean that families cannot afford to send their children to school. In urban areas, children are mainly employed in the service (e.g. restaurants and local markets) and trade sectors. In rural areas, child labourers most often work in agricultural production processing plants, textile workshops and family farms.

13. Migration is another important feature leading to child labour in the region. Children who accompany migrant parents to urban centres may engage in informal labour activities rather than attend schools. Older children may remain at home, alone or with responsibility for younger siblings, when parents migrate to another region or country in search of work. There is a considerably higher risk that children of absent migrant parents drop out of school, leave home and end up on the street engaged in criminality or sex-trade work. Many of these children and youth also have a risk of becoming the victims of traffickers.

14. Progress made in the overall socioeconomic profile of the region since 2000 has marked a significant progress also in measures taken in the field of child protection. BSEC Member States have been striving to reform their child welfare and protection systems. However, reforms are incomplete or inadequate and this is the case not only in poverty- or conflict- stricken areas. Very often governments commit to reforms by developing and approving new laws for children, policies, strategies and action plans. But implementation is most often hindered by such constraints as inadequate funding, lack of human resources, an incessant redesign of public policies or overlapping political priorities and very often by weak political determination. The lack of political will at the national level is compounded by global and regional changes in economic, welfare and employment policies.

15. Currently, the financial crisis that broke out in late September 2008 and almost led to the collapse of financial markets worldwide, has a strong impact on the Black Sea region resulting in a sharp halt to growth. This has affected the already fragile social systems, and children were among the hardest hit. Although the demographic trends, with the proportion of the population under 18 declining in the BSEC Member States since the 1990s, should loosen the budget constraint for child-related expenditures, the number of vulnerable children is substantially increasing.

16. Major child welfare and protection issues in the BSEC region include: high numbers of **institutionalized children**; **lack of preventive, early intervention and alternative services**; **weak systems to provide support to children who are victims of violence**; **non-functional juvenile justice systems**; increasing numbers of **working children**, as well as **children with disabilities and special needs**; increasing numbers of **street children**; high numbers of **children unregistered at birth**; high numbers of **refugee children living in inadequate conditions**; increasing numbers of **abandoned children and children 'left behind' by their migrant parents**; increasing numbers of **school drop-outs**; persisting **child poverty, particularly among Roma and children living in rural areas**.

17. In **Albania**, 12% of children are involved in child labor, 52 % percent of children are subject to abuse and 30% experience domestic violence. In **Armenia**, 5,000 children continue to be institutionalized as a consequence of insufficient alternative care, prevention and early intervention systems. Furthermore, the recent economic crisis brought forth a growing number of working children and children living in extreme poverty. **Azerbaijan** is home to roughly 3 million children. Various studies show that about 9,000 of these children are deprived of parental care and growing up in residential care facilities and about 50,000 children are disabled, with limited or no access to mainstream education. In addition, the absence of a common child information registration system for all state agencies does not allow for a holistic approach to the issue. In **Bulgaria**, 6,899 children are still living in large scale institutions. In **Georgia**, more than a quarter of child population lives in poverty. Social exclusion needs to be addressed, especially for children with disabilities, who tend to be excluded and isolated. In **Greece**, unaccompanied migrant and asylum-seeking children are particularly vulnerable to violence, exploitation and abuse. According to data from 2008, an estimated total of 1.000 entered the country in that year only. In **Moldova**, more than 100,000 children (or 18.3% of the child population) are labourers with 75,000 of them being involved in hazardous activities. In **Romania**, in the 1990s over 100,000 children were living in residential care institutions; at the end of 2010 there were still 69,920 children deprived of parental

care, out of which 41,775 (or 62.43%) were placed in family care alternatives such as foster care, kinship care and guardianship. Taking into consideration the decreasing child population, this actually means that reported against the general child population of the country, the percentage of children deprived of parental care remained at the same level (around 1.7%), despite reform efforts, as evidence of a weak prevention system. In **Russia**, it was estimated that the number of children deprived of parental care had reached over 731,000 by 2006, with an additional 6 million of the country's approximately 29 million children said to be living in harsh social and economic conditions. Many of these youth at risk end up on the street where they face further exploitation, social stigma and are much more likely to engage in risky behavior and come into conflict with the law. In **Serbia**, although the regulatory framework is in place and the number of institutionalized children is decreasing, there is a number of children who remain 'invisible' - invisible in the welfare, education and health systems, in particular children with different disabilities, children who are not registered at birth, children from rural areas and Roma children. However, after the adoption of the new legislation in 2009, this number significantly decreased and additional legal acts are in procedure in order to resolve any remaining issues. In **Turkey**, at least 42,000 children are estimated to be living or working on the streets.

III. INTERNATIONAL AND EUROPEAN LEGAL FRAMEWORK AND STANDARDS SETTING IN CHILD PROTECTION

18. **The UN Convention on the rights of the child adopted in 1989** (ratified by all BSEC Member States) was one of the first international instruments to proclaim that all fundamental rights of the child need to be afforded, such as the right to freedom of expression and conscience, the right to be protected from all forms of physical or mental violence, of abandonment, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, with a view to guarantee his/her social, emotional and moral welfare as well as physical and mental health.

The Convention was followed by two **Optional Protocols** adopted in 2000: **on the Involvement of Children in Armed Conflict** and **on the Sale of Children, Child Prostitution and Child Pornography**.

19. State of ratification of international and European legal instruments as listed in para 11 (ii) of Recommendation 41/1999:

- (a) The European Social Charter (1961): ratified by all Member States.
- (b) The European Convention on the Adoption of Children (1967): Signed and ratified only by Greece.
- (c) The European Convention on the Legal Status of Children Born out of Wedlock (1975): ratified by Albania, Azerbaijan, Georgia, Greece, Moldova, Romania and Ukraine.
- (d) The European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (1980): ratified by Bulgaria, Greece, Moldova, Romania, Serbia, Turkey and Ukraine.

(e) The European Convention on the Exercise of Children's Rights (1996): ratified by Albania, Greece, Turkey and Ukraine. Russia and Serbia have signed but not ratified yet.

(f) International Labour Organisation Convention No.138 on the Minimum Age of Admission to Employment (1973): ratified by all Member States.

(g) The Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption (1993): Albania, Bulgaria, Georgia, Greece, Romania and Turkey. Russia has signed but not ratified yet.

Legal instruments adopted after 1999:

20. **The UN Convention against Transnational Organized Crime** adopted in 2000, and its additional **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**, underlines the role of cooperation in more efficiently preventing and combating transnational organized crime. The present convention represents an international instrument dealing with aspects related to the protection of trafficking victims, especially women and children, describing in detail preventive measures to be taken and emphasizing that cooperation should be carried out in accordance with the relevant social policies in the field. The Convention is ratified by all BSEC Member States.

21. **The ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor (1999)** describes and explains the definitions and characteristics of child labor. Child labor is described as follows:

- a. all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and selfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
- b. the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- c. the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- d. work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The Convention is ratified by all BSEC Member States.

22. **The Council of Europe Convention on Action against Trafficking in Human Beings (signed in 2005)** includes special provisions regarding children victims of trafficking, with an emphasis on child-rights approach. All BSEC Member States are signatories except Russia. Greece and Turkey have not ratified yet.

23. **The Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (signed in 2007)**. This Convention is the first Council of Europe legal instrument to incriminate the various forms of sexual abuse against children, including abuse within the family committed by one of the parents by means of threats or use of force or constraints. Thus, in addition to the traditional offences, such as sexual abuse, child prostitution and pornography and coercing a child into participating in pornographic performances, the Convention defines the term

“grooming” – betraying the trust of the child for sexual purposes. A set of measures to prevent sex – tourism is also set forth in the Convention. All BSEC Member States are signatories except Russia. Not yet ratified by Armenia, Azerbaijan, Georgia, Moldova and Ukraine.

The Council of Europe transversal programme “Building a Europe for and with children”

24. The Programme was launched in 2006 in response to a mandate resulting from the 3rd Summit of the Heads of State and Government of the Council of Europe (Warsaw 2005). In the framework of the programme, the draft Strategy on the Rights of the Child 2012-15 proposes a vision for the Council of Europe’s role and action in the field of the rights of the child, taking into account the progress achieved during the two previous policy cycles, the needs expressed by governments and the challenges identified by the international community. In fulfilling its role as a catalyst for the implementation of the United Nations Convention on the Rights of the Child in Europe, the programme’s overarching goal in 2012-15 will be to achieve effective implementation of existing children’s rights standards. To that end, the programme will provide policy guidance and assistance to the member states in implementing United Nations and Council of Europe standards, promote a holistic and an integrated approach to children’s rights, and identify measures that will tackle old and new challenges in this field.

The programme will focus on four strategic objectives:

- Promoting child-friendly services and systems
- Eliminating all forms of violence against children
- Guaranteeing the rights of children in vulnerable situations
- Promoting child participation

The programme will continue to mobilise and co-ordinate the contribution of all Council of Europe bodies and institutions, mainstreaming children’s rights into its monitoring bodies and human rights mechanisms, as well as into all of its policy areas and activities. Furthermore, the programme will co-ordinate and consolidate partnerships with other international organisations, professional networks and civil society at large, through the Council of Europe’s Platform on the Rights of the Child.

EUROPEAN UNION

25. The promotion and protection of the rights of the child is one of the objectives of the EU on which the **Treaty of Lisbon** has put further emphasis. Notably, Article 3(3) of the Treaty on European Union explicitly requires the EU to promote the protection of the rights of the child. The rights of the child are furthermore enshrined in the **Charter of Fundamental Rights of the European Union**. Article 24 of the Charter recognizes that children are independent and autonomous holders of rights. It also makes the child’s best interests a primary consideration for public authorities and private institutions.

26. In 2006, the Commission established a basis for promoting and protecting the rights of the child in its internal and external policies with its Communication "Towards an EU Strategy on the Rights of the Child". The Commission thereby set up structures to strengthen the capacity of EU institutions to address child rights issues,

laying the foundations for evidence-based policies and stepping up interaction with stakeholders.

27. **The Europe 2020 Strategy** sets out a vision for the 21st century of a Europe where the children of today will have a better education, access to the services and to the resources they need to grow up. The Commission, with its Communication of 2011 on *An EU Agenda for the Rights of the Child*, aims to reaffirm the strong commitment of all EU institutions and of all Member States to promoting, protecting and fulfilling the rights of the child in all relevant EU policies and to turn it into concrete results.

28. EU funding is provided through the Daphne III program "to prevent and combat violence against children, young people and women and to protect victims and groups at risk" for the period 2007-2013, as part of the General "Fundamental Rights and Justice" Programme and aims at supporting the activities of non-governmental and other organisations. One of the principal objectives of the programme is to assist and encourage non-governmental organisations and other organisations active in the field of prevention and protection of violence against children, young people and women, including sexual exploitation and trafficking in human beings and which provide support for victims and implement targeted actions to promote rejection of such violence or to encourage attitude and behaviour change towards vulnerable groups and victims of violence.

29. Of relevance to the BSEC Member States which are part of the European Neighbourhood Policy, the **European Neighbourhood and Partnership Instruments** make specific reference to children's rights (including child labour) as being among the areas of cooperation eligible for EU assistance.

IV. NATIONAL LEGISLATION, POLICIES AND INSTITUTIONAL FRAMEWORKS FOR THE PROTECTION OF CHILDREN

30. Since the 1990s, and more intensively over the last decade, the creation of legal and policy frameworks on child protection and welfare have been a major success across the region. Governments, donors and civil society of the Member States have focused on the crucial building blocks of reform such as policy and legislative frameworks, institutional capacity to implement reforms and testing a web of community based social services that provide the necessary help to vulnerable children.

31. In **Albania**, the Penal Code was amended in 2001 to make trafficking in human beings a criminal offence, punishable with imprisonment of 5 to 20 years or life imprisonment in extreme cases. Severe penalties are also imposed for sexual relations with minors, for kidnapping or unlawful deprivation of a person's liberty, for physical or sexual assault or threat, for falsification of identity documents and for collusion with armed or criminal organizations. Several national strategies relevant to child protection have been put in place. The National Strategy for Children, provides for raising awareness about child labour, setting up municipal and communal structures for protecting children at risk, improvement of legislation concerning children and coordination between central and local governments, NGOs and international organizations to fight child trafficking. In support of the National Strategy for Children, Ministry of Labor, Social Affairs and Equal Opportunities has begun the

process of drafting the Action Plan for Children 2012-2015, which is expected to be approved in February 2012. Within the the National Strategy on Trafficking in Human Beings, the Action Plan against Trafficking in Children and Protection of Child Victims of Trafficking 2011-2013 was approved in 2011. It constitutes a comprehensive framework for relevant institutions, with activities on awareness raising, training and capacity building, law enforcement cooperation, victim protection, return and reintegration, legislative reform, and prevention.

32. In **Armenia**, the National Plan of Action for Protection of Children's Rights 2003-20015 is an integral part of the Poverty Reduction Strategy Paper. The Criminal Code of Armenia was amended to include counts on trafficking, violence and neglect against children as well as on juvenile justice. With the support of UNICEF, 8 community centres were established in provinces of Armenia to help re-integrate children with disabilities, children at-risk and children in conflict with law into the society. The Government of Armenia is funding the establishment of similar centres in all provinces of Armenia.

33. In 2009, in the framework of bringing national legislation and regulations in conformity with international standards in respect of child protection and children's rights, **Azerbaijan** amended its Constitution with a view to strengthening overall protection of children's rights. New legislative instruments such as the Law on nutrition of infants and children of an early age (2003) and the Law on Juvenile Homelessness and Delinquency Prevention (2005), were added to the existing legislation. Child and youth issues are among the priorities of the state policy, which includes: the Action Plan on Protection of Mother and Child Health; the Employment Strategy 2011-2015; the National Plan of Actions in the sphere of increasing efficiency of protection of human rights and freedoms, as well as the State Programs on Azerbaijani Youth 2011-2015 and on Poverty Reduction and further development in the Republic of Azerbaijan in 2008-2015. The implementation of the state policy on family, women and children as well as the protection of their rights is under the authority of the State Committee on Family, Women and Children established in 2006, which is the central executive body on the abovementioned issues. With the aim to ensure provision of children's rights, the State Committee organizes once per two years the All-Republican Forum of Children of Azerbaijan. The Forum provides opportunity to the young participants, as well as to the children needing special care, children deprived of parental care, children with special capabilities, children representing national minorities and representatives of various NGOs to discuss the issues of common interest and present respective proposals on these issues.

34. In **Bulgaria**, the principle statutory document regulating the protection of the rights of the child is the Child Protection Act adopted in 2000. The national bodies ensuring child protection are the State Agency for Child Protection (SACP) and the Ministry of Interior. SACP is a specialized body to the Council of Ministers which is operational since 2001 and is in charge of governance, coordination and supervision in the area of child protection. Its priority target groups are: children in specialized institutions, street children, children victims of violence, abuse and any form of exploitation, children at risk, gifted children. The Child Rights Control Directorate (CRCDD) is a new department in the structure of the SACP in charge of: enforcement of new rights and activities; regulation of the adequacy of the state guarantees for effective application of children rights; control on criteria and standards for social services for children and families.

35. **Georgia** has actively sought to put children at the centre of its reform efforts. The Child Welfare Action Plan (2008-2011) has guided the childcare reform process and a supplementary plan covering 2011-2012 is a roadmap to closing the remaining large institutions for children. The Social Service Agency has intensified its efforts to reach the most vulnerable families and their children with social assistance.

36. Child protection in **Greece** is a vested right, protected by the Constitution. In the framework of protecting the family institution, a Law on dealing with domestic violence was issued in 2006. In 2008 a law was issued on the protection of minors against alcohol and drug use. A reform of the legal framework concerning adoption is under way, aiming at its modernization and the limitation of institutionalized care. In cooperation with the Ministry for Justice, Transparency and Human Rights, the Ministry for Health and Social Solidarity is in the process of elaborating amended provisions of the existing legislation for reforming adoption, in order to accelerate procedures and minimize the number of children living in institutions. In order to protect children growing up in an unsuitable environment in what concerns their physical and psychological health, 12 Child Protection Centers per region are established throughout the Greek territory. Within the Ministry for the Protection of the Citizen - General Secretariat for Public Order, there are central and regional anti-trafficking groups for dealing effectively with the phenomenon of human trafficking, including minors' trafficking. The Ministry also provides advice to parents and young people on the safe use of the internet, as well as on software filters.

37. **Moldova** has adopted several laws for the protection of children against sexual and labour exploitation. The Labour Code (2003) establishes the minimum employment age of 16 and includes provisions on conditions of children employment. The Law on Prevention and Combating Trafficking in Persons (2005) establishes the legal framework for prevention and combating trafficking in adults and children; ensures protection of their rights and provision of social, medical, psychological and financial support. The Law on Identity Documents of the National Passport System significantly increases the protection of children against trafficking. The Collective Convention on elimination of Worst Forms of Child Labour provides for protection of children against exploitative and hazardous labour; envisages the parties' responsibilities; determines the List of Works Prohibited for children. Between 2001 and 2007 several institutions and other bodies dealing with child's rights protection, including child labour issues as part of their daily operations were established: the National Committee on Combating Trafficking in Human Beings and 33 Municipal and District Commissions against Trafficking; the Centre for Combating Trafficking in Human Beings; the National Council on Child's Rights Protection; the Ministry of Social Protection, Family and Child; the Child Labour Unit within the Labour Inspection.

38. **Romania** guarantees the protection of the child rights by the Romanian Constitution. The first legal document in the field of trafficking was Law 678/2001 on preventing and combating trafficking in human beings, which explicitly defines the child trafficking offence and the related punishments. As stipulated by the law: "The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered an offence and shall be punished by imprisonment for 5 to 15 years and interdiction of certain rights." Article 18 defines and sanctions child

pornography. Law 21/2004 on measures for ensuring protection to the victims of crimes was adopted with a view to protecting crime victim. The law sets forth specific provisions for minors. Government Decision 1238 of 2007, to approve the National Standards for specialized protection and assistance services to victims of trafficking is a legal instrument that governs the national victim assistance and protection services network, the services provided and their quality. It aims to ensure the most favorable environment for victims and the necessary qualified personnel to receive continuous training.

39. In **Russia**, public policy in the area of youth affairs has undergone important and positive transformations in the past several years. The Federal Government has sponsored the development of a broader network of agencies working with youth and delinquency prevention and has begun to establish a series of federal programs that specifically target children and youth at risk. The institution of the Ombudsman for Children under the President of the Federation of Russia was established in 2009. The Ombudsman advocates children's rights, addresses government authorities and courts on behalf of those children who have no other representation or are mistreated, and coordinates the activities of other government and public services involved in the protection of children. At the regional level, 70 constituent territories of the federation have set up the institution of Ombudsman for Children.

40. **Serbia** has enacted two key new laws, essential for fostering inclusion and mitigating the impact of economic crisis on the most vulnerable families and children: the Education Law, which guarantees demands and provides for inclusion of the most vulnerable children, including Roma and children with disabilities; and the Social Welfare Law, which provides for better package of cash assistance and services to the poor families and children and also demands social inclusion through provisions for de-institutionalization of child care system. In addition, the National Assembly of the Republic of Serbia has published the first parliamentary handbook for MPs on the Rights of children with disabilities. The creation of the parliamentary Working Group, and subsequently of the Committee on Child Rights as of August 2010 marked the increased and more systematic attention given to children by the National Assembly. UNICEF is strategic partner to the Committee. Among the scheduled legislative activities in Serbia is a Law on modifications and amendments of the Law on juvenile offenders and criminal and legal protection of minors to be adopted and harmonized with the European regulations and standards. In the field of improving the situation of the detained children, continuous training on the subject of "The Rights of the Child" is carried out within the regular program of the Judicial Academy. For the purpose of better quality proceedings and better protection of minors a Special Protocol was developed as regards acting of judicial authorities in minors' protection from abuse and neglect. In the field of strategic planning, the National Plan of Action for Children (NPA) was developed by the Council for Child Rights in 2004 as an expression of the country's strategic commitment in public policy towards children by 2015. The NPA has marked a turning point in the society's attitude toward children and in the expansion of the country's developmental policy so that it includes policy toward children as its integral part.

41. In **Turkey**, provisions regarding children have been modified to protect the best interest of the child in the new Civil Code, which has been in effect since January 1, 2002. As a consequence, the extent of the traditional parental authority is reduced to

the concept of parental duties rather than authorities. The duties of parents include representing their children and raising them. They are responsible for the care, protection, and education of their children. The Juvenile Protection Law established new protective proceedings and measures to be taken when children are in need of protection. A child (defined as “juvenile” in the law) can apply to the Social Services when he/she wishes to be taken under protection by the agency. The law gives recognition to the right of the juvenile to participate in the proceedings and to be informed in regard to them. The decisions made according to the provisions of the law must take into consideration the opinion of a child with adequate capacity. The question of capacity is not defined by age but rather is a factual question to be decided by the judge. The Social Services and Child Protection Agency is the coordinating agency for the implementation of the Convention on the Rights of the Child in Turkey.

42. In **Ukraine**, an important legislative activity for the improvement of the legal framework for the protection of children took place during the period 2008-2011. Numerous laws were adopted on amendments to the existing legislation including the legislation on adoption; on state assistance to families with children (regarding the amount of the assistance to children under guardianship or trusteeship); on protection of the rights of children (including the Family Code and the Civil Procedure Code); on social protection of families with many children; on the basis of social protection of homeless people and street children; and on combating trafficking in human beings. The National Action Plan for implementation of the UN Convention on the Rights of the Child for the period until 2016 was adopted in 2009. The program provides strategic direction for the protection of the rights and interests of children, while avoiding disperse action of various agencies and ensuring precise monitoring of the efficiency of the actions taken. Considerable attention in the Program is attributed to the protection of the rights of children of different population groups, prevention of child abandonment, fight against child labor, child trafficking, sexual exploitation of children and other forms of abuse. Regarding the issue of institutionalized children, a tendency emerged to increase the number of children from orphanages transferred to a family-type upbringing. In the period of 2009-2011 the number of street children was reduced as a result of target-oriented state policy to render assistance to families with children under difficult living conditions, to elaborate methods of timely removal of children from the families that are unable to raise them adequately and to develop family-type upbringing. At present, the family-type upbringing (custody, guardianship, foster families and family type asylums) accommodate 74.8 % of the total number of orphans and children deprived of parental care (for the same period in 2010 the figure was 70.9 %). For the financial support to the foster families and family-type asylums the State Budget allocations increased by 3 % in 2011, while the 2012 draft State Budget envisages a further increase of 20 %.

43. In the field of capacity building, the BSEC Member States have created new university degrees in social work and similar subjects. Standards, guidelines and protocols for child protection work have been established as a means to regulate the industry and provide the right capacity for key stakeholders.

44. Crucial steps for child protection reform have also occurred at the local level. Members of civil society have worked in partnership with local government to introduce numbers of community based social services that could make up a holistic child protection system. Social services such as child protection units, day care, foster

care, inclusive education, respite care, community centers, maternal shelters, small group homes and juvenile rehabilitation programmes are examples of a web services that support vulnerable families and communities while protecting children.

VI. CONCLUSIONS

45. During the recent years, the BSEC Member States have embarked upon legal reforms and policy development with the aim to enhance child protection, in accordance with their commitments to international legal instruments and policy standards.

46. Nevertheless, many children in the BSEC region are still in dire circumstances. Although the problems may vary among Member States as well as among regions within a country, there are some general trends which are common and widespread. Institutionalization of children, social and educational exclusion of children with disabilities, children home alone, unaccompanied migrant and refugee children, and child labour constitute the main child protection challenges across the region.

47. Passing laws for the protection of children is an important response measure to address the serious challenges that the region continues to face today in this field. However, more efforts are needed so as to tackle the gaps and weaknesses in implementation of the laws and to translate them into concrete action and particularly into financial support. A new set of tools, mechanisms and funding is required so that the Member States meet the challenge of scaling up those social services which have been proven successful so far.

48. Global initiatives and experience have made clear the fact that child protection requires a comprehensive response, building on the contribution of all stakeholders. What is more, strategies to protect children need to be holistic in their approach so as to include prevention and assistance measures, as well as initiatives aimed at changing the social attitudes that neglect children's rights. Raising awareness on children's rights and promoting children's participation in the making of decisions that affect them is essential for this purpose.

49. Effective policies to protect children also require accurate data. Systematic collection of reliable, comparable and official data, as well as development of indicators to measure the various aspects of child-related issues are necessary in order to develop and evaluate the effectiveness of measures taken. Gaps in knowledge about the situation and needs of the most vulnerable groups of children should be addressed as a matter of priority.

50. It is the children of today who will build the region's future. Young people with a good education, democratic ideals, skills and a sense of social responsibility will be tomorrow's adults, able to make a constructive contribution to the economic and social development of their communities. The well-being of children can only be achieved in a society which is free of violence, exploitation and exclusion of children. Protection and empowerment of children is essential if the BSEC Member States are to ensure long-term sustainable development and social cohesion, stability and security at national and regional levels.