

Contents

Abbreviations ix

1	Introduction	1
1	Background	1
2	Scope of the Research	4
3	Methodology and Limitations	7
4	Structure of the Book	9
2	The Normative Framework for the Rights of Children in Europe	11
1	The Council of Europe	11
2	The European Union	18
3	Systematic Analysis of Selected Basic Social Rights of Children and Their Interpretation	26
1	The Right to Health	26
1.1	<i>General Scope of the Right</i>	26
1.2	<i>The Right to Be Heard in Decisions Affecting a Child's Health</i>	35
1.3	<i>Access to Health Care and Rehabilitation</i>	39
1.3.1	Organisation and Operation of Health Care Facilities	40
1.3.2	Access to Specific Treatment or Medical Supplies	42
1.3.3	Access to Health Care for Migrant or Asylum-Seeking Children	44
1.4	<i>Prevention of Health Risks, including Child Mortality</i>	46
1.4.1	Prevention of Risks at Health Care Facilities/Appropriate Medical Treatment	48
1.4.2	Protection against other Public Health Risks	49
1.4.3	Protection against Health Risks Caused by Third Parties: Violence against and Abuse of Children	51
1.4.4	Information and Education about Health Risks and Health Institutions	58
1.5	<i>Prevention and Access to Health Care of Children in Institutions or Detention</i>	60
1.6	<i>Conclusions</i>	65
2	The Right to Education	68
2.1	<i>General Scope of the Right</i>	68
2.2	<i>Access to Education – General Questions</i>	77

- 2.2.1 Organisation of the Educational System, Access to Education and Possible Limitations 79
- 2.2.2 Access to Education of Asylum-Seeking and Migrant Children 83
- 2.3 *Equality in (the access to) Education and Minority Rights* 85
 - 2.3.1 Minority Rights in Education 87
 - 2.3.2 Children with Disabilities 93
 - 2.3.3 Children of Roma Origin 97
- 2.4 *Content of Education* 102
 - 2.4.1 Religious Education in Schools 104
 - 2.4.2 Respect for Religious/Philosophical Beliefs in Schools and in the General Curriculum 107
- 2.5 *Conclusions* 110
- 3 The Right to an Adequate Standard of Living 114
 - 3.1 *General Scope of the Right* 114
 - 3.2 *The Right to Housing* 121
 - 3.2.1 Availability of and Access to Adequate Housing 127
 - 3.2.2 Housing Conditions of Roma Families 133
 - 3.2.3 Forced Evictions 134
 - 3.3 *Access to Social Benefits Targeted at Children and Families* 139
 - 3.4 *Conclusions* 147
- 4 The Rights to Appropriate Care and Contacts with Parents 150
 - 4.1 *General Scope of the Rights* 150
 - 4.2 *The Right to Know and Maintain Contact with One's Parents* 159
 - 4.2.1 The Right to Know One's Parents and Establish One's Identity 159
 - 4.2.2 The Right to Regular and Direct Contact with Parents 169
 - 4.3 *The Right to Appropriate Care by Parents and Care Proceedings* 175
 - 4.4 *The Right to Appropriate Care Outside the Family Context* 187
 - 4.5 *Conclusions* 194
- 5 The Right to Protection against Economic and Other Forms of Exploitation 198
 - 5.1 *General Scope of the Right* 198
 - 5.2 *Protection against Child Labour and Labour Exploitation of Young Persons* 205
 - 5.3 *Protection against Child Trafficking and Sexual Exploitation of Children* 211
 - 5.4 *Conclusions* 216

4 Summary and Overall Research Conclusions 218

Bibliography 225

- 1 Legal and Policy Instruments 225
- 2 Authoritative Treaty Interpretations 227
- 3 Case Law 228
 - 3.1 *Court of Justice of the European Union* 228
 - 3.2 *European Committee of Social Rights* 229
 - 3.3 *European Court of Human Rights* 231
 - 3.4 *European Commission of Human Rights (until 31 October 1998)* 235
 - 3.5 *National Case Law* 235
- 4 Conclusions by the ECSR (Reporting Procedure) 235
- 5 Academic Literature 237
- 6 Reports 245

Index 247