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List of abbreviations

Aide aux Parents d’Enfants Victimes – APEV
Child Helpline International – CHI
Committee of Civil Liberties, Justice and Home Affairs – LIBE
Common Position – CP
Convention on the Rights of the Child – CRC
Corporate Social Responsibility - CSR
Directorate General –DG
End Child Prostitution, Child Pornography and Trafficking of children for sexual purposes – ECPAT
European NGO Alliance for Child Safety Online – eNACSO
European Coal and Steel Community – ECSC
European Commission – EC
European Economic Community – EEC
European Union – EU
Fondation Suisse du Service Social International – SSI
Global Missing Children’s Network – GMCN
Group of the European People’s Party – EPP
Instituto de Apoio à Criança – IAC
International Non Governmental Organisation – INGO
International Centre for Missing and Exploited Children – ICMEC
Justice and home affairs – JHA
Joint Text – JT
Member of the European Parliament - MEP
Missing Children Europe – MCE
Missing Persons Helpline – MPH
Non-Governmental Organisation – NGO
Open Method of Coordination – OMC
Organisation for Security and Cooperation in Europe – OSCE
Schengen Information System – SIS
Single European Act – SEA
Supplementary Information Request at the National Entry – SIRENE
Treaty of the European Union – TEU
United Nations – UN
Victim Support Europe – VSE

Introduction

Every day, in every EU Member State, children go missing. Missing children may have run away from their home or institution, they may have been abducted by their parents or by a third person, or they may simply be lost. Other children are abused sexually, in many cases by people responsible for their care, often to be re-victimised over and over again as images of their sexual abuse circulate on the worldwide web (MISSING CHILDREN EUROPE 2011, 4). More and more people travel within the EU. Within the constantly expanding Schengen area they are not subjected to any kind of border controls. With all the new opportunities it brings, the Internet is a more and more important part of our daily lives. This makes it increasingly important to address the issue of missing and sexually exploited children at European level, and this is where the added value of the topic treated at the European level lies (MISSING CHILDREN EUROPE 2011, 4).

Members of Missing Children Europe (MCE) identify the following categories of missing children:

- Runaways
- Parental abductions
- Missing unaccompanied migrant minors
- Criminal abductions
- Lost, injured or otherwise missing children (MISSING CHILDREN EUROPE 2011, 4).

While data on missing and sexually exploited children are not collected in a uniform and comparable way, educated estimations on the extent of the problem worldwide are alarming:

- 8 million children will go missing this year whose families seek their return;
- 2 million children will become victims of commercial sexual exploitation this year;
- 300 million children in this generation will be victimised sexually before they reach adulthood (MISSING CHILDREN EUROPE 2011, 4).

These figures show that the phenomenon of missing and exploited children is a problem that concerns all the nations all over the world. But the statistics also show that a common approach on the problem as it would be possible in the European Union, and partly is already active, could be very useful to fight against the current developments.

Due to an internship in the European Parliament (EP) and the Brussels based Non-Governmental Organisation (NGO) “Missing Children Europe” the idea of combining topics

of both of my experiences originated. During the internship in the EP I got a practical insight of policy making in the European Union (EU) and the functioning of the EU in general. During my work for the NGO “Missing Children Europe”, I gained a lot of experiences on how lobbying and networking in the EU are taking place and how NGOs are pushing their interests on the European agenda. In relation to this practical experience I would like to investigate the topic from a theoretical, political science perspective by using the practical example of the work of MCE, representing missing and sexually exploited children at the European level, and its results.

With the theoretical background of “European Governance” and lobbying theories in mind, it is firstly in the centre of interest to find out, from a theoretical perspective, how NGOs and interest groups play roles in the policy-making circle of the European Union. As research has shown, a few parts of European politics are already empirically investigated within’ European Governance concept. For example: agricultural policy, regional policy or structural and cohesion policy. For human rights and children’s rights that is the background of the work of MCE, no scientific report could be found so that a research gap could be identified.

Initial presumption of the thesis is that governmental actors are supposed to demand public support and expert knowledge, offering control of policy decisions and monitoring information. The interest groups, on the other hand, are the suppliers of support and expert knowledge which they exchange for control of those policies in which their members are most interested and for monitoring information.

Thus, aim of the thesis is to show the participation and influence of NGOs as well as their function as warrantors of the development and implementation of EU policies by providing expertise to policy-makers, and by identifying new issues which need to be tackled and proposing appropriate measures to address them, next to their roles as representatives of public interests, information providers, best practice setters, etc.

Out of this assumptions, the following research question arose:

“How can children’s rights NGOs take influence on the European Union level and advance their interests?”

To answer the main research question of the thesis a number of sub-questions, important to deal with, are raised:

- What is Governance?
- What is European Governance?
- Who are main actors on the European level?

- How does networking and lobbying for children's interests in the European Union take place?
- What are lobbying methods/instruments?
- What did European Union achieve in the domain of children's rights until now?
- Which children's rights NGOs are currently active at the European level?
- What did children's rights NGOs already achieve at the European level?
- Who are partners of children's rights NGOs in the European institutions?
- How can children's rights NGOs influence institutions at the European level?

To answer those risen questions the diploma thesis will operate with different methods. The first part, introducing the thematic background of the thesis, children's rights and the phenomenon of missing children, will be discussed via the concept of UNICEF and the treaties of the European Union. Information about missing children at the European level bases on documents from Missing Children Europe. The theoretical parts, including the explanation of the concept of Governance and especially European Governance as well as lobbying theories and interest organisation will be elaborated due to a literature analysis of political science literature and political science journals. A short overview on what has been so far achieved in the sector of children rights and missing children will be presented on the basis of a selection of EU documents. The description of the main actors at EU level will be carried out via intensive research of literature and background information on the European institutions. The presentation of the European NGO Missing Children Europe is carried out on the basis of its annual reports, the 10th anniversary publication and its website. The information of children's rights NGOs who are active at the national and European level is collected through a questionnaire within MCE. The theoretical framework will be applied to the work of Missing Children Europe.

The thesis is structured in the following parts:

In a first step the topical background of the thesis, children's rights and its definition at the international and European level will be discussed. Additionally the phenomenon of missing children in Europe will be defined and illustrated by statistics and the description of the measures to find missing children in Europe including Child Alert Systems and the international phone number to announce that a child is missing.

The second chapter will deal with theoretical approaches on Governance in the European Union. As a basement, the theoretical concept of Governance in general will be explained by using political science concepts of RENATE MAYNTZ, GUY PETERS or JAMES ROSENAU. The

development of the Governance debate will be discussed and the different approaches will be explained leading to the extension of multi-level Governance and European Governance. The origins of both concepts in supranationalism and intergovernmentalism will be presented and different approaches and definitions explained. As a next step the circle of European policy making, in order to comprehend, how decisions in the European Union are taken and which stages offer possibilities for NGOs to enter the policy-making process, will be focused on. Following, the modes of Governance in the EU will be described to see how NGOs could influence the daily business in the European Union. Furthermore lobbying theories, including lobbying definitions, different functions and methods are in the centre of attention. In a next step, the ideas of interest organisation at the European level leading to a typology of organisations that are represented at the European level and a definition of Non-Governmental Organisations in particular, will be depicted.

In the third chapter the most recent policies regarding to missing children will be in the centre of attention. Examples are the European Strategy on children's rights, the EU guidelines on the Rights of the Child and the Commissions Communications on the European hotline for missing children and Child Abduction Alert Systems.

The fourth chapter deals with the different actors in the EU, dealing with children's rights and missing children. It will introduce the three main European institutions, the European Commission, the European Parliament and the Council of the European Union, in their main functions and tasks. In a second step Missing Children Europe, the European NGO for missing children, will be presented by introducing amongst others their mission, projects and activities. Another point treated in this chapter are the different NGOs that are dealing with the topic either on national or European basis like Save the Children or Missing People.

The fifth chapter will take a look at the practice of lobbying of Missing Children Europe. The presented theories and concepts will be applied to practical processes. Thus practical lobbying methods of MCE will be presented to show how the organisation is raising awareness for topics, related to missing children, and furthermore advances its interests at the European level. In addition the chapter will have a look at lobbying activities of MCE relating to the European policy-making process to explain when, how and with whom lobbying is "performed" at the European level. A last chapter will summarise the main results of the thesis as well as draw conclusions and perspectives.

All in all the thesis gives an overview about the theoretical concepts of Governance, European Governance and lobbying theories and applies them to the subject how the topic of

missing and exploited children is treated at the European level and how Missing Children Europe is working to push its interests on the European level.

1 Children's Rights

In the following chapter children's rights and their design and development at the international and the European level will be in the centre of attention together with the phenomenon of missing children across Europe. In the beginning some introducing words about the evolution of children's rights in the world will be phrased.

Subsequently the main document at the international level, the United Nations Convention on the Rights of the Child will be described and further analysed. The first section will have a look at the formal and content wise structure of the Convention. Ensuing the preamble, the first, second and third part of the Convention will be introduced in its main articles and propositions.

In a second step children's rights are presented from the perspective of the European Union. Main documents are the Charter of Fundamental Rights of the European and the European treaties of Amsterdam and Lisbon. In both cases the focus will lie on children's rights.

A third section covers the topic of missing children in Europe by introducing different approaches of definitions, statistics to better determine the phenomenon and measures taken by the EU to support and find missing children.

With a concluding summary, the chapter will be finalised.

“Human Rights are those rights which are essential to live as human beings – basic standards without which people cannot survive and develop in dignity. They are inherent to the human person, inalienable and universal.” (UNICEF 2011)

Children's Rights emerged mainly in the Human Rights framework. Children are young human beings. As being such, children evidently have a certain moral status (Stanford Encyclopedia of Philosophy 2010). Following this “supposition” human rights should as well be applicable for children.

The United Nations (UN) Charter laid in 1945 the groundwork for the Children's Rights Convention by urging nations to promote and encourage respect for human rights and fundamental freedom “for all”. With the Universal Declaration of Human Rights in 1948 the rights of the child are explicitly mentioned in two articles (UNICEF 2011a). Article 25 (2) says: “Motherhood and childhood are entitled to special care and protection. All children, whether born in or out of wedlock, shall enjoy the same social protection” (OHCHR 1948, article 25 (2)). Article 26 (3) says: “Parents have a prior right to choose the kind of education

that shall be given to their children” (OHCHR 1948, article 26 (3)). Nevertheless several declarations on the Rights of the Child were elaborated in the twentieth century. The last one was adopted in 1959 “recognising that Mankind owes to the child the best that it has to give” (UNITED NATIONS COMMISSION ON HUMAN RIGHTS 1959). Those further developments next to the Universal Declaration of Human Rights lead to hypothesise that global society wanted to enshrine children’s rights in a separate declaration as it is not explicitly mentioned that the Universal Declaration of Human Rights applies to children.

The Universal Declaration of Human Rights is, as the name suggests, a declaration, which means that it contains statements of moral and ethical intent, but is not a legally binding instrument. It was built to contain covenants that carry the weight of international law (UNICEF 2011a). The first two covenants that became binding on States Parties using the foundation of the Universal Declaration of Human Rights were the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. Thus Human Rights became a legal as well as a moral obligation for countries.

Children’s rights developed in a similar way. During the International Year of the Child in 1978 a first draft was designed and gave coevally cause to organise a working group within’ the UN to revise it and achieve a version that finally became the Convention on the Rights of the Child.

On 20 November 1989 the UN General Assembly adopted the text of the Convention on the Rights of the Child (CRC). Finally Member States of the United Nations adopted the text and the Convention became legally binding in September 1990 when 20 States had ratified it. These days the Convention on the Rights of the Child is the most widely ratified human rights treaty in the world. Nonetheless the United States and Somalia for example didn’t ratify the Convention yet, but they signed it in order to show their support (UNICEF 2011a).

Summing up children’s rights originated in the Human Rights framework, in which they are entitled to “special care and social protection.” Since the Universal Declaration of Human Rights was not legally binding a call for a legally binding Convention arose. A working group within’ the UN developed the final articles who became adopted by the General Assembly the same year and legally binding in 1990. Today it is the highest ratified treaty in the Human Rights domain, ratified by 192 Countries, not including the United States or Somalia.

The previous section gave a short overview on how children’s rights developed in a global perspective in the last century.

The following chapters deal with the definition and developments of children's rights at the international and the European level. Further the topic of missing children will be raised as it stands in the centre of the thesis.

1.1 Children's rights at the international level – The United Nations Convention on the Rights of the Child

The previous section gave some ideas about the development of the Convention on the Rights of the Child and its background in the human rights framework. Children are mentioned in many of the human rights instruments, but the Convention articulates the rights more completely and provides a set of guiding principles that fundamentally shapes the way in which we view children (UNICEF 2011). Since its ratification it is the most powerful instrument in relation to children's rights at the international level. It was one of the first instruments that incorporated the complete range of international human rights including civil, cultural, economic, political and social rights as well as aspects of humanitarian law. The Convention is a consistent treaty, the meaning of the articles differs, and nevertheless they are related to each other and build a unit. That doesn't mean that "Children's Rights" or "right" is meant in a sense of enforceable title (VERSCHRAEGEN 1996, 3).

Next to the Convention one should consider the Universal Declaration of Human Rights of 1948, and the Convention on the Rights of the Child in 1924 and 1959. Their standards should never get exceed (VERSCHRAEGEN 1996, 3).

Still the Convention and its correct interpretation raise a lot of questions about the rights, it asks societies to respect and fulfil them but is interpreted differently by different parties.

Bea VERSCHRAEGEN (1996, 3-4) states that the CRCs structure is not typical for a legislative treaty. The next chapter will deal with the structure of the Convention and present its main parts and articles.

1.1.1 Structure of the Convention

The Convention consists of a preamble, and three parts including 54 articles dealing with the different aspects of children's rights. The preamble provides the context of the Convention. Part one consists of article 1 to 41 and sets out the rights of all children. Part two comprises the articles 42 to 45 providing information for the monitoring and implementation of the Convention. Part three consists of the articles 46 to 54 and covers the arrangements for entry into force (UNICEF 2011f). Nevertheless it is more applicable to explain the Convention

regarding to its content. Due to this logic the Convention can be divided in guiding principles, as general requirements for all rights, participation rights, protection rights and survival and development rights.

According to the two structures the Convention on the Rights of the Child will be presented, described and explained in its main parts.

1.1.2 The preamble of the Convention on the Rights of the Child

The preamble refers to the Charter of the United Nations (1945) and the Universal Declaration of Human Rights (1948).

The document respects that everyone is entitled to all rights and freedoms without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, set in the Declaration of Human Rights.

The text highlights the family as a fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children who should grow up in an atmosphere of happiness, love and understanding (OHCHR 2007).

The preamble considers that a child should be raised in the spirit of the ideals proclaimed in the Charter of the United Nations and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity (OHCHR 2007).

The preamble refers to the call for special care and assistance of children stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on November 20 1959 and recognised in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights, in the International Covenant on Economic, Social and Cultural Rights and in the statutes and relevant instruments of specialised agencies and international organisations concerned with the welfare of children.

As well the preamble refers to the Declaration of the Rights of the Child that states that the child, by reason of his physical and mental immaturity needs special safeguards and care, including appropriate legal protection, before as well after birth (OHCHR 2007).

In all countries there are children who live in precarious situations and need protection (UNICEF 2011f).

The text respects the meaning of the traditions and cultural values of every nation for the protection and harmonious development of the child (UNICEF 2011f). Another important point

is the meaning of international cooperation to improve living conditions for all children in every country.

To summarise, the preamble sets basic preconditions for the Convention on the Rights of the Child and refers to other Human Rights documents that are crucial for the Convention. Major points are the statement that all human beings are entitled to all rights and freedoms without any discrimination. The family is the fundamental group of the society that should provide an environment, happiness and love for a child. The respect of traditions, and the international cooperation in order to improve living conditions for children in the whole world are as well of main importance.

1.1.3 Part I of the Convention on the Rights of the Child

In general the Convention doesn't distinguish between the different rights and there is no hierarchy. It's mission is to present a comprehensive document and point out their coequal importance and interdependence (VERSCHRAEGEN 1996, 11-13).

Part I consists of 41 articles consisting of substantial rights, including political, economic, social, cultural and civil rights. For lack of space part one will only be introduced in its main articles and does make no claim to be complete.

Articles 1,2,3,6 and 12 present the group of guiding principles or general requirements for all other rights (UNICEF 2011b). They represent the underlying requirements for any and all rights to be realised. The guiding principles of the Convention include non-discrimination, adherence to the best interests of the child, the right to life, survival and development and the right to participate. The main article, is article one, that comprises the definition a child:

“The Convention defines a “child” as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. The Committee on the Rights of the Child, the monitoring body for the Convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18”
(UNICEF 2011b).

This definition is very popular within' NGOs who are dealing with children's rights. Nonetheless the definition is criticised because the preamble calls for legal protection of children from birth on and the Convention doesn't say when childhood exactly starts. As well the protection of unborn children is contested. In countries all around the world the legal circumstances of unborn children are different. That's why the Convention didn't set a point in time of the “beginning” of childhood: “By avoiding a clear reference to either birth or the

moment of conception, the Convention endorses a flexible and open solution, leaving to the national legislation the specification of the moment when childhood or life begins” (UNICEF 1998, 3).

Article 2 is dealing with Non-discrimination and clarifies that the Convention applies to “all children, whatever their race, religion or abilities are, and whatever type of family they come from” (UNICEF 2011b). The Convention makes sure that it is valid for all children no matter where they come from, which language they speak or if the child is a boy or a girl.

This last passage about the equality of sexes leads to a lot of problems in the different countries regarding to for example the minimum age to get married. There are a few countries that do not treat boys and girls in the same way due to traditions, religious Conventions or other cultural suppositions. Referring for example to the minimum age to get married this is sometimes different for girls and boys and makes it even impossible to entitle the Convention of the Rights of the Child to boys and girls in the same way (UNICEF 1998, 10; 23).

Article 3 covers the best interests of the child and says that it “must be the primary concern in making decisions that may affect them”. Countries who signed the Convention guarantee to provide in due consideration of the rights and responsibilities of it’s parents protection and care to do best for children. The conditions to do so have to be provided through budget, policy and lawmakers (UNICEF 2011b).

If one reads through the articles one can detect that the phrasing of the text is rather vague. No definition of best interests of the child nor demands for minimum conditions of child protection are mentioned. Those deficits of the Convention were already subject of discussions. In general UN counters that the master plan of the Convention is important and the interest of the child has to be considered in context with the other guiding principles (article 2,6 and 12) (DORSCH 1994, 108-110).

Article 6 is dealing with the right to life, survival and development. The article says that “children have the right to live and that governments should ensure that children survive and develop healthily (UNICEF 2011b)”. This article is linked to the before mentioned articles 2,3 as well as article 24 (right to health), article 27 (right to living conditions), article 28 (right to education) or article 31 (right of recreation and participation of the cultural life).

Article 12 covers the issue of respect for the views of the child and clarifies that when adults are making decisions that affect children, they have the right to say what they think and give their opinions. This article provides the right for children to get listened to which is especially important for court procedures. Sometimes this right is constraint because it is also legal, that someone acts as a substitute and is only valid in case it is in accord with interstate

proceedings. This right is linked to article 2, 3 and 6 but it has to be respected in all articles and is especially highlighted in all the articles which are dealing with proceedings but also freedom rights, adoption rights, rights to be in touch with their parents or freedom of speech, mind and information.

Another part of the Convention is named survival and development rights and consists of 21 articles. These are rights to the resources, skills and contributions necessary for the survival and full development of the child (UNICEF 2011c). They include rights to adequate food, shelter, clean water, formal education, primary health care, leisure and recreation, cultural activities and information about their rights. These rights require not only the existence of the means to fulfil the rights but also access to them. Specific articles address the needs of child refugees, children with disabilities and children of minority or indigenous groups.

Another group of rights in the Convention are participation rights, allowing children to the freedom to express opinions and to have a say in matters affecting their economic, cultural and political life. Participation rights include the right to express opinions and be heard, the right to information and freedom of association. It is important to familiarise children with their rights to make them aware to realise them and prepare them for an active role in society.

Further articles in this section are dealing with the freedom of expression (13), meaning that children have the right to get and share information. At the same time they also have the responsibility to respect the rights, freedoms and reputations of others (UNICEF 2011e, 1). Article 15 calls for freedom of association stating that children have the right to meet and to join groups and organisations, as long as it does not stop other people from enjoying their rights. In doing so children have always to respect the rights, freedoms and reputation of others (UNICEF 2011e, 1).

Yet another group of rights in the first part of the Convention are protection rights. These rights include protection from all forms of child abuse, neglect exploitation and cruelty, including the right to special protection in times of war and protection from abuse in the criminal justice system. They are the most important rights for the thesis as they build the legislative basis the NGOs the thesis is talking about are referring to. The following articles talk about issues as parental abduction or protection from any form of violence which are also topics the NGOs, described in this thesis, are dealing with and fighting against.

Articles 34, 35, 36 are dealing with issues linked to the work of Missing Children Europe: sexual exploitation, abduction, sale, trafficking and other forms of exploitation who are also covered in the optional protocol pages. The government should take all measures possible to

make sure that children are not abducted, sold or trafficked and protected from all forms of sexual exploitation and abuse or any other forms of activities that take advantage of children or could harm their welfare and development. The Optional Protocol augments the provision of the sale of children, child prostitution and child pornography (UNICEF 2011d). Especially article 36 has potential to fill missing links in the Convention as it never raised the issue of exploitation of children for medical reasons or imposition of children in the family business. As well DORSCH (1998, 224) states, that this article considers situations and conditions for children that are unimaginable at that time.

Article 37 is linked to article 19 dealing on the one hand with protection of children from violence and punishment and discipline on the other hand. This article says that no one is allowed to punish children in a cruel or harmful way even if they were cruel they should not be put in prisons with adults and should always be able to keep in contact with their families (UNICEF 2011d, 2).

To sum up, the first part of the Convention on the Rights of the Child consists of 41 articles setting out the rights of all children. To present a clearly arranged overview, the main results of the 41 articles were presented in different “rights areas”. They were: guiding principles, participation rights, protection rights and survival and development rights. The main subject areas, civil rights and freedom, family care, alternative care, health and welfare, education, leisure, cultural activities or protective measures, were discussed in the respective category.

In the following chapter, part two of the Convention will be elaborated and further explained.

1.1.4 Part II of the Convention on the Rights of the Child

As already mentioned, part two of the Convention consists of the articles 42 to 45 dealing generally with the monitoring and implementation of the document (UNICEF 2011f).

Article 42 makes clear that states parties have to make an effort to promote the principles and provisions of the Convention around children and adults (UNICEF 2012).

Article 43 proposes to establish a Committee on the Rights of the Child consisting of ten experts of high moral standing and recognised competence in the field of the CRC in order to realise its goals (UNICEF 2012). The Committee was created and is now responsible, amongst other things, to monitor the implementation of children’s rights in the different countries.

Article 44 says that state parties should hand in reports to the Committee in order to present the measures they adopted to implement children's rights.

Article 45 deals with the further process of implementation and encourages international cooperation in the field of children's rights. An example is that the Committee should send any reports containing requests or needs to the specialised bodies so that they can offer their assistance.

The second part of the Convention consists of four articles dealing with the basics of monitoring and implementation of children's rights. The articles lay down that the states parties have to undertake activities to promote children's rights along adults and children and that a Committee should supervise and monitor those processes of promotion but also implementation. UNICEF and other competent bodies should drive international cooperation forward and assist states parties when they have questions or need assistance.

1.1.5 Part III of the Convention on the Rights of the Child

The third part of the Convention consists of 9 articles and covers the basic arrangements for entry into force of the CRC.

Article 46 says that the Convention shall be open for signature by all States.

Article 47 covers the topic of ratification and its instruments that shall be kept with the Secretary-General of the UN.

Article 48 states that the CRC shall stay open for accession (UNICEF 2012).

Article 49 appoints the entry into force of the Convention with the thirtieth day following the date of deposit of the twentieth instrument of ratification or accession with the Secretary-General of the United Nations (UNICEF 2012).

Article 50 discusses the possibility of amendments to the Charter by any state party. The amendment(s) have to be approved by the General Assembly of the UN and accepted by a two-third majority of States Parties. After that, the amendment(s) enter into force and are binding for those states who accepted it (UNICEF 2012).

Article 51 states that the Secretary-General should receive the reservations handed in by the States and circulate them. Reservations that do not accord with the Convention are never approved (UNICEF 2012).

Article 52 says that the state parties are able to denounce the current Convention in a written form to the Secretary-General of the UN that becomes active one year after the date the form was handed in (UNICEF 2012).

Article 53 appoints the Secretary-General as keeper of the present Convention.

Article 54 defines that the original of the Convention in Arabic, Chinese, English, French, Russian and Spanish texts are authentic and are as well kept by the Secretary General of the UN.

The third part of the Convention consists of the articles 46 to 54 and deals with the arrangements for entry in force. It clarifies that the Convention remains open for all States to join. It appoints a deadline of the entry into force the thirtieth day after the date of deposit with the Secretary-General. The articles also phrase the possibility for state parties to hand in amendments on the Convention that enter into force after a two-third majority accepted it. Another possibility for the States is to hand in reservations that have to be accepted by the other states. The original of the current Convention is kept by the Secretary-General of the United Nations.

1.2 Children's Rights at the European level

The European Commission states that the promotion and protection of children's rights was already one of the objectives from the beginning of the Union and as thus already mentioned in the Article 3(3) in the Treaty of the European Union (EUROPEAN COMMISSION 2011, 4).

Experts on the opposite say that for a long time children's rights weren't a policy area where the European Union was active. With the further enlargement of EUs competencies and also regarding to its increasing members and due to that her territory from the perspective of a child the EU faced new problems in the area of children. Not only to protect children from the risks they face in the European Union but also to promote their full participation in society called for children's rights on a European level (RUXTON 2005, 15).

But they state that from 2005 on EU institutions have made progress in promoting children's rights when existing legal bases for EU action have been used to develop policies and programmes in the areas child protection, child poverty and social exclusion. As well the EU Charter of Human Rights has been adopted where Article 24 addresses children's rights (RUXTON 2005, 15).

In general children's rights in the EU are strongly committed to the UNCRC as all member states ratified the Convention. Thus those standards and principles must continue to guide EU policies and actions that have an impact on the rights of the child (EUROPEAN COMMISSION 2011, 4). In 2006 when the Commission issued a Communication "Towards an EU Strategy on the Rights of the Child" the protection and promotion of children's rights has become high

on the European Agenda. This communication strengthened EU's capacity to address children's rights and improved its consultation with stakeholders (MCE). The EUROPEAN COMMISSION (2011, 4) states that in view of the strengthened commitment to the rights of the child in the Treaty of Lisbon, who put further emphasis on children's rights, and in the Charter of Fundamental Rights of the European Union the target for the next years will be to transform policy objectives into action. The Europe of the 21st century should be a place where children will have a better education, access to the services and to resources they need to grow up. All EU institutions and the institutions of the member states should promote, protect and fulfil the rights of the child in all relevant areas. All policies that affect children should be elaborated according to the best interests of the child according to the EU Charter of Fundamental Rights and the UNCRC (EUROPEAN COMMISSION 2011, 4).

To sum up: In the European Union the UNCRC, the Charter of Fundamental Rights and the treaties of the European Union are the main documents concerning children's Rights.

Due to that the EU related documents will be explained in their major parts in the following chapters to give an insight in the issue of children's rights at the European level and the major concerns of the Union in that field.

1.2.1 The Charter of Fundamental Rights of the European Union

The Charter of Fundamental Rights of the European Union emerged from a growing support for the inclusion of fundamental rights in the EU treaties. It was adopted in December 2000 by the European Council, the European Parliament and the European Commission. It applies to the EU institutions and the EU member states, only when they are implementing EU law. It is a charter that strengthens the European Convention of Human Rights established in 1950, which only refers to education. It also concludes for the first time a statement of children's basic rights (RUXTON 2005, 20).

The main articles of the charter are the following:

Article 20 who says that everyone is equal before the law and so states general equality (OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES 2000, 13).

Article 3 (2) dealing with the right to the integrity of the person (Official Journal of the European Communities 2000, 9).

Article 4 stating the prohibition against torture and inhuman and degrading treatment or punishment (OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES 2000, 9).

Article 5 (1) and (3) is dealing with the prohibition against slavery and forced labour, specifically in the context of human trafficking. (OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES 2000, 9)

Article 7 states the right to respect for private and family life, as well as for measures to reconcile professional and family life (Article 33) (OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES 2000, 10; 16).

Article 14 provides a right to education (OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES 2000, 10).

Article 32 covers exploitation and safeguards health and welfare of children in the labour market (OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES 2000, 16).

Article 21 restates and extends the anti-discrimination provision of Article 13 (OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES 2000, 13).

The most important article is article 24 who is explicitly dedicated to children's rights and refers to the UNCRC (RUXTON 2005, 20). The Article 24 deals with the following issues:

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters, which concern them in accordance with their age and maturity.
2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.
3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests (OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES 2000, 13-14).

The article is a real step forward in European children's rights. Nevertheless some calls are resting either vague. In paragraph 1 of article 24 it is only stated that children may express their views freely rather than defining this as their right. The biggest progress in the first clause is that children are for the first time not just seen as in need of protection but are independent and autonomous right holders (RUXTON 2005, 21).

The second paragraph says that the child's best interest has to be considered in all actions relating to children. This is a major step forward as its implementation would mean a step towards "child-proofing" of EU legislation and policy (IBID).

It is clear that the Charter of Fundamental Rights in the European Union does not comprise such strong rights and conditions as the UNCRC, it is nevertheless a significant tool for the

development of children's rights in the European Union that helps to make children's rights a visible issue at the European level.

The Charter is a guideline for EU action in the field of children's rights and together with existing legal bases a foundation for an EU approach but it is not a replacement for a proper legal base in the EU treaties (RUXTON 2005, 21-22).

The Commission issued a strategy for the effective implementation of the Charter of Fundamental Rights in 2010, meaning that its legislative proposals have to be checked in order to apply to the fundamental rights in the Charter (EUROPEAN COMMISSION 2011, 5). The Commission is cooperating with the Council and the European Parliament to ensure that their amendments stick as well to the Charter. Cooperation with the member states is as well required to ensure that they implement EU legislation into national law correctly. The Commission as well follows the work of the UN Committee on the Rights of the Child and its interpretations of the UNCRC (EUROPEAN COMMISSION 2011, 5).

Concluding, the Charter of Fundamental Rights of the European Union is the first document of the EU that addresses children in one article as autonomous persons and right holders (Article 24). It contributes to the visibility of the issue of children's rights at the European level and it is a basement for a EU approach in that field. Nevertheless one has to say that it is not such a powerful tool as the UNCRC but a major step forward in the right direction. With the Commissions strategy for an effective implementation of the Charter another positive tool has been created to ensure compliant legislative acts in the EU.

1.2.2 Children's rights and the EU treaties

The previous section gave an overview about the Charter of Fundamental Rights of the European Union, so far the most important European document on children's rights. This section will deal with the EU treaties and their commitment to children's rights.

Article 6 of the Treaty on European Union establishes that the Union is founded on the respect of human rights and fundamental freedoms, on the rule of law and on principles which are common to the Member States. Upholding the common European principles enshrined in the Treaty means taking full account of the UN Convention on the Rights of the Child and, similarly, of the provisions of the European Convention on Human Rights that affect children's rights (EUROPEAN COMMISSION 2012, 1).

In general the Amsterdam Treaty and the Lisbon Treaty were the two treaties that even dealt with the issue of children's rights. In comparison to the UNCRC, the EU treaties don't recognise children as holders of civil, cultural, political and economic rights, because the

focus lies on the “citizen-as-worker”. This means, that the interests of children are excluded from most of the policy areas (RUXTON 2005, 18).

Children are mostly considered as “victims”, they are not considered as autonomous human beings who are actively participating in shaping their future. In his report, RUXTON (2005, 18) states that another negative point regarding to children’s perspectives in the European Union is its focus on the freedom of movement or with reconciling work and family issues. In these areas children are often seen as burden, who hinder mothers from working.

Even in the treaties the European Union has no clear legal base regarding to children’s issues.

1.2.2.1 The Amsterdam Treaty

The first treaty, considering children’s rights was the Amsterdam treaty. Article 29 was added to the Treaty of the European Union (TEU). It says that an intergovernmental cooperation in order to deal with offences against children will be implemented. It was the first time that children were mentioned in one of the EU treaties (RUXTON 2005, 19).

Article 137 created a legal basis against social exclusion. In addition child poverty became one of the main objectives of the EU.

The article 13 strengthened the non-discrimination clause in the EC Treaty and makes it possible to take action on various equality grounds including “age”.

Article 6 (2) was added to strengthen EU’s commitment to fundamental rights in Community law.

Some of the legislation refers directly to the main principles in the UNCRC, as the best interest of the child and the child’s right to express views.

Concluding the Amsterdam treaty was a first step in the direction of an EU policy approach, but still does not picture a consistently blueprint and does not meet the standards of the UNCRC (RUXTON 2005, 20).

1.2.2.2 The Lisbon Treaty

The Lisbon Treaty acknowledges the rights, freedoms and principles that were set in the Charter of Fundamental Rights and makes it legally binding (EUROPEAN COMMISSION 2009, 9). The Treaty was signed by European leaders in December 2007 and entered into force in December 2009. In general this means that the EU has to consider children’s rights, when phrasing and implementing new laws. Article 6 of the Lisbon Treaty makes sure, that the Charter of Fundamental Rights is binding. The same applies to the EU Member states when

implementing EU law. Exceptional cases are Poland, the UK and the Czech Republic (SAVE THE CHILDREN 2012, 17). Nevertheless the EU has no general competence in the field of children's rights. It just means that the Charter and the Treaties of the EU displays a special kind of obligation to promote and protect children's rights in the areas where the EU has competences (SAVE THE CHILDREN 2012, 16).

Nevertheless the EU cannot guarantee a full implementation of children's rights but it can encourage that its Members improve the access to health or education services. On the contrary EU cannot oblige them to do so. Exceptional political fields where the Union has more powers are asylum and immigration policy (SAVE THE CHILDREN 2012, 18).

Out of this information it is pretty clear that there remains a large gap between the rights the EU promotes in the human rights field and the ability of people to exercise these rights to one another (SAVE THE CHILDREN 2012, 18).

Summing up: Concerning EU treaties the Amsterdam and especially the Lisbon treaty were dealing with children's rights. In the Amsterdam treaty topics as a legal basis against social exclusion, increase of the non-discrimination clause and the strengthening of EU's commitment to fundamental rights were in the centre of attention. The treaty of Lisbon made sure that the Chart of Fundamental Rights is binding. That means that EU has an obligation to promote and protect children's rights. When it's coming to the Member States EU can encourage but not oblige them to ensure the implementation.

1.3 The phenomenon of missing children in Europe

The previous section provided information about children's rights at the international and the European level. Main documents such as the UN CRC or the Charter of Fundamental Rights in the European Union and the EU treaties were introduced and described. In the following parts the phenomenon of missing children in Europe shall be focused on.

As already mentioned in the introduction, every day, in every EU Member State, children go missing. Rare statistics show that the phenomenon is more frequent than we may think. Nevertheless it is not exactly clear what the term "missing child" means. Hence the purpose of this chapter is to clarify, what we are exactly dealing with, when we are talking about missing children.

1.3.1 Definition of missing children

In general there is no official definition of the term and it is quite common to differentiate between different categories of the disappearance of children. The main categories are:

- Runaways (national/international): Runaways are minors who run away voluntarily from home or the institution they have been placed (Missing Children Europe 2011, CHILDOSCOPE 2012);
- Abduction by a third person: This category includes any abduction by anyone other than the parents or persons with parental authority (Missing Children Europe 2011, CHILDOSCOPE 2012);
- National or international parental abduction: A case of parental abduction is existent, when a child has been taken away to or kept in a country or place other than that of its normal residence by one or more of his/her parents or persons who have parental authority against the other parent's will or the will of the person who is holding parental authority (MISSING CHILDREN EUROPE 2011, CHILDOSCOPE 2012);
- Missing unaccompanied migrant minors: This category covers disappearances of migrant children. Migrant children in this case are under 18 year old nationals of a country where there is no free movement. They are separated from both parents and are not being cared for by an adult, who is by law responsible to do so (UNITED NATIONS 2001, 3);
- Lost, injured or otherwise missing children: This term covers all the disappearances happening for no apparent reason. This category for example covers minors who got lost at the seaside in summer or hurt themselves and cannot be found immediately (MISSING CHILDREN EUROPE 2011, CHILDOSCOPE 2012).

Generally speaking those five categories define the different shapes of the phenomenon of missing children. They include forms of running away voluntarily as well as cases where minors are taken away against their will. Both kinds are simplified by the development of the European Union to a more and more open community of states. As already mentioned the constantly expanding Schengen area is lined to nearly no border controls and makes it possible for minor aged runaways or abductors to easily travel from one country to another. With the continuing enlargement of the European Union this problem even will increase and this is why organisations call to deal with the topic of missing children at the European level.

To further state how serious the problem of missing children is, some available statistics will be shown in the following chapter.

1.3.2 Statistics on missing children

Due to the complex and multifaceted character of the phenomenon of missing children it is

not possible to obtain comprehensive statistics across the European Union regarding missing children. A study by CHILDOSCOPE in 2004 even revealed that there is no data available on missing children in the European Union. To give at least an indication on the extent of the problem in some European countries, the following statistics could be found:

- In Italy, police records show that 1850 minors went missing in 2005;
- In Belgium, the number of dossiers reported by the police was 1022 in 2005;
- In the UK, police recorded 846 cases of child abductions in 2002/03, while the total case of missing children (runaways for any reason) is estimated at 70 000 annually (EUROPEAN PARLIAMENT 2006).

When dealing with the presented statistics it is important to bear in mind that especially in the EU every Member State has different definitions of what exactly is a missing child. That's why it is possible that the given statistics do not contain all forms of missing children and that there are grave differences between the countries. Another point to be noted is that not every case of missing children is compulsory reported to the police. The hidden number of missing children is most likely much higher than indicated.

1.3.3 European measures to find missing children

The more the member states of the European Union are growing together, the more the Schengen area expands and the more border controls are removed, the more European responses to missing children are essential. The European Commission, the European Parliament, the Council of the EU and Missing Children Europe as the umbrella organisation of children's rights NGOs in Europe were pushing the topic on the European agenda.

Hence the following measures helping to support relatives whose child has gone missing and help to find the missing child as soon as possible were established and are partly already active in the different member states. The following chapter will introduce the main tools, established by the European Union, to offer support in case a child has gone missing.

1.3.3.1 116 000: The European Telephone Number for missing children

Research shows that the first hours after the disappearance of a child are very important to save a child's life and bring it back home safely. With the number immediate actions by the responsible local authorities should be ensured. This is why European children's rights organisations were calling for an easy to remember telephone number to call for parents and children across Europe ensuring immediate support from specialists in missing children in

every country of the European Union. Access to local and national organisations dealing with missing children will be provided. This is why Missing Children Europe on behalf of its Member organisations started actions to lobby the European Institutions for their concern (MISSING CHILDREN EUROPE 2012).

In 2007 and upon the request of the European NGO Missing Children Europe the European Commission reserved the 116 000 as the European telephone number for missing children (MISSING CHILDREN EUROPE 2011a, 17). This means that the Member States of the European Union had to ensure that this special telephone number wouldn't be used for any other service. In 2009 a new telecom package followed to make an effort to finally establish the hotline in the member states by 25 May 2011. In November 2010 finally the Commission introduced its Communication "Dial 116 000 hotline for missing children" (ZITO 2011, 2). These were only the first steps, necessary to be introduced by the Commission, to establish the hotline, the service behind wasn't ensured yet. So it was the task of the Commission to ensure the administrative basics.

The European NGO Missing Children Europe set itself a different goal. The organisation wants to ensure a certain minimum quality standard in all countries where the number is operational (MISSING CHILDREN EUROPE 2011a, 17). The task of MCE is thus to make sure that a caller in Belgium receives the same service as a caller in Greece or any other EU-country. The same number should also provide the same service. It is up to MCE to assign the number only to organisations who are capable to run the hotline and fulfil the essential criteria (MISSING CHILDREN EUROPE 2011a, 17).

In general organisations who want to run the 116 000 hotline for missing children have to come up to the following principles:

1. The organisation has to be an officially registered one.
2. It must have a transparent organisational structure, activities and management.
3. The mission of the organisation has to refer to missing children and the protection of the rights of the child as they are defined in the UNCRC.
4. The funds of the organisation have to be secured and audited.
5. The organisation has to work according to clear operational guidelines and work in cooperation with competent authorities in prevention and intervention in cases of missing children (MISSING CHILDREN EUROPE 2011a, 23).

It lies in the responsibility of Missing Children Europe to make sure that the organisations who are applying to operate the 116 000 meet those principles. This is only the first step of

criteria the organisations have to fulfil. Next to those principles there are basic requirements for the 116 000. Whilst the principles for the organisations apply to the administrative conditions of the organisations, the basic requirements for the 116 000 hotline are dealing with the professional standard the service has to offer in every EU Member State. The common minimum standards are:

- The service must deal with all types of missing children.
- It must be available 24/7, nationwide.
- The service must accept calls from children and parents/relatives.
- The persons answering the phone have to speak at least English next to their mother tongue, to ensure that also foreigners in the respective country can use the service.
- Training: The staff must receive a training corresponding to their task/function, have a basic understanding of Missing Children Europe, be bound by contract with professional secrecy and screened for sex offences/criminal record.
- The service must provide social, legal, emotional and administrative support for free (outsourced, if necessary).
- Redirection of transnational cases: In case a case is concerning two countries, the organisation has to ensure the communication between NGOs in the respective countries and make sure that the essential bodies are cooperating effectively. It is also possible that the called organisation has to redirect the caller to the “right” organisation in the particular country.
- The service must provide a follow-up care after the case is closed.
- Cooperation agreement: The service must cooperate with relevant authorities such as law enforcement and central authority on the basis of a written cooperation protocol.
- The service must rely on an organised system of information classification and data storage.
- The hotline has to ensure controllable and manageable dissemination of information.
- The service must ensure confidentiality.
- Organisations running the service have to communicate to the general public the possibilities of the hotline and specify what kind of services they can offer.
- The service must be operated according to the principle of the best interest of the child (MISSING CHILDREN EUROPE 2011, 23; ZITO 2011, 7).

The just discussed points describe the minimum standards to harmonise the service of the

116 000 throughout the European Union in order for parents and children to rely on.

The number is currently active in 16 Member States of the European Union. They are: Belgium, Denmark, Estonia, France, Germany, Greece, Hungary, Italy, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Spain and the United Kingdom. It is already assigned to 19 Member States, but the new organisations conditions have to be reviewed before becoming operational with the 116 000 (MISSING CHILDREN EUROPE 2012; ZITO 2011, 4).

The deadline to make the 116 000 operational in all 27 European Union Member States was the 25 May 2011. As already mentioned only 16 Member States established the hotline by today. In that matter there is also a conflict of interest as MCE wants to achieve the goal and activate the hotline in all the Member countries, but at the same time wants to be sure that the organisations assigned to the number meet the minimum quality standards. Nevertheless the number of countries offering the 116 000 service increased in the last years and it is a major step in the right direction for tools for missing children at the European level.

Still there are obstacles to overcome as promoting the 116 000 to the general public and make it a free number for the caller (ZITO 2011, 5).

1.3.3.2 Child Alert Systems

As the 116 000 hotline also Child Alert Systems are a European response to missing children and aims to support the search of a missing child.

Generally a Child Alert System is based on a voluntary partnership between different actors who cooperate in a coordinated way in specific cases of life threatening disappearances. The aim of a Child Alert System is to involve the public at large immediately in the search for abducted children (MISSING CHILDREN EUROPE 2011a, 31). This means that, if adequate in the respective case, pictures of the missing child are broadcasted via TV, or flyers are disseminated, messages on the radio, facebook or twitter are spread. Those actions are explained by cooperation agreements with, for example TV stations, radio stations or Roller Board operators on highways. The idea of the Child Alert Systems is, that the public at large is aware, that a child has gone missing and that in case somebody saw the child, passes on the information. People are not exactly asked to intervene themselves, but to stay alert and communicate any information that might be helpful to find the child as soon as possible (MISSING CHILDREN EUROPE 2011a, 31).

The efficiency of the systems could have been proofed already but they exist only in a limited number of EU member states (MISSING CHILDREN EUROPE 2011a, 31). Another problem is that Child Alert Systems only work within one country, they do not interconnect

yet. It remains a goal of MCE to force the interconnection of Child Alert Systems in the European Union (IBID).

The European Commission also showed a lot of effort to improve the interconnection of Child Alert Systems. Hence in November 2008 it adopted “Best Practice for launching a cross-border child abduction alert”. On the basis of this document the Council encouraged Member States to establish and develop national mechanisms to alert the public in case of the abduction of a child. As well the interconnection of systems should be ensured (EUROPEAN COMMISSION 2011a, 5).

Child Alert Systems are currently active in 10 EU Member States: Belgium, the Czech Republic, France, Germany, Greece, Italy, The Netherlands, Portugal, Romania, and the United Kingdom (IBID).

In 2009 the European Parliament asked the European Commission for a call for pilot projects to introduce Child Alert mechanisms across Europe which allowed 6 new Child Alert Systems to be developed in 2010 (MISSING CHILDREN EUROPE 2011a, 31).

1.4 Summary

The first chapter gave an insight in the development and design of children’s rights at the international and European level and introduced the phenomenon of missing children in Europe including approaches of European answers to that problem.

In general children’s rights emerged out of the Human Rights discussion that made a call for children’s rights visible in the worldwide community. On the international level the United Nations Convention on the Rights of the Child was developed as the main document for children’s rights (UNICEF 2011a). The CRC consists of 54 articles, divided in one preamble and three parts introducing children’s rights. While the first part is dealing mainly with setting children’s rights as civil rights and freedom, family care, alternative care, health and welfare, education, leisure, cultural activities and protective measures against child labour, child trafficking, abuse and exploitation and juvenile justice, the second part of the Convention covers the area of monitoring and implementation of children’s rights. It appoints the foundation of an experts Committee that kind of supervises the process of implementing the Convention. The third part of the Convention deals with the formalities of the entry of force (UNICEF 2011f).

At the European level the Charter of Fundamental Rights of the European Union and the Amsterdam and Lisbon Treaty are the most important documents regarding to children’s rights. The Charter was the first European document dealing with children’s rights and with

its article 24 committed to the right of protection and care for children and the call to take the interests of children into consideration for all actions related to them (RUXTON 2005, 15-20). The treaty of Amsterdam brought up the topic of a legal basis against social exclusion, an increase of the non-discrimination clause and the strengthening of EU's commitment to fundamental rights into the focus (RUXTON 2005, 15). The treaty of Lisbon made after all sure that the Charter of Fundamental Rights is binding. Therewith EU can encourage Member States to ensure children's rights implementation but not oblige them to do so (EUROPEAN COMMISSION 2009, 9).

Another section of the chapter provided information about the phenomenon of missing children in Europe and first European solution statements. In the case of missing children one can broadly distinguish between children that run away voluntarily from their home or institution they are living or children that are abducted either by one of their parents or a third person. Other categories are missing unaccompanied minors who are separated from their parents and lost, injured or otherwise missing children (MISSING CHILDREN EUROPE 2011, CHILDOSCOPE 2012).

According to CHILDOSCOPE (2012) no data on missing children are available across Europe. Nevertheless some statistics were presented concluding that the problem of different definitions across the Member States of the EU and the fact that not all disappearances are reported to the police lead to incomparable data. Anyway the data showed that there are a lot of children who go missing every year. To fight against disappearances and support runaways and their parents the European Union introduced two tools to offer support to the persons concerned. The European hotline for missing children was appointed to the 116 000. Aim of the telephone number is to build a lifeline between the missing child and its beloved ones. The organisations behind the number will set immediate actions to find the child and bring it back home safely. The formalities to establish the number were handled by the European Commission, as it was the responsible institution ensuring that the Member States reserve the six-digit code (MISSING CHILDREN EUROPE 2011a, 17). In November 2010 the Communication "Dial 116 000 hotline for missing children" was published setting basic standards of the service and a deadline to implement the number (ZITO 2011, 2). Organisations applying for the 116 000 have to fulfil certain criteria such as a transparent organisational structure or a reference to missing children and the protection of the rights of the child according to the CRC (MISSING CHILDREN EUROPE 2011a, 23). Common standards regarding the quality of the service include a 24/7 accessibility, the acceptance of calls from parents and children, offer of the service in more than one language, trained staff, a free

service or the redirection of transnational cases (MISSING CHILDREN EUROPE 2011, 23; ZITO 2011, 7). Until 25 May 2011 the number should have been implemented in all Member States of the EU offering the before presented minimum standards. Nevertheless the number is now active in 16 Member States including: Belgium, Denmark, Estonia, France, Germany, Greece, Hungary, Italy, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Spain and the United Kingdom. The European Institutions and MCE are putting a lot of effort into making the number operational in all Member States of the EU. Nevertheless the quality aspect of the service has to be highly considered (MISSING CHILDREN EUROPE 2012; ZITO 2011, 4-5).

The second tool of the EU to offer support in case a child has gone missing in combination with a strongly worrying disappearance are Child Alert Systems (MISSING CHILDREN EUROPE 2011a, 31). The aim of the systems is to alert the public about the disappearance of a child via radio messages, TV, Internet, SMS services or Roller Boards on highways. Child Alert Systems will be mostly activated in case a child got abducted by a parent or a third person and evidences that the child's life is in danger. Still the public is not expected to intervene themselves but to be aware and pass any useful information on to the police. Child Alert Systems are currently active in 10 EU Member States. Prospective projects of the EU in this field will be the extension of Child Alert Systems across the European Union and the strengthening of the cooperation between the national systems (MISSING CHILDREN EUROPE 2011a, 31; EUROPEAN COMMISSION 2011a, 5).

2 Theoretical framework – Governance in the European Union

The previous chapter gave on the one hand an insight into the subject of children's rights and their role at the international as well as at the European level and on the other hand an overview about the subject area of missing children in Europe.

The following chapter will elaborate the theoretical framework of the thesis. In a first step, the background of the Governance concept and its development will be explained. To do that, different theoretical approaches will be introduced and discussed.

In a second step, Governance in the European Union with approaches of multi-level Governance and European Governance will be in the centre of attention. The next section covers the subject area of European Policy-Making, modes of Governance and especially decision-making in the European Union.

Following up, lobbying theories will be described in order to get an indication about lobbying methods and instruments. In a next step the thesis will take a look at interest organisation at the European level and define the term Non-Governmental Organisation.

A concluding summary will finalise the chapter.

2.1 Governance

Governance has become a very fashionable term in not only social science but also in politics and administration. Due to its multiple meaning and its different use in the different domains its real meaning is doubted and its usefulness in science is questioned. Fact is that the different terms are linked to different meanings and concepts and that they are all answers to different research questions and fill different research gaps (MAYNTZ 2009, 9).

Originally the Governance concept became “famous” in 1992 due to the book “Governance without Government” by JAMES ROSENAU and ERNST-OTTO CZEMPIEL and is especially popular in European integration research or international politics in global Governance or even politics of the nation state. ROSENAU expresses that Governance is a system of rule at all levels of human activity – from the family to the international organisation – in which the pursuit of goals through the exercise of control has transnational repercussions. He goes on to broaden the definition even further by saying that “rule” means “control” or “steering”, which requires only that “controllers...seek to modify the behaviour... of other actors.” Global Governance, thus, is any purposeful activity intended to “control” or influence someone else that either occurs in the arena occupied by nations or occurring at other levels (ROSENAU 2004, 13). Thus ROSENAU says that the way to comprehend, describe and analyse political reality is a very broad definition of governing. ROSENAU was one of the first authors who had an idea about what government really is.

According to MAYNTZ (2009, 9), Governance in the widest sense describes different mechanisms to establish order in a system of different actors. Examples are an assimilation of the market through order and obedience as in a hierarchy or through bargaining in networks or a common orientation through norms or practices of a society.

In a more concrete sense, Governance means different modes of deliberate regulation of common interests. It means as well the establishment of order in a society, but a deliberate one. It is a regulation of society through common interests. If Governance in general means the regulation of collective interests it has to be clear what kind of interests are meant and who are the main actors in the particular field. In political science Governance means, more precisely, a regulation of corporate interests including collaboration of governments with

private-corporate actors (MAYNTZ 2009, 9). In this case two different types can be differentiated:

- Non-hierarchical forms of regulation as Governance: Governance as the opposite of hierarchical regulation as it is typical for the intervention state.
- Not completely hierarchical forms of regulation as Governance: Those form means that not only the state governs but also private corporate actors who are active in the political process.

The explanations of MAYNTZ (2009, 9-10) show that the Governance concept has a broad approach and is consistent with the current developments in political and economic fields who are leading to a movement that society gets more and more influence on political, economic and public processes and leads to a pluralisation of norms and institutions. She further says that this is also the strength of the concept because it is more appropriate than other concepts to analyse real political processes. This is maybe why the concept of Governance has become so popular in our time. She further explains that the existing political systems all consist of a variety of different actors who are partly cooperating, partly working on the opposite or are in a competition. Those actors are horizontally differentiated through the following categories: state or non-state or public or private. Vertically the actors can be differentiated through their territorial level, meaning if they are sub-national, national, regional or international actors (MAYNTZ 2009, 10).

When Governance has become a core concept in political science, management and economics in the 60's it eliminated the main concept of political steering. Not only the concept of "steering" disappeared but also the subject who is responsible for steering does not fit to the political reality anymore. Even the state as a keeper of wealth is starting to disappear (MAYNTZ 2009, 11). According to MAYNTZ within' the end of the 1980's the idea of governing society top down through hierarchical interventions came to an end. State-centred perspectives were replaced by society-centred concepts. Regulation of society or self-governing of systems and sectors as interaction relations between private and public actors got in the centre of interests (MAYNTZ 2004). MAYNTZ describes the developments in society as following: *„In fast allen gesellschaftlichen Teilbereichen sind mächtige und handlungsfähige Organisationen entstanden, d.h. korporative Akteure. Gleichzeitig hat der moderne demokratische Verfassungsstaat den verschiedenen gesellschaftlichen Teilbereichen– Wirtschaft, Wissenschaft, Kultur und Erziehung und damit auch den in ihnen agierenden Organisationen eine relative Autonomie gewährt. (...) Hinzu kommt eine*

Veränderung in der Art der sich heute stellenden Probleme, die immer öfter den Charakter von Querschnittsproblemen haben, d.h. die Zuständigkeitsbereiche mehrerer Ressorts (...) berühren (MAYNTZ 2004, 71).

Thus MAYNTZ assumes that in state regulation corporative actors as organisations carry over duties that before the state was occupied with. This concerns fields as economy, science, culture or education. Following those suppositions the Governance concept is the best fit to describe and analyse the current political developments.

Not only RENATE MAYNTZ, who is definitely one of the most famous Governance theorists in the German speaking political science community, but also other theorists made the Governance theory popular at the international level.

PETERS (2002, 1) explains that in general Governance is a very old concept because societies always found ways of collective steering and management. For PETERS the decisive point is that variations in the political and economic world take place and are longing for different answers to the fundamental questions about how to provide the steering and management. So his hypothesis is that Governance is not constant but always changing. For a long time the state has been the answer to all questions but solutions that have been effective and popular with the public have become ineffective and politically unpopular. So PETERS states that it is required that governing adapts itself to changes in political environment. Peters further expresses that the “traditional” approaches to governing are not appropriate. As MAYNTZ also PETERS questions the centrality of the nation state and authoritative public actors and makes it the essential criterion for Governance. He also says that there is no such a power that could replace the state. PETERS (2002, 2) states that the shift away from authority based instruments and regulating through the Conventional tools of social control took place because government itself changed mostly through the changes in political economy during 1980’s and 1990’s in West Europe or North America. The movement away from state-centred governing in literature also is explained through public reactions on government decisions that have been criticised because it makes clear why other actors as profit or non-profit organisations became influential in political affairs (NORRIS 1999, DOGAN 1999). In this context decentralisation and the integration of private organisations have become a strategy to maintain Governance (PETERS 2002, 3). Peters states that the changes of reality of Governance have transformed what governments do and how they do it.

Nevertheless Governance has been explained and described in different ways. Peters says that at one end of the dimension of Governance theory theorists explain that Governance means very much what has been meant by Governance with government as the main actor.

This perspective can also be found in MAYNTZ books as not completely hierarchical forms of Governance. This is still a state-centric approach but includes also a set of actors (organisations for example) who are responsible for goal setting and governing. Less state-centric theories say that the government still remains an important actor but also takes part in partnerships and other arrangements with societal actors to be more effective (PETERS 2002, 4). At the other end of the broad field of Governance theories scholars think that state has become superfluous and in series ineffective. Those approaches are following the theories of ROSENAU summarised by the term “Governance without government”. The school assumes that society is organised through self-organising networks and that any intervention would be counterproductive. Those scholars explain that only society understands its own affairs and is finding solutions for its problems. If so government itself would become a bureaucratic and rather clumsy structure for making decisions. Following Luhmanns ideas the auto poetic, self-organising nature of society is taken in these approaches to mean that society will be able to avoid or deflect any attempts on the part of governments to control its affairs, governments in essence becomes dispensable and expensive. Nevertheless there are other opinions saying that the state acts as an international actor.

Those approaches explained by PETERS (2002 2-4) cover extreme positions. In between approaches can be found who state that more societal actors have assumed an increasing involvement in governing issues. It involves private and public actors and includes interaction between top-down and bottom-up conceptions of how society can be regulated. As MAYNTZ as well PETERS says that approaches in between are less clear defined. On the other hand those concepts are more applicable to analyse political reality. The openness of the concept is its advantage because economic, social and especially technological reality is changing rapidly and influences also developments in society. The changes are also more and more unpredictable. This is why a more flexible Governance concept that can be modified is more applicable and proofs the shift away from authority centred theories.

Summarising, this chapter gave an overview about the different Governance concepts in political science literature. Main concepts presented were the ones by ROSENAU, MAYNTZ and PETERS. To briefly summarise the main conclusions of the concepts one can state that, according to JAMES ROSENAU Governance can be described as a system of rule at all levels of human activity that intends to influence or control persons or projects in a certain arena. RENATE MAYNTZ characterises Governance as a regulation of corporate interests including collaboration of governments with private-corporate actors. PETERS mainly looks on Governance as a continually changing process, mainly defined through a shift away from

state-centrality into the direction of a system with a plurality of actors. The chapter showed that there is not only one final definition for the concept of Governance and that it is exactly the multifariousness of the concept that makes it applicable to a lot of political phenomena. In the following section, the concept of European Governance will be elaborated as the main theory of the thesis.

2.2 Governance in the European Union

The previous chapter introduced the development of Governance and its main definitions. To sum up Governance can be described as measure that tries to establish order in a system. Governance is the try to organise common interests with the participation of not only public but also private actors. Different concepts of Governance, depending of levels, territory or consistence can be differentiated. For example European Governance is a special part of Governance that will be the centre of attention in this chapter.

Although Governance in the European Union is a special concept in political science literature, there is no general definition of the term, as all the concepts answer different research questions, serve different political sectors or specific topics.

Nevertheless one can say that European Governance in the widest sense describes the processes of political goal setting, collective decision-making, intervention and implementation based on the interaction of a diverse range of political actors within the European arena (MELCHIOR 2006, 7).

That means that the speciality of European Governance lies in the common regulation of interests, including a variety of political actors (public and private) to set political decisions in the best interest of society.

The following sections will have a look at the development of theories on European and multi-level Governance and try to explain the concepts in its main parts.

2.2.1 European Integration theories: Intergovernmentalism versus Supranationalism

European Governance concepts emerged out of a long process of European research. During the 1990's research on Europe was formed by integration theories as supranationalism and intergovernmentalism that are mainly focusing on the explanation why and how European integration occurs (WARNTJEN/WONKA 2004, 7). The theories centre on grand bargains and decisive events in the integration process and do not contribute to an understanding of EU

day-to-day politics. As well the “how” integration process is driven forward is not in the centre of interest, a point that is a disadvantage of intergovernmentalism. Both approaches pursue a different goal but tried both to analyse and explain European politics empirically. The theories investigated next to each other design and structure of the EU and its decision-making (KÖHLER-KOCH 1998, 3f).

Intergovernmentalist theory defines the main spaces of power in the fully sovereign nation states that are the basic elements of the European Union (MORAVCSIK 1992/1993). According to intergovernmentalism, the member states and the inter-governmental negotiations are the main characteristics of the EU. Hence, investigations on EU had its focus on inter-governmental negotiations and EU summits. When it comes to supranational institutions as the European Commission or the European Council, intergovernmentalism identifies their role in monitoring, if the member states stick to the rules they agreed to. MORAVCSIK (1998, 73-77) states that the institutions, according to intergovernmentalist theory, don't have any influence on the course of European integration.

Supranationalism has its focus on the supranationality of the European Union. Adherents of the theory hypothesise an autonomous community where inter-governmental is replaced by supranational decision-making. In this context the EU institutions develop their own momentum, as the nation states delegate more and more tasks to them due to a higher need of competences as a result of and increased socio-economic interdependence of nation states (STONE/SWEET/SANDHOLTZ 1998, 8-9). This process is continuing and leads to more power for the institutions as they shape more and more the behaviours and processes in politics. Therefore the European institutions, especially the European Commission as it acts independently from the member states, are the main research objects in supranationalism. According to supranationalist theory the increase of competences of the European institutions could lead to a body beyond the nation state with more effective and peaceful strategies of problem solving. These processes will as well guarantee a transformation of statehood (STONE/SWEET/SANDHOLTZ 1998).

To sum up, intergovernmentalism sets causality from the national to the European level, as national governments are the main actors in the integration process. Supranationalism on the contrary states that the integration process runs from the European to the national level because the supranational level drives the integration process.

Though the two theories cover a bottom-up or a top-down logic. Nevertheless they both ignore the linkage of the European, supranational institutions and national decision-makers, that implies a multi-level structure of governing and thus a system including different

negotiation levels (GRANDE 1996, 321). Thus, both, intergovernmental and supranational decision-making exist next to each other.

2.2.2 Multi-level Governance/European Governance

Following up on the approach, that decision making in the European Union is not either supranationalist or intergovernmentalist, but both, the concept of multi-level Governance was applied to European Union research. In general, SCHMITTER (2004, 49) defines multi-level Governance as an arrangement for making binding decisions that engages a multiplicity of politically independent but otherwise interdependent actors – private and public – at different levels of territorial aggregation in more-or-less continuous negotiation/deliberation/implementation, and that does not assign exclusive policy competence or assert a stable hierarchy of political authority to any of these levels. According to the definition the main characteristics are the different levels of territorial aggregation, political structures and processes that link the levels to each other, and public and private actors who are on the one hand independent but otherwise interdependent.

The main interest of the multi-level Governance approach is to analyse the different political actors at the different levels. According to this purpose, the theory tries to identify the main characteristics of the institutions and its organisation as well as political processes and results in the particular political system.

In political science literature EU is often labelled as a system “*sui generis*”, as the idea of the Union created a political space beyond national borders that is the only one of its kind.

According to BENZ (2004, 23) EU is an example of combination of hierarchy (regulation through juridical system), negotiation and political competitions in a coaction of public officers and representatives of common interests. Governing in EU means coordinating decisions between national, regional and European institutions.

KNODT/HÜTTMANN (2005, 227) state that EU is defined through its tightly linked multi-level structure. The different political levels are difficult to differentiate.

In case of the European Union, HOOGHE (1996, 18) describes multilevel Governance as variable combinations of governments on multiple layers of authority that form policy networks for collaboration. The relations are characterised by mutual interdependences. According to his definition he puts a strong emphasis on the multi-level character of EU politics and the loss of nation states sovereignty.

Within’ multi-level Governance literature, authors developed “special” concepts applying to the case of the European Union, labelled as European Governance.

Since the 1990's the concept of "European Governance" has become a central focus of research about the working and functioning of the European Union (MELCHIOR 2006, 7). MARKS and HOOGHE (1996, 36) have attributed change in the EU system of Governance to politicisation and increased participation. Political participation in the EU has widened from a political elite to a large variety of interest groups that govern in networks, as well as to national leaders that have increasingly involved the European Union in parliamentary debates and referenda. Besides national representatives, different interest groups such as NGOs are important information providers for the European Institutions. Due to their knowledge and political approaches different DGs in the Commission consult those representatives of common interests regularly. Nevertheless due to organisational reasons those networks are often less stable than the relations with Member States (JACHTENFUCHS/KOHLER-KOCH 2004, 88).

The concept of European Governance emphasises the dynamic character of political processes in general and of the integration process in particular. It focuses on the interaction of institutional, constitutional and mental frames with actors, interests, attitudes and strategies, thus bridging the polity-politics-policy gap, which allows grasping the European political system in a more comprehensive way (MELCHIOR 2007, 7). European Governance defines a new mode of Governance that differentiates from a traditional state-centred government. The definition includes new actors in politics like interest groups, NGOs or persons who are influencing politics in a different way.

KOHLER-KOCH (1998, 1) states that, in essence, "European Governance" is about the forms and means in which the divergent preferences of citizens are translated into effective policy choices, about how the plurality of societal interests are transformed into unitary action and compliance of social actors is achieved.

These two definitions for example underline the divergence of interests and the balance of power amongst the different private or public actors in the EU. They express that the main goal of European Governance is the organisation of divergent interests in the European arena to a unitary decision.

According to the white book of the EUROPEAN COMMISSION (2001, 8) „Governance“ in the EU means rules, processes and behaviour that affect the way in which powers are exercised at the European level, particularly as regards openness, participation, accountability, effectiveness and coherence.

The definition of the Commission shows another perspective of Governance. It lays its centre of attention on the rules and processes that influence the way power is exercised in the

EU and underlines behaviour such as openness, participation or accountability. It doesn't deliver a whole concept of what Governance exactly is or what is the heart of it. It is as well a very broad definition.

To sum up multi-level Governance is characterised through political processes taking place on different levels, including a variety of politically independent but otherwise interdependent private or public actors. The relations between the actors is characterised by more or less continuous negotiation/deliberation/implementation (SCHMITTER 2004, 49; HOOGHE 1996,18). Within' multi-level Governance approaches, some authors worked on concepts that focus on the special characteristics of European Governance. It has its emphasise on the interaction of institutional, constitutional and mental frames with actors, interests, attitudes and strategies. The definition includes new actors in politics like interest groups, NGOs or persons who are influencing politics in a different way (MELCHIOR 2007, 7).

2.3 European Union as a multi-level system

As the alliance between EU member states and the Union itself becomes more and more tight, politics are performed at different levels and a variety of actors are represented in the setting of the EU, it can be defined as a multi-level system (JACHTENFUCHS/KOHLER-KOCH 2004, 91). The processes of governing, policy-making and decision-making in the EU, take place on different political levels, including a variety of actors and are tightly linked to each other. The following sections will take a look at governing, policy-making and decision-making in the European Union with special regard to opportunities for NGOs to participate and influence European policies.

2.3.1 Modes of Governance

As Governance is considered as a concept of political steering, modes of Governance are the tools of political steering (BÄHR/TREIB/FALKNER 2005). To give an indication, strategies of interaction, cooperation and communication can be defined as modes of Governance. Following BÄHR/TREIB/FALKNER (2008, 92) there are four modes of Governance to distinguish:

- *Hierarchy* represents the structure of the actors and the possibility to influence others or even force them to act against their interests. European hierarchy is a different one than national ones. EU has no competence-competence, which means

that cooperation on lower levels is more important and European law has to be changed in national law to reach validity. Though the European law is defined as hard law it is most of the time a goal that has to be reached by the member states and even possibilities of sanctions are limited (BÄHR/TREIB/FALKNER 2008, 92).

In general one can say that hierarchy as mode of Governance means a top-down Governance and can be identified when governments and state institutions act authoritatively to achieve results. The mode is rather unusual in the “present” European Union and is a so-called “old” mode of Governance. The situation that the European Commission acts authoritatively to achieve political results can be observed rarely. A rare example would be sanctions in case a country strongly violates EU law, as already mentioned.

- *Negotiations* play a major role in a multi-level system because they influence the relationship of all actors and structure the non-hierarchical relations. All the actors can influence the political reality, but due to different power positions the grade of influence can vary. Higher acceptance of results can be expected (BÄHR/TREIB/FALKNER 2008, 92).

Negotiation as a mode of Governance is most probably one of the most common one as it is more appropriate to the EUs structure. Negotiation as mode of Governance suits to the equal relation between European institutions. Loose coupling of the different actors leads to the possibility that all actors can have an influence on each other’s action only varying through the different power grades of the institutions.

- *Competition* relations play a major role in the EU because and emerged out of the principle of market integration. Those relations need a two-way assimilation because they are not decided by political actors but result from the market principle. Nevertheless the relations need political steering of basic conditions and market corrective politics. They base on competition but the actors have common goals or common resources and want to improve their comparative advantage in relation to other actors (BÖRZEL 2008, 65f).

In other words one can define competition as a mode of Governance where actors are will to improve their standards in comparison to other actors. Adapted to the market principle competition in the EU would mean a continuing adjustment of actors relations in order to adapt to the current political reality.

- *Cooperation* is a mode of Governance on an optional basis and is defined through a number of procedures as agreements, accords or persuasion that should encourage actors to adapt their opinions. Adopted regulations are often called soft law, as they

are not legally binding. Soft forms of Governance are mostly developed where binding regulations and supranational centralisation of decisions is blocked. Through the procedures pressure can be performed on informal basis. Cooperation is used when interests of actors differ that much that a co-decision is nearly impossible. Autonomy of the states is assured and a solution for all parties is found (BÄHR/TREIB/FALKNER 2008, 93).

In other words cooperation is applied in the EU in situations where opinions of the actors differ strongly and a common binding decision cannot be expected. Decisions taken lead to soft law and avoid the violation of the autonomy of the states and offering solutions for all actors at the same time.

The even described modes of Governance are the main strategies of interaction and communication in the European Union and are applied in many policy areas. They can be seen as results of interaction or teamwork of different actors in the European system.

2.3.2 European Policy-Making

As the thesis wants to illustrate how children's rights NGOs can participate at the European level and even influence European decision-making it is essential to sketch at first some characteristics that define European Policy Making and then the process of decision-making to show at the same time the actors and stages that are important for them to "lobby". Regarding to the supposition of WARNTJEN and WONKA (2004, 8) two factors that are mainly important for public actors to be attractive for NGOs could be identified:

- The impact that a public actors has in the decision-making process and especially on the final decision, and his influence on the final result.
- The chance to get in touch to this public actor and the possibility to impose one's position on the particular actors.

In order to find out who are the actors and stages worth lobbying to for the NGOs, European policy-making, and its phases will be introduced in the following section.

European Policy-Making shows a lot of differences to national Policy-Making. There are other actors and other structural factors to face. INGEBORG TÖMMEL (2008, 22) defines five characteristics of European Policy-Making:

- 1.) The European Union is not sovereign it has no competence-competence. This is why it is trying to generate, rebuild and get competencies through Policy-Making.
- 2.) Policy making in the EU is committed to the steering of steering actors. This is why steering and regulation is more important than the actual content of the Policies.
- 3.) Due to the missing of classical steering elements as law and the set of regulation EU uses alternative procedures to get steering competence.
- 4.) EU hierarchically seen is not higher than national governments. This is why Policy-Making uses procedures that regulate the interactions between the different levels.
- 5.) Policy-Making calls for strategies that assure an implementation of politics that suits the objective.

Those five characteristics mainly form the process of policy-making in the EU and can be seen as a kind of a formal frame. They show that European policy-making is shaped by different factors that structure the relation between the European and national levels and define the interaction between the different levels.

Policy-making in the EU is taking place in different stages, including different actors. According to TRNSKI (2006, 28-31), the policy making process is divided in four main components:

- 1. Policy Initiation:** According to the TEC the Commission has the right of initiative and the right of initiation. However, a closer look shows the broad involvement of the Council and the Parliament at that stage. Not only do both of them have to support the ideas of the Commission, but also have the right to initiate legislative proposals according to the Maastricht Treaty. That means that they can request that the Commission proposes a draft on their behalf. That's why the Commission pays close attention to the work of the Council and the Parliament. Nevertheless the Commission alone has the right to draft the proposals that form the basis of discussion, consultation and subsequent European legislation. The involvement of the Council and the Parliaments shows that the proposals of the Commission are a result of complex and detailed process of information and consultation. The Commission has also to consult the member states as well (CINI 1996, 20). The leadership role of the EC is dependent upon favourable external conditions. The success or failure of its tasks lies often out of her control. To sum up, in the stage of policy-initiation, the Commission, the Council

and the European Parliament are the most important actors. For NGOs it is thus interesting to get in touch with those institutions in order to raise awareness for their interests and maybe propose legislations. From a multi-level Governance point of view it has to be clarified that the Commission may be one of the strongest actor in the policy initiation phase, but shares her competence among the European institutions. The Council and the Parliament both, have resources in policy initiation as well.

2. Decision-making: According to EU treaties, the Council would be the main legislative body of the EU as it holds the financial decision-making power. In political reality of the Union the Council has to cooperate with other EU institutions to execute its role in the policy-making process. In the decision-making process the Council performs its function together with the EP and the efforts of interest groups to influence outcomes in the European arena. The process of policy-initiating and furthermore decision-making in the consultation procedure is structured as follows:

1. The Commission submits a proposal;
2. The European Parliament issues an opinion;
3. The European Council decides, either by unanimity or qualified majority depending on the policy domain (treaty base) (OFFICIAL JOURNAL OF THE EUROPEAN UNION 2010, Article 294).

The Treaty establishing the European Communities states that the Council can only amend Commission's proposals that have been modified including amendments from the European Parliament by unanimity (CORBETT/JACOBS/SHACKLETON 2005, 173). The opinion of the European Parliament is not binding but it has to be considered by the Council (CRAIG/DE BURCA 1998, 132). The opinion of the EP also has to be reconsidered if the final version of the act has not a lot in common with the original proposal by the EC (KAPTEYN/VERLOREN VAN THEMAAT 1998, 420-424; CORBETT/JACOBS/SHACKLETON 2005, 175-177).

The results of the decision making process in the EU is either a guideline that marks goals that have to be fulfilled in a certain time period or regulations with binding character. As well there are reports/opinions who are not binding but are propositions for EUs processes in certain policies.

A second option in decision-making is the co-decision procedure:

- The Commission submits a proposal, the Parliament issues an opinion (possibly making amendments) and the Council may adopt the act (including amendments by the Parliament). Otherwise it adopts a Common Position (CP).
- The European Parliament rejects, approves or amends the CP. Only in the third case, when the EP proposes amendments, the procedure continues: the Parliament sends its amendments to the Commission and the Council. The Council may adopt the amended act after the Commission has given its opinion.
- If the Council does not approve the amendments of Parliament, a conciliation committee is convened. If the conciliation committee reaches a Joint Text (JT) that is approved by Council and Parliament, the JT is adopted (OFFICIAL JOURNAL OF THE EUROPEAN UNION 2006, Article 251).

In the co-decision process the Parliament shares its legislative power with the Council. At the moment it is one of the legislative processes that are used the most. The national states are responsible for the implementation and work together with national private actors in that phase.

Hence, in the stage of decision-making, the Council is the main actor, even though it shares its powers and is part of a multi-player game. In view of NGOs and possibilities for them to participate at the European policy-making process is very high in the stage of decision-making and its preparations, as a lot of discussions with external experts or interest groups such as NGOs take place before a decision is taken. The Commission, the EP and the Council need broad information in order to prepare a proposal that a vast majority of people could accept.

3. Implementation: According to the multi-level Governance approach, the Commission and national governments share the executive power and implementation. National governments monitor the executive power of the Commission together with subnational governments and societal actors. The Commission is involved in daily implementation. Thus in the implementation stage, the national states remain the most powerful actors, sharing their authority with EU bodies.

4. Adjudication: As far as the interpretation of the Community law is concerned it is transferred from national courts to the European Court of Justice. This is another

example where the authority of the state is replaced with that of an EU institution.

Regarding to the research interest of the thesis the implementation and the adjudication phase are not of great interest for NGOs to participate in the policy-making process, as there would be no opportunity for them to draw attention on their concerns.

2.4 Lobbying in the European Union: functioning, instruments, methods

In the following section, the theoretical concept of lobbying will be introduced. A definition and the historical development of the term will be provided as well as its functioning, instruments and methods will be elaborated.

2.4.1 Definitions

Lobby as it is used in the common sense is known as a term that describes an organised group of people seeking to influence politicians or public officials on a particular issue. Thus lobbying can be described as a seek to influence a politician or public official, in the case of the respective thesis, the European institutions, on an issue.

Initially the term lobbying has its origins in the mid 16th century, emerging from the Medieval Latin word “lobium” that described a hallway, an entrance hall or a vestibule. The verb sense, as we most probably know it today derives from the 19th century where the practice of frequenting the lobby of a house of legislature to influence its members into supporting a cause, developed. The simple practice of waiting for the members soon developed into professional persuasive activities. Examples are: providing information on certain subjects, organising the public or (either negatively attempted) political and financial support (VAN SCHENDELEN 2002, 132).

As these ideas show, lobbying activities happen in a “pre-political” phase, it is rather unusual that they happen in public. This is why lobbying remains often incomprehensible and gets a negative label.

In political science lobbying is often defined as an activity, practice of interest groups and any other kinds of lobbyists to access to the decision-making process of legislators and decision-makers. The goal of the process is to advance their interests and influence governing bodies (GEIGER 2006, 13). Along the definition interest groups and other kinds of lobbyists are the main actors in the process and it is their aim to influence political processes such as

decision-making. In this context it is crucial to mention that lobbying practices are performed of persons who are not actively participating in the decision-making process.

IRINA MICHALOWITZ (2004, 76) adds another interesting perspective to the lobbying debate. She states that also public actors are interested in the compliance and expertise of lobbyists. MICHALOWITZ further explains that lobbyists have to meet certain institutional demands to satisfy the wants of their constituents and to be successful. The definition characterises lobbying as a two-way strategy. Lobbyists are dependent on the institution and seek to influence institutions on an issue. On the other hand, the institutions as well rely on lobbyists, as they provide information of great value, their expertise or studies about certain subjects.

In the respective thesis the two-way strategy definition seems to be appropriate as it is applicable to the aims NGOs set themselves.

2.4.2 Functions of lobbying

After defining the term lobbying, it shall be clarified what are the main tasks of lobbyists to finally advance their interests at, in the case of the thesis, at the European level.

In general one would describe a lobbyist is a kind of a political expert in a certain subject field. That would mean that it is important for them to follow the current developments in their field or figure out relevant topics. To put it in a nutshell, they have to gain expertise in the field they work in. Furthermore they have to screen, analyse and develop a viewpoint according to the field, the organisation they work for. The main part of the lobbying activity is thereby to contact the institution they want to address to (MICHALOWITZ 2007, 75).

Following up, a lobbying strategy can be composed of three parts: a monitoring, an analytical stage and the veritable lobbying activity.

The monitoring stage can be defined as stage where all relevant information for the field the lobbyist works in has to be collected. This means to follow up continually and gather material of political initiatives, relevant debates, discussions, and so on. On the other hand a structured and broad network of informal, private contacts in order to be in the picture of the current situation. In the monitoring phase where the actual lobbying process is prepared it is essential to exchange information with experts in order to know about actual tendencies and developments. It is crucial to be present in the preparation phase of a legislation that concerns the field the lobbyist is working in, in order to gain influence.

In case of the European Union MICHALOWITZ (2007, 76) could identify informal rules of lobbying that increase success of the lobbying activity in the monitoring stage. They are: a

European argumentation, representation, constructive argumentation, flexibility, a certain reputation, networking ability, good timing, ability to identify key personalities and internationality. Browsing through the list of characteristics of MICHALOWITZ it becomes clear that it includes a lot of soft skills. It seems that good lobbyists need to have not only a broad expertise in their field but also a personality that match to those demands.

The second stage is called the analytical phase. When a topic has been identified to be relevant for the interest a NGO or an interest group represents, the collected information needs to be screened and filtered. In this process NGOs have to select topics they can follow up on. Thus the main process of the analytical stage is the selection of topics. In addition in this stage the initiation of a lobbying strategy. In this process four elements of the subject area have to be considered: the main actors, the main topics, an agenda and borders of the arena (VAN SCHENDELEN 2002, 131). It has to be mentioned that the borders between monitoring and analytical stage are shifting. That means that in the process of analysing and working out a lobbying strategy the NGO still has to observe the current developments in the particular fields.

In analysing the information BUHOLZER (1998, 45f) distinguishes two possibilities, an active or passive position. A passive position means that the organisation gets only active after the decision-making process, a strategy that is rather rare and ineffective. An active position means that lobbyists try to directly influence the decision-making process. This tactics asks usually for more effort, but the outcome is in most of the cases much more effective. The active strategy furthermore differentiates between defensive and offensive lobbying. As one can presume the term of defensive lobbying describes the process of maintaining the status quo or prevent legislation in a respective field. The offensive variant of lobbying has its focus on an active participation and involvement in order to come closer to the set goals. A constructive position is essential in this process. The choice of the strategy depends on the political field.

Referring to the different lobbying strategies, one can define lobbying furthermore as the implementation of the chosen strategy and the transmission of the developed common positions to the responsible decision-makers. It is therefore crucial for lobbyists to identify the key players in the policy-making circle.

2.4.3 Instruments and methods of lobbying

In order to implement the lobbying concepts that are developed in the analytical stage of the lobbying process, the organisations require instruments according to the particular policy area

and its actors. The different lobbying instruments are not yet categorised in political science literature as it is rather difficult to define what are exclusive lobbying instruments as the borders to public-relation campaigns are rather vague.

Nevertheless there are numerous lobbying methods and techniques that appear in different research papers and are described in the same way. In general two types of lobbying methods are to differentiate, based mostly on communication practices. Firstly direct lobbying comprises all schemes of direct, personal communication as the face-to-face conversation between lobbyists and possible decision-makers and their co-workers. A lobbyist shall use formal as well as informal contacts. VAN SCHENDELEN (2002, 253) mentions the following direct lobbying methods: a personal visit, letters, contact by phone, invitation for pleasure, committee membership, hearing participation, presentation of position, formal visit, contact, delegation, folders or brochure, press conference, etc.) In literature, face-to-face conversations and letters are the most effective methods of lobbying.

JOOS and WALDENBERGER (2004, 127ff) further bring up the distinction between mono- and poly-process methods. Mono-process methods comprise all communication measures to directly establish contact between lobbyists and the particular decision-maker. Examples are telephone calls, e-mails, personal visits or briefings. Poly-process methods incorporate workshops, parliamentary receptions or working breakfasts. Parliamentary events are mostly organised for MEPs and their assistants to establish contacts and inform them about certain issues.

Direct lobbying shows the informal perspective of lobbying as the processes are not transparent and often take place in camera.

Indirect lobbying means that a third person communicates the interest of the organisation to the decision-maker. The lobbyist is not active in the process. VAN SCHENDELEN (2002, 224) names the following advantages of indirect lobbying: the sender of the message remains in the background and stays kind of invisible and keeps the possibility to change or amend its strategy. Furthermore the decision-maker receives the message from another source, which leads to the effect that the interest may be shared by a bigger group of society. Thirdly in case of rejection the lobbying organisation can keep its distance and has still a possibility to amend its strategy. Practical methods of indirect lobbying are for example the initiation of an institutional alliance between organisations that deal with the same concern. Another manifestation of indirect lobbying methods is the ad-hoc coalitions, uniting a number of organisations who share the same interests, in order to strengthen the persuasiveness of its arguments. Nevertheless (sub) national organisations remain as well powerful as the member

states and their governments are represented in the Council of the EU and have a role in policy-making. An essential method of indirect lobbying is the initiation of apparently independent studies and comments of experts in the public. This method wants to mobilise a greater public in order to pressure decision-makers. Another form involving the public at large is called lobbying from the grassroots. This method tries to mobilise parts of civil society by motivating them to send emails, letters, start petitions or call responsible decision-makers. The goal is to put pressure on responsible decision-makers. At the European level it is rather difficult to organise a grassroots campaign as European mass media is missing. Therefore campaigns have to be organised on a national level and are often very expensive.

The following table summarises the main direct and indirect lobbying methods:

Direct lobbying methods	Indirect lobbying methods
Face-to-face conversations, e-mails, letters, telephone conversations	Through national actors (public and private)
Meetings	European federations, alliances
Hearings	International interest groups
Petitions	Ad-hoc coalition
Membership in committees	“Independent” experts
Political commercials	Mobilisation of public opinion
Studies, expertise	Media campaigns

Graph 1: Direct and indirect lobbying methods

There are no rules when and how the particular lobbying instrument should be operated. Usually lobbyists use a multi-voice strategy, by applying a multiple set of lobbying instruments.

2.5 Interest organisation at the European level

The following section will give an overview of lobbying and its development in Brussels, clarify how lobbyists are organised at the European level and give a definition of the lobbying actors the thesis focuses on, NGOs.

2.5.1 Typology

Having in view the lobbying activities in Brussels, GEIGER (2006, 13f) states that lobbying had its origins in the 1970's, linked to the first European Parliament elections. In 1993 the Commission estimated around 3.000 interest groups in Brussels employing 10.000 people (OFFICIAL JOURNAL OF THE EUROPEAN UNION 1993). GEIGER (2006, 19) estimated around 15.000 lobbyists in Brussels, while only 2.600 are permanently working in Brussels. They are composed of European trade federations (32%), consultants (20%), companies (13%), NGOs (11%), national associations (10%), regional representations (6%), international organisations (5%) and think tanks (1%).

In political science literature different typologies of lobbyists have been developed, dividing either through represented interests (public or private interests), horizontal or sectorial interest federations or through the types, market and civil society.

As the thesis focuses on NGOs, a typology differentiating the interests (private or public) is preferred. According to the actors, who are lobbying in the European multi-level system, three groups can be differentiated:

- State or sub-state interest groups representing territorial interests of public authorities;
- A group of actors following economic interests: One can differentiate between employers interests and employees interests;
- Civil society organisations, NGOs, who represent idealistic ideas (CHARI/HOGAN/MURPHY 2010, 3).

Thus, four types of lobbying organisations can be identified:

- State and sub-state interest groups;
- Economic interest groups representing employers;
- Economic interest groups representing employees;
- Organisations, representing idealistic interests, NGOs.

The Commission tries to detect a majority of the Brussels-based lobbying groups by publishing lists. The most customary one is the European Public Affairs Directory, presenting a configuration of names of the particular institutions, addresses as well as contact points of institutions, important functionaries, MEPs, etc. in the EU. According to the Directory, around 70% of interest groups in Brussels represent economic interests, 22% are NGOs and only 10% represent national or sub-national interests. Nevertheless these numbers are not

related to the strength of the different groups as we don't know about their size and persuasiveness.

As the thesis focuses on NGOs, they will be in the centre of attention in the next section. Basically the aim of the chapter is to give an idea about the conception, interests and aims of NGOs in general.

2.5.2 Non-Governmental Organisations

As already mentioned in the last section, civil society organisations as NGOs represent idealistic interests. The term NGO, Non-Governmental Organisation, describes civil-society organisations, characterising themselves as a borderline between state and market. Main characteristic of NGOs is their independence of governments. In addition, in their activities NGOs are not following commercial interests or work profit-orientated (in most of the cases) (NOHLEN 2003, 332f). NGOs follow an organisational structure that can be classified through: membership, inner structure, defined territory, subject area, interests, forms of action or functions (NOHLEN 2003, 333). Despite extensive social-science research about NGOs, no explicit definition of the term is available. Nevertheless with the main characteristics and the organisational structure it is feasible to give an indication what NGOs are mainly about:

- They are independent of governments or state and neither hold government issued resources nor execute or seek a public function.
- They don't act profit-orientated;
- They represent public interests;
- They act according to principles of the benefit of the public and follow political goals;
- They get their resources on the basis of voluntariness (TAKE 2002, 42).

The characteristics give an idea about the conception of NGOs. In a second step, interests and aims of NGOs will be introduced.

In general, NGOs offer a broad variety of interests. With SMITH (1997) different groups of interests can be categorised: Human rights, environment, peace, development, world order or women's rights. It has to be mentioned that there exist a number of categorisations of NGO interests and the chosen one does not prove completeness. Nevertheless it gives an indication about subject areas NGOs deal with. In case of the thesis Human rights NGOs are the group of interest. Next to interests related to the subject matters one can differentiate also formal goals. Service-oriented and political NGOs are distinguished. While service-oriented NGOs are mostly active in "contracting" and "policy execution", performing activities of the state,

such as provision of food in regions of extreme poverty, conflicts or disasters; political NGOs seek to influence the arena of “norm setting” and “policy setting” at the international level (CURBACH 2003, 57-58). Most of the NGOs, active in Brussels, are political NGOs. They organise the process of gaining influence at the political level through lobbying, monitoring and mobilisation of the public. Political NGOs call for a change of the perception of transnational problems, implementation of standards, etc. (CURBACH 2003, 58). Applying those characteristics to the European level, the following activities of NGOs could be identified:

- Representation of public interests towards decision-makers, channelling concerns, viewpoints and values within the political process.
- Ensure the development and implementation of EU policies by providing expertise to policy-makers, and by identifying new issues which need to be tackled and proposing appropriate measures to address them.
- Helping to reduce the gap between the governing and the governed by awareness raising with the public concerning the purpose, policies and actions of the European Union.
- Set best practices in their specific fields, developing standards, indicators and targets.

That means that NGOs mainly seek to represent public interests, to raise awareness about a certain problem in order to initiate legislation in this field or lobby against certain directions, help to overcome the gap between the governing and the governed and set best practices at the European level, etc. As CURBACH (2003) states, political NGOs often work with the involvement of the greater public. In case of the European Union this method is often difficult to put into action as a greater European public is missing and no means of a general European mass media. In addition in most of the parts of society a European identity is still missing. This is why, even European NGOs often organise the public at the national level.

2.6 Summary

In the precedent chapter in a first step the terms Governance, multi-level Governances European Governance as well as different political science concepts, linked to the term were introduced and explained. To sum up, one can refer to Governance as the process of governing as a regulation of corporate interests including collaboration of governments with private-corporate actors (MAYNTZ 2009, 9). In contrast, multi-level Governance, that emerged out of supranationalism and intergovernmentalism adds the element of policy-making at different levels of territorial aggregation in more-or-less continuous

negotiation/deliberation/implementation, that does not assign exclusive policy competence or assert a stable hierarchy of political authority to any of these levels SCHMITTER (2004, 49). The following concept introduced is part of the multi-level Governance debate and is called European Governance. The concept basically conforms with multi-level Governance but applies more exactly to the nature of the European Union. It focuses on the interaction of institutional, constitutional and mental frames with actors, interests, attitudes and strategies, thus bridging the polity-politics-policy gap, which allows grasping the European political system in a more comprehensive way (MELCHIOR 2007, 7). A following part of the chapter dealt firstly with the different modes of Governance, identifying hierarchy, negotiations, competition and cooperation as major strategies. Following, European policy-making has been explained and could help to identify the stages of initiation and decision-making including the participating actors as targets that could be important for NGOs to lobby. Subsequently the term lobbying was defined as an activity, practice of interest groups and any other kinds of lobbyists to access to the decision-making process of legislators and decision-makers. The goal of the process is to advance their interests and influence governing bodies (GEIGER 2006, 13). Furthermore its origins were illustrated leading to a description of lobbying functions, instruments and methods. Interest organisation was explained due to a typology of groups, that represent its interests at the European level, focusing on NGOs. Following, the term NGO was introduced in its main characteristics and activities concluding the theoretical part.

The following chapter deals with European policies on missing children that have been treated so far.

3 European policies on missing children

The previous chapter gave an overview about the concepts of Governance, especially European Governance, as well as lobbying theories and interest organisation. Keeping European Governance as process of political goal setting, collective decision-making of a diverse range of political actors within the European arena in mind, Policy-making and decision-making in the European Union were explained. To affiliate to those processes, in the following chapter European Policies on missing children, that have been drafted so far, will be introduced and elaborated. In a first step the European Strategy on children's rights, calling for the promotion of children's rights and a better cooperation with stakeholders, is going to be presented and described. The second document that is going to be introduced are the EU guidelines on the Rights of the Child, where the main concern is to consider children's rights

in all EU actions. In a third step EU documents that are dealing with the hotline for missing children are in the centre of attention. A fourth section will deal with the Child Abduction Alert staff-working document from the Commission. The third chapter will be concluded by a brief summary.

For the European Institutions protection and promotion of the rights of the child is an essential goal. EU Institutions insist that children's rights are a respectable part of the human rights that EU and its member states have to respect (EUROPEAN COMMISSION 2012). The Commission as main actor in EU legislation helps to protect, promote and fulfil the rights of the child in all internal and external EU actions and policies.

The topic of missing children in Europe is part of the children's rights area in the European Union, getting a lot of attention already since the last years as the problem is becoming graver. As well the effective cooperation with NGOs dealing with the topic led to a stronger presence of the subject area of missing children at the EU level.

In order to improve EUs strategies on missing children the European Commission drafted a lot of orientation documents. The main and ground-breaking documents will be presented and explained in the following chapters.

3.1 Towards an EU Strategy on the rights of the child

The European Commission phrased plenty of Communications that express its intentions in the field of children's rights. An example is the Communication "Towards an EU Strategy on the Rights of the Child" in 2006 that wanted to ensure a central role for children's rights in the European Union (SAVE THE CHILDREN 2012, 19).

This document wants to establish a comprehensive EU strategy to promote and safeguard the rights of the child in the European Union's internal and external policies and support Member States' efforts in this field (EUROPEAN COMMISSION 2006, 2).

EU is already active in the field of children's rights, especially in the area of child poverty under the Open Method of Coordination (OMC) where it works on a framework for mutual learning between the Member States based on a series of common objectives and indicators and the adoption of national strategies to promote access to and the quality of social protection systems (EUROPEAN COMMISSION 2006, 6).

In the Communication the Commission states that the enlargement process is also a powerful tool to strengthen children's rights all over Europe as all the candidate countries have to guarantee stability of institutions, the rule of law, human rights and respect for and the protection of minorities. In addition to the Copenhagen criteria the Commission has promoted

the reform of child protection and closely monitored progress on children's rights in all the acceding and candidate countries.

The Commission considers the European Neighbourhood Policy as well as its strategic Partnerships as an important measure to promote children's rights in the European Unions neighbourhood (EUROPEAN COMMISSION 2006, 6).

In addition the Commission calls for more effectiveness to maximise the value of EU action on children's rights. Major objectives are:

- More comprehensive analysis of the needs and priorities and of the impact of relevant EU actions undertaken so far;
- More efficient mainstreaming of children's rights in EU policies, strategies or programmes and enhanced coordination within the European Commission;
- Better cooperation with key stakeholders, including children;
- Stronger communication and increased awareness of children's rights and of EU actions in this field (EUROPEAN COMMISSION 2006, 6-7).

The main demands of the Communication are the following additional measures:

- To attribute a single six digit telephone number (116xyz) within the EU for child helplines and one for a child hotline dedicated to missing and sexually exploited children (end 2006);
- To support the banking sector and credit cards companies to combat the use of credit cards when purchasing sexual images of children on the Internet (2006);
- To launch an Action Plan on Children in Development Cooperation to address children's priority needs in developing countries (2007);
- To promote a clustering of actions on child poverty in the EU (2007) (EUROPEAN COMMISSION 2006, 7).

The EU strategy on the rights of the child was an important step towards the improvement of the situation for children in Europe. As the dates in the brackets show, the plans of the Commission were too enthusiastic, as some of the demands are not yet fully implemented. Nevertheless the document is a proof for the Commissions effort in that area.

3.2 EU Agenda for the Rights of the Child

The EU Agenda for the Rights of the Child wants to reinforce the full commitment of the EU to promote, protect and fulfil the rights of the child in all relevant EU policies and actions (EUROPEAN COMMISSION 2012). The agenda consists of 11 actions, proposing where EU can improve children's well-being and safety.

The document was developed after a wide public consultation and a consultation with children.

One of the most important areas of the EU Agenda for the Rights of the Child is the justice system in Europe that should be more child-friendly. EU wants to use EU legislation to turn children's rights into reality. Children are involved with the justice system as when their parents divorce or disagree over custody, when they commit offences, when they witness crimes or are victims, or when they seek asylum. In these cases it is important that children face justice systems that respect and act according to their rights in order to prevent obstacles with regard to legal representation or being heard by judges (EUROPEAN COMMISSION 2011, 6). Effective access to justice and participation in administrative and court proceedings are basic requirements to ensure keeping a level of protection of children's legal interests. They have a right to a fair trial in criminal proceedings. That means that the privacy of children is kept protected, they get informed about the charges and the proceedings and that the information is provided in a way the child understands. The Commission will as well strengthen the procedural rights of suspected or accused persons in criminal proceedings including children. The Commission will as well ensure access to a lawyer and a proposal concerning the right for detainees to communicate with family members, trusted persons, employers and consular authorities.

Another concern of the Commission is a legislative proposal on special safeguards for suspected or accused persons who are vulnerable. This would be a major importance for child-friendly justice.

In context of the criminal and justice policies of the EU, the Commission will contribute to child-friendly justice systems by:

1. Adopting, in 2011, a proposal for a Directive on victims' rights raising the level of protection of vulnerable victims, including children;
2. Tabling, in 2012, a proposal for a Directive on special safeguards for suspected or accused persons who are vulnerable, including children;
3. Revising, by 2013, the EU legislation facilitating the recognition and enforcement of decisions on parental responsibility with a view to ensuring, in the interest of the child,

that decisions can be recognised and enforced as quickly as possible, including, where appropriate, the establishment of common minimum standards;

4. Promoting the use of the Council of Europe Guidelines of 17 November 2010 on child-friendly justice and taking them into account in future legal instruments in the field of civil and criminal justice;
5. Supporting and encouraging the development of training activities for judges and other professionals at European level regarding the optimal participation of children in judicial systems (EUROPEAN COMMISSION 2011, 8).

Another field where the EU aims improvement is the well-being of children through to social, political and economic factors (EUROPEAN COMMISSION 2011, 8). In this field the main subjects of the thesis are dealt with. The phenomenon of runaways is thematised as a risk to children's safety, mental and physical health and life. Children running away can suffer violence and abuse, further they can be trafficked or exposed to begging and prostitution (EUROPEAN COMMISSION 2011, 10). Thanks to a lot of organisations dealing with this issue, the European Institutions became aware of the problem and had time to develop tools to help in case children go missing. Some of the Member States developed so called "Child Alert Systems" (EUROPEAN COMMISSION 2011, 10). Those are systems that put the public into alert and inform them that a child has gone missing by using a wide range of information channels as radio, television, road traffic signs, etc. Thus they make the public aware about a missing child and consequently move them in the position to help finding a child or pass information about the child on to the police (MISSING CHILDREN EUROPE 2011a, 31).

A further concern of the Commission is to promote those systems within' the EU and strengthen the cross-boarder cooperation between the different Member States. In addition the improvement of the use of the Schengen information system and the SIRENE bureaux that has a location in every Member State in order to search for missing children is a major aim of the Commission. The Commission has published a new version of the SIRENE Manual, including a set of rules and procedures, in May 2011.

Another tool is the 116 000 hotline for missing children that offers help, support and builds a potential lifeline for missing children and their parents. Unfortunately the number was not yet implemented in all EU countries. The Commission adopted a Communication to encourage the Member States to operate such a hotline (EUROPEAN COMMISSION 2011, 10). Nevertheless the objective of Missing Children Europe is to ensure a high quality of the service with a highly trained staff and long-term service hours.

If the number does not get implemented by a majority of countries in a reasonable timeframe, the Commission is planning to present a legislative proposal with a set deadline to make sure that the number gets operational in all Member States.

With the new technologies, a field where children are especially vulnerable, has developed. On the Internet children are particularly vulnerable when they are confronted with harmful content and conduct, such as cyber-bullying and grooming, in audio-visual media. Studies confirm that for children across Europe who are bullied in schools, cyber-bullying becomes more and more popular and calls for urgent responses and the involvement of all relevant actors, such as social networking sites, Internet providers and the police. It is a major concern of the Commission to protect children in the digital space with their personal data, while keeping open access to the Internet and benefit of their social and cultural development. The Commission further makes efforts to empower and protect children online. Other areas where the Commission will expand its call for action are mobile phone and social networking services. The institution is cooperating with manufacturers of mobile devices and game consoles, Internet service providers, mobile applications and content providers, consumer organisations, researchers and child welfare organisations.

To summarise the Commission has the following action plans to improve well-being of children in areas where they are vulnerable:

6. Supporting the exchange of best practices and the improvement of training for guardians, public authorities and other actors who are in close contact with unaccompanied children (2011-2014);
7. Paying particular attention to children in the context of the EU Framework for National Roma Integration Strategies, which will be adopted in spring 2011 and will notably promote the more efficient use of structural funds for the integration of Roma;
8. Strongly encouraging and providing support to all Member States to ensure the swift introduction and full functioning of the 116 000 hotline for missing children and the child alert mechanisms (2011-2012).
9. Supporting Member States and other stakeholders in strengthening prevention, empowerment and participation of children to make the most of online technologies and counter cyber-bullying behaviour, exposure to harmful content, and other online risks namely through the Safer Internet programme and cooperation with the industry through self-regulatory initiatives (2009-2014) (EUROPEAN COMMISSION 2011, 11).

For the area of external action of the EU that includes topics as child labour, children in armed conflicts or child sex tourism the Commission plans the following major action:

10. The EU will continue the implementation of the 2007 EU Guidelines on the Protection and Promotion of the Rights of the Child that focus on combating all forms of violence against children. The EU will also evaluate the implementation of the Guidelines and further implement the EU Guidelines on Children and Armed Conflicts based on the 2010 Revised Implementation Strategy (EUROPEAN COMMISSION 2011, 13).

Concerning the field of child participation and awareness raising a lot of work lies ahead of the European Commission as a Eurobarometer survey showed that around 80% of the asked children are not aware of even having rights.

11. The Commission will set up, in the course of 2011, a single entry point on EUROPA with information for children on the EU and on the rights of the child. This single entry point will provide easy access to information that can be understood by children of different age groups and can be used by parents and teachers to find information and teaching materials. The Commission will invite other EU institutions to join this initiative (EUROPEAN COMMISSION 2011, 14).

To summarise, the EU Agenda on the Rights of the Child has its focus on the areas of child friendly justice, the improvement of the well-being of children, including the discussion about missing children or Child Alert Systems. Furthermore safer Internet for children is a demand of the document as well as the further implementation of the EU guidelines on the protection and promotion of the Rights of the Child and the improvement of children's participation and information about their rights.

3.3 116 000: The European hotline for missing children

As already discussed in section one concerning the European measures for missing children in 2007 the European Commission adopted a Decision asking the EU member states to reserve a six digit number, starting with 116, for services of social value. The 116 000 was assigned to the hotline to report missing children in Europe (OFFICIAL JOURNAL OF THE EUROPEAN UNION 2007, 2).

The next step in the development of the 116 000 hotline for missing children in Europe was done by the publication of the revised Universal Service Directive, adopted in 2009. The

main concern of the document was the introduction of new obligations for the EU member states in order to establish the service in each country. According to the directive the EU members are obligated to make every effort to ensure that citizens have access to the 116 000 hotline. The deadline to establish the hotline in every member state was 25 May 2011 (OFFICIAL JOURNAL OF THE EUROPEAN UNION 2009, 6; 16).

In 2010 the European Commission adopted the Communication “Dial 116 000: The European hotline for missing children”. The objective of this document is again to remind the EU countries of the importance to implement the 116 000 as service for missing children and their families. Another issue is the assurance of a high quality service all across Europe. The 116 000 should be a harmonised number with a harmonised service.

As already mentioned in the first section of the third chapter not all Member States of the European Union were able to operate the 116 000 hotline for missing children by that date. 15 out of 27 Member States activated the service so far. They are Belgium, Denmark, Estonia, France, Greece, Hungary, Italy, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Spain and the United States. After asking the different organisations who are already running the hotline about difficulties with operating the service, two major obstacles could be identified, maybe as well reasons delaying the implementation of the 116 000. Those are:

- A lack of information: The assignment process is slowed down due to the lack of information about the existence of the service of the 116 numbers. Hence the service providers do not apply for the number simply because they don't know about it. Another problem reported was as well the lack of information concerning the application process, especially concerning contact persons. The weak coordination between the Member States is another point of criticism. At least the lack of information among the general public has been identified as a big problem (EUROPEAN COMMISSION 2010, 5);
- The cost of running and calling the hotline is one of the factors that prevents introduction and operation of the hotline. The 116 000 should offer to take calls reporting missing children. It shall as well involve other relevant actors and support the persons responsible for the missing child. Support during the whole investigation of the case shall be provided. Hence the service has to be available 24/7 nationwide. Organisations already operating the hotline stated, that these conditions require trained staff and specific know-how that cannot be covered just through volunteers. The staff should as well be able to speak English next to their mother tongue, as people could call who are actually travelling and do not speak the main language of the country they are

travelling in. Another point are telecommunication costs, which are not always borne by service providers. Available financing is: Public funding, Corporate Social Responsibility (CSR) schemes and private funds (EUROPEAN COMMISSION 2010, 5-6).

Concerning the cost for calling, the main problem is that the number is not always available for users of mobile roaming and for persons calling from abroad. 116 000 should be a free number, but some service providers are not willing or cannot afford to pay for extra roaming costs (EUROPEAN COMMISSION 2010, 6).

The results of a questionnaire sent to operating organisations also showed some solutions for the problems identified. The different EU Member States have to tackle different issues so they can also learn from each other. The lack of information can be converted by launching broad campaigns as MCE did in 2009. Posters, bracelets and flyers were distributed to raise awareness for the hotline in the general public (EUROPEAN COMMISSION 2010, 6-7).

As well for the problem concerning the running of and calling the hotline different solutions have been worked out in the different European countries. In Belgium, for example, the operators managed to receive an annually renewable grant from the National Lottery and work on the basis of public-private partnership (EUROPEAN COMMISSION 2010, 7). The telecom operators in Portugal and Romania for example cover the telecom costs. The mobile phone operators agreed not to charge the telephone costs to the service provider (IBID).

The Commission document as well presents the common minimum standards for the hotline, which were already elaborated in the first chapter. To sum up the main points were:

- Availability of the service in the language of the respective country and at least English;
- Staff that is working on the hotline need to be trained, especially on how to deal with children;
- Transnational cases must be redirected to the relevant authorities;
- Follow-up must be offered after the case is closed;
- A cooperation agreement between the service provider and the national enforcement and/or judiciary authorities has to be signed (EUROPEAN COMMISSION 2010, 8).

In order to improve the implementation of the 116 000 hotline, the Commission will monitor and assess the situation until the hotline has been introduced and fully functions in the member states of the European Union. In its communication the Commission as well stated to organise high-level conferences with all stakeholders once a year in order to raise awareness for the hotline, allow the exchange of best practices and identify practical tools to

ensure that the hotline becomes operational as soon as possible and offers a high-quality service (EUROPEAN COMMISSION 2010, 8).

In case no progress will be made in the near future to make the number operational in the Member States of the European Union, the Commission will consider presenting a legislative proposal to make sure that the hotline will be implemented (EUROPEAN COMMISSION 2010, 9).

To sum up, the main steps in the development of the 116 000 hotline was the Commissions 2007 decision asking the member states to reserve 116 xyz numbers for social services. Subsequently the service of hotline for missing children was assigned to the 116 000. Thus the Universal Service Directive, adopted in 2009, obligated member states to make every effort to ensure that citizens have access to the 116 000 hotline. A main concern of the Commissions Communication on the hotline for missing children in 2010 had its focus on remaining member states about the importance of implementing the number and the quality of the service. Common minimum standards were defined in the document as well. They are: 24/7 availability of the service, trained staff, redirection of transnational cases, offer of a follow-up after a case and a cooperation agreement between the service provider and the national enforcement. Problems concerning the implementation could be identified in the lack of information about the number and the costs of running and calling the hotline. The deadline to implement the hotline in all member states across the EU was 25 May 2011. To this day the 116 000 is active in 15 member states.

3.4 Child Abduction Alert

As already mentioned in the first section of this chapter, a Child Alert Mechanisms aim is to inform the public at large in case of child abduction and in situations where the life of a child may be at risk (EUROPEAN COMMISSION 2012g). Currently in 11 out of 27 EU countries such a mechanism is implemented.

The mechanism is further known as Child Alert System and alerts the public by disseminating information about the child. Differing from case to case information such as a photo, age, and the last location the child has been seen or maybe clothes it has worn or special characteristics of the child will be published. It has to be mentioned that not in any case activating the Alert system is the right idea because it can also chase a child further away when it recognises that people are actually looking for him/her. So it has to be decided from case to case if the activation of a Child Alert System is the adequate solution.

In case the system gets activated all possible electronic means, to disseminate information about the child are being used. Of course this depends on the country and the signed cooperation agreement a government has signed with the different service providers. Possible means are:

- E-mails;
- SMS;
- Electronic advertising displays;
- Illuminated signs on highways;
- Flash information on radio and television (EUROPEAN COMMISSION 2012g).

It has to be clarified again that a Child Alert System only gets activated in a case of a worrying disappearance or criminal abduction of a child. In every case it has to be balanced if activating the system is the right measure to go and look after the missing child.

As already mentioned, 11 out of 27 EU countries have already implemented a Child Alert System. Those countries are: Belgium, the Czech Republic, France, Germany, Greece, Ireland, Italy, the Netherlands, Portugal, Romania and the United Kingdom (EUROPEAN COMMISSION 2012g). Nevertheless the aim of the European Commission and Missing Children Europe is to interconnect the national Child Alert Systems and create systems that are capable of dealing with cross-border cases and thus make cooperation between the EU countries easier (EUROPEAN COMMISSION 2012g).

In addition the COUNCIL OF THE EUROPEAN UNION (2008, 2), Justice and Home Affairs section, emphasises that the implementation of alert mechanisms in all Member States is a major aim. A suitable communication system would provide a more effective solution in order to solve cross-border child abductions by a cooperating network of police and judicial authorities. The Council as well wishes to define the conditions and arrangements for the effective cross-border cooperation of national mechanisms (COUNCIL OF THE EUROPEAN UNION 2012, 2). Those arrangements should be developed on the Best Practices of the countries who have already experience with the launch of alerts and cross-border cases.

In the Commissions Staff Working Document the following criteria for launching a cross-border alert are presented:

- The victim is under 18 years old;
- The case dealt with is a proven abduction or there are clear elements showing that it could be a case of abduction;

- The health or the life of the child are in danger;
- Information that will enable to find the missing child is available;
- The publication of this information won't add a risk to the missing child's life;
- There are indications that the perpetrator has left the country with the child;
- The abduction happened in a region close to a national border (EUROPEAN COMMISSION 2008, 4).

As already mentioned earlier, the alert message in a national alert mechanism contains available information about the child. To sum up, the following information can be used for an alert:

- Day, time and location of the abduction;
- First name of victim and recent picture;
- If available, information on the person suspected of having carried out the abduction;
- Vehicle description, if available;
- A free phone number to be called and an e-mail address (EUROPEAN COMMISSION 2008, 4).

According to the experience of some EU countries the following dissemination methods could be identified as being especially efficient:

- Press agencies should print a picture with text in their publication the following morning;
- TV broadcasters (public and private) should display a picture and text in rolling titles at the bottom of the screen or show the message every 15 minutes during any programme;
- Radio broadcasters (public and private) should broadcast vocal messages every 15 minutes;
- Traffic managers should provide the message: "Alert – please listen to radio";
- Transport companies (public and private train, bus and taxi companies as well) should as well display a picture and text on electronic screens or papers in trains, buses and airports;
- Internet service providers should prepare pop-up displays on websites that have subscribed for the service;
- Mobile phone companies should send pre-formatted sms/mms to all subscribers of the service;

- Banks should display the message on cash-point screens (EUROPEAN COMMISSION 2008, 5).

The messages should be disseminated for 12 or 24 hours depending on when the first message was sent (IBID).

The main objective of both, the European Commission and the Council of the European Union is to drive the development of Child Alert Systems forward across the European Union and strengthen the cross-border cooperation.

Summarising, Child Alert Systems are mechanisms that inform the public at large in case of a worrying disappearance or a criminal abduction. An alert message can contain information on the looks of the child, its clothes, the last location it has been seen or its name and a recent picture. The alert messages are usually spread through radio, television, newspapers, Internet, bank machines, illuminated signs on highways or in public transportation. The message should be disseminated for 12 or 24 hours. These days in 11 out of 27 EU member states, alert systems are active. A main demand of the European institutions is the further establishment of Child Alert Systems in all EU member states and subsequently the interconnection of those mechanisms.

3.5 Summary

In the last sections the main policies of the European Union concerning missing children in the last years were introduced and explained.

The 2006 document of the European Commission “Towards an EU Strategy on the Rights of the Child” wants to ensure a central role for children’s rights (SAVE THE CHILDREN 2012, 19). More specific, the European Commission is calling to take children’s right into account in all the relevant EU actions and strengthen the cooperation with relevant stakeholders including children (EUROPEAN COMMISSION 2006, 2-6). Regarding missing children in Europe the EU Strategy on the Rights of the Child states a major issue. The document calls for the attribution of one single six digit telephone number (116 xyz) within the EU as a helpline for missing children in all EU Member States (EUROPEAN COMMISSION 2006, 7). This was the first step into the direction of the implementation of the 116 000, the hotline for missing children across the European Union.

The EU Agenda for the Rights of the Child is a “reminder” document of the European Commission to assure the importance of promoting, protecting and fulfilling the rights of the

child in all EU policies and actions (EUROPEAN COMMISSION 2012). A main concern of the document is a more child-friendly justice system all across Europe (EUROPEAN COMMISSION 2011, 6). Concerning the topic of missing children, it is stressed as a risk to children's safety, mental and physical health and life (EUROPEAN COMMISSION 2011, 10). As an act to react on the phenomenon of worrying disappearances or abductions in the EU, so called "Child Alert Systems", informing the public in case a child has gone missing by disseminating information via television, radio, internet, newspaper etc., have been developed (MISSING CHILDREN EUROPE 2011a, 31). In the EU Agenda for the Rights of the Child, it is a major concern of the Commission to promote these systems. The document is also dealing with the topic of 116 000, the hotline for missing children, that should have been implemented within' 25 May 2011. Other main topics in the document are the protection of children on the Internet, with regards to cyber-bullying and grooming and topics concerning the external area of the EU as child labour, children in armed conflicts or child sex tourism (EUROPEAN COMMISSION 2011, 10-11).

The third section of the chapter is dealing with the development of the European hotline for missing children. Main documents for this service are the 2007 Decision of the European Commission stressing that every Member State has to reserve six digit numbers starting with 116, for social services across the EU (OFFICIAL JOURNAL OF THE EUROPEAN UNION 2007, 2). The number 116 000 was assigned to be the hotline for missing children in Europe. Hence the Universal Service Directive, adopted in 2009 encouraged the EU Member States to make every effort to make the 116 000 operational. The Commission Communication "Dial 116 000: The European hotline for missing children" has the main aim to reinforce importance for the Member States to implement the 116 000 hotline. The document as well calls for a high quality service, harmonised in all EU countries. In addition, the major obstacles in the implementation of the 116 000 were pointed out as result of an enquiry organised by the Commission around organisations who are already running the service. They are: A lack of information about the number around service providers, about the application process and around the general public about the existence of it. Second obstacle mentioned were the costs of running and calling the service (EUROPEAN COMMISSION 2010, 4-7). Next to those problems the Communication of the Commission also showed Best Practices in order to tackle the identified difficulties (EUROPEAN COMMISSION 2010, 6). Another important issue of the Communication are the common minimum standards of the service. It is a must that the service is next to the language spoke in the respective country also available at least in English. The staff working within' the hotline team has to be trained. Transnational cases

need to be redirected to the adequate services. A follow-up has to be offered after a case has been closed (EUROPEAN COMMISSION 2010, 8). The Commission will continue to monitor the further progress of the implementation of the hotline, only if no visible progress will be made in the near future a legislative proposal will be drafted (EUROPEAN COMMISSION 2010, 8).

The last section of the chapter dealt with Child Alert Mechanisms in the European Union. On the website of the Directorate General Justice of the European Commission a Child Alert System is defined as a mechanism that informs the public at large in case a child has gone missing due to criminal abduction and his/her life may be at risk. Information is disseminated via Internet, television, radio, Internet, sms/mms (EUROPEAN COMMISSION 2012g). The document of the Council of the European Union in 2008 stresses as its major concern that Child Alert Systems have to be activated in all European Member States and interconnect with each other (EUROPEAN COMMISSION 2012g). The Commissions Staff Working Document on Child Alert Systems presents criteria when to launch a Child Alert System, information that an alert message should contain and effective dissemination methods for alert messages (EUROPEAN COMMISSION 2008, 4-5. Main objective of the European Institutions is to drive the implementation of Child Alerts Systems forward in the coming years and especially strengthen the cooperation and interconnection of the European Union Systems.

4 Actors in the European Union dealing with Children's Rights and missing children

The third chapter dealt with European Policies on missing children. The main documents concerning missing children and children's rights were in the focus of the chapter and thus precisely described. Selected policy drafts were the European Strategy of Children's rights, EU guidelines on the Rights of the child, EU propositions on the European hotline for missing children and Child Alert Systems.

In the following chapter the major actors in the European Union and at the national level, dealing with children's rights and missing children, are in the centre of attention.

The process of policy-Making in the European Union is mainly driven by public actors such as the European institutions, who have a major influence on European legislation. To summarise: It is the Commission who submits proposals for EU legislation, subsequently the European Parliament issues an opinion and may undertake amendments, the Council finally adopts the proposal. This is why those institutions are defined as the main public actors in the thesis.

Nevertheless the European Institutions are consulted and advised by external actors such as NGOs, interest groups, lobbies or enterprises. Those, in the thesis called private actors, do try to push their interests on the European agendas and negotiate legislations in favour of their aims.

The first part of the following chapter will introduce the main public actors, the European institutions as the European Commission, the European Parliament and the Council of the European Union.

The second part of the chapter will introduce the main NGOs dealing with missing children on the European level and national levels. The different sections will explain briefly what the organisations are doing, where they are founded and show how active they are at the European level.

4.1 European Institutions

The European Union offers a unique institutional set-up that is defined by the Council of the European Union that interconnects the national and EU-level leaders; the European Parliament that represents the only directly elected body in the EU and the European Commission as the body that represents the interests of EU citizens.

In the following sections the main European institutions will be introduced.

4.1.1 European Commission

In general the European Commission is the EU's executive body and represents the interest of Europe as a whole. The Commission has its headquarters in Brussels, with offices in Luxembourg and representations in all EU member states (EUROPEAN COMMISSION 2012a).

The Commission had a low priority during the negotiations setting up the European Economic Community (EEC) in the late 1950's with the Treaty of Rome. In the article 155, the Treaty says: The Commission shall:

- Ensure that the provisions of this Treaty and the measures taken by the institutions pursuant thereto are applied;
- Formulate recommendations or deliver opinions on matters dealt with in this Treaty, if it expressly so provides or if the Commission considers it necessary;
- Have its own power of decision and participate in the shaping of measures taken by the Council and the European Parliament in the manner provided for this Treaty;
- Exercise the powers conferred on it by the Council for the implementation of the rules

laid down by the latter.

The tasks of the Commission weren't changed neither in the Single European Act (SEA) nor the Treaty on the European Union (TEU) (CINI 1996, 13). The treaties suggested that the European Commission should be more than a civil service but they didn't exactly phrase that the Commission might play a role within' the European integration and policy process (IBID). Over the years the major tasks and functions have developed to the following:

- Set objectives and priorities for action
- Propose legislation to Parliament and Council
- Manage and implement EU policies and the budget
- Enforce European Law (jointly with the Court of Justice)
- Represent the EU outside Europe (negotiating trade agreements between the EU and other countries, etc.) (EUROPEAN COMMISSION 2012a).

CINI (1996, 14-15) states in his book that a lot of variations of functions of the Commission exist and that there is no exact description of its tasks. A traditional definition divides the functions of the Commission into political and bureaucratic elements. The political part consists of the policy initiation and the normative functions. The bureaucratic part highlights the administrative and meditative roles of the European Commission.

The Commission is often labelled as the most important institution in the European Union context. This assumption is linked to the Commission's right of initiative and its right of initiation. That means without a proposal of the Commission there would be no European act at all. Thus the Commission is often accused of suggesting irrelevant proposals for legislation. Still the EP and the Council have to support the ideas of the Commission. That's why it would be useless for the Commission to propose legislation Council and Parliament would never agree on. Nevertheless the Commission alone has the right to draft the proposals that form the basis of discussion, consultation and subsequent European legislation. With regard to the Maastricht Treaty also the European Parliament can initiate legislative proposals, meaning that as the Council it can request that the Commission proposes a draft on its behalf. Nevertheless it is up to the Commission to decide whether the proposal is appropriate or not and has to make choices about the different policy approaches. Still it means that the proposals of the Commission are a result of complex and detailed process of information and consultation. The Commission has also to consult the member states (CINI 1996, 20). The Commission also participates in measures taken by the Council and the Parliament. It is a

duty of the Commission to create implementable policy and produces thus around 800 draft legislations per year (CINI 1996, 21-22). Nevertheless the leadership role of the Commission is dependent upon favourable external conditions. The success or failure of its tasks lies often out of her control.

Nevertheless the Commission is together with the European Parliament and the European Council the most important institution for children's rights NGOs to get influence at the European level.

Concerning its structure the Commission consists of a College of Commissioners, that carries political responsibility for the actions undertaken by the Commission. The operational implementation is delegated to Directors-General and Heads of Services, who are the Heads of the administrative structure (EUROPEAN COMMISSION 2007, 2). The Treaty that established the European Community appointed that the Commissioners have to be chosen on the basis of their general competence. They are independent in their performance and do not have to follow instructions from any government or any other body. The Directors-General and Heads of Service receive their information from their own services as well as from central services to be able to exert their political responsibility and their role of supervision. They are responsible for the implementation of the political priorities they laid down in compliance with the work programme of the Commission.

4.1.2 The European Parliament

The European Parliament was founded in 1952 as the Common Assembly of the European Coal and Steel Community (ECSC) and was called the European Parliamentary Assembly in 1958 and European Parliament from 1962 on. The Members of the European Parliament who got elected in the current period will be active until 2014. The evolution of the Parliament and its gaining of influence is linked to a succession of treaties leading to the currently active Lisbon Treaty (EUROPEAN PARLIAMENT 2012c).

The European Parliament exercises political control over the Commission for example when it is approving the appointment of the Commission President but also the Commissioners. The Parliament can adopt a motion of censure against the Commission in which case the Commission must resign as a body and by asking written and oral questions to which the Commission has to respond (EUROPEAN COMMISSION 2007, 7). As well the European Parliament once upon a year approves the Commission's implementation of the EC budget and its accounts (IBID).

The European Parliament is the only directly-elected European Union Institution

(EUROPEAN PARLIAMENT 2012). The Parliament today is a co-legislator for nearly all EU law and adopts or amends proposals from the Commission. Beyond the official powers the Parliament also cooperates with national parliaments in the EU Member States. The EP is as well a defender of human rights and democracy in Europe (EUROPEAN PARLIAMENT 2012a).

The Parliament is with 754 that represents 500 million citizens in Europe one of the largest democratic assemblies in the world. The Members of the European Parliament are elected once in five years by voters from the 27 European countries (EUROPEAN PARLIAMENT 2012b). The members are organised in political groups to better present their positions. At the moment there are seven different political groups. The work of the Parliament happens in different Committees who prepare reports and opinions that will be voted in the plenary.

If the European Parliament gets a legislative proposal it gets introduced in the Committee meeting and one of the Members is assigned to the proposal as rapporteur. To limit the influence of the political group the rapporteur belongs to, the Committee assigns shadow-rapporteurs, who are also dealing with the draft and are cooperating closely with the rapporteur. Usually the rapporteur is working on the legislative proposal and works out a report supported by the shadows. Depending on complexity the draft is discussed in one of the upcoming Committee meetings. If the topic is also of interest for other Committees in the Parliament they can also give their opinions on the draft. After introducing the draft to the Committee, the Members of the Committee are entitled to hand in their amendments until the arranged deadline. After all the amendments were handed in, translated and seen through by the Secretariats of the Committees and the administrations of the different political groups, they are voted on in the Committee. After the votes the report is changed according to the amendments and after that voted in the Plenary. In general in the European Parliament the opinion of the political groups count more than nationality. That means that not all the French Members vote in favour of a draft, but the Progressive Alliance of Socialists and Democrats mostly represent the same position. Of course this is not true for all topics. For example, in the field of nuclear policies, Austrian Members of different political groups try to represent the same position. In general the political groups vote along the position of their group. To ensure the common sense, the Secretariats of the group prepare the so called “voting-lists”, that give suggestions for the Members which amendments to vote for and which ones to decline. It would be impossible for the Members to be up to date on every topic the Committee is dealing with. The voting lists ensure a kind of an orientation for the political group. In general the electoral behaviour in the groups is homogenous, it is just sometimes the case that one or another Member votes in a different sense. If it is the case that Members do

not vote in favour of the common sense of the group it has a deep symbolic character even if it does not change the final voting results it leads to a lot of discussion in the groups. Within the different groups there are mostly coalitions between the Progressive Alliance of the Socialists and Democrats and the Greens or the European Peoples Party, the Alliance of Liberals and Democrats for Europe and the European Conservatives and Reformists.

4.1.3 The Council of the European Union

The Council is, together with the European Parliament, an essential EU decision-maker and adopts acts that are directly relevant to the lives of EU citizens and have a considerable international impact. It is the place where the government of the Member States are represented, for example the Finance Minister of the Member countries. Depending on the issues discussed, the Council meetings are set and composed of the persons who are dealing with the respective subjects. Nevertheless one can say that the Foreign Affairs Ministers meet once a month in the Foreign Affairs Council. In general there are different configurations for all the EU policies. It is the responsibility of the General Affairs Council to ensure that the different configurations are cooperating and prepare the meetings (COUNCIL OF THE EUROPEAN UNION 2012).

The major tasks of the Council of the European Union are:

- It adopts legislative acts (Regulations, Directives), in many cases in “co-decision” with the European Parliament;
- It helps coordinate Member States’ policies, for example, in the economic field;
- It develops the common foreign and security policy, on the basis of strategic guidelines;
- It concludes international agreements on behalf of the Union;
- It adopts the Union’s budget, together with the European Parliament (COUNCIL OF THE EUROPEAN UNION 2012).

As already mentioned the Council is making the law together with the European Parliament on the proposals of the European Commission. The two institutions can suggest legislation to the Commission. Since the Treaty of Lisbon also the European citizens can ask the Commission to submit a proposal by handing in a petition signed by a million citizens. This what is called the citizens initiative.

The sittings of the Council are public, even the voting on a proposal for a legislative act can be followed. On the other side, discussions on subjects that are not linked to a new

legislation can't be attended by public.

Decision-taking takes place through reaching a qualified majority, which means that:

- A majority of Member States approves;
- A minimum of 255 votes is cast in favour of the proposal, out of a total of 345 votes (COUNCIL OF THE EUROPEAN UNION 2012).

Another condition that the Member States can ask for is a confirmation that the votes in favour represent at least 62% of the total population of the European Union. If this is not the case, the decision will not be adopted.

Another task of the Council is that one of the Member States is taking over the Presidency every six months. This is how the Member States can influence the policies made in this period, they can propose guidelines and draw up the compromises needed for the Council to take decisions. To ensure the continuity of the work of the Council, the precedent, current and upcoming presidencies are working together (COUNCIL OF THE EUROPEAN UNION 2012).

The only part of the Council that is not chaired by the active Presidency is the Foreign Affairs Council. It is chaired by the High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton.

4.2 The European NGO for missing children – Missing Children Europe

The main focus of the chapter lies on the European umbrella NGO for missing and sexually exploited children, Missing Children Europe, that will be introduced and presented in its missions, fields of activities and projects they are working on. In addition, a questionnaire filled in by the Members of MCE, was evaluated and presents priorities, important missions and expectations of the member organisations for Missing Children Europe.

A lot of Non-Governmental Organisations in Europe deal with the topic of missing and/or sexually exploited children in the different EU member states. To strengthen their cooperation at the European level and thus their influence also at a political level, Missing Children Europe, the European umbrella organisation, was created in 2001 at the European Parliament with the EP President Nicole Fontaine and the European Commission Vice-President Vitorino participating. The two European Institutions were from the beginning on in favour of the idea of a European umbrella organisation that represents European non-governmental

organisations who are dealing with the issues of missing and sexually exploited children on a national or regional level (MISSING CHILDREN EUROPE 2012a)

Missing Children Europe is the European Federation for Missing and Sexually Exploited Children. As an umbrella organisation, it represents 24 Non Governmental Organisations (NGOs) active in 17 Member States of the European Union and Switzerland. Each of these organisations is active in cases of missing and/or sexually exploited children sometimes at a grassroots level, including prevention and support for victims (MISSING CHILDREN EUROPE 2011, 4).

The organisation structure of MCE can be briefly explained: As MCE is an umbrella organisation it is governed by its member organisations, who have a get together at least once a year in form of a General Assembly. In addition, a board of directors composed of elected members of MCE and independent administrators performs the task of goal setting and meets twice a year. Missing Children Europe has as well a president that is elected by the members for a mandate of three years. The main body, that is actually meant when writing about MCE in this thesis, is the Brussels-based General Secretariat that is composed of a Secretary General, a Deputy Secretary General, a project officer and a finance and administration officer (MISSING CHILDREN EUROPE 2012d).

In its composition, the overall mission of the team of Missing Children Europe is to:

- Ensure that in every EU Member State, the basic conditions (institutions, regulations, procedures) for helping missing and sexually exploited children as well as for the prevention of children going missing or being exploited are established, and the professional minimum standards for dealing with these phenomena are observed;
- Stimulate European and transnational cooperation to cope with the growing cross border nature of the problem;
- Extend the level of its Members' activities to a truly operational and highly standardised level;
- Assist its Members in their dealings with national authorities to achieve speedy, efficient and accurate implementation of binding European legislation organisation (MISSING CHILDREN EUROPE 2012b).

Missing Children Europe promotes full respect for, and compliance with, the UN Convention on the Rights of the Child and refers to Articles 6, 9 and 34 of the Convention as the relevant framework for its activity.

In order to fulfil its missions the European NGO is active in the following fields:

- Develop European tools to combat the disappearance and sexual exploitation of children;
- Share best practices among its Members;
- Provide representation of its Members at the European institutions;
- Cooperate with the Washington-based International Centre for Missing and Exploited Children (ICMEC) and any other relevant international organisation (MISSING CHILDREN EUROPE 2012b).

The most relevant activity regarding to the topic of the thesis is the representation of the Member organisations of Missing Children Europe at the European level. Due to the extension of the Schengen area and geographical borders re-shrinking and in a world where travel becomes quicker, easier and cheaper, the problems related to the disappearance and sexual exploitation of children must be dealt with on a European scale for solutions to be effective.

The Members of Missing Children Europe are often organisations at a grassroots level and are experts in what they are doing. Nevertheless answers to modern challenges in the field of missing or sexually exploited children have to be found and formulated at the European level. The capacity of MCE is recognised by the major institutions as the European Commission, the Council of Europe, the Organisation for Security and Cooperation in Europe (OSCE) and the Hague Conference on Private International Law (MISSING CHILDREN EUROPE 2012a).

To be active at the European level MCE is realising diverse projects at international level as the development of policies at national level has a limited effect. MCE is mentioning for example the case of abduction where children who were abducted can easily be transferred to another country, or parents in mixed marriages where one parent takes the child back to his home country and thus end up the contact with the other. But also cases of Internet criminality as images of abuse produced in one country can be easily sold in another. This is why one of MCEs missions is to realise effective European policies and projects to counter such negative phenomena occurring together with the further enlargement of the European Union.

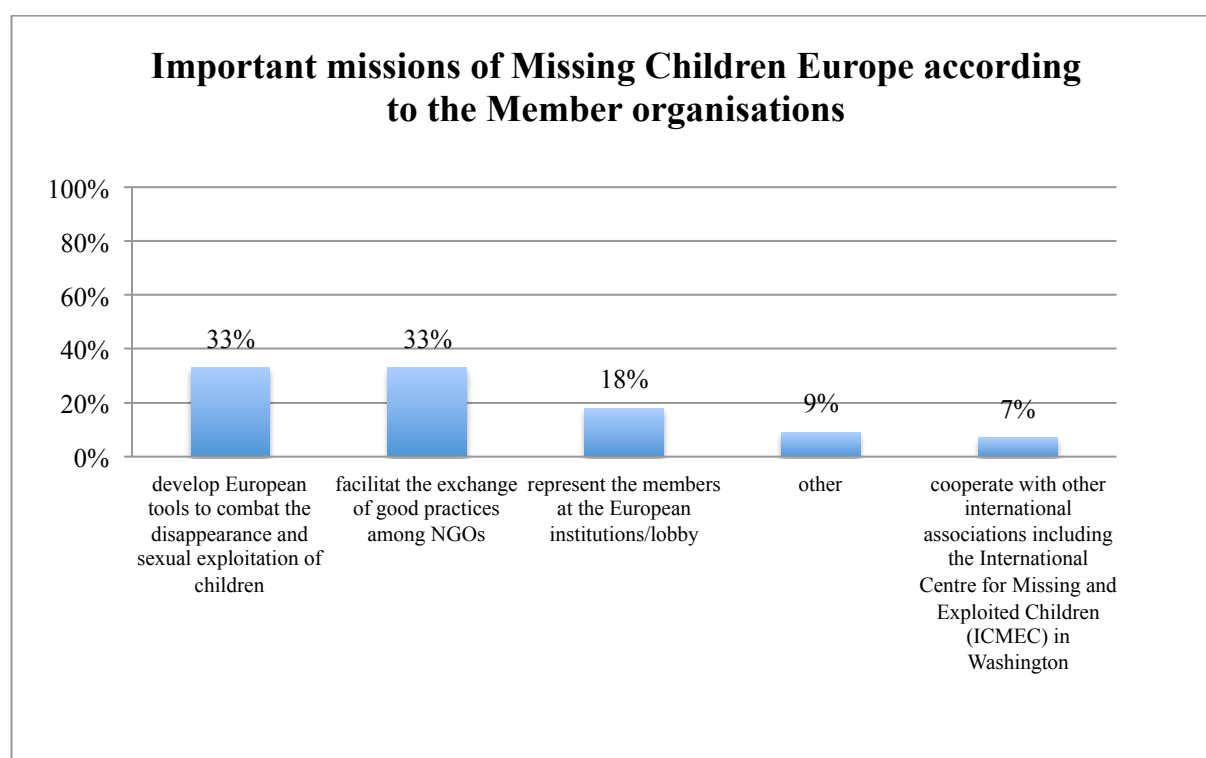
To do so MCE is currently working on the following projects:

- 116 000: Implementing the European Telephone Number for Missing Children;
- Development of national centres for missing children;
- European financial coalition against online commercial sexual exploitation of children;
- Towards better policies and laws for missing and sexually exploited children;
- Developing a European Database to compare data on missing children across Europe;

- Stimulating the Interconnection of Child Alert Systems in the European Union (MISSING CHILDREN EUROPE 2012c).

One of the projects and its realisation, the Interconnection of Child Alert Systems, is the project to be investigated in this thesis and further analysed in the practical part of the thesis.

The following chart shows the importance for the member of each particular mission of MCE:

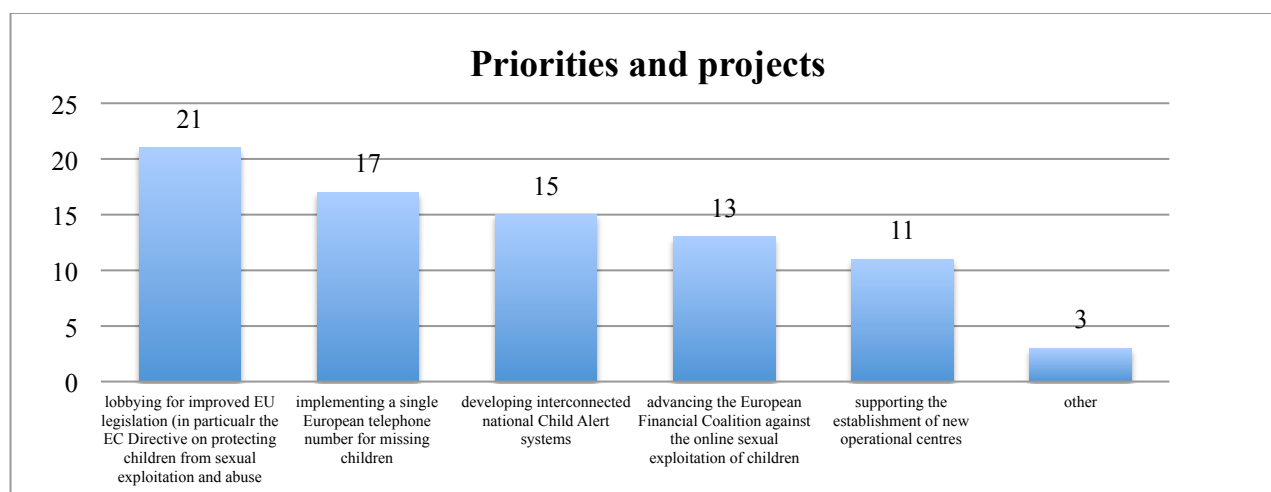


Graph 2: Importance of missions of Missing Children Europe

The chart demonstrates that the development of European tools to combat the disappearance and sexual exploitation of children and the facilitation of the exchange of good practices among NGOs are the top priorities of the Members. The third priority seems to be the representation of the Members at the European Institutions and related lobbying activities. The Member organisations also have specific proposals regarding the mission of MCE. Some examples follow: “Find people who can help all the organisations to gather funds for their activities.” (Aurora) “Act as advisers to the European Institutions (...) on parental child abduction, for instance.” (IAC) “Lobby EC to stimulate Member States in fulfilling their obligations regarding the Convention on Children Rights” (Nadace Naše dítě) (MISSING CHILDREN EUROPE 2011, 67).

Regarding concrete priorities and projects that MCE is currently carrying out, the

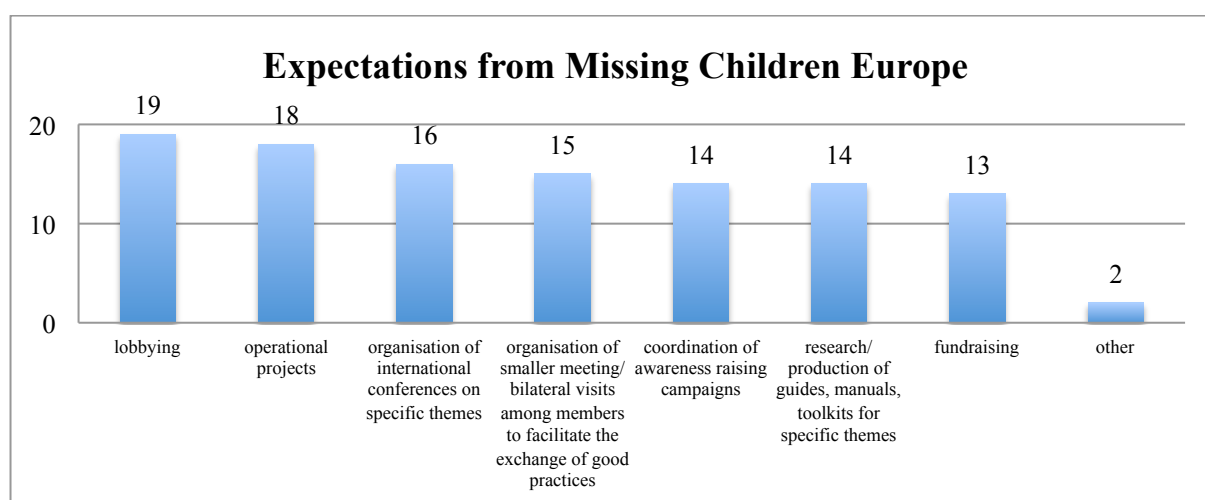
following are of particular importance for the Member organisations:



Graph 3: Priorities and projects of Missing Children Europe

The graph illustrates that for 21 out of 24 Members of MCE, the current activities related to lobbying for improved EU legislation are particularly important. For 17 Members the implementation of a single European telephone number for missing children is a top priority. The development of an interconnected Child Alert System is important for 15 out of 24 Members. The advance of the European Financial Coalition against the online sexual exploitation of children and support for the establishment of new operational centres ranked slightly lower, but remain a priority (MISSING CHILDREN EUROPE 2011, 67).

Besides the current projects MCE is already undertaking, the General Secretariat wanted to know what kind of activities and tasks the Members envisaged for the MCE General Secretariat. Members' answers are illustrated in a chart:



Graph 4: Expectations from Missing Children Europe

It is clear that the Members expect the General Secretariat to continue to concentrate on all its current and proposed tasks and activities, while at the same time making lobbying and operational projects its top priorities (MISSING CHILDREN EUROPE 2011, 68).

In terms of the role of the General Secretariat the following priorities for its work were identified (in descending importance):

The General Secretariat should:

- Take a leading role as the Federation's executive body, as coordinator between the Members, and representative of the Members.
- Keep the topic "missing children" on the European political agenda (lobbying).
- Launch initiatives for projects in order to improve the methodology efficiency and the quality of the work of Member organisations.
- Focus on fundraising.
- Strengthen cooperation with ICMEC (MISSING CHILDREN EUROPE 2011, 69).

Summarising, Missing Children Europe is the European umbrella organisation uniting national organisations dealing with missing and/or sexually exploited children and represents 24 Member organisations from 17 European Member States. The major aims of MCE are to ensure basic conditions for helping missing and sexually exploited children in the EU Member States. The main measures of MCE to fulfil its mission is the development of European tools against disappearance of children, share best practices within the members, act as a representative of the organisations at the European level and cooperate with ICMEC.

4.3 Children's rights NGOs in European countries, dealing with missing children (Members of MCE)

To introduce the different NGOs that are dealing with children's rights and missing children in Europe, a questionnaire was prepared that was filled in from the NGOs during my internship with MCE.

The following pages provide a comprehensive description of 23 Member organisations of Missing Children Europe, including details on their mission, their staff, their activities and projects.

Each presentation is organised along the following structure:

- Mission and creation of organisation
- Focus on missing and/or sexually exploited children

- Area of intervention
- Membership of international networks
- Topics the NGOs are dealing with
- Lobbying, awareness raising, cross border cooperation

With the results of the questionnaire every organisation will be presented in it's major tasks and their involvement at the European (international) level.

4.3.1 147 Rat auf Draht

Rat auf Draht is an Austrian organisation founded in 1987. "It is a national toll- free 24-hour emergency hotline for children, teenagers, young adults, parents and other people with issues concerning children. We offer professional advice on all youth related topics, as well as information about other institutions." 147 Rat auf Draht is working on a local, regional and national level and is part of Child Helpline International. Rat auf Draht is mainly dealing with issues of sexual abuse but also child prostitution. The membership of MCE is for Rat auf Draht is their connection to the European Union. A major importance at the European level is to facilitate the exchange of practices among European NGOs, but also to represent the members at the European institutions and do lobby work for their topics (MISSING CHILDREN EUROPE 2011, 8-9).

4.3.2 Child Focus

Child Focus is a Belgian NGO working on a local, regional, national and international level. In addition to being a Member of MCE, the Foundation also collaborates with Insafe and Inhope. They work in cooperation with law enforcement and judicial authorities and have an agreement with the federal authorities, the Ministry of Foreign Affairs, the Ministry of Home Affairs and the Ministry of Justice. Child Focus began dealing with abductions by third persons at a national level, but in its 12 years of experience it created expertise in all the categories. Efforts must still be made to increase expertise in prevention and follow up in cases of runaways and international parental abductions. When it comes to lobbying, the organisation is involved at national/international level, as well as at EU/international level as a part of MCE (MISSING CHILDREN EUROPE 2011, 10-12).

4.3.3 Nadace Naše dítě

Nadace Naše dítě is a Czech Child Foundation and has the mission to help children in life crisis situations. Between 1994 and 2004 the Foundation was responsible for founding and developing crisis intervention telephone lines. Since 2005 the Foundation has provided direct financial support and helps handicapped, abused, and exploited children as well as those children from institutions. The team works on a national and international level and besides being a part of MCE is part of Inhope and eNACSO. In the field of missing children Nadace Naše dítě strengthens prevention through their educational seminars and press conferences. They are involved in lobbying at national/governmental level and as part of MCE at EU/international level (MISSING CHILDREN EUROPE 2011, 13-14).

4.3.4 Thora Center

Thora Center is a Danish organisation founded in August 1994. Its mission is “primarily to provide help to people affected by sexual abuse regardless of gender, age, type of sexual abuse or the role in the actual abuse (victim, perpetrator or next of kin). Secondly, Thora Center wants to increase public awareness in order to prevent sexual abuse.” Thora Center focuses exclusively on missing and sexually exploited children and works at a national level. The organisation is part of Frivilighedcentre, ISPCAN and MCE. The organisation is involved in lobbying at EU/international level as part of MCE (MISSING CHILDREN EUROPE 2011, 15-16).

4.3.5 Fondation pour l'enfance

Fondation pour l'enfance is a French organisation established in 1977. Its mission is “to initiate, promote, advise on and assist actions designed to help children in danger and families in difficulty as well as to contribute to implementing the International Convention on the Rights of the Child.” For this purpose they work at a national and international level. In addition to being a part of MCE they participate in the Conseil Français des Associations pour les Droits de l'Enfant. As far as lobbying is concerned, Fondation pour l' Enfance is involved at national/ governmental and EU/international level as a part of MCE (MISSING CHILDREN EUROPE 2011, 17).

4.3.6 La Mouette

La Mouette is a French organisation created in Agen in January 1984 following the

disappearance, rape and subsequent murder of a 7-year-old girl. The mission of La Mouette is three fold: child protection, help and support for families and victims and the fight against cyber criminality.” The organisation deals with missing and sexually exploited children but has a broader scope in general. La Mouette works on a regional, national and international level. La Mouette works in cooperation with law enforcement and judicial authorities in cases of missing and sexually exploited children and has signed an agreement with the gendarmerie. The organisation is also involved in lobbying at national/governmental and at EU/international level as a part of MCE (MISSING CHILDREN EUROPE 2011, 18-19).

4.3.7 Aide aux Parents d’Enfants Victimes (APEV)

APEV is a French organisation created in 1991. Their aims are to advise and support families who have lost a child due to a criminal act or whose child is missing. In this context APEV offers reassurance to families by establishing focus groups, providing help with administrative documents and support during proceedings. They have a strong relationship and history of co-operation with the police. They also run an operational centre in order to study missing children at the national level. APEV is an organisation that works at a national level and in cooperation with law enforcement and judicial authorities in missing children cases (MISSING CHILDREN EUROPE 2011, 20).

4.3.8 Initiative Vermisste Kinder

Initiative Vermisste Kinder is a German organisation founded in 1997. Its mission is “the implementation of actions for the general well-being, especially the active support during the investigation of cases of disappearance, kidnapping and exploitation of children, as well as the prevention and fight against these phenomena, support and encouragement of investigations and legal actions, to ensure the follow-up of cases and to give support and advice to victims and their families.” Initiative Vermisste Kinder deals with children, teenagers and young adults up to the age of 26 and focuses on missing children. The organisation works on a local, regional, national and international level, especially in German speaking countries in Europe like Austria, Luxembourg or Liechtenstein. Initiative Vermisste Kinder is part of the GMCN network (MISSING CHILDREN EUROPE 2011, 21).

4.3.9 Weisser Ring

Weisser Ring is a German organisation and was created in 1976. It assists victims of crime in a quick and unbureaucratic manner and works also in the field of prevention of crime. The

organisation works on a local, regional, national and international level and is part of VSE and MCE. As far as lobbying is concerned, Weisser Ring is involved both at national/governmental and at EU/international level (MISSING CHILDREN EUROPE 2011, 22).

4.3.10 The Smile of the Child

The Smile of the Child is a Greek non-profit, non-governmental organisation founded in 1996. The inspiration for its establishment was provided by the experiences of a 10-year-old boy, Andreas Yannopoulos. “The Association protects children’s rights and provides them with social, emotional and psychological support. Children, who suffer from welfare and health problems or any type of abuse, neglect or abandonment, fall within the organisation’s mandate.” The organisation deals with missing and sexually exploited children, but has a broader scope. The team works on a national and international level and is part of the Global Missing Children’s Network and Child Helpline International. The organisation is involved in lobbying at EU/international level as a Member of the board of MCE and ICMEC as well as based on its strong ties with the United Nations (MISSING CHILDREN EUROPE 2011, 23-24).

4.3.11 Kék Vonal

Kék Vonal is a Hungarian organisation created in 1993 with the following mission: “Children need to be listened to and adults need to be facilitated to do so. Kék Vonal contributes to the creation of a social environment that is child oriented and offers consultation and intervention services to children, young people and their families as well as consultation for professionals working with children. Other activities aim at preventing children falling victim to abuse and crime and lobbying for children’s rights and related issues.” Kék Vonal works on a national and international level and besides being a Member of MCE the organisation is also a Member of Child Helpline International. Kék Vonal is also involved in lobbying at national/governmental level and at EU/ international level as part of MCE. They raise awareness in the field of child disappearance through the production of posters, leaflets, gadgets, the organisation of campaigns and special events, as well as through cooperation with schools or youth centres. Kék Vonal also organises series of “Missing Children Professional Days” (MISSING CHILDREN EUROPE 2011, 25-26).

4.3.12 ISPCC

ISPCC does not have a service for missing and sexually exploited children specifically, as they have a broader mission and scope. Hence, missing and sexually exploited children cases

constitute a minority of the total cases they deal with. The organisation works on a local, regional and national level and is part of several networks, including eNACSO, MCE and CHI. The ISPCC advocates on behalf of missing children. The ISPCC continues to lobby the government for funding for a 116 000 missing children hotline, which the ISPCC would like to run. ISPCC is involved in lobbying at national/governmental and EU/international level as part of MCE and eNACSO. They are also active in awareness raising via the organisation of campaigns (MISSING CHILDREN EUROPE 2011, 27).

4.3.13 Associazione Aurora

Aurora is an Italian organisation founded in 2001 with the aim of “creating a network of expertise that provides child victims of crime and their families free immediate and continuing support in both the psychological and legal fields as well as helping them to address and overcome the ordeal of abuse or disappearance.” In this context Aurora focuses on missing and sexually exploited children, with 70% of the cases concerning sexually abused children. Aurora’s area of intervention is mainly international and includes Europe, Brazil and Thailand. As a part of MCE, Aurora is also involved in lobbying at the EU and international level (MISSING CHILDREN EUROPE 2011, 28-29).

4.3.14 Telefono Azzurro

Telefono Azzurro is an Italian organisation created in 1987 to “promote the rights of children from birth to adulthood. This is done by constantly working to inform, raise awareness and to pass on our experience to all groups in society.” Telefono Azzurro deals with cases of missing and sexually exploited children, within a broader scope of activity.

The organisation works on a local, regional, national and international level. Besides being a member of MCE, the organisation is also part of CHI, Inhope and ECPAT. The organisation is also involved in lobbying at national/governmental and EU/ international level as a part of ICMEC, CHI, Inhope, NCMEC or EFSCW (MISSING CHILDREN EUROPE 2011, 30-31).

4.3.15 The Missing Persons Helpline (MPH)

MPH is a Dutch organisation founded in 2001 under the umbrella of the Dutch Red Cross.

“The mission of the MPH is to optimise assistance in cases of missing persons (adults or minors) by:

- Providing information, advice, structural, practical and/or emotional support to relatives/friends of missing persons, missing persons themselves and professionals

working with missing persons or their relatives.

- Acting as a bridge between relatives of missing persons and the institutions they are dealing with (Police, media, ministries, etc.).
- Bringing relatives into contact with each other through the annual organisation of events.”

Missing Persons Helpline works on a national and international level (MISSING CHILDREN EUROPE 2011, 32-33).

4.3.16 ITAKA

ITAKA is the Polish Centre for Missing People founded in 1999. “We help to look for missing people and offer support to their families. We are a group of people united by common values: concern for other peoples’ well-being and safety, respect for both human and citizen’s rights; and respect for peoples’ right to self-determination. We never judge peoples’ attitudes, behaviour or choices. We constantly strive to expand our knowledge and experience in order to bring relief to those who suffer, and successfully deal with every reported case.” ITAKA acts on a local, regional, national and international level. They are involved in lobbying at national/governmental level and as a part of MCE at the EU/international level (MISSING CHILDREN EUROPE 2011, 34).

4.3.17 The Child Support Institute - Instituto de Apoio à Criança (IAC)

IAC was set up in 1983. Its main purpose is to contribute to the full development of children by defending and promoting children’s rights. IAC is a Member of the National Platform of NGOs. IAC works at a local, regional, national and international level. As far as prevention is concerned, IAC undertakes a campaign every year at the end of the school year, on the occasion of which it disseminates the 116 000 bracelets and leaflets produced by MCE. IAC also carries out research and is involved in lobbying at national/governmental level and at EU level as part of MCE (MISSING CHILDREN EUROPE 2011, 35-36).

4.3.18 Save the Children Romania

Save the Children Romania was created in 1990. It’s mission is “to fight for children’s rights by: influencing public opinion and supporting children at risk; influencing legislation and policies to the benefit of children; working together with children and young people to

achieve long lasting change and improvements in children's lives." The organisation deals with cases of missing and sexually exploited children, but has a broader scope. Save the Children Romania is working on a local, regional, national and international level. They are part of Save the Children International (MISSING CHILDREN EUROPE 2011, 37-38).

4.3.19 Focus Romania

Focus is the Romanian Center for Missing and Sexually Exploited Children established in 2007 with the aim to "prevent and to participate in solving cases of missing, kidnapped or sexually exploited children. Focus has made a significant contribution to decrease the incidence of disappearance and sexual exploitation of children. This is achieved by educating parents and children, using the involvement of mass-media, endorsing the efforts of the volunteers and of the competent authorities. In carrying out this mission, their interventions are complementary to those of the state authorities, thus providing support for their actions." Focus works on a national and international level and besides being a Member of MCE the organisation is part of the GMCN, ICMEC and Inhope. Focus is involved in lobbying in relation to missing children at national/governmental level and at EU and international level as part of MCE. In the framework of awareness raising, Focus produces written materials and gadgets, organises campaigns and special events, and cooperates with schools and youth centers (MISSING CHILDREN EUROPE 2011, 39-40).

4.3.20 Linka Detskej Istoty

Linka Detskej Istoty was created under the umbrella of the National Committee for UNICEF in Slovakia in 1996. Its mission is "to provide immediate help to children in life-crisis situation, to prevent child disappearances and sexual exploitation, to provide support and counselling for victims of sexual exploitation, to increase public awareness and involve the public in cases of missing children and to provide a hotline." The organisation deals with missing and sexually exploited children, but has a broader scope of activity. Linka Detskej Istoty works on a local, regional, national and international level and is part of CHI and MCE. As far as lobbying is concerned the organisation is involved at national/governmental and EU/international level as part of MCE and directly through its own actions (MISSING CHILDREN EUROPE 2011, 41-42).

4.3.21 Fundación ANAR

ANAR is a Spanish organisation established in 1970 “to work within the guidelines of the United Nations Convention on Children’s Rights for the promotion and defence of the rights of children in situations of risk and neglect, through projects undertaken in Spain and Latin America.” They work on a local, regional, national and international level. In dealing with prevention in relation to missing children, ANAR raises awareness through the media and is involved in lobbying at EU/international level as a part of MCE (MISSING CHILDREN EUROPE 2011, 43-44).

4.3.22 Protegeles

Protegeles is a Spanish organisation founded in 2002. Its missions are: “the combat of all forms of child sexual exploitation mainly through the work of the hotline and the victim centre; the fight for the elimination of all child pornography material from the internet, as well as the identification of those behind these sites; raising awareness and the creation of a social conscience in relation to the problem; the improvement of the safety of children when using the new online technologies; the collaboration in the search and rescue of missing persons, especially children.” Protegeles works with sexually exploited children, within a broader scope of activity. The organisation works on a local, regional and national level and is part of several networks such as Inhope, Insafe, eNACSO and MCE (MISSING CHILDREN EUROPE 2011, 45-46).

4.3.23 Fondation Suisse du Service Social

Fondation Suisse du Service Social International, or SSI, is a Swiss organisation founded in 1932 with the mission to “provide help on a transnational scale to children and families facing social and/or legal problems.” SSI deals with missing children but in general has a broader scope. The organisation works on a local, regional, national and international level and is part of SSI International (MISSING CHILDREN EUROPE 2011, 47).

4.3.24 Missing People

Missing People is a British organisation founded in 1986. The mission of the organisation can be described as following: “We are a lifeline when someone disappears. We are caring and highly trained staff and volunteers working in collaboration with partners across the UK. For those left behind, we provide specialised support to ease the heartache and confusion and help

search for their missing loved one.” Missing People works on a local, regional, national and international level (MISSING CHILDREN EUROPE 2011, 48).

4.4 Summary

The precedent chapter was dealing in a first step with the European Institutions and their competencies in the field of children’s rights and especially missing children. In a second step, Missing Children Europe, the European umbrella organisation uniting national organisations dealing with missing and/or sexually exploited children, and its main projects, priorities and actions were presented. A third section was dealing with national NGOs that are active at the European level, dealing with missing children. The following section will summarise the main points of the chapter.

The European Union is formed through its main three institutions, the European Commission, the European Parliament and the Council of the European Union. During the years the tasks of the European Commission have changed until today where it is actually the most important institution in the EU. Its main activities are the setting of objectives and priorities for action, the proposition of legislation, management and implementation of EU policies and the budget, enforcement of European law and representation of the EU outside Europe (EUROPEAN COMMISSION 2012a).

The European Parliament exercises political control over the Commission. It is the only directly-elected European Union Institution and is a co-legislator for nearly all EU law and adopts or amends proposals from the European Commission. It is as well a defender of human rights and democracy in the European Union (EUROPEAN COMMISSION 2007, 7).

The Council of the European Union is an essential EU decision-maker. Its major tasks are the adoption of legislative acts, coordination of Member States’ policies, the development of common foreign and security policy, the conclusion of international agreements on behalf of the European Union and the adoption of the EU budget (COUNCIL OF THE EUROPEAN UNION 2012). Another task of the Council is the take over of the Presidency every six months, which allows the Member States to have an influence on EU policies.

Missing Children Europe is the European umbrella organisation uniting national organisations dealing with missing and/or sexually exploited children and was created in the European Parliament in Brussels in 2001. It represents 24 Member organisations from 17 European Member States (MISSING CHILDREN EUROPE 2011, 4). The major aims of MCE are to ensure basic conditions for helping missing and sexually exploited children in the EU Member States, strengthen the cooperation between the different countries in that matter,

extend the activities of the Member organisations and assist the members in European Union matters (MISSING CHILDREN EUROPE 2011, 4). The main measures of MCE to fulfil its mission is the development of European tools against disappearance of children, share best practices within the members, act as a representative of the organisations at the European level and cooperate with ICMEC (MISSING CHILDREN EUROPE 2012b). A questionnaire answered by the members of MCE identified lobbying for improved EU legislation as the main priority, the implementation of the 116 000 as a second priority, followed by the development of interconnected Child Alert Systems (MISSING CHILDREN EUROPE 2011, 67).

The last sections presented the Members of Missing Children Europe, the national NGOs that are dealing with missing and/or sexually exploited children. To summarise, the organisations and their work were introduced by presenting their missions, areas on intervention, topics the NGO is dealing with and activities as lobbying, awareness raising or cross border cooperation. In the case of the members of Missing Children Europe the organisations are all more or less involved in European Union politics. For some of them their membership in Missing Children Europe is the only connection to the European Union, other organisations are pretty active in lobbying the European Union themselves and are more into promoting the European activities in their country.

All in all the members of Missing Children Europe form the basement of the European NGO and even if they are working at grassroots level they are representing missing children and their needs across Europe.

The chapter gave an overview about the main actors in the European Union dealing with children's rights and especially missing children. The European Institutions as the Commission, Parliament and the Council could be identified as the most important public actors for NGOs to lobby for as they have the highest influence. NGOs presented in the chapters are national, partly grassroots NGOs, that are dealing with children's rights and especially missing and sexually exploited children. They are all members of Missing Children Europe, the European umbrella organisation, which is representing them at the European level and lobbies the European Institutions.

In the following chapter the process, how Missing Children Europe is trying to get a say in children's matters at the European level will be traced.

5 Actions, chances and further possibilities for Missing Children Europe to gain influence at the European level

The last four chapters prepared a theoretical framework of Governance at the European level, lobbying theories and NGOs, introduced the configuration of children's rights at an international and European level as well as actions already set by the European Union in the field of children's rights and especially missing children and presented the main European actors in the field of children's rights. These conceptions finally lead to the part, where the thesis will have a look at the actions, chances and possibilities for Missing Children Europe to gain influence at the European level.

To call in mind, Missing Children Europe, is the European umbrella organisation, representing NGOs dealing with missing children across Europe (MISSING CHILDREN EUROPE 2012a). Its major aim is to ensure basic conditions for helping missing and sexually exploited children in the EU Member States.

5.1 Lobbying instruments/methods of Missing Children Europe

Referring to the theoretical demonstration of lobbying and lobbying instruments and methods, in the following chapter they shall be practically identified for the case of the NGO Missing Children Europe.

Having direct and indirect lobbying types in mind, the lobbying activities of MCE apply to the category of direct lobbying activities as the organisation communicates directly with decision-makers or their team through face-to-face conversations, telephone calls, letters, e-mails, etc.

To give an indication about lobbying activities and strategies of MCE only one action field of the organisation will be mainly considered, that was already elaborated in the third chapter: 116 000, the hotline for missing children. The following section will give an indication about the activities of MCE as they will be further covered in the next section where a closer look is taken to the lobbying relations of the European institutions and MCE with regard to the policy-making process.

MCE is basically contacting all the three European institutions, the European Commission, the European Council and the European Parliament. The establishment of contact and the communication take place via personal conversations, phone calls or emails. In one case of

the European Union MCE has established, what is called a two-way relation. That means that sometimes the institution itself is calling for information and MCE has to deliver them in the designated manner.

In the field of the 116 000, MCE is producing information material such “Best Practices and Recommendations guide” or a “116 000 – Practical guide for hotline operators”. These documents are expert reports and opinions. MCE publishes as well an annual report with its current projects and main achievements.

MCE is participating in conferences that deal with the topic of missing children in order to establish contacts to important actors in the field and is organising events, meetings and conferences itself. Last year’s main events were a Parliamentary reception with high-level guests and a conference in the Commission to discuss the status quo of the implementation of the 116 000 and ideas to improve the established services.

MCE is raising awareness through political advertising for example on the International Missing Children’s Day when MCE is regularly promoting the 116 000 in the European institutions by distributing bracelets, with the number on it, flyers or brochures. A special activity to raise awareness on the 116 000 was the launch of a competition on a composition of a ring tone for the hotline for missing children.

The section gave an overview about lobbying methods and instruments of MCE. In the following section the methods will further be elaborated and applied to the lobbying relations of MCE to the European institutions.

5.2 The European policy-cycle and its actors: How can MCE express and advance its interests?

During my internship with MCE and conversations with the members of the General Secretariat, the main actors lobbied to, could be identified as the European Commission, the European Parliament and the Council of the European Union, thus the triangle of the European institutions.

To put in mind: The white book of the Commission called for more open government including a wider debate with stakeholders, including NGOs. They were also considered as experts who can serve as information provider because they know about the wider implications of the particular topics discussed in the EU institutions. With the white paper the practicable cooperation of European institutions and NGOs or other interest groups became more “official” and was stated as desired.

In general, according to the white paper of the European Commission, the European institutions should very open about its interests in interacting with external actors (MICHALOWITZ 2004, 81). These days it is already quite usual that the Commission consults external actors like NGOs. Reasons are often a lack of staff and therefore a need for substantial information. The initiating role of the Commission in the legislative process and its openness can be defined as main factors that make it a highly attractive lobbying partner to NGOs.

The increased power of the European Parliament has turned it into a lobbying target of importance similar to the Commission (CORBETT/JACOBS/SHACKLETON 2005, 235). The access to the European Parliament is often discussed as more open as to the Commission, as it is considered as the most democratic EU body and the institution that considers itself to be highly citizen friendly.

The Council, in case of MCE, is especially interesting as a lobbying target through its changing presidencies as they are mainly influencing the policy-agenda of the European Union. During my internship it was the Hungarian Presidency that was strongly cooperating with MCE in order to push children's rights topics at the European level. Nevertheless, literature often refers to the Council as the institution that is the most difficult to lobby for, as a lot of meetings, etc. are not open to the public (O'CONNOR 1997, 18-19).

In order to show how MCE applied and is applying its lobbying mechanisms to the three European institutions, in the following they will be introduced in their functions in general and the contact points for MCE.

5.2.1 MCE and the European Commission

As presented in the fourth chapter, the EC is mostly responsible for initiating legislations. This is one of the reasons, why it is a highly important lobbying partner for NGOs. During its institutional evolution the European Commission has become a very open institution for NGOs and other interest groups. Nevertheless its openness depends on the stage of the political process. As already mentioned NGOs do have the chance to develop EU policies by providing expertise to the Commission, by identifying new issues which need to be tackled and proposing appropriate measures to address them. This means that NGO's have to be active around the Commission even before legislation is even planned.

In case legislation is in preparation, the Commission often even initiates a consultation process that includes interest groups and NGOs to discuss the legislative plans in order to ensure the implementability of the legislation. This is a stage where NGOs have the highest

chance to gain influence at the European level. Furthermore according to MICHALOWITZ (2004, 81), external input happens mostly on the lowest level, meaning the desk officer level. The desk officer responsible for the subject matter has to draft the first proposal. This draft is handed on to the hierarchy of the DG and is modified until it arrives in the cabinets of the Commissioners. They finally prepare the draft proposals for the Commissioners. Those are the main two stages where NGOs should be successful in the policy-making process. According to MICHALOWITZ (2004, 81), external interest are no longer involved in the policy-making cycle until the proposal enters the Council. The Commission thus seems to be an active lobbying target that can decide which actors and information are welcome.

In the European Commission different Directorates General deal with the subject area of children's rights and missing children. Examples are the DG Education and Culture, that is mainly dealing with youth, the DG Information Society and Media, dealing with safer Internet programmes for minors, or the DG Employment, Social Affairs and Inclusion, working on poverty and social exclusion issues (EUROPEAN COMMISSION 2012f). Nevertheless the Directorate General for Justice is mostly responsible for children's rights. In general, DG Justice in the European Commission can be considered as a kind of a coordinator among the Commissions services concerning children's rights. The DG works together with other services within the Commission to ensure that children's rights are considered in all policy acts (EUROPEAN COMMISSION 2012f). The Vice-President of the European Commission, Viviane Reding from Luxembourg, is the Commissioner for Justice, Fundamental Rights and Citizenship since 2010 (EUROPEAN COMMISSION 2012c). She is the first Commissioner for Justice, Fundamental Rights and Citizenship (EUROPEAN COMMISSION 2012b). The Cabinet of Commissioner Reding consists of around 20 people. The team is consulting the Commissioner and prepares the political decisions, they represent the political level. Once a week the Cabinet meets with the Head of Cabinet to ensure a coherent work. His or her work is to prepare information for the Commissioner. The Cabinet is as well a horizontal link to the other Commissioners and a vertical link to the Directorates General (WEISS 2008, 48). The Directorate General that is working for Commissioner Reding is the DG Justice that was created in July 2010 (EUROPEAN COMMISSION 2012a). Director General is Francoise Le Bail since 2010. From December 2005 to June 2010 she was Deputy Director General for DG Enterprise and Industry.

In the DG Justice the sub-unit Directorate C "Fundamental rights and citizenship" is dealing with the issue of children's rights and missing children. The unit is threefold. It consists of the field of "Fundamental rights and rights of the child", "Union citizenship and

Free movement” and “Data protection” (EUROPEAN COMMISSION 2012f).

In the DG Justice, the position of the coordinator for the rights of the child is a main partner for children’s rights NGOs and therewith NGOs that are dealing with missing children. The person assigned to the position is very committed to the subject area of missing children and is working closely with children’s rights NGOs. She is the main lobbying partner for Missing Children Europe. Regarding to the theoretical suppositions of MICHALOWITZ (2004), it is as well the initial stage and the DG and cabinet levels that are essential to NGOs in order to participate in the political process and gain influence. The relation between MCE and the coordinator can, according to political science literature, be characterised as a two-way relation. The Commission communicates very clearly what kind of information they want from MCE. It is comprehensible that they expect high-quality and substantial information from a representative source, as Commissions decision have to be implemented to all member states and can not just represent a single interest. This means that MCE is providing expertise, in form of studies, consultations, current developments in the field of children’s rights and missing children not only at the European but also the international level. This takes place in form of calls or emails and rather rarely through personal conversation. It is important to pass the material to the Commission in the right “manner”. Of course the requested form of information varies from time to time. But in general, short straight to the point information sheets, that do not exceed two pages, written in clear and understandable language are adequate.

On the other hand of the lobbying relation, MCE can in most of the cases rely on a fruitful cooperation with the DG Justice in different modes. Basically MCE could contribute to all documents described in the third chapter (EU policies in the field of missing children). An example is the consultation of MCE and thus its member organisations for the earlier introduced Commission Communication: Dial 116 000: The hotline for missing children, where MCE could contribute results of its studies and thus share its expertise and the expertise of its members in running the 116 000 hotline in form of Best practices in this document. One of the main lobbying activity of MCE is the organisation of events with regard to the International Missing Children Day. An example would be the organisation of a Parliamentary evening and an expert’s conference on European responses to missing children. The conference is a perfect example for a success of lobbying for MCE as it represents cooperation between DG Justice of the EC, the Council and MCE itself. The aim of the conference was to raise awareness about the existence of the 116 000 hotlines, exchange best practices, and identify practical tools to help remove the obstacles for the implementation of

the hotline in all Member States. It follows the Commission's renewed call to the Member States to implement the 116 000 hotlines for missing children as a matter of priority. In addition to the implementation of 116 000, the conference also had a look at the implementation of child alert systems across the EU and child friendly justice. It has to be stated that members of the Commission themselves participated and gave speeches in order to strengthen the commitment to the field of missing children.

The strong presence of Missing Children Europe in the European Commission is a result of strong networking abilities of the members of the General Secretariat and thus established contacts to the key personalities in the Commission. In addition the earlier lobbying instruments helped to make the organisation popular at the European institutions.

5.2.2 MCE and the European Parliament

Due to its increasing power, the EP has become a very prominent lobbying target for NGOs (CORBETT/JACOBS/SHACKLETON 2005, 235). As elaborated in the section of the European institutions, the Parliament can propose the Commission to initiate legislation and further issue amendments to the Commissions proposals. As elaborated in the respective part, reports are drafted by a rapporteur in cooperation with shadow-rapporteurs of the selected Committee. After that the other Committee members can hand in their amendments that are agreed upon in the Committees and later on voted in the plenary. According to MICHALOWITZ (2004, 82) the main lobbying targets of the EP are thus found in the rapporteurs, that are responsible for a certain report, the key figures within' the Committee and the key figures within' the European Parliament. In general she states that the rapporteur and his counterparts as well as the most influential Committee members are the major lobbying partners for external organisations and at the same time the ones that are interested in input, in order to estimate the adequacy of the proposed draft from the Commission. In what kind of information they are interested in depends on their political background and the subject area they are working on. In some cases the rapporteurs and fellow MEPs themselves invite interest organisations for consultations on the particular topic. When the negotiations in the Committee start, the Parliament stops external consultations. From that moment on it depends on the one hand on the MEP if he wants to keep bilateral talks with a NGO and the initiative of the NGO itself.

Concerning the lobbying activities of Missing Children Europe related to the European Parliament, the Committee of Civil Liberties, Justice and Home Affairs (LIBE) is the most important target. The Committee is chaired by Juan Fernando López Aguilar, who is a

Member of the Progressive Alliance of the Socialists and Democrats. The Committee consists of 56 Members and 54 Substitutes from the different political groups (EUROPEAN PARLIAMENT 2012c). It has to be cleared that the different Members and Substitutes are committed to and specialised in different subject areas. In case of children's rights, missing and/or sexually exploited children the Italian MEP of the Group of the European People's Party (EPP), Roberta Angelilli, is very involved with the subject. She is Vice-President of the European Parliament, responsible for the subject area of children and amongst others Member of the LIBE Committee. In these functions she issued for example written declarations on emergency cooperation in recovering missing children or in support of an International Day of the Girl (EUROPEAN PARLIAMENT 2012d). Her Parliamentary work in the seventh term is characterised through her report on the proposal for a directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA (EUROPEAN PARLIAMENT 2012e). MEP Angelilli is as well one of the eight leading MEPs of the European Parliament's alliance to protect children in Europe and beyond. She was very engaged in the founding process of the alliance that sets its priorities on measures on the abduction of minors or non-accompanied children. The alliance is an informal, dynamic, cross-party and cross-committee group of members to ensure the coordination and consistency of the work of the Parliament on children's issues. The initiative was launched in cooperation with international NGOs and UNICEF (EUROCHILD 2011).

On the occasion of last years missing children's day MCE could win the support of MEP Angelilli for organising a Parliamentary evening on her behalf in order to raise awareness for missing children and European tools to combat it. She gave as well a speech in order to call attention on the problem of missing children across Europe. The event was organised thanks to her cooperation with MCE and included high-level guests such as Queen Paola of Belgium, Viviane Reding and Neelie Kroes or the Deputy Prime Minister of Hungary (EUROPEAN COMMISSION 2011b).

MCE is interested in keeping the contact in order to push the topic on the European agenda.

5.2.3 MCE and the Council of the European Union

As explained earlier, the Council has the final competence in Community matters. Lobbying to the Council is more complex than to the European Commission and the Parliament as it is not typically an intergovernmental institution and especially not as open as the other ones. In

literature (O'CONNOR 1997, 19) the Council is often labelled as the least accessible EU institution and the most difficult one to lobby for in Brussels. However it is national ministers that establish relationships with mostly local and regional interest groups.

In the Council of the European Union the Council configuration for Justice and home affairs (JHA) is mostly “responsible” for children’s issues. For the current period (2010-2014) the so called “Stockholm Programme” was adopted and is setting the main priorities of the Council for the upcoming years. They will be:

- Citizenship and fundamental rights;
- A Europe of law and justice;
- A Europe that protects;
- Access to Europe in a globalised world;
- A Europe of responsibility, solidarity and partnership in migration and asylum matters;
- The role of Europe in a globalised world – the external dimension (COUNCIL OF THE EUROPEAN UNION 2012a).

The area of citizenship and fundamental rights makes children’s issues one of its priorities. The JHA Council calls for special attention for unaccompanied minors and children who are victims of trafficking or abuse (COUNCIL OF THE EUROPEAN UNION 2012b). When one is browsing through the lists of texts adopted in the JHA area it becomes clear that the Council is active in the areas of sexual exploitation and children’s rights. In 2009 a text on a new European approach for a Safer Internet for children was adopted, and the Council Conclusions on better use of Schengen Information System (SIS) and Supplementary Information Request at the National Entry (SIRENE) for the protection of children were published (COUNCIL OF THE EUROPEAN UNION 2009). 2011 the focus was lying on the combat of sexual exploitation of children and child pornography in the Internet and the strengthening of the effectiveness of police activities in Member States and Third countries as the Council Conclusions of December 2011 were showing. After all in the Strasbourg session of December 2011 a directive of the EP and the Council on combating the sexual abuse and sexual exploitation of children and child pornography was adopted (COUNCIL OF THE EUROPEAN UNION 2011). As the focus of the thesis is mainly lying on missing children across Europe there should be taken a further look on the actions of the JHA Council concerning SIS and SIRENE as they are as well measures that contribute to European solutions to combat the phenomenon of missing children. With the Schengen agreement European borders the participating countries set aside inner-European borders. Therewith individuals enjoy the right to move freely within the

defined area. On the other hand the cooperation involves effective cooperation between the police, customs, external border control and the judicial authorities of the participating member states (COUNCIL OF THE EUROPEAN UNION 2012d). The Schengen Information System (SIS) is a database to support police and judicial cooperation as well as managing external border control. Every state that is part of the system can put in alerts on missing or wanted persons, lost and stolen property and entry bans. All police officers at street level but also other law enforcement officials and authorities who need those information do have access to the system. Nearly all countries of the EU are participating as well as Norway, Iceland and Switzerland (COUNCIL OF THE EUROPEAN UNION 2012d).

The main task of the SIRENE system is the exchange of additional or supplementary information between different states. The system is established in all Schengen States to provide information on alerts and coordinate measures in relation to alerts in the Schengen Information system. It ensures as well that adequate action is taken in case, for example, a missing person is found. The SIRENE Bureaux is also responsible for the exchange of data for the police, judicial cooperation and cross-border cases (COUNCIL OF THE EUROPEAN UNION 2012d).

In context of missing children and European tools to combat this phenomenon the SIS and SIRENE are often mentioned to argue against further measures in that fields. According to data that was collected on the occasion of last year's International Missing Children Day, through a questionnaire the Hungarian Presidency of the Council of the EU and Missing Children Europe launched on the availability and development of Child Alert Systems across the EU, the following viewpoint could be identified:

The group of countries (Austria, Denmark and Germany) that has not taken any steps so far to set up a Child Alert System argues with the fact that they don't see the added value of the system, as missing persons searches are already carried out quickly and in accordance with the requirements of each individual case. In case of cross-border cases, those countries refer to their well-established contacts with neighboring countries and systems including the Schengen Search System (SIS) or the 24/7 system of Interpol which provide the possibility to search for missing children.

Amongst others Missing Children Europe, the JHA section of the Council and DG Justice of the European Commission however wish to underline that there is a considerable difference between the functionalities of the SIS, which do not include the possibility to immediately involve the public at large in the search of a missing child, which is precisely the aim of a Child Alert System. Due to the contribution of MCE and the competence of its

members the organisation succeeded in gaining reliance of the Council in certain fields. The institution in this case relies on and supports the expertise of MCE amongst the member states.

Nevertheless it is rather difficult to lobby the Council of the European Union and MCE does not use the usual lobbying methods with this institution. In general the organization is active in establishing contact with the particular staff of the relative presidency. This cooperation has become visible through the organisation of last years experts conference on the international missing children's day where the Hungarian Presidency on behalf of the JHA Coordinator was an active part. Next to the Conference MCE organised a high level dinner in order to get in touch with the new representatives of the Polish Presidency. One can state that the organisation rather applies methods as dinners or Conferences to establish a relation to the JHA staff of the particular presidency.

6 Conclusion and summary

The thesis was developed against the background of an internship in the European Parliament and ensuing in the Brussels-based NGO Missing Children Europe. The main idea was in the first place to link and illustrate the experienced insight of the functioning of the European Union and the gained experiences in the daily work of Missing Children Europe, including lobbying, from a theoretical perspective and in a second step apply the theoretical concept to the practical processes experienced.

Thus, the thesis tried to investigate how children's rights NGOs can gain influence at the European Union level, advance their interests and achieve an improvement of the situation for missing children across Europe.

The leading research question was defined as: *"How can children's rights NGOs take influence on the European Union level and advance their interests?"*

In order to work on and finally answer this question in a first chapter of the thesis the topical background of the field of children's rights was explained. Although the UN Convention on the Rights of the Child was depicted in its main articles and the Charter of Fundamental Rights of the European Union, as well as the Amsterdam and Lisbon Treaty were considered in order to give an overview about the status quo of children's rights in the European Union. The discussion of children's rights with the UN Convention and the European documents related to children's rights showed that the UN CRC is a much stronger tool that demands much more rights for children in diverse domains compared to EU treaties. Following the phenomenon of missing children across Europe was introduced, focusing on

definitions of missing children, available statistics and European measures to combat the problem.

In a second step the theoretical background of the thesis was framed. The first theory explained, was the Governance theory in general, that defines the process of governing as a regulation of corporate interests including collaboration of governments with private-corporate actors (MAYNTZ 2009, 9). The second theory framing the thesis theoretical background is multi-level Governance, that emerged out of supranationalism and intergovernmentalism and adds the element of policy-making at different levels of territorial aggregation in more-or-less continuous negotiation/deliberation/implementation, that does not assign exclusive policy competence or assert a stable hierarchy of political authority to any of these levels (SCHMITTER 2004, 49). The third concept introduced, is part of the multi-level Governance debate and is called European Governance. The concept basically conforms with multi-level Governance but applies more exactly to the nature of the European Union. It focuses on the interaction of institutional, constitutional and mental frames with actors, interests, attitudes and strategies, thus bridging the polity-politics-policy gap, which allows grasping the European political system in a more comprehensive way (MELCHIOR 2007, 7). A following part of the chapter dealt with the different modes of Governance, identifying hierarchy, negotiations, competition and cooperation as major strategies. Following European policy-making and decision-making have been explained and could help to identify the stages and actors that could be important for NGOs to lobby. Subsequently the term lobbying and its origins are illustrated leading to a description of lobbying functions, instruments and methods. Interest organisation was explained due to a typology of groups, that represent its interests at the European level, focusing on NGOs. Following, the term NGO was introduced in its main characteristics and activities concluding the theoretical part.

In the third chapter the so far treated European policies on missing children in Europe were introduced. The EU strategy on the rights of the child, presenting a “master plan” of the Commission in the fields of children including a first call for the establishment of the 116 000, the EU Agenda for the rights of the child, calling for a reinforcement of the commitment of EU member states to promote, protect and fulfil the rights of the child in all relevant EU policies and actions, EU documents on the establishment of the 116 000 framing common standards for the implementation of the hotline and documents on Child Alert Systems, calling for the implementation of those alert mechanisms across Europe were in the centre of attention.

The fourth chapter is dealing with the main actors at the European level regarding to the subject of the thesis. In a first section the European institutions, European Commission, European Parliament and the Council of the European Union are introduced in their composition, major tasks and functioning. In a second section, MCE and its member organisations are depicted.

Finally the fifth chapter applied the theoretical framework by using the depicted actors to the practical work of Missing Children Europe. As theories on Governance and mostly multi-level Governance could show, NGOs are a vivid part of the European system and are today important partners of the European institutions. Lobbying theories could further express how NGOs can participate and even influence institutions at the European level. Thus in a first section lobbying instruments and methods of Missing Children Europe were introduced. Main methods identified were: phone calls, emails in order to establish contacts and raise awareness for the topic; provision of expertise and practical information through studies and reports; participation in events related to the topic of missing children in order to establish contacts; organisation of events and conferences to represent missing children at the European level and raise awareness, as well as political advertising through flyers, brochures or give-aways. In a second step the lobbying possibilities in the European institutions were screened and illustrated by lobbying activities of MCE in the different stages of policy-making. The description could show how MCE was partly involved in the EU policies, discussed earlier, and tried to show the two sides of lobbying, as MCE is in one case lobbying in a kind of symbiotic relation. Applying the in literature analyse framed theoretical concepts, the European Commission and especially DG Justice could be identified as major lobbying target for MCE. Lobbying takes place during the whole legislative period. The main contact person is the children's rights coordinator that requests on the one hand specific substantial information and on the other hand count on the support of DG Justice for example regarding to the organisation of high-level Conferences or participation in consultations for legislations. In the European Parliament the most important lobbying target for MCE is Vice-President Angelilli who is as well a member of the LIBE Committee and one of the leading MEPs of the European Parliament's alliance to protect children in Europe and beyond. The interest of MCE is again the support in the organisation of events such as a Parliamentary reception in order to represent the topic of missing children in the European Parliament and secondly remind that they have the competence to have a say in Parliamentary reports concerning missing or sexually exploited children. The cooperation with the Parliament is not as strong as the one with the Commission. At last in the Council of the European Union the justice and

home affairs configuration is the main important area for MCE to lobby to as it is dealing with Schengen Information System (SIS) and the Supplementary Information Request at the National Entry (SIRENE) that are both used in the search of missing children across Europe. MCE is active in lobbying the presidencies of the Council in order to keep the topic high on the European agenda. The result of successful lobbying was for example the last years disposition of the Hungarian Presidency of the Council, JHA section, to co-organise an experts conference on European responses to missing children. Lobbying the Council mainly took place through the organisation of high-level dinners and meetings.

All in all the thesis presented a literature analysis of Governance as a chance for children's rights NGOs to gain influence at the European level and applied the framed theories to the practical work of the European NGO Missing Children Europe. The thesis can be seen as a small contribution to a rather weakly developed research sector dealing with influence possibilities of NGOs at the European level. Nevertheless it is clear that the thesis could only present a small part of the field, as only the work of MCE was considered at the European level. A broader approach, including a more comprehensive set of actors at the European level, and a more detailed theoretical background would be desirable to get a deeper insight.

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Kurzfassung

Die vorliegende Diplomarbeit möchte, aus theoretischer Sicht, Möglichkeiten für Nichtregierungsorganisationen (NROs) ihre Interessen auf Ebene der europäischen Union einzubringen und möglicherweise den policy-making Prozess zugunsten jener Interessen zu beeinflussen, ermitteln. Dabei wurde der Fokus auf die Tätigkeiten der europäischen NRO „Missing Children Europe“ (MCE) gelegt. Zunächst wurden mittels einer breit angelegten Literaturrecherche und -analyse jene theoretischen Konzepte der Politikwissenschaft detailliert erörtert, die den Rahmen der Ausgangsposition bilden. Dabei handelt es sich um Governance Theorien und darauf aufbauende Multi-level und European Governance Konzepte. Um günstige Lobbying-Phasen und potentielle Lobbying-Partner auf der Europäischen Ebene im „policy-making cycle“ zu ermitteln, wurde jener erläutert. Mit Lobbying-Theorien wurde ein theoretischer Grundstein für die Möglichkeiten von NROs, aktiv auf die politischen Vorgänge der Europäischen Union einzuwirken, gelegt. Des Weiteren wurden die für MCE essentiellen Lobbying-Partner auf Europäischer Ebene, die Europäische Kommission, das Europäische Parlament und der Rat der Europäischen Union ausführlich in ihrem Aufbau und ihren Funktionen beschrieben. Im selben Ausmaß wurde auch „Missing Children Europe“ und seine Mitglieder in den europäischen Mitgliedstaaten vorgestellt und ein Schwerpunkt auf die Anliegen, Ziele und Projekte der Organisation auf europäischer Ebene gelegt. Schließlich wurden Lobbying-Aktivitäten von MCE entlang des theoretischen Rahmens veranschaulicht. Es konnte gezeigt werden, dass MCE mit den drei EU-Institutionen in einem Lobbying-Verhältnis steht, wobei ein Schwerpunkt auf der Zusammenarbeit mit der EU-Kommission zu erkennen ist. Lobbying wird generell in dem frühesten Stadium des policy-making Prozesses und den darin aktiven Akteuren eingesetzt. MCE stellt vor allem Expertenwissen zur Verfügung und ist an der Organisation von Expertentreffen oder Parlamentarischen Abenden beteiligt um das Phänomen von vermissten Kindern publik und sich für Lösungen stark zu machen. Lobbying-Erfolge zeigen sich zum Beispiel durch die Konsultierung von MCE bei der Erstellung von Kommissionsdokumenten wie der Mitteilung: „Dial 116 000: The hotline for missing children“ oder einer aktiven Kooperation mit den EU-Institutionen bezüglich der Expertenkonferenz „European responses to missing children“ 2011.

Abstract

The thesis seeks to identify, from a theoretical perspective, possibilities for NGOs to introduce their interests at the European Union level and probably influence the policy-making process in its favour. Thereby, the European NGO “Missing Children Europe” (MCE) and its activities were in the centre of attention. By means of a broad research and analyse of political science literature, theoretical concepts that frame the initial idea of the thesis were explicitly discussed, focusing on Governance theories followed by multi-level and European Governance concepts. In order to identify advantageous stages and prospective targets for lobbying, the policy-making cycle of the EU was described. By means of lobbying-theories a theoretical base of lobbying opportunities for NGOs was built. Furthermore the essential actors at the European Union level for MCE to lobby for, the European Commission, the European Parliament and the Council of the European Union were presented in its constitutions and major functions. To the same extent, MCE and its members were introduced and described in its missions, aims and projects at the European level. Finally, lobbying activities of MCE were illustrated along the theoretical frame. The thesis showed, that MCE has built lobbying relations with the European institution while a major cooperation with the European Commission could be identified. Lobbying generally starts in the earliest stage possible of the policy-making process and is applied to the therein-involved actors. MCE mainly provides expertise and engages in the organisation of expert meetings or Parliamentary events to make the phenomenon of missing children public across Europe and agitate for solutions. Successful lobbying is for example visible within’ the consultation for Commissions documents as the Communication: “Dial 116 000: The hotline for missing children” or the cooperation with the EU-institutions in last years expert conference “European responses to missing children” in 2011.

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