



JUNE 2026

Response to the European Commission Call for Evidence: Action Plan on the Protection of Children Against Crime

CYCJ Response

Collaborating for rights-respecting justice
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The Children and Young People's Centre for Justice (CYCJ) welcomes the development of an EU Action Plan on the protection of children against crime. The proposed scope is important because it recognises that children may be harmed by crime, recruited into crime, exploited through crime, or come into contact with justice systems due to behaviour shaped by coercion, grooming, control, fear, unmet need, exclusion or constrained choice. This aligns with the UN Convention on the Rights of the Child (UNCRC), which requires that all children are treated with dignity (Article 40), that their best interests are a primary consideration (Article 3), and that they have the right to be heard and influence decisions affecting them (Article 12).

However, the action plan risks underestimating the pace and complexity of change in how children experience harm. Harms, particularly those linked to digital environments, organised crime and cross-border exploitation, are evolving rapidly, while systems remain slow, fragmented and reactive. Without explicitly addressing this mismatch, the action plan risks being outdated before it is fully implemented.

To be effective, the action plan must be firmly rooted in children's rights, child protection and child-centred justice. It must go beyond being child-friendly to being genuinely child-centred making sure children are not only considered but actively involved in shaping, delivering and evaluating systems and responses. Participation must be meaningful, resourced and influential, not symbolic. The principle of nothing about me without me should underpin the entire approach.

Protecting children against crime must be understood holistically: protecting children from crime, protecting children when crime is done through them, and protecting the rights of all children who come into contact with justice systems. Children who are recruited, coerced, groomed or exploited into offending are children in need of protection, even where their behaviour has caused harm. A rights-based response must hold both realities of addressing harm while upholding children's rights to dignity, participation, due process, recovery and reintegration.

Language is critical. The action plan should avoid labelling children by the harm they are alleged to have caused, as this risks reinforcing stigma and obscuring context. Harm can be acknowledged without defining the child by it. Accountability and dignity must coexist.

The action plan must also make clear that protection is an unconditional right. Children should not need to evidence trauma, exploitation or vulnerability to access support. Systems must not shift prematurely from protection to punishment, particularly for children from marginalised groups who are at greater risk of adultification and discrimination.

Children's experiences of harm are complex and interconnected. They do not fit neatly into categories such as online harm, trafficking or youth offending. A child may experience multiple, overlapping forms of harm across different contexts. The action plan must therefore

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promote integrated systems that operate across welfare, education, health, justice, policing, digital regulation and civil society. These systems must be capable of responding quickly and coherently, with shared responsibility, clear accountability and meaningful involvement of children.

At the same time, systems must become more adaptive without sacrificing consistency or safeguards. Flexibility is essential, but it must be accompanied by clear standards and accountability to avoid uneven protection.

The action plan should strengthen the link between child protection and contextual safeguarding. Many of the risks of harm affecting children exist beyond the family home, in friendship groups, communities and online environments. Responses must address these contexts directly, not just focus on the child or family. Children themselves should be involved in identifying where they feel unsafe and what protection looks like in those spaces.

The distinction between online and offline harm is increasingly irrelevant. Children move seamlessly between these environments, and harm follows. EU action must reflect this reality while ensuring that measures to increase safety do not undermine children's rights to privacy, participation and due process.

Cross-border harm requires stronger attention. Children are exploited across jurisdictions, while those responsible exploit gaps between systems. Cooperation must extend beyond EU borders and include international partners, digital platforms and civil society. Without this, responses will remain fragmented and ineffective.

The action plan should also address children accused of causing serious harm. Child-centred justice must apply equally to them, ensuring legal safeguards, communication support and meaningful participation in processes affecting them. Deprivation of liberty must remain a last resort, with any restrictive measures focused on rehabilitation and reintegration.

Structural inequalities such as poverty, discrimination and exclusion, shape children's exposure to harm and must be addressed. Ignoring these factors risks superficial responses that fail to tackle root causes.

Resourcing is critical. A rights-based system requires sustained investment, but also a shift in how resources are used. Funding must prioritise prevention, early intervention, integration and participation, rather than reinforcing fragmented systems.

The workforce is central to delivery. Professionals need not only training, but also the authority, support and conditions to act effectively in complex environments. Workforce development must equip practitioners to work in genuine partnership with children, embedding participation as a core element of practice.

Cross-border cooperation must be underpinned by shared values and standards. Networks such as the Child Friendly Justice European Network (CFJ-EN) can support learning and

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collaboration, but must be used to drive implementation and accountability, not replace them.

CYCJ can contribute to this shared learning, particularly in relation to rights-based approaches, participation and system reform. Scotland's experience offers insights into welfare-based responses to children in conflict with the law but should be seen as part of a broader exchange rather than a model to replicate.

The EU should use this action plan to set clear expectations in the following areas:

1. Rights-based language
Use accurate, non-stigmatising language that respects children's dignity.
2. Protection as an unconditional right
Ensure all children can access protection without needing to evidence harm.
3. Integrated systems
Promote coordinated responses that reflect the complexity of children's experiences.
4. Contextual safeguarding
Address harm in the environments where it occurs.
5. Cross-border protection
Strengthen cooperation across and beyond EU borders.
6. Resourcing and financing
Invest in prevention, integration, long-term change and meaningful participation.
7. Workforce development
Equip professionals to respond to complex harms and work in partnership with children.
8. Adaptive but accountable systems
Ensure systems are responsive while maintaining consistency and safeguards.
9. Digital responsibility
Require digital platforms to take responsibility for harms occurring through their services.
10. Children's participation
Embed meaningful, resourced and influential participation across all aspects of the action plan.
11. Cross-European learning
Use networks such as CFJ-EN to support implementation and shared learning.
12. Accountability and monitoring
Measure success by improvements in children's experiences, including whether they feel heard, respected and able to influence decisions.

The EU has an opportunity to move beyond a narrow crime-control approach. To do so, it must confront the limitations of current systems and ensure that responsibility sits with adults, institutions and systems, not children. Crucially, children must be recognised not as passive recipients of protection, but as active participants in shaping the systems intended to support them. Without this, meaningful change will not be achieved.

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