

15 June 2009

Contribution to Issue 17 Children in Europe, special edition marking 20th anniversary of the UNCRC

EU legislation and policy has an enormous impact on the lives of children within EU Member States. Nonetheless, until recently, children's rights – as defined by the United Nations Convention on the Rights of the Child – have been all but invisible in the EU policy agenda.

This should change if and when the new Reform Treaty comes into force. (The Irish government promised a referendum in October, although at the point of writing the concessions they requested are still under negotiation.) For the first time a fundamental legal text of the European Union recognises children's rights, stating under Article 3 "*The Union ... shall promote ... protection of the rights of the child.*" It also makes the Charter of Fundamental Rights - which explicitly mentions children's rights in Article 24 - legally binding. This will be a significant change for children's rights in the EU. Whilst it does not create new powers, it requires the EU to address children as a specific target group across all areas where it is already active.

So far the lack of a clear legal base has stalled efforts to mainstream children's rights across EU internal and external action. In 2006, Eurochild and other children's NGOs applauded the adoption of a Communication 'Towards an EU strategy on the rights of the child'. The document was ambitious in its commitment to mainstream children's rights, promote children's participation and involve stakeholders in developing a long-term EU strategy. However, since its adoption, progress has been patchy. The few achievements – the EU child helpline number or the action plan on children in development cooperation – fall far short of a comprehensive approach to "*promoting and safeguarding children's rights in all its internal and external actions*".

The Communication created expectations that the Commission has so far been unable to fulfil – due to the real or perceived limitations of the legal basis. Entry into force of the Reform Treaty should change that legal uncertainty. Children's rights are firmly on the agenda of the proposed 'Stockholm programme' which sets out the EU's priorities in the field of justice, freedom and security over the next five years. The programme, which should be adopted by heads of state in Stockholm in December, calls for the development of an ambitious EU strategy on the rights of the child. It repeats the 2006 Communication's commitment to systematically take account of children's rights in all EU policies and to identify ways in which the Union can contribute added value.

A comprehensive EU strategy on the rights of the child will require strong support from the Members of the European Parliament (MEPs). Prior to the elections, Eurochild together with

EURONET¹ lead a campaign inviting all candidates to sign up to a 10-point manifesto, including a comprehensive children's rights strategy. There was a strong response and, even with the swing to the right in the current make-up of the Parliament, we expect to galvanise enough cross-party support to strengthen the EU's work on children's rights in the future.

The social consequences of the financial and economic crisis are now being felt throughout EU member states. For Eurochild, this only reinforces the need for a stronger children's rights agenda at EU level. In a recent Press Release launched in advance of the EU summit on 18th June, Eurochild called on governments to strengthen investment in services that promote children's well-being and provide much needed support to families, in particular emphasising the development of high quality early years education and care services. We raised concern that at a time when poverty is increasing, children are being held hostage to cuts in vital services as a result of the crisis. Given that children will have to deal with unprecedented public debt and rising health and pension costs associated with an ageing population, the lack of attention to children seems unpardonable.

A sustainable future for Europe, we believe, depends on every child being given the possibility to fulfil their true potential. It requires that children grow up in an environment that optimises their mental, physical, emotional, social and spiritual development. It requires positive government intervention to support families, help reconcile work and family life, ensure high quality education from an earliest age that is accessible to all, and support for all kinds of community life. It requires that all levels of government take account of how policies impact on children, taking the UNCRC as the point of departure.

Alongside its children's rights agenda, the EU can help to promote such a comprehensive approach through its work in the field of social protection and social inclusion. Whilst the EU has no direct competence in this area, the Open Method of Coordination (OMC), to which all member states have signed up, does create common objectives, indicators, reporting and facilitate peer learning, leading to some convergence in policy design and implementation. The process has put child poverty clearly onto the political agenda, with three successive EU Council Summits emphasising the need to fight child poverty, and 24 out of 27 Member States identifying child poverty as a priority within their national strategies on social inclusion (2008-2010).

Eurochild has repeatedly criticised the failure of member states to take a child rights approach in their efforts to address child poverty. Governments tend to over emphasise the future economic and labour potential of children, rather than looking at policies from the perspective of children's rights and well-being now. But there are promising signs of change. The EU has committed to developing indicators that reflect child well-being in their broader sense. And there are some examples – albeit too few – of regional or national governments developing policy and monitoring frameworks based on the UNCRC – such as the Children and Young People's Well-being Monitor for Wales.

The coming months will be crucial. Eurochild are calling for a cross-party children's rights inter-group to be set up in the new European Parliament to act as a watchdog for children's rights across EU policies. We want the EU to adopt a far-reaching strategy on the rights of the child in 2010

¹ EURONET – The European Children's Network was set up in the mid-1990s to campaign for children's rights in the EU Treaties. In July 2009 the network will close as a legal entity. Several members of EURONET are already active in Eurochild.

based on a wide consultation with stakeholders including children. And as one of the outcomes from the 2010 European Year against Poverty and Social Exclusion, we want an EU Recommendation on child poverty and well-being, including clear targets for reducing child poverty and policy recommendations supporting a rights-based approach.

Such an ambitious agenda is only possible with member state government support. The coming Swedish Presidency (July-December 2009) is an important opportunity, given their strong track record on children's rights, but both Spain (January-June 2010) and Belgium (July-December 2010), should help to champion children in the EU political agenda. There has never been a more important time for an active civil society in children's rights. Only through coordinated and concerted efforts will we hold governments accountable to their promises, and highlight where they are failing our children.

Jana Hainsworth
15th June 2009