

## A CHILD RIGHTS APPROACH TO CHILD POVERTY

### Discussion paper

***“Member States should tackle child poverty within the framework of their commitment to the UN Convention on the Rights of the Child. Adopting a child rights’ approach to policy development is key to recognising the position of children and young people in society” Eurochild Key Messages 2006 based on a review of the 2006-08 national reports on strategies for social protection and social inclusion.***

**But what do we mean by a child rights approach? How does such an approach change the way we view child poverty and monitor its effects? What are the implications for policy making when child poverty is addressed through the prism of the objectives of the UN Convention on the Rights of the Child (UNCRC)? What role can the EU play in this?**

**These questions are addressed in the following discussion paper, prepared by Rita Maria Sousa Fernandes<sup>i</sup>. The ideas presented do not provide definitive answers but they aim to stimulate debate. Most EU member states have set tackling child poverty as an immediate priority. At the same time, all member states have signed up to the UNCRC. It is crucial to look at why it is important to marry these two agendas, and how it can best be done.**

**Eurochild<sup>AISBL</sup>, September 2007**

### 1. INTRODUCTION

Child poverty continues to be a major challenge for many European Union (EU) member states. Although primary responsibility for addressing child poverty rests with the member states, the EU has strengthened its commitment in recent years. The European Council in March 2006 highlighted the need to prioritise the reduction of child poverty stating that *“member states should take necessary measures to rapidly and significantly reduce child poverty, giving all children equal opportunities regardless of their social background”<sup>ii</sup>.*

The European Commission (EC) and member states have therefore set child poverty as a thematic priority of the Open Method of Coordination (OMC) on Social Protection and Social Inclusion in 2007. The indicator’s Sub Group (ISG) of the Social Protection Committee (SPC) has appointed a task force to conduct an in-depth evaluative review of child poverty and social exclusion across EU countries and to develop a concrete set of recommendations for a common framework for analysing and monitoring the phenomenon at EU and national levels. The expected output would be used as input for the SPC Peer Review on child poverty to be held in the autumn 2007.

In parallel the EU is giving increasing attention to the implementation of child rights. In July 2006 the EC adopted a Communication calling member states to establish a comprehensive EU strategy to effectively promote and safeguard the rights of the child in EU policies<sup>iii</sup>. This Communication recognises that children’s rights as defined through the United Nations Convention on the Rights of the Child (UNCRC) are still far from being respected, and that EU policy and action, both internal and external, has a critical role to play.

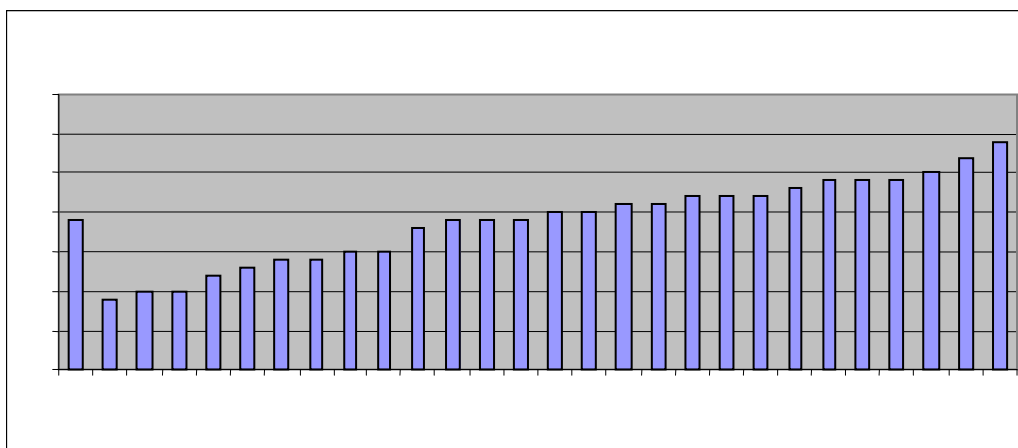
Most EU member states have launched new policies and set targets for addressing child poverty as part of the 2006-2008 National Reports on Strategies for Social Protection and Social Inclusion. Nonetheless implementation is very variable and disparities in outcomes remain high (see Figure 1).

The key indicator for measuring child poverty in the EU and member states is has up to now been relative family income. Child poverty is defined as the percentage of children aged 0-17

years living in households with an equivalised disposable income below 60% of the national equivalised median income<sup>iv</sup>. This is a practical definition that is related to time (based on income, regularly updated) and place (falling below a certain degree of median income from the society in which one lives).

Child poverty can also be measured in absolute terms, meaning access to a minimum level of income and material resources necessary for survival. This has been particularly relevant in the measurement of child poverty at national level within some new EU member states.

**Figure 1: At-risk-of-poverty rate for children aged 0-17 (%), 2005**



Source: SILC (2005) – income year 2004

However child poverty is a complex and multi-faceted phenomenon whose dimensions extend far beyond income. Therefore, Europe needs to challenge the common understanding that a child is poor when the household it lives in has an income below a certain minimum level, and that poverty affects adults and children in the same way. Child poverty differs from adult poverty in that it has different causes and effects, and – most importantly - the impact of poverty during childhood has long-term effects on children.

In Spring 2007 UNICEF launched a comprehensive assessment of the well-being of children in 21 nations of the industrialised world<sup>v</sup>. This report is a significant departure from previous analyses that use income poverty as a proxy measure for overall child well-being. It measures and compares several different dimensions of well-being, namely: health and safety, education, peer and family relationships, behaviours and risks as well as the young person's own subjective sense of well-being. This concept of child well-being is guided by the UNCRC.

The paper argues that such a human rights framework offers the best means of understanding child poverty from a multidimensional perspective. This understanding should underpin the development of instruments for monitoring progress in improving the well-being of children and help to prioritise appropriate measures to tackle child poverty.

So far, EU member states have been slow to incorporate human rights language into the conceptualisation, monitoring and responses to child poverty. This paper therefore aims at four related objectives:

- to conceptualise child poverty from a human rights perspective, identifying their relationship and defining the dimensions of child deprivation;
- to explain how and why a human rights approach is different from a general poverty analysis;
- to suggest how such a human rights approach may alter the policy responses;
- to propose key messages for policy and action at an EU level.

## 2. THE CONCEPT OF CHILD POVERTY BASED ON CHILDREN'S HUMAN RIGHTS

Traditionally, child poverty is seen as an immediate consequence of family poverty (resulting directly from the lack of economic resources). A human rights' perspective on the other hand sees the child as unit of observation in their own right and focuses the analysis on a broader concept of resources to explain the well-being of children. It views children as individuals that act independently of their parents.

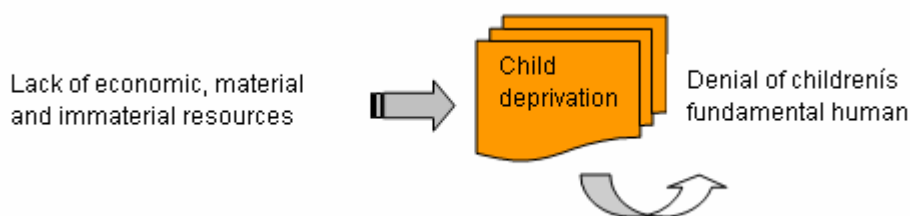
Such an approach is by no means anti-family, nor does it undermine the rights of parents. The UNCRC clearly states that parents (or, where applicable, the members of family, legal guardians or other persons legally responsible for the child) have primary responsibilities, rights and duties to provide appropriate direction and guidance in the exercise of children's rights (Article 5). It also emphasises the governments' responsibility to provide appropriate support to parents (including child care services) to help them fulfil their responsibility for the upbringing and development of the child (Article 18).

However, recognition of the inherent human rights of all children *does change* the conventional perspective on parental/child relationships and how parents should act in order to help children fulfil their rights. The concept of 'positive parenting', as defined by the Council of Europe, provides a helpful insight into how parenting roles need to change in order to protect the rights of the child within the family<sup>vi</sup>.

A rights-based approach also looks far beyond the rights of families, secured and protected through parents. It includes a wide range of human rights, from economic, social and cultural rights, such as the right to health care, to civil and political rights, or the right to safety and participation. Using the UNCRC as a basis, there are four core principles that underpin all other rights: the principle of non-discrimination (Article 2); the principle of the best interest of the child (Article 3); the principle of respect for the child's views and the right to participate (Article 12); the principle of the child's right to life, survival and development (Article 6).

This paper argues that child poverty should be understood as a denial of the children's fundamental human rights resulting from the lack of resources (economic, material and immaterial - meaning that if any of their rights are wholly or partially unmet, the child can be said to be in a situation of poverty or relative deprivation).

**Figure 2: Child poverty**



The dimensions of deprivation are interrelated and interdependent. So if a child is deprived of one of its rights, it is likely to affect its ability to exercise its other rights. This reinforces the idea of indivisibility of children's human rights. As a result, although time-bound priorities can be set, all rights must be considered equally important because each one of them, individually and together, influences a child's well-being.

For example, access to decent housing, health care, a balanced and adequate diet will stimulate children, contributing to their success in school. By contrast, overcrowded

accommodation, located in a deprived neighbourhood may contribute to poor health, low educational attainment, and early school drop out.

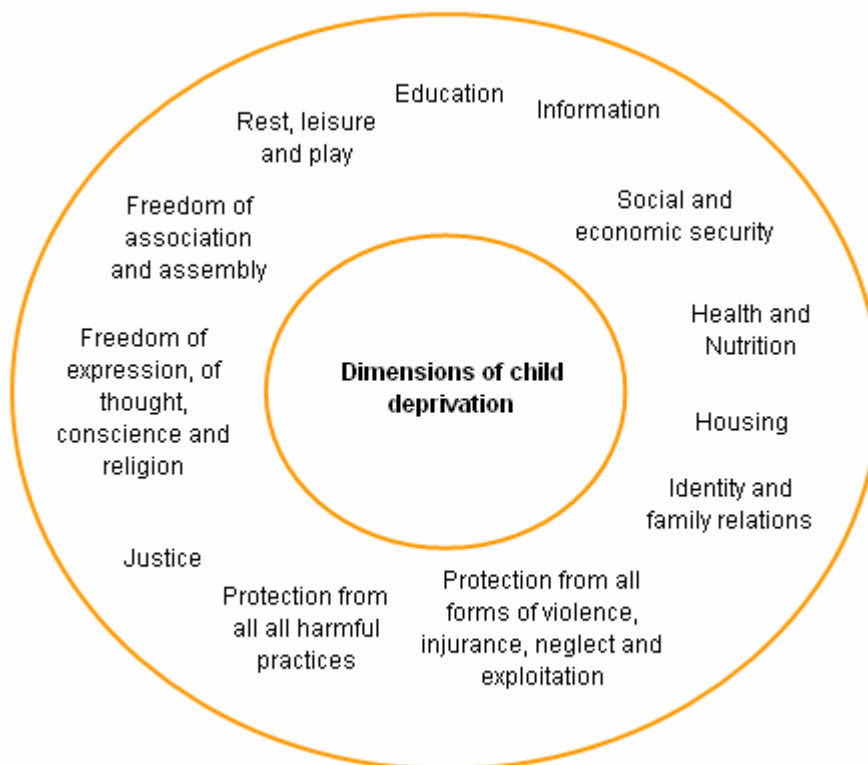
Child poverty, as defined according to the UNCRC, can be organised around three domains of rights: provision, protection and participation.

**Figure 3: Organisation of children’s rights relevant to child deprivation**

Domains of Rights		CRC Articles
Provision	a. Health and nutrition	23, 24, 27
	b. Education	28, 29
	c. Information	17
	d. Social Security	26
	e. Housing	27
Protection	f. Name, identity and family relations	5, 7, 8, 9, 10, 16, 18, 20, 21, 22, 25
	g. Protection from injury, violence and neglect	19
	h. Protection from economic exploitation	32
	i. Protection from sale, traffic, sexual and other forms of exploitation	11, 34, 35, 36, 37
	j. Protection from harmful practices	24, 33
	k. Protection from armed conflicts	38
l. Justice	39, 40	
Participation	m. Freedom of expression, of thought, conscience and religion	12, 13, 14, 30
	n. Freedom of association and peaceful assembly	15
	o. Leisure time and rest	31

Using these domains of children’s rights, we can define the main dimensions of child deprivation (see figure 4). This broader approach to child poverty better reflects the multidimensional nature of child poverty. Recognition of each dimension of child deprivation can help to understand the main aspects that prevent children from achieving their full potential.

In order to measure child poverty based on this understanding, indicators need to be developed that reflect the children’s well-being in each of these dimensions. This would allow for the direct observation of children rather than basing conclusions on indirect indicators such as living conditions in the children’s households.

**Figure 4: Dimensions of child deprivation**

### 3. WHY A HUMAN RIGHTS APPROACH TO CHILD POVERTY IS DIFFERENT FROM A GENERAL POVERTY ANALYSIS?

*“Perhaps the most important source of added value in the human rights approach is the emphasis it places on the accountability of policy-makers and other actors whose actions have an impact on the rights of people. Rights imply duties, and duties demand accountability. It is therefore an intrinsic feature of the human rights approach that institutions and legal/administrative arrangements for ensuring accountability are built into any poverty reduction strategy” (UN OHCHR 2002: paragraph 23)<sup>vii</sup>.*

Recognition of child poverty as a denial of children’s human rights puts the onus on the duty-bearers who have the responsibility and the power to respect, to protect and fulfil children’s rights. It transforms moral obligations into legal obligations. The state is the main duty-bearer and as such, human rights-based policies are primarily concerned with government intervention. However, the state also has a duty to ensure that non-state actors, such as the community and even family members, live up to their responsibilities.

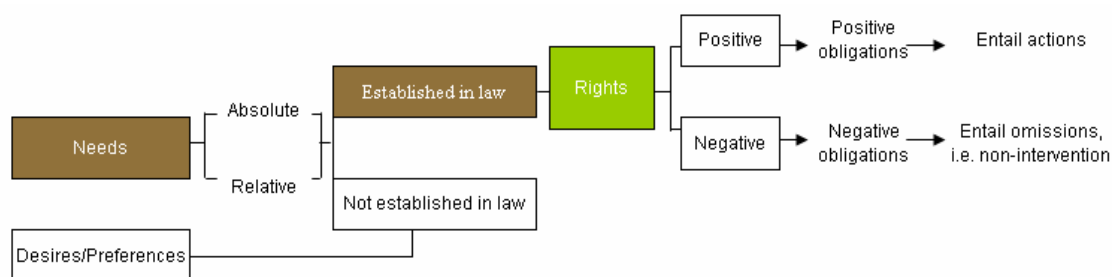
A rights-based approach also empowers children (right-holders) who can legally claim their rights. This approach is focused on the capacities of both the rights-holders and the duty-bearers, recognising that there are shared interests between them.

The human rights approach therefore takes us beyond the idea of child poverty centred on need. It puts less emphasis on individuals’ personal failure to justify child poverty, focusing more on the failure of macro-economic structures and policies, which is a responsibility of the state and other national and international institutions.

Rights are also more far reaching than needs. Most countries define two kinds of fundamental rights: negative rights and positive rights (see figure 5). Negative rights (the liberty-rights) indicate what governments cannot do. That is, they prevent the government to

interact in the citizen's way of being, for example, in the individuals' restriction of liberty. This may include, for example, the right to life, freedom and safety. Positive rights (credit-rights, which entail society obligations) on the other hand, express what the government and citizens can do. This includes for example social, economic and cultural rights as a way of well-being guarantees by the government (for example the right to education and health).

**Figure 5: The relation between needs and rights**



In this context, the UNCRC provides a normative framework. It has the potential to lead to legal change and the re-organisation of institutions and actions. Its universal ratification would imply global recognition of the importance of the realisation of children's fundamental human rights as a crucial step for the child's development today and as a guarantee of sustainable human development<sup>viii</sup> in the forthcoming generations.

#### **4. WHAT DOES THIS HUMAN RIGHTS APPROACH TO CHILD POVERTY MEAN IN RELATION TO POLICY RESPONSES?**

To embrace a child-rights approach to child poverty, policy-makers need to:

- (1) broaden the scope of anti-poverty strategies and promote joined-up government to address the multiples causes of child poverty;
- (2) implement the four core principles of rights set out in the UNCRC, especially the right to participation, and
- (3) strengthen the role of the state.

The section below describes in more detail each one of these aspects.

##### **Broaden the scope of anti-poverty strategies and promote joined-up government to address the multiples causes of child poverty**

Any national strategy on child poverty reduction, consistent with the governments' international children's human rights obligations, requires a cross-sector approach and integrated policies at all levels of government. All policy responses should take into account the multidimensional nature of child poverty, reviewing all those policies from the perspective of their compatibility with children's human rights as defined in the UNCRC, ratified by all member states of the EU.

In the area of social policy, goals need to be more comprehensive and address several causes of deprivation that go beyond the lack of income. This includes a multiplicity of well-being dimensions, for example health, education, housing and leisure.

## **Implement the four core principles of rights set out in the UNCRC, especially the right to participation**

A human rights approach will influence how a strategy on child poverty reduction is developed and implemented. Integration of the four main principles of the UNCRC (namely non-discrimination, best interests of the child, survival and development and respect for the views of the child) will change the way strategies and initiatives are developed – even if they do not necessarily change what is actually done.

The notion of participation is one of the most important principles in the design and implementation of any policies affecting children. So, children must be recognised as active citizens in the processes and decisions that concern them and affect their lives. The Convention encourages adults to listen to the opinions of children and involve them in decision-making processes. It recognises that the level of a child's participation in decisions must be appropriate to the child's level of maturity.

## **Strengthen the role of the state through which policy makers can be held accountable for their actions**

As the main duty bearer, the state has the duty to: respect (not to infringe the enjoyment of any human right); protect (to take measures that prevent others from abusing the right), and to fulfil children's fundamental human rights (to adopt adequate legislative, administrative and other measures towards the full realisation of human rights).

Rooting national policies in the UNCRC strengthens the role of the state in the design, implementation and evaluation of national strategies on child poverty reduction. A national strategy founded on human rights principles is an effective mechanism through which a state can gradually meet its obligations.

The state must also take immediate actions to establish ways in which all stakeholders can participate in all processes of designing, implementing and evaluating the policies that will affect children's lives.

The human rights approach to child poverty sets appropriate standards and also creates a context of accountability and responsibility to address the political and structural causes of child poverty. States' obligations are usually subject to monitoring and accountability procedures. This is not only a matter of legal obligation. It can also strongly enhance the effectiveness of the strategy for child poverty reduction.

## **5. KEY MESSAGES FOR EU POLICY**

Although the EU has no direct competence in the area of fundamental rights, including children's rights, the Charter of Fundamental Rights requires the EU to respect the rights of the child as defined in the UNCRC in the implementation of its own policies; including within the soft-law instruments as used in the field of social policy.

The EU therefore has the opportunity to take a lead in promoting a children's rights approach to member states' efforts to reduce child poverty. In this section we give some recommendations for action at EU level that may contribute to a stronger child-centred approach to child poverty. They include to:

- (1) broaden the EU's definition and understanding of child poverty
- (2) establish a European common instrument on the child's right to a minimum income
- (3) ensure better coordination and efficient mainstreaming of children's rights at EU-level
- (4) give children a voice

## 1. Broaden the EU's definition and understanding of child poverty

Although there is growing consensus that child poverty is a multidimensional phenomenon, it is still defined at EU-level as a lack of household economic resources.

A multidimensional approach implies a much broader definition of child poverty with adequate measures to improve understanding, monitoring and policy effectiveness in all its different dimensions. Despite the existence of some multidimensional measures of child poverty developed by governments, academics or non-governmental organisations at national level, there is still a lack of adequate and comparable data at European level. Thus, the lack of proper indicators can contribute to the ineffectiveness of child poverty reduction strategies and the outcomes of policy actions could diverge strongly from desired goals.

Efforts to develop a set of concrete recommendations for a common framework for analysing and monitoring child poverty and child well-being at European, national and sub-national levels, are in progress. This framework is currently being developed by the Task Force on child poverty and well-being established under the Indicators Sub-Group (ISG) of the Social Protection Committee. It is important that the Task Force's recommendations are followed-up and implemented by member states. It is also important that member states are encouraged to supplement commonly agreed indicators developed by the ISG with national indicators on child poverty from a human rights perspective.

In parallel to the above mentioned Task Force, the Fundamental Rights Agency has launched a call for tenders for a "Study on Indicators measuring the implementation, protection, respect and promotion of children's rights in the European Union, mapping and assessment of available relevant data resources." It calls for the "*development of indicators using a human right's framework that combines existing social indicators and those which are uniquely children's rights indicators*"<sup>ix</sup>. This initiative is to be welcomed in as much as it aims to produce indicators that are explicitly derived from a human rights norm and aim to hold duty-bearers to account. Nonetheless, for the results to be workable in practice, there must be a close link with efforts of member state governments via the Social Protection Committee.

## 2. Establish a common European instrument on the child's right to a minimum income

Reducing child poverty requires a combination of different types of policies addressing the multidimensional nature of the phenomenon, where the child's family income is an important dimension that is, however, strongly related to other dimensions of well-being.

An improvement of children's well-being could be achieved by establishing an income that would be unconditionally guaranteed to every child. The child minimum income could replace all current cash transfers in order to have a European common standardised level of child income.

As advocated by Esping-Andersen (2002)<sup>x</sup>, a child's basic income is crucial for combined strategies to achieve the broad European goal of eradicating child poverty altogether. The High-Level Group on the future of social policy in an enlarged EU also supported this perspective by defining a major policy recommendation for the EU over the period 2006–10 in the field of social policy: "*to reduce child poverty, including through a basic income for children delivered by member states*" (European Commission, 2004, p.44)<sup>xi</sup>.

The EC should resume its policy recommendation of proposing a basic income for children. The proposal should take account of the increasing needs of children as they get older and the additional costs faced by some children such as those with disabilities.

### **3. Better coordination at EU level and more efficient mainstreaming of children's rights**

The political commitment to address children's rights at EU level has strengthened with the launch of the Communication on children's rights<sup>ii</sup> in July 2006 by the Group of Commissioners on Fundamental Rights, Non-discrimination and Equal Opportunities. Although the actions proposed are lead by the Directorate-General for Justice, Freedom and Security (DG JLS), it is critical that all the relevant EU policy sectors cooperate to achieve real progress for children's rights.

A specialised child rights unit should be established within the EC, under the direction of DG JLS, to ensure that children's rights are a cross-cutting concern to be mainstreamed across all relevant policy areas and to identify the main priorities for future intervention on children, as well as to coordinate action across the Commission and with other EU institutions. This work should also be developed together with other organisations active in the area, in particular the Council of Europe, UNICEF, WHO and children's rights NGOs, thus combining efforts around a common objective to produce a decisive impact on children's full enjoyment of their rights.

### **4. Children's participation**

Recognition of children's rights requires that children become active participants in the decisions and interventions that affect them. As stated in Article 12 of the UNCRC, children have the right to express their views and to participate in, and access all relevant information, in relation to decision-making processes affecting their lives.

With regards to an effective child poverty reduction strategy, children's involvement is crucial. Children must be recognised as full actors in their own well-being rather than be passive objects of choices made on their behalf. Participation can occur at various levels where children can provide insights that others cannot automatically provide.

At an EU level, there has been limited focus on children's participation until now. The EU needs to assume leadership in the recognition of children as active EU citizens. Although the EC's Communication commits to actively involving children, for example in the European Forum for the Rights of the Child, little action has been taken so far.

There are some good examples of children's participation in policy and planning at a range of levels from local, regional, national and international, that can make significant contributions to developing tools and mechanisms of children's participation at European level. The EC should explore more the role that member states can play in exchanging good practice examples of children's participation.

The EC should develop practical proposals to ensure respect for children's right to be heard in all matters concerning them. Children's participation must be systematic, structured and adequately resourced. Most importantly, children's opinions, particularly the voices of most vulnerable children, should be listened to and taken seriously in the development of effective policies and strategies to prevent and eradicate child poverty.

## Endnotes

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<sup>ii</sup> See the Presidency Conclusions of the Brussels European of the Brussels European Council on 23-24 March 2006 (paragraph 72).

<sup>iii</sup> European Commission (2006), Towards an EU strategy on the rights of the child, *Communication from the Commission 367 final*, Brussels.

<sup>iv</sup> The most recent data provided by SILC 2005 shows that 19% of children living in the EU are at risk of poverty.

<sup>v</sup> UNICEF (2007), Child poverty in perspective: an overview of child well-being in rich countries, *Report Card 7*, Florence, UNICEF *Innocenti* Research Centre.

<sup>vi</sup> See "Changes in parenting: children today, parents tomorrow" in Conference of European Ministers responsible for family affairs, 16-17 May 2006, Lisbon.

<sup>vii</sup> UN OHCHR (2002), *Draft guidelines: a human rights approach to poverty reduction strategies*, New York, UN.

<sup>viii</sup> Sustainable human development is seen as the increase of people's choices and the creation of opportunities in equal conditions in order to achieve their full potential. This goal is only possible if all human rights are promoted, protected and fulfilled. See UNICEF (1999), Human rights for children and women: how UNICEF helps make them a reality, *A UNICEF Programme Policy Document*, New York, UNICEF.

<sup>ix</sup> European Union Agency for Fundamental Rights, FRA2-2007-3200-T06

<sup>x</sup> Esping-Andersen, Gösta (2002), "A child-centered social investment strategy", in G. Esping-Andersen with D. Gallie, A. Hemerijck and J. Myles (eds.), *Why we need a new welfare state*, Oxford, Oxford University Press, pp. 26-67.

<sup>xi</sup> European Commission (2004), *Report of the High-Level Group on the future of social policy in an enlarged European Union*, Office for Official Publications of the European Communities, Luxembourg.