Brussels, 21st March 2011

Response of child rights NGOs to the Communication “An EU Agenda for the Rights of the Child”¹

The Child Rights Action Group (CRAG) is an informal group of child rights NGOs working inside and outside the European Union who have committed to work together in support of an EU strategy on the rights of the child. In this paper we wish to react to the recent Communication on ‘An EU Agenda for the Rights of the Child’ and to give recommendations for follow-up. We look forward to a constructive, on-going dialogue with the European Commission and to contribute to strengthening ‘the capacity of EU institutions to address child rights issues.’

Our reaction to the Communication

1) The recent Communication is an important milestone in EU efforts to mainstream children’s rights in EU policies. The CRAG reaffirms its commitment to working with the European Union institutions in its follow-up

The Communication rightly highlights the reinforced commitment of the EU towards children’s rights in the Treaty of Lisbon and the Charter of Fundamental rights. We support the Commission’s stated commitment to ‘move up a gear on the rights of the child’ and its intention to take the principle of the best interests of the child into account in the design, implementation and monitoring of all EU policies that affect children directly and indirectly.

As NGOs we are convinced of the crucial role European Union institutions can and should play in realization of children’s rights internally and externally to the EU. We acknowledge the work that has been carried out since adoption of the 2006 Communication² and the reinforcement of resources to children’s rights within the European Commission. It is important that the Commission reaffirms its commitment to existing structures - the European Forum on the rights of the child and its steering group, the Commission inter-service group, and the Commission Coordinator for the rights of the child. Below we offer recommendations on how these structures and stakeholder dialogue in general may be strengthened and made more effective in the future.

2) The proposed EU Agenda nonetheless appears to be a compilation of on-going actions rather than a coherent vision of how children’s rights will be implemented across EU policies

The 2006 Communication committed the European Commission to develop ‘a comprehensive strategy to ensure that the European Union contributes to promoting and safeguarding children’s rights in all its internal and external actions and supports the efforts of the Member States in this field’. The Stockholm Programme³ calls for an ‘ambitious’ Union strategy on the rights of the child to be developed. We do not believe that this ambition is adequately reflected in the actions proposed within this latest Communication.

¹‘An EU Agenda for the Rights of the Child’, COM(2011) 60 final 15.2.2011
Action should flow from, and be coherent with, an overall vision and strategy, within a framework of clear overall priorities. They should be decided on the basis of clear analysis of past action and an assessment of needs and gaps. By contrast the actions of the proposed EU Agenda appear to be a compilation of actions already in the pipeline or a continuation of commitments made in the 2006 Communication.

Even in the ‘new’ priority actions identified, such as the focus on child friendly justice, we believe a more comprehensive analysis of past actions and a full assessment of gaps and needs would be needed, to establish a more ambitious and effective set of proposed actions. Greater emphasis should be given through EU policies to recognising children in conflict with the law as rights holders, as well as to the implementation of the CRC and UN international standards in penal laws and European criminal systems.

The EU Agenda on child rights is in sharp contrast to the level and ambition contained within other recently adopted Commission Communications concerning disability, gender equality or youth policy.

3) The EU Agenda proposes several tools for applying the ‘General Principles’. However, we are concerned that they lack ambition and risk being tokenistic.

The emphasis on mainstreaming and implementation of rights in all EU policies in the Communication is welcome. However, we doubt whether the fundamental rights check is sufficient to achieve this objective. There is currently a clear lack of transparency in its implementation and a risk that it becomes a tick-box exercise.

The continuation of internal training throughout the Commission Services is important but stronger coordination of children’s rights and ownership from a range of DGs requires more than one-off training. Child rights coordinators in each DG could act as champions for children’s rights within their policy area ensuring a long-term cultural shift in how children are viewed within policy making processes at EU level.

The focus on indicators and strengthening evidence base is a keen interest of child rights NGOs. We are nonetheless concerned about the lack of resources and clear timeline allocated to this activity, and the failure to adequately involve key stakeholders in the decision-making which may lead to unnecessary duplication of work.

We support the continuation of the European Forum for the Rights of the Child. However, past Forums have been criticized by many stakeholders for the lack of transparency in the selection of agenda topics, the lack of follow-up and their failure to be integrated into the broad EU child rights agenda. The ‘steering group’ – comprising representatives of all key stakeholders – has been virtually impotent in steering the content and follow-up of the Forum. We believe this steering group should be empowered and properly resourced to take greater ownership of the

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4 European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe COM/2010/0636 final 15.11.2010
6 Youth on the Move – An initiative to unleash the potential of young people to achieve smart, sustainable and inclusive growth in the European Union, COM/2010/477 final, 15.9.2010
Forum and to advise the European Commission and monitor the activities flowing from the EU Agenda.

The UNCRC Articles that make up ‘General measures of implementation’ provide very clear guidance on measures necessary for effective implementation of children’s rights, including the development of structures and monitoring frameworks, training and other activities in government. It is disappointing that the measures proposed in the Communication are not consistent with this approach.

Our Recommendations for follow-up

1. We urge the European Commission to build on this EU agenda and aim towards an ambitious, comprehensive child rights strategy offering a true reflection of the EU’s reinforced commitment to children. A strategy on children’s rights should be at least as ambitious as those adopted in the field of youth, gender equality and disability rights.

Such a strategy should set out the underlying principles on which all the DGs can build, - for example the principles of non-discrimination, children’s right to be heard, the best interest of the child in all decisions affecting them. It is important that the strategy apply to all children, including undocumented migrant children.

2. We believe the EU Council of Justice Ministers should be mandated to assure formal follow-up of the adoption and implementation of the EU’s child rights strategy, whilst ensuring respect for the cross-cutting nature of children’s rights and cooperation with other Ministries with competencies for protecting and promoting children’s rights.

3. We urge the European Commission to further develop a work programme and structures that support effective stakeholder involvement and coordination. In particular we would like to see:

⇒ A concrete operational framework to support member state cooperation and exchange in children’s rights implementation, building on the existing cooperation with L’Europe de l’Enfance and ChildonEurope. Particular emphasis could be given to sharing good practice across member states in applying the UNCRC General Measures of Implementation at national and regional level. More research and evaluation is necessary including greater use of member state reports to the UNCRC and the Committee’s concluding observations.

⇒ A closer cooperation with the European Agency for Fundamental Rights (FRA) in the upcoming process of elaborating and applying indicators on the rights of the child in all relevant fields, mainly on the protection of children victims of exploitation and violence and the protection of specific groups of vulnerable children.

⇒ A rolling programme for the European Forum on children’s rights with clear follow-up. The steering group should be reinstated, and empowered and resourced to effectively support the European Commission in selecting priority themes, ensuring effective involvement of stakeholders and advising on processes to ensure the views and experiences of children are effective represented and taken into account.

⇒ Strengthened on-going dialogue and cooperation with civil society active in the field of children’s rights (in addition to the Fora), with a view to developing an on-going
structured dialogues similar to that which takes place in the gender equality and youth policy areas.

4. **Greater investment and support for children’s participation.** Programmes should be developed that support appropriate structures and mechanisms in member states and partner countries that ensure sustainable, meaningful children’s participation.

5. **We urge the European Commission to ensure that reporting mechanisms on fundamental rights give the necessary attention to children’s rights at EU level.** The reporting on children’s rights must be detailed, useful, reliable and lead to decision-making to increase effectiveness and progress.

6. **Finally it is evident that implementation of these recommendations requires a significant boost in the allocation of resources – both human and financial - to the question of children’s rights.** We call on all the EU institutions to support an increased budget allocation to reflect the reinforced commitment of the EU children’s rights in the Lisbon Treaty and the Charter of Fundamental Rights.

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