

eurochild

POLICY POSITION



Eurochild's proposals for the development of the EU's strategy on the rights of the child

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In July 2006 a European Commission Communication¹ paved the way for the development of an EU strategy on the rights of the child. It committed to developing "a comprehensive strategy to ensure the EU contributes to promoting and safeguarding children's rights in all its internal and external actions and supports the efforts of Member States in this field".

The entry into force of the Lisbon Treaty in December 2009, which recognizes children's rights among the EU's objectives and embodies the EU Fundamental Rights Charter, reinforces the grounds for further EU action. An EU strategy does not create new EU competences on children's rights, as the primary responsibility for their safeguard rests with national governments. But it does provide an important framework to ensure children's rights are promoted and protected in all EU policies and actions.

In this position paper, Eurochildⁱ :

1. addresses the strengths and weaknesses in the implementation of the 2006 Communication;
2. highlights the potential added-value of an EU child rights strategy;
3. outlines our proposals on the content of the EU child rights strategy;
4. suggests possible next steps.

SUMMARY OF OUR PROPOSAL

In Eurochild's view the EU strategy on the rights of the child should:

Set overarching aims:

- To promote and protect child rights in EU internal and external action;
- To support Member States efforts to promote and protect children's right and implement the UNCRC.

Establish a seven year timeframe (2011-2018) with two 3 ½ years delivery periods.

Set the following strategic objectives together with proposals for concrete actions:

- Mainstream children's rights in all EU action.
- Identify and developing priority actions.
- Monitor and evaluate action undertaken.
- Enhance data collection and the development of common indicators at EU level.
- Communicate effectively on children's rights.

1. COM2006/367 of 4 July, Commission Communication Towards an EU Strategy on the Rights of the Child

1. STRENGTHS AND WEAKNESSES OF ACTION SO FAR

Whilst welcoming the 2006 Communication and action developed therein, Eurochild considers the absence of a clear framework and principles underpinning EU action on children's rights to be a major gap. The Communication was structured around seven specific objectives and concrete measures. Action has been undertaken, to a lesser or greater extent, under each of these objectives but overall we believe there has been:

- little coordination amongst the different services of the European Commission;
- no significant engagement from Member States, and
- a lack of political leadership.

1.1 Capitalizing on existing activities while addressing urgent needs

The measures identified have been undertaken ranging from areas where the EU has specific competence (as the action plan on children in development cooperation) to domains where action is carried out through soft law mechanisms and intergovernmental cooperation (for example, actions on child poverty). Assessing the implementation of other mentioned measures, of a more general scope, like the promotion of the United Nations Convention on the Rights of the Child (UNCRC) is more difficult, in part due to the absence of a reporting process.

Specific funding programmes have supported transnational projects fostering cross-national exchange, but it is still largely insufficient to ensure the design and implementation of policy at EU level promotes and safeguards the rights of children, including within the European Commission. Dedicated resources, both financial and human would need to be committed to achieve this goal.

1.2 Identifying priorities for future EU action

A study for assessing the impact of EU actions affecting children's rights is ongoing and a consultation document to identify future actions is in the pipeline. Efforts have been made to collect comparable data on children's rights, notably under the Open Method of Coordination (OMC) on social inclusion and a study on child rights indicators conducted on behalf of the Fundamental Rights Agency (FRA), but there is room for improvement, namely regarding the development of child well-being indicators, data collection on most vulnerable and disadvantaged children, and on the participation of children and young people.

Currently there are three proposals under discussion within DG JLS on future EU action: violence in schools (bullying), invisible children, and child poverty. Expert meetings have taken place to collect evidence-based data and discuss possible EU action on the first two issues. However, before these proposals can be progressed clear criteria for these (and future) actions must be set and agreed. Such criteria must be identified to determine where EU action is most needed and would have greater impact, as well as establishing synergies with Member States own priorities.

1.3 Mainstreaming children's rights in EU actions

Mainstreaming is a cornerstone for enshrining the rights of the child in policy making. For internal EU policies, mainstreaming is currently carried out as a desk-based exercise within the Child Rights Unit of the European Commission. That such an exercise is carried out at all is an improvement on the situation prior to the 2006 Communication. However, the current approach has limited reach and impact. The Child Rights Unit has limited capacity and cannot cover all internal EU policy areas that impact on child rights. There is no toolkit or written guidance that can ensure consistency and continuity of practice. There is no attempt to build capacity and understanding of other Commission staff in children's rights.

For EU external relations, a toolkit on mainstreaming is being prepared in cooperation with UNICEF. The aim is to develop high-quality tools and training packages around a whole series of child rights issues that will help staff better integrate children's rights into a whole range of relevant political, legal, budgetary and programme actions and structures. Eurochild supports the development of a similar tool for internal policies.

1.4 Establishing efficient coordination and consultation mechanisms

Under this priority the Commission proposed to set up an EU Forum on the rights of the child; create a web-based discussion and work platform; foster children's participation; set up a Commission inter-service group on children's rights, and appoint a child rights coordinator.

In Eurochild's view, the related actions have had limited success. The EU Forum has been held intermittently with limited follow-up of the meetings; no web-based discussion platform has yet been launched; children have been consulted in some cases, notably through Eurobarometer surveys and focus groups, but this is insufficient to truly involve children in decision-making processes; the inter-service group has met sporadically and with limited mandate of appointed staff for championing children's rights in their respective services; a child rights coordinator has been appointed but her tasks and relationship towards other Commission services is unclear.

1.5 Enhancing capacity and expertise on children's rights

Training has been provided to European Commission external relations staff, including of delegations in third countries. Whilst welcome, this is clearly insufficient. Eurochild recommends the development of training and information material including a child rights toolkit plus a training programme for staff in the EU institutions. This should first target the child rights focal points in each DG of the European Commission and those leading the child rights strategy.

1.6 Communicating more effectively on children's rights

The measures proposed under this objective are not yet realized, although we understand they are underway. They include the design of a communication strategy on children's rights and a child-friendly website dedicated to children's rights to publicise key EU measures with a direct impact on their rights.

1.7 Promoting the rights of the child in external relations

There is little visibility and a general lack of information on the role and impact of EU actions in promoting the rights of the child in international forums and third country relations. For example, the EU's successful negotiations in the United Nations omnibus resolution on the rights of the child have not been well publicised.

2. THE ADDED-VALUE OF AN EU STRATEGY

The 2006 Commission Communication recognizes the added value of EU action as being to:

- build on the legal and political commitment of the EU to human rights in general and children's rights in particular;
- push children's rights to the forefront of international agendas and promote universal human rights at national level worldwide;
- promote and support attention to children's needs drawing on the European social protection model and its policy commitments and programmes in different fields.

Eurochild believes the strategy can also bring a strong added-value by:

- showing that the EU is a world leader in children's rights;
- making Member States commitment to children's rights more visible;
- setting the means to systematically review EU draft legislation and policies to reinforce children's rights and avoid any potentially negative impacts;
- providing benchmarking tools to show implementation of the CRC in EU Member States;
- providing a framework for mutual learning and exchange of good practices between

Member States and regional and local authorities;

- boosting collective action by capitalising on processes which already have strong support from Member States, such as the fight against child poverty and the promotion of child well-being, and foster measures undertaken by Member States in specific areas.

3. EUROCHILD PROPOSAL FOR A REVISED EU CHILD RIGHTS STRATEGY

The European Commission's new term presents an excellent opportunity to revisit the EU strategy on the rights of the child and improve the current state of play. The new Commissioners can provide a fresh impetus and steer the implementation of the strategy within their respective Directorate Generals and policies, together with Member States and the European Parliament. Commissioner Reding, as Vice-President of the Commission and Commissioner for Justice, Fundamental Rights and Citizenship, is well placed to drive the Strategy and work with colleagues to make children's rights a reality across the EU and worldwide.

Eurochild recommends that the new Commission proposal to enhance the European strategy on children's rights set the framework and principles for EU action, underpinned by the UNCRC principles and based on the general measures of implementation². As a world leader on children's rights, determined to improve children's lives in all EU countries so well as outside the EU, this is a critical role for the EU. The Strategy itself should have clear aims, set a specific timeframe, set strategic objectives, propose priority actions, outline concrete measures, clarify responsibilities and create synergies and foster the involvement of stakeholders in its implementation, including Member States. Eurochild suggestions are presented below and draw on the objectives set in the 2006 Communication.

Overarching aims:

- To promote and protect child rights in EU action;
- To support Member States efforts to promote and protect children's right and implement the UNCRC.

These aims would be proceeded by:

- Using the UNCRC as the document underpinning all action, including the definition of a child as everyone under 18 years of age. Specifically, the four general principles of the UNCRC: non-discrimination; the best interest of the child; the right to life, survival and development; the right of the child to express his/her views freely and to be heard, must form the basis of all EU action relating to children's rights.
- Ensuring a consistent and coordinated approach towards children in EU policy making by setting principles for the promotion and protection of children's rights in all EU internal and external action.
- Adopting a child centred approach, following the understanding that realising rights is the best way to ensure improvements in child outcomes.
- In practice this would mean EU policies should be reviewed from the perspective of their compatibility with children's rights.
- Fostering and supporting mutual learning and exchange between Member States.
- The EU should sign a unilateral declaration of adherence to the UNCRC, which would stress the EU's genuine commitment to respect and promote of children's rights and strengthen Member States vows to implement the Convention.

Timeframe: seven year timeframe (2011-2018) with two 3 ½ years delivery periods

²The general measures of implementation identified by the UNCRC Committee seek to promote the full enjoyment of all rights in the Convention by all children and include: the ratification of key human rights instruments and review of reservations; legislative measures; development of national strategies or action plans; policy coherence and mainstreaming; monitoring and reporting; data collection and indicators; human and financial resources; training and capacity building; co-operation with civil society and international cooperation; child rights monitoring by independent institutions; and information and awareness raising about children's rights. Although designed to guide Member States compliance and reporting to the UNCRC Committee (as one of the eight reporting clusters), they provide an excellent framework for the EU to develop the strategy on the rights of the child.

3.1 Mainstreaming children's rights in all EU action

Children's rights should be integrated within all policies and programmes. Policy design and implementation should contribute to furthering the objective of promoting children's rights. This would entail taking a child centred approach by which the well-being of the child is considered *per se*, independently of his/her family situation, while recognising the importance of family and the family situation to a child's well being. It also means ensuring EU initiatives do not have a negative impact on children and are compatible with the UNCRC principles.

Possible actions

- Develop a child rights toolkit for EU internal action similar to the one which is being produced for external action.
- Nominate child rights focal person(s) in each Directorate General.
- Undertake systematic training and capacity building on children's rights to increase the knowledge and understanding of the UNCRC by Commission staff, in particular of officials of the inter-service group on children's rights and the fundamental rights and rights of the child unit. This would include support for assessing the impact of EU policies and action on children's rights (see below).
- Ensure sufficient resources, both financial and human, are allocated to ensure effective mainstreaming.
- Carry out a mapping of how the EU Member States are mainstreaming children's rights and the tools they use at national and regional levelⁱⁱ.
- Develop specific tools to assist in assessing the impact of planned EU action on children and conduct impact assessments in a systematic manner. Officials responsible for carrying out the impact assessment should have specific knowledge in the area under appraisal and have received training on children's rights.

3.2 Identify and develop priority actions

Principles and criteria should be defined at the outset for the development of specific existing and future initiatives on children's rights issues.

The criteria could include:

- particular added-value of EU action (e.g. cross border issues);
- common challenges identified by the UNCRC committee reports for many Member States;
- issues that have been identified at international level for specific follow-up action (such as follow-up to the UN study on violence against children).

The launch of a public consultation, including with children, will provide input to identify the areas in which EU action is deemed more relevant and gather consensus around the selected themes.

Progress achieved within specific EU initiatives and new areas to be addressed should be regularly reviewed by the stakeholders. Priority areas should ensure broad support by all stakeholders and commitment from EU leaders.

Possible actions

- Identify which would be the priority actions for the upcoming delivery period of 3 ½ years on the basis of the contributions from different DGs on ongoing action and plans for new/further developments and responses from the public consultation. Action

would be implemented by the competent DG(s) according to their field of expertise and coordination ensured through the inter-service group on children's rights.

- Ensure actions are undertaken to support the implementation of the UNCRC in the EU Member states through mutual learning and exchange and complement initiatives taken at national level. This could be undertaken, inter alia, through the social OMC process.
- Identify programmes on specific areas to promote the exchange of information and good practice, such as the Daphne programme and the research framework programme. Eurochild would encourage the organisation of child-related peer reviews within the OMC framework.

3.3 Monitor and evaluate action undertaken

Monitoring and evaluation is key to assess the effectiveness, impact and outcome of the policies and measures implemented and to draw lessons for improving future action. The Commission should produce an annual report on progress in the development and implementation of the strategy. This should be done separately from the Annual Fundamental Rights Report, introduced as a consequence of the Lisbon treaty, although it may accompany this report.

The reporting process to the UNCRC Committee allows a periodic review of Member States compliance with the Convention. It is a rigorous process that allows Governments to review all national policies affecting children, and provides an opportunity for NGOs to be honest in their review of Government performance and visionary in their aspirations for children in their country. The 5-year UN cycle is too slow to allow for regular updates, and differs in nature to the kind of process the EU would engage in. Eurochild recommends an EU annual report on the implementation of the EU Strategy on the Rights of the Child.

Any reporting process put in place by the EU must complement (but differ from) the existing UN process, and should not over-burden Member States.

Possible actions

- Conduct public consultations and surveys on specific issues related to the development and implementation of the strategy, ensuring children have the opportunity to participate and express their views.
- Produce an annual report on the implementation of the strategy.
- Provide a structured process through which Member States can provide updates on implementation of the Strategy at national level, which complements the existing UN reporting process.

3.4 Enhance data collection and the development of common indicators at EU level

At present, little comparable data on children across Europe is available. This is a key weakness. Further policy development in relation to children by the EU requires data to inform its focus and aims. The development of policies draws on the availability and quality of data and indicators which are crucial to identify problems, monitor progress, and assess effectiveness. Indicators are instrumental to improve policy and practice in specific priority areas. However, not everything that counts can be counted and not everything that is counted counts, and therefore additional tools need to be used to gather qualitative information.

Possible actions

- Increase the availability of more disaggregated data on children through Eurostat.
- Ensure more comparable data collection on the most vulnerable children, such as children in alternative/leaving care.

- Use Eurobarometer surveys to gather information on children's views and views of the general public on children's rights.
- Organise expert groups with children to gather qualitative information on the development and implementation of the strategy and provide an occasion for children to share their experiences.
- Develop child-well being indicators in the framework of the Social OMC (Laeken indicators)³.
- Draw on data collected through the Fundamental Rights Agency, the PISA survey, and OECD.

3.5 Communicate effectively on children's rights

The EU needs to demonstrate to its citizens that it is a world leader in children's rights. Work carried out at EU level can greatly increase citizen's buy-in to the European project and its relevance to their lives, as well as raising awareness and understanding of the UNCRC and of the rights of all children. EU action would include support for child rights education and learning, especially of those who are involved in policy design and implementation. Efforts would be undertaken to improve the visibility of EU action on children's rights and increase coordination with other actors, in particular with the Council of Europe⁴ and Member States.

Possible action:

- Regularly hold the EU Forum on children's rights as a space for debate and follow-up to the development of the strategy and to discuss and exchange good practice on the implementation of children's rights by the EU and the Member States.
- Undertake and support child rights education. The development of a child-friendly website will be an important tool in this regard. This would include support to training of those working with and for children (see above).
- Cooperate with the European Parliament, the Council and authorities at national and regional level to ensure the strategy strengthens and supports Member States efforts. This should reinforce the work of inter-governmental network 'L'Europe de l'Enfance'.
- Cooperate with the Council of Europe, the UN, Ombudspersons and other stakeholders seeking to enhance synergies and complement the work carried out at different levels.
- Consult and involve children in decision making processes through : support to projects on child participation; development of structures at national and regional level to encourage children's participation; and quantitative and qualitative surveys in view of gathering children's and young people's views and experiences.
- Produce an annual report on the implementation of the strategy (see above).

The whole Commission should take ownership of the strategy, according to the specific competence and expertise of each DG. The fundamental rights and rights of the child unit would have a major role in:

- monitoring the implementation of the strategy;
- producing the annual report based on the input from the different DGs;
- fostering child rights training;
- coordinating the inter-service group and the EU forum on children's rights, and,
- managing the children's website.

3. In 2009 a study on child poverty led by the TÁRKI Social Research Institute prepared for the European Commission proposed recommends the development of specific child well-being indicators.

4. Important work has been developed within the Council of Europe Programme "Building a Europe For and With Children" and specific action set under the 2009-2011 Strategy.

4. NEXT STEPS

Eurochild calls the European Commission to urgently develop the EU strategy on the rights of the child and set a comprehensive framework for EU policies and actions that bring added value and support Member States action to promote and protect children's rights. By doing this the EU can have a direct effect on the quality of life of every child in the European Union.

We recommend that the development and implementation of the strategy involves children and establishes synergies with initiatives taken at international, national and regional levels.

We encourage the launch of a meaningful consultation on a revised EU strategy with Member States, civil society, inter-governmental organisations, researchers and children and young people. The consultation should seek to identify what are children's and young people expectations of EU action and which areas EU action is deemed a priority and adds value to Member States policies.

i. Eurochild is a network of organisations working across Europe to promote the welfare and rights of children and young people. Our work is underpinned by the principles enshrined in the United Nations Convention on the Rights of the Child. We are co-funded by the European Commission through the PROGRESS Programme. www.eurochild.org

ii. The following examples have been collected through the Eurochild membership and illustrate how Member States are mainstreaming children's rights.

- The Welsh Government has made a proposal (under discussion) to get the UNCRC integrated into law. If approved, it would make the Government legally accountable to have due regard to the UNCRC when developing policy and legislation.
- In Germany, the idea of integrating the UNCRC into constitutional law has been discussed quite controversially. But recently proponents have drawn hope from the first move made by some federal states concerning their own federal state laws.
- The Office of the Minister for Children and Youth Affairs (OMCYA) was set up by the Irish Government in December 2005. Its role is to improve the lives of children and bring greater coherence to policy-making for children. Children now have a stronger voice on issues that affect them through the Minister for Children and Youth Affairs, Barry Andrews, TD, who attends all Cabinet meetings. The OMCYA adopts a whole-of-Government approach to its work on behalf of children. It is based in the Department of Health and Children, and co-locates staff from the Departments of Health, Education and Justice with a particular focus on children. Its policy remit covers early years education and care, youth justice, child and youth participation, and child welfare and protection. The OMCYA is also responsible for monitoring and progressing the implementation of key national policies in relation to children including the National Children's Strategy, the National Childcare Investment Programme, the Children Act 2001, and the Towards 2016 National Social Partnership Agreement. At the practice level, the OMCYA plays a key role in pushing implementation of commitments in relation to children's services.
- The Scotland's Commissioner for Children and Young People developed a child rights impact assessment process based on 8 steps: identification (decide what to assess), map (describing what is proposed, its consequences and goals); gather (pulling together information and evidence); consult (asking children, young people and stakeholders for their views); analyse (assess the proposal for its impact on children and young people's rights); recommend (drawing conclusions and making recommendations); publicise (making the results of the impact assessment known); monitor (monitoring and evaluating the impact of the proposal).
- In Lithuania, Community Councils of Child Rights Protection have been established in every municipality. Their aim is to suggest proposals for child rights policy and strategy formulation in the community; to prepare and implement the means of child rights protection and prevention of child rights violation. Children are also invited to be members of the Council.



Avenue des Arts, 1-2 - B-1210 Brussels - Belgium
T +32 (0)2 511 70 83 - F +32 (0)2 511 72 98
www.eurochild.org - info@eurochild.org

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