Eurochild’s Policy Position on the European Pillar of Social Rights

How the European Pillar of Social Rights, the Work-Life Balance Directive and the Investing in Children Recommendation can deliver for children in Europe

POSITION PAPER

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About Eurochild

Eurochild advocates for children’s rights and well-being to be at the heart of policymaking. We are a network of organisations working with and for children throughout Europe, striving for a society that respects the rights of children. We influence policies, build internal capacities, facilitate mutual learning and exchange practice and research. The United Nations Convention on the Rights of the Child

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Announced in 2015 and published on 26 April 2017, the European Pillar of Social Rights is the European Commission’s initiative designed to help achieve the so-called “Social Triple A” for Europe. Eurochild welcomes the European Commission’s attempt to put social inclusion front and centre of its vision for the future of Europe. The Pillar of Social Rights potentially impacts guidance and legislation coming from the European Commission in the coming years and could help economic governance processes become more social. Coupled with the Reflection Paper on the social dimension of Europe, the Social Pillar launches a high level debate on social and employment policies in the Union. It offers an important opportunity to also reflect on how investing in children can contribute to a more inclusive and prosperous Europe.

1. Focus policies on the youngest in society

Eurochild welcomes that child poverty is recognised as one of the 20 principles of the European Pillar of Social Rights (from now on, Social Pillar). Nonetheless, all areas of the Social Pillar have an impact on children, and we believe that the perspective of children’s rights could have been taken on board more consistently throughout the document. Effective social policies are sensitive to the needs of the youngest in our societies. Childhood experiences have lifelong impact and well-designed public policies can ensure a good start in life for all children, regardless of their socio-economic background, ethnicity, migration status, disability etc.

Investing in Europe starts by investing in children, families and communities. This is crucial to achieve social cohesion and inclusion, alongside economic growth and prosperity - now and in the longer term. The Social Pillar should seek to reinforce Member States’ existing commitments to implement the UN Convention on the Rights of the Child and other international human rights treaties.

Eurochild advocates for a child-centred investment strategy\(^1\) arguing for increased investment and reforms in policy and practice in the areas of education, early years, health promotion, community development and family strengthening, social protection and welfare support. The Social Pillar should promote public investment in these areas which lead to better outcomes for children, significant savings for the state, and more effective working through collaboration across sectors.

\(^{1}\) Eurochild Working Paper 2015 A child-centred investment strategy
2. Define a clear implementation plan that ensures longevity for the Social Pillar

Whilst it is helpful that the Social Pillar raises awareness about social investment, Eurochild remains concerned about how the principles of the Social Pillar will be realised in practice. Without a clear implementation plan it could remain a political declaration which fades into the background as other priorities emerge – a prospect which can further damage public perception of the EU. The potential of the Social Pillar lies in its longevity, reaching beyond the current EU legislative cycle, and offering an accountability mechanism for monitoring social progress across EU Member States. An implementation strategy would include mechanisms to realise the principles of the Social Pillar.

On childcare for instance, the European Commission should monitor how the European Quality Framework on Early Childhood Education and Care is being implemented in practice, linking to the 2002 Barcelona targets on childcare. Similarly, the 2013 Recommendation on Investing in Children needs an implementation roadmap, including more effective use of the European Platform for Investing in Children. In both cases the new Social Scoreboard can provide a useful reference to monitor Member States’ progress. The European Semester should also provide an effective governance mechanism to support implementation, so long as it truly integrates economic, social and sustainability objectives.

3. Place the social agenda within an overarching European policy framework

So far it is unclear how the Social Pillar sits within Europe’s overall policy agenda, especially as it is valid until 2025. The Sustainable Development Goals offer a comprehensive policy framework to which European countries are also bound. The SDGs can help drive delivery on children’s rights within EU Member States across a range of policy areas. However, ownership of the SDG framework from the EU has so far been limited. There needs to be a rigorous review of the SDGs and indicators to ensure their relevance for an EU context. These goals and indicators should be integrated into the EU governance and accountability mechanisms that also support implementation of the Social Pillar.

4. Match post-2020 EU funding to the Social Pillar

Now more than ever, the European Union has to catalyse spending in Member States for better outcomes for children. The next Multiannual Financial Framework (the post-2020 EU budget) must support implementation of the Social Pillar and value spending on children as an investment. For instance, there should be a link between instruments under (current) Heading 1 of the MFF and the Social Pillar in guiding Member States’ investment priorities. It should also deliver on commitments to simplify funding instruments and align funds with strategic objectives, for example by using the SDGs as an overarching framework.
5. Empower and consult with children and civil society working with children

Successful implementation of the Social Pillar relies on strong civil society engagement and ownership. The European Commission should continue to invest in strengthening civil society’s capacity to independently monitor progress within Member States and to ensure a voice for people who might not otherwise be heard. It must rigorously challenge governments to engage a broad range of stakeholders in decision making and identify ways to ensure the perspectives of all vulnerable groups in society – including children – are given balanced attention. The European Commission must be sensitive to the different levels of professionalisation in the civil society sector and, in so far as is possible, ensure means through which those affected by policies can participate directly in decision-making.

In particular we welcome the recommendation that EU Member States should develop “national strategies on child participation” to involve children in all actions and decisions that concern them\(^2\). Engaging with children around what is important for them, what they would like to see changed, is in itself a means to increasing their autonomy, self-awareness, sense of agency and self-confidence - which are key to breaking the cycle of disadvantage. National child participation strategies can help change the way professionals and decision makers engage with children, and should be prepared with such a child rights approach in mind. Eurochild stands ready to support Member States committed to make child participation a reality and is encouraged by several countries’ willingness to use the Council of Europe Child Participation Assessment Tool. We recommend that child participation supports the different stages of the implementation plan of the Social Pillar as well (point 2 above).

\(^2\) Commission Staff Working Document: explanatory fiches on each principle
1. What the European Pillar of Social Rights offers for children

The value of the Pillar of Social Rights package lies in its ability to trigger political will from the Member States to deliver on commitments. One of these commitments, from 2013, is the Recommendation on Investing in Children: Breaking the Cycle of Disadvantage. Poverty and social exclusion affects some 27 million children in the EU. In relative terms, children (26.9%) are more at risk than the average age population (23.7%)\(^3\). Yet, few Member States have delivered on policy reform and increased public investment aimed at reducing child poverty, and the EU has repeatedly failed to call governments to account on how they are implementing the Recommendation.\(^4\) As such, the inclusion of the children’s right to protection from poverty in the Social Pillar’s principles is a welcome step.\(^5\)

The Recommendation establishing the Social Pillar\(^6\) opens with a reference to Article 3 of Treaty on the European Union recalling that an EU objective is to “promote the protection of the rights of the child”. The Recommendation sets out the 20 principles that constitute the content of the Social Pillar itself, divided into three main themes: equal opportunities and access to the labour market; fair working conditions; and adequate and sustainable social protection. The 20 principles enshrined in the Social Pillar range from the right to quality and inclusive education, work-life balance, right to adequate minimum income, to the right to access to good quality, affordable childcare and children’s right to be protected from poverty – both welcome improvements compared to the preliminary outline of the Social Pillar published in March 2016.

According to the Commission Communication and Recommendation, the Social Pillar will build on and complement existing legislative instruments, such as the European Social Charter and the EU Charter of Fundamental Rights, by “putting together rights and principles which were set at different times, in different ways and in different forms” and rendering them “more visible, more understandable and more explicit for citizens and for actors at all levels”, with the aim of triggering further action and reform at Member State level.\(^7\)

The staff-working document\(^8\) provides more specific information about the principles and rights under the Social Pillar. The Staff working document includes a welcome reference to national strategies on child participation to “promote awareness on how to involve children in all actions and decisions that concern them”.

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\(^3\) Eurostat, 2015

\(^4\) Eurochild 2016 Semester Report

\(^5\) The draft from March 2016 which was the basis for the public consultation did not yet include provisions to tackle child poverty, though it did already dedicate space to child care.

\(^6\) Recommendation C(2017) 2600 final on the European Pillar of Social Rights

\(^7\) Communication COM(2017) 250 final establishing a European Pillar of Social Rights

\(^8\) Commission Staff Working Document: explanatory fiches on each principle
i. Opportunities for investing in children through the Social Pillar

The Social Pillar includes a number of references which can help strengthen policies, at EU and national levels, on investing in children and young people. For instance, as mentioned above, Principle 11 states that: “Children have the right to protection from poverty. Children from disadvantaged backgrounds have the right to specific measures to enhance equal opportunities.” In the words of the Commission, Principle 11 establishes that “every child shall have access to comprehensive and integrated measures as set out in the 2013 European Commission Recommendation on investing in children”. In line with the three-pillar structure of the Recommendation, the staff-working document accompanying the Social Pillar refers to the need to implement an holistic approach for tackling child poverty by improving access to adequate resources, ensuring equal access to quality affordable services for all children, and fostering child participation.

In addition to this, Principle 11 explicitly refers to disadvantaged groups of children, whose needs should be addressed through specific measures. Such reference improves upon the preliminary outline released in March 2016, which did not include any mention of child poverty nor of disadvantaged children.

The Social Pillar reiterates how children have a right to affordable, good quality early education and care (ECEC), and that “universally available and good quality ECEC is beneficial for all children and particularly those from a disadvantaged background”. To this end, it is helpful that the new social scoreboard includes the 2002 Barcelona target on childcare for children aged 0-3 in the benchmarking. Eurochild, however, regrets that the scoreboard lacks references to the European Quality Framework on Early Childhood Education and Care, developed by the Commission.

There is a key connection to education policies. It is widely acknowledged that investing in high quality education from an early age helps prevent social exclusion, early school-leaving, or unemployment and saves costs in the long term. In line with Eurochild’s vision for child-centred investment, mainstream education policies follow from investment in prevention and early years, and must be seen as one of the key areas for social inclusion. Eurochild will be looking forward to the Council Recommendation on promoting social inclusion and common values through education and non-formal learning expected later in the year.

The Social Pillar, furthermore, under the theme Equal Opportunities and Access to the Labour Market, addresses youth unemployment and skills by explicitly recognising young people’s right to be supported in their job search, through continued education, apprenticeship or traineeship. As underlined in the staff-working document accompanying the Social Pillar, the Commission mainly refers to the need to work towards a “full and

9 Commission Staff Working Document: explanatory fiches on each principle
10 Idem.
11 Proposal for key principles of a Quality Framework for Early Childhood Education and Care, DG Education and Culture, 2014
sustainable implementation of the Youth Guarantee,12 and commits to consolidating the legal basis for the newly established European Solidarity Corps aimed at creating new opportunities for young people.

Since child poverty is a multidimensional phenomenon, we welcome the explicit reference to the quality of healthcare under the third chapter on Social Protection and Inclusion. Principle 16 is particularly helpful in underlining the importance of prevention. Investments in health promotion are essential to improve children’s well-being and prevent poverty and social exclusion.

Principle 14 focuses on the right to adequate minimum income benefits as a means to ensure everyone’s right to live their lives in dignity and have effective access to goods and services. Initiatives emerging from this principle will have an impact on families’ living standards. Lastly, the Social Pillar includes the right to housing in Principle 19 as a key measure to foster social inclusion. Eurochild particularly welcomes the reference to the right to good quality social housing for the most vulnerable, which has the potential to shed more light on the precarious living standards in Europe and improve the situation of children and their families.

These references represent welcome steps towards giving better consideration to the needs of children and young people at risk of poverty and social exclusion in the EU; even more so as the timeframe of the Social Pillar package lasts up to 2025 – i.e. beyond the term of the current European Commission, with the possibility of influencing the policy agenda for the next Commission.

In terms of its implementation, the EC proposes to monitor Member States’ progress towards achieving the full realisation of the principles outlined in the Social Pillar through the European Semester. A new “social scoreboard”13 should facilitate benchmarking across countries and monitoring progress over time. The social scoreboard will measure, among others, child poverty, early childhood education and care and impact of social transfers. Such a scoreboard must have equal weight as the EU’s macroeconomic scoreboard if it is aimed to effect policy change in Member States.

### ii. Challenges

Despite the above mentioned opportunities for investing in children and young people, there are potential challenges for realising the Social Pillar.

For instance, concerns remain around the geographical limitation and legal status of the Social Pillar; the latter is merely a framework of principles, only applicable to the Eurozone, unless Member States voluntarily decide to opt-in. Essentially, this poses the risk of lack of

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12 Commission Staff Working Document: explanatory fiches on each principle
ownership. Initiatives such as the Social Pillar can only succeed if there is strong buy-in from the national level. Moreover, the uncertainty around its legal nature may create some confusion. It is important to clarify that the principles included in the Pillar are not narrowing down the existing rights enshrined in international and EU law, nor are they creating new rights. Rather, they are emphasising key issues that need collective action and monitoring. Europe needs to concentrate on actions and catalyse interinstitutional support for social inclusion in Europe today.

Recommendations

- **To the Commission**: Ensure clear implementation for each principle of the Social Pillar, with appropriate tools and processes to realise and monitor the commitments, and engage with stakeholders, including civil society on each strand.
- **To the Commission**: Apply the Social Scoreboard rigorously in the European Semester process to increase Member States’ commitment and action on social inclusion.
- **To the Commission and the Member States**: In fostering the Social Pillar’s implementation, create as many synergies possible among policy areas to embed integrated working and acknowledge the transversal impact of policies on children and young people. Avoid a silo-approach by, for instance involving the same stakeholders in designing and monitoring the work dedicated to realising the commitments in the field of youth inclusion, education, early childhood and child poverty.
2. What the Work-Life Balance package offers for children

The European Pillar of Social Rights package includes a Communication\textsuperscript{14} and a proposal for a Directive\textsuperscript{15} to support work-life balance for working parents and carers.

It is the first ever proposal for a comprehensive EU directive to improve work-life balance of parents and carers and builds on existing rights, in particular those under the Parental Leave Directive. The package includes legislative and non-legislative measures aiming at fostering better balance between men and women with caring responsibilities and more equal use of leave and flexible working arrangements. The initiative aims to strengthen the social dimension of Europe and to implement Goal 5 of the UN Sustainable Development Goals on gender equality. However, it is important to underline that the provisions enshrined in the proposal developed by the Commission are intended to set ‘minimum standards’ to reconcile work and family life, not the specific goals for each Member State.

i. Opportunities for investing in children

The work-life balance package recognises that lack of/unequal parents’ participation in the labour market results in higher risks of poverty and social exclusion for women, with negative effects also on children and families. In line with the language used in the 2013 Recommendation on Investing in children, promoting and allocating resources to ECEC is perceived as having a positive impact on women’s labour market participation as well as on children’s development and on addressing inequality, poverty and social exclusion, particularly of disadvantaged groups of children. To this end, the Commission states that investments in childcare should be integrated with other social services to better reach and address the needs of disadvantaged families and children.

The package introduces new provisions which have the potential to help women and men becoming equal earners and equal carers. The proposal establishes:

- The possibility for flexible uptake of the 4 months entitlement to parental leave paid at sick pay level;
- A 4 months entitlement to parental leave, not transferrable between parents, which can be taken up until the child reaches the age of 12.
- 10 working days of paternity leave when a child is born, paid at sick pay level, identified as a contributing factor to higher cognitive and behavioural outcomes for children.

\textsuperscript{14} Communication COM(2017) 252 final An initiative to support work-life balance for working parents and carers

• 5 days of leave paid at sick pay level per year per worker to take care of seriously ill or dependent relatives, including children.
• The right to flexible working arrangements for parents of children up to 12 years old and workers with caring responsibilities.

On childcare, while Eurochild would have welcomed a reference to the 2002 Barcelona targets, the package represents an opportunity to revise the Education and Training 2020 targets to align them with the Barcelona objectives and the European Quality Framework on ECEC.

Better designed work-life balance policies are beneficial both for women and men with children and for children themselves. When reconciliation policies are coupled with high quality inclusive ECEC the risk of poverty and social exclusion is reduced for all members of the family. Quality inclusive ECEC contributes to a strong foundation for children’s development and future outcomes. However, Member States need to be supported by the EU, also through funding programmes, in the implementation of these measures.

ii. Challenges

While the Commission’s proposal includes positive elements which can support men and women to have equal access to the labour market, equal pay for equal work and childcare, Eurochild believes that the package would be stronger with more reference to how work-life balance contributes to child development and ultimately realisation of children’s rights.

The Work-Life Balance package is an employment initiative; the focus is on achieving equal rights for both parents. It misses the children’s rights approach which would address policies from the perspective of the best interest of the child. Work-life balance should be seen as a broader policy framework including not only labour market and leave policies and ECEC services, but also family support and the formal education system. Such an approach would be in line with the United Nations Convention on the Rights of the Child which recognises that education from an early age is about the development of the child’s personality, talents and mental and physical abilities to their fullest potential.

Moreover, while the proposal is strongly focused on parental leave and on fostering the role of fathers through paternity leave, it does not include any specific provision addressing mothers. More specifically, while the package insists on better enforcement of existing laws on maternity leave, it does not include any measure to strengthen protection against dismissal of women returning to work from maternity leave nor any proposal to improve pregnant women’s rights with regards to pay.

Another concern is the lack of attention to early childhood education and care for children under 3 years. Among the non-legislative measures presented in the work-life balance package, the Commission only included a reference to revising the existing Education and Training 2020 target which concerns children between the ages of 4 years and the
compulsory school age. This is a missed opportunity, as implementation of the 2002 Barcelona Targets on ECEC has been lagging behind and childcare for children under 3 years continues to be largely unmet. Instead of focusing on children over 3 years, the new Commission’s proposal on work-life balance should encourage Member States to achieve access to high quality ECEC for all children from the end of paid maternity leave.

The Directive first needs to pass through a legislative process, and the package needs to be followed up with real monitoring and backing from Member States.

**Recommendations**

- **To the European Parliament and Council**: keep the minimum levels of leave introduced by the Directive and adopt it as swiftly as possible.
- **To the Commission**: clarify that the provisions included in the proposals are to be interpreted as minimum standards, and that Member States are encouraged to implement measures providing broader and more comprehensive rights.
- **To the Member States**: Take the best interests of the child into account when designing leave and care policies.

The European Commission published, along with the Pillar of Social Rights, a Staff Working Document[^16] taking stock of the implementation of the 2013 Recommendation on ‘Investing in children: breaking the cycle of disadvantage’[^17]. The document provides the Commission’s overview of the current implementation status of the Recommendation in the Member States, highlighting what has worked, as well as the gaps that need to be addressed. To this end, the document includes a number of practical examples, taken from the EPIC online platform[^18], of how the provisions enshrined in the Recommendation have been translated from theory to practice.

Throughout the assessment, the Commission makes the case that investing in children is a primary example of good social investment. Not only does it pay off for children individually but it makes sense for society as a whole. Despite this, implementation among Member States remains a challenge; firstly, some national and local authorities are still not fully aware of the Recommendation or of its content; secondly, the economic and financial crisis has resulted in social investment being demoted in the political agenda. The Commission’s analysis of the current implementation status reveals that, generally speaking, implementation of the first (access to adequate resources) and second (access to affordable quality services) pillars of the Recommendation has had more success than the third (child participation). However, more detailed data would be needed to analyse whether the Recommendation has had any impact on the specific situation of disadvantaged groups of children.

i. Opportunities

The Commission, however, underlines that it is now time to address social challenges by creating new jobs, reconciling work and family life, and ensuring that investing in children becomes a reality. Particularly helpful is the explicit recommendation that children growing up in a situation of disadvantage, such as children in alternative care or children with a migrant background, enjoy equal access to measures intended to invest in their future. Along the lines of the Recommendation, the assessment recalls the importance of maintaining an appropriate balance between universal and targeted approaches to achieve social change for children.

While the document emphasises that Member States are responsible for implementation of the Recommendation, the Commission recognises its own role in the process. In particular, the document underlines how both the European Semester cycle needs to be

used to monitor progress towards the full implementation of the Recommendation, and how EU funds can contribute. Lastly, the Commission recognises the key role played by public debate and civil society in identifying areas where progress is needed.

ii. Challenges

The staff-working document taking stock of the implementation of the European Commission Recommendation on investing in children provides an honest analysis of the current situation among Member States. However, Eurochild believes that the assessment would have benefitted from being more forward looking, in particular offering proposals to address the gaps in implementation.

The EU could further promote the Recommendation, through for instance, a visible, communicable implementation roadmap setting specific objectives, key milestones and a timeline, as well as allocating resources and highlighting the role of different actors. Such a roadmap can help hold governments to account and better monitor progress.

Unfortunately, the assessment reiterates the Commission’s position that specific national and sub-national targets on child poverty are “not desirable”. On the contrary, Eurochild believes such targets would be a helpful tool to contribute to integrated national policy reforms in line with the Recommendation and with the Social Pillar. Linked to this, the assessment fails to show any intention to develop child specific indicators to assess whether and how policies are impacting on children’s lives and to inform evidence-based policy development, nor a monitoring framework to ensure follow up on the basis of such indicators.19

Lastly, the assessment, while included in the Social Pillar package, does not explain how the Social Pillar is expected to help implement the Recommendation on Investing in Children.

19 See also Alliance for Investing in Children (2017) Key messages and suggestions for taking stock of the implementation of the Investing in Children Recommendation http://www.alliance4investinginchildren.eu
Recommendations

- **To the Commission:** Operationalise Principle 11 of the Social Pillar by developing an EU Roadmap for the implementation of the *Recommendation on Investing in Children.* This should include a visible, communicable roadmap which establishes specific objectives, key milestones with timeline and concrete allocation of resources, highlighting the role of different actors and government levels.

- **To the Commission:** Strengthen the social dimension of the European Semester by using the annual review process to monitor and evaluate the implementation of the *Recommendation on Investing in Children* at Member State level.

- **To the Member States (Social Protection Committee):** National experts across the EU should work together to populate the portfolio of indicators that are included as an Annex to the Recommendation.
4. Looking ahead

The European Pillar of Social Rights is a positive framework, with the potential to foster better social policies at EU and national levels. However, questions still remain on its implementation. EU Member States must use the Social Pillar as a guide to apply social rights in practice while not losing sight of previously made commitments and treaty obligations.

The current efforts of President Juncker to publish a series of reflection papers building up a multifaceted future for Europe are an attempt to align Member States around a common vision affecting both EU’s internal and external policies. The European Pillar of Social Rights must not be regarded as an isolated shop window for social issues. Until its 20 principles are seen as contributing to a deeper and fairer EU, social inclusion and equality will remain desirable but unachievable.

The role of the European Commission does not end with the publication of the package. It has to make economic and financial resources available for instruments such as the Social Pillar to be translated into practice. Within the current Multiannual Financial Framework (MFF) 2014-2020 it is not possible to track the amount of EU funding spent on children. With the next MFF, there is an opportunity to link EU financing to the principles identified in the Social Pillar in the next cycle, with an investment priority dedicated to investing in children.

The European Commission is already anticipating a more streamlined budgetary framework post 2020, both in terms of available resources and areas of investment. In times of tight budget discipline social investments must be seen as essential and encouraged by the EU. The guidance in the 2013 Recommendation on Investing in Children remains valid, and it would be a much larger success if EU funding were made directly available to tackle child poverty and promote child well-being.

For the Social Pillar to have a concrete impact on people’s lives, including millions of children and their families, public bodies at all levels, EU, national and local, must step up civil dialogue. All relevant stakeholders (service providers, social partners, civil society, etc.) should be involved in holding governments to account and supporting policy development and implementation. This is particularly important for the European Semester given it is the main instrument to monitor implementation of the Social Pillar. Like many civil society networks, Eurochild has encouraged its members to engage systematically with the Semester process and report back on their engagement. While the quality of civil dialogue varies significantly across countries (depending on the capacity and expertise of both government and civil society), it has improved steadily since adoption of the Semester process in 2010.

The capacity of the Social Pillar to strengthen the social dimension of the European Semester depends on the extent to which it creates ownership from the different actors

20 Eurochild 2016 Semester Report
involved. Civil society organisations working with and for children, as well as children themselves need to be able to shape the outcomes of the initiatives stemming from the Social Pillar.