Making Children’s Voices Heard in the EU¹:

Reaction from Brussels-based NGOs on the 10 March 2006 draft of the
European Commission’s Communication on the Rights of the Child²
20 March 2006

We welcome the leadership demonstrated by the DG Justice, Freedom and Security in cooperation with other relevant Commission services including the Fundamental Rights Grouping of Commissioners to undertake the drafting of the Communication on the Rights of the Child. We see this as the crucial first step toward to a well-defined strategy on children’s rights for the European Commission (EC).

The Communication has the potential to position the European Commission as a global champion for the rights of the child. We thoroughly support that. It is for this reason that we are writing to share with you some general comments which will need to be addressed in your review of the draft as well as some specific recommendations including some areas entirely missing from the current draft.

Genuine ownership of this document will be critical to achieving this goal both within the Commission, to ensure accountability for the Communication, and externally with key stakeholders, including children. We reiterate our call to the Fundamental Rights Grouping of Commissioners for this to be a joint Communication by that group and to ensure clear lines of accountability for its implementation. We also call for formal consultation for the next steps of the process in line with the Commission’s minimum standards for consultation, which includes children’s participation, to ensure ownership by key stakeholders including children, NGO and child rights organisations, practitioners, and members of civil society in third countries.

As regards the consultation process to date, while we acknowledge the spirit of openness that has characterised the informal discussions between the Commission and the NGO community in Brussels in the development of this Communication, we strongly object to the most recent developments. The three-week timeframe for commenting on a document of such importance was unreasonable, and exacerbated by the receipt of a second, quite different draft within a week of the deadline. We have attempted to consult as broadly as possible but our comments should not be taken as representative of the wider civil society community.

We support the references to United Nations Convention on the Rights of the Child (CRC) and call for stronger commitment throughout the document to working within the framework of the CRC, including a clear reference to the four principles of the CRC: the Best Interests of the Child (Art. 3), Non-Discrimination (Art. 2), Survival and Development (Art. 6), and Participation (Art. 12), with respect for the indivisibility of all the rights of the child. We welcome the fact that this document will apply to both internal and external policy but there is a marked lack of attention paid to external policy, and development policy in particular, where poverty and social exclusion are not adequately addressed, nor is the impact that crises like the HIV/AIDS pandemic are having on children. We also support the recognition that building new mechanisms and ensuring adequate resources will be crucial to its implementation and call for more specific commitments.

General Recommendations

1. A Strategy on Child Rights?

The purpose of this Communication and who is accountable for its implementation still needs to be clarified. Initially proposed as a strategy on integrating child rights into the work of the European Commission, the latest draft describes itself as the first step towards a long-term strategy on child rights for the Commission. The use of the terms “action plan” and “strategy” throughout the document, therefore, is confusing as an action plan needs

¹ When using the term “children” we are referring to all human beings below the age of 18 years.
to be proceeded by a strategy and this document is neither, but rather sets out the tools and mechanisms needed to put these in place. These terms should therefore be consistently removed from the document as descriptions of the Communication. We recommend that all "Actions" be referred to as "Objectives".

The inclusion of a clear overall objective for this Communication is critical and we recommend adding to it a specific references to the four key principles of the CRC: “The global objective of the Communication on the Rights of the Child is to ensure that the European Union and its Member States systematically incorporate, both in internal and external actions, children's rights in all their legislation, policies, and programming in a way compatible with the CRC and its Optional Protocols, and to regularly evaluate their impact on children’s rights. The four key principles of the CRC must be respected: the Best Interests of the Child (Art. 3), Non-Discrimination (Art. 2), Survival and Development (Art. 6), and Participation (Art. 12), with respect for the indivisibility of all the rights of the child.”

The latest draft sets out a timeframe and long-term objectives but we recommend that the Communication include a clear roadmap beginning with this Communication and detailing the process leading up to the long-term commitments in a White Paper. This roadmap should include a joint work plan which will integrate both the current and planned child rights policies and strategies of each DG in a coherent way to ensure progress toward the White Paper. The work plan would be drafted by the formal inter-service group and set out clear lines of accountability for each DG towards integrating children’s rights into the work of the Commission, including a mechanism for monitoring and evaluating progress. A concrete commitment to developing a White Paper is crucial. We are very concerned that the current date planned (2009 onwards) coincides with the end of this Commission’s current term. The date should therefore be advanced so that it falls well within the end of the term of the current Commission. There must also be a formal process of consultation in the development of the White Paper, and not after, as suggested in the 10 March draft.

The road map could be represented as follows:

- Communication on the Rights of the Child - 2006
- Formal Inter-Service Group and Child Right Coordinator with Child Rights Unit established - 2006
- Joint work plan developed with official public consultation - 2006/7
- Commissioner for the Rights of the Child appointed in 2007
- Commissioner launches Official consultation on White Paper with children and young people following the example of the Europe-wide youth consultation for the Youth White Paper. Consultation on the White Paper also includes civil society (including in third countries), Member States (including National Parliaments), and international organizations (including the UN Committee on the Rights of the Child) - 2007
- White Paper - 2008

2. A Commissioner for the Rights of the Child

While crucial, the Child Rights Coordinator and inter-service group outlined in the Communication will not be able to ensure the visibility and leadership needed to integrate a child rights strategy across the Commission. We support strongly the suggestion of Commissioner Wallström to nominate a Commissioner responsible for Child Rights. This would guarantee the necessary political will and resources to take forward an ambitious strategy.


The Communication claims to be grounded in the principles of the CRC, it fails consistently to make the link between the EC and the existing institutions and structures of the CRC, including the reports to the UN Committee on the Rights of the Child, the National Committees, and the concluding observations and general comments for both EU Member States and third countries. The Optional Protocols are also missing from the Communication and should be included in all references to the CRC. The Communication should clearly state its intention to support and work with the existing UN structures. Political dialogue with third countries should include points from the concluding observations; the development of indicators and data collection should be informed by existing best practice; and duplication of activities should be avoided by close consultation with key actors. These are just a few examples illustrating the importance and advantage of a clear commitment to working with CRC partners to ensure implementation of the Communication.
4. Working with the European Charter of Fundamental Rights
The inclusion of child rights in the Charter of Fundamental Rights was one of the catalysts for this Communication. The importance of the European Charter of Fundamental Rights should receive stronger emphasis in this draft. In the year 2000 the Commission, Council and European Parliament stated that it would act as a framework and basis for future European action. This Communication should be coherent with that commitment. The Commission should also cooperate with the EU Network of independent experts on fundamental rights and link to the Fundamental Rights Agency mandate to be established in January 2007.

5. Gaps in the Draft
There are several critical gaps which need to be addressed in the review of the Communication. In addition to the missing links with the CRC and its Optional Protocols, and the lack of focus on external policy mentioned earlier, there is also an imbalance in attention paid within the range of children’s rights. Children’s participation (see below) is touched upon but not dealt with in adequate detail, as is the issue of coordination with the Commission’s existing policy on youth (see below), including the European Youth Pact. Civil society organisations (see below) will be key partners for the Commission on integrating children’s rights, however most references to the role of civil society have been removed. There are no references to children and humanitarian assistance. ECHO is currently developing Guidelines on Children and it is imperative that they are coherent with this Communication. Child protection issues are also not consistently addressed; inadequate attention is paid to areas such as juvenile justice, migration, children and armed conflict, including conflict prevention.

6. Children’s Participation
The absence of a meaningful role for children’s participation in the Communication is missed opportunity. The current draft acknowledges the importance of children’s participation but does not include them in the actions and mechanisms laid out. It is currently only explicitly foreseen in one “Action” which states that the Forum “should favour children’s participation” (p.10). However, a child’s right to participate in decisions that affect them is one of the key principles of the UN Convention on the Rights of the Child. This Communication is a historic opportunity to ensure that children’s voices are heard at EU level.

As one of the rights of the child most often overlooked, it is imperative that the importance of children’s participation be clearly stated in the Communication, and that a commitment to including appropriate mechanisms for children’s participation be inserted in the description of all relevant actions, both in terms of consultation on the development of the White Paper, and systematically in the development of EC policy and programmes which affect children. Specific recommendations for the Communication include:

- "Action" 5: Any communication strategy on child rights - and especially one that targets children - should include children’s participation in its development and facilitate a meaningful dialogue with children rather than a one-way information campaign.
- “Action”: 7: If the European Forum on the Rights of the Child is given the mandate to be a consultative body on the development and implementation of a child rights strategy for the EC, a mechanism for children’s participation such as a pre-conference where children and young people can work through child-friendly versions of EC policy issues to develop input for the Forum must be included in this Action.
- "Action” 10: In the development of a White Paper, it is crucial that children be consulted. The Communication should state clearly its commitment to include meaningful children’s participation in this process following the examples of the consultation of young people for the Youth White Paper. Child rights organizations both in the EU Member States (MS) and in third countries are well-placed to facilitate this and would be ready to collaborate with the Commission to this end, provided they are given adequate time and resources. A commitment by the Commission to work closely with existing structures in Member States related to the UN Committee on the Rights of the Child would facilitate this process.

There are many examples of best practice on developing and including meaningful children’s participation. The following are a few links to examples from the Canadian Government, Save the Children, and the Child Rights Information Network. Examples from the German child rights NGO platform and Euronet will be sent separately. A database of resources should be developed.

A child-friendly version of the Communication will be an important tool for facilitating children’s participation in this process. The preparation of a child-friendly version of future policy documents should be explicitly mentioned in the Communication and a child-friendly version of this Communication should be ready for simultaneous public release with the Communication in June. This would demonstrate the importance of child-friendly documents as an integral part of the Commission’s work, rather than being written as an after-thought. Child rights organisations could facilitate the production of this, however be advised that a final version of the Communication would have to be made available by April in order to meet a June deadline.

7. Youth
The European Youth Pact is referred to as an “important pillar of the present Communication” (p. 5). It is not clear, however, how the proposed set of actions will interface with the European Youth Pact or youth policies more generally.

This initiative is an important opportunity to bridge the artificial divide made by EU policies between children and young people. Child and youth policy implies a more holistic understanding of society’s responsibility for the upbringing of children and young people. To create and sustain the conditions that allow all children and youth to realise their full potential, there must be coherence and coordination between EU policies, particularly those targeting 15-18 year olds – an age group that falls within both the EU definition of youth and the definition of a child as set by the UNCRC.

The Communication needs to clarify how the EC proposes to strengthen collaboration between the relevant DGs themselves on the one hand, and between the DGs and civil society working in the youth field on the other. It should also make a clear commitment to helping to achieve the targets already set within the European Youth Pact – one of the instruments contributing to the Lisbon objectives growth and jobs – as well as those set within the Open Method of Coordination on youth.

8. Role of Civil Society and Consultation
We strongly regret the removal of most references to civil society in the draft Communication and urge you to rectify this. NGOs, child rights organizations, grassroots organisations, and practitioners will all play a key role in the development and implementation of a Commission strategy on children’s rights. This should be recognised in this Communication and detailed in relevant actions.

Inclusion of civil society will be the key to ensuring ownership of the strategy by key stakeholders, including children, of this Communication. We urge the Commission commit in this Communication to a structured public consultation, including in the drafting of the White Paper. The Commission has several examples of good practice to follow for such consultation including the White Paper on Youth. One of the key stakeholders for this Communication is children themselves, and a commitment to include them in the consultation process is fundamental to its success.

The political commitment clearly demonstrated by the Commission in writing this Communication should also be shared as much as possible by all EU Member State governments and national parliaments in order to ensure a broad consensus and concrete follow-up at international, regional, national and local levels. In order for this to occur, the Commission should ensure that it consults widely with all Member States and their national parliaments, allowing adequate time for their input as the process moves forward. The constant involvement of the European Parliament and the Council of the EU should be foreseen.

Specific Recommendations

“Action” 1: Improve Coordination
We support the inclusion of a specific objective to outline the mechanisms needed for improved coordination within the Commission on child rights. We have a few specific recommendations and clarifications in this area:
• The Communication should be the joint responsibility of the Fundamental Rights Commissioners Group, and fully involve all concerned DG’s, including DG Development, DG External Relations, DG Trade, and DG Employment, DG Education and Culture, DG EuropeAid and ECHO to ensure commitment and accountability.

• We are concerned that the Child Rights Coordinator would have to carry the load of coordinating all the "day-to-day" actions, such as mainstreaming, assessing impact, and child proofing legislation alone. We recommend the inclusion of a specific reference to the creation of a child rights Directorate to support this position which could report to the Child Rights Commissioner.

• Accountability will be crucial to successful coordination and implementation of this Communication. The formal Inter-Service Group must have representation from all relevant DGs with clearly delineated lines of responsibility and accountability to coordinate actions, develop the joint work plan, and ensure implementation.

• Dedicated Child Rights focal points from each DG will need to be appointed. Implementation of the Communication and development of the work plan and White Paper should be the primary responsibility of these focal points.

• The Commission should already foresee in its Preliminary Draft Budget 2007 the appropriations for adequate staff and other resources.

• A mechanism for inter-institutional cooperation and dialogue should be foreseen.

"Action" 2: Concrete Actions

• This list of specific actions does not belong in the main body of the Communication. In its place we recommend a commitment to create a joint work plan by the child rights focal points of the Inter-Service Group which would ensure a coordinated, comprehensive and balanced approach by the Commission to its child rights activities.

• This work plan could bring together the various Commission child rights initiatives, both ongoing and planned, referred to in the footnote on page 5, as well as others noticeably absent from the list such as the Guidelines on Children and Armed Conflict and the ECHO Guidelines on Children.

• If included as an annex, this table needs to be closely reviewed as regards references to the articles in the CRC which are not correct, in terms of full inclusion of both internal and external actions, to ensure that it is a comprehensive list of child rights actions.

"Action" 3: Mainstreaming

• By far the most complex aspect of integrating child rights into the work of the Commission is the issue of mainstreaming. We welcome the inclusion of a specific action targeting this issue but call for a more comprehensive and detailed approach than that which is outlined in the current draft. We call for a clear definition of mainstreaming to be included in the draft to ensure it refers to a systematic process.

• In the context of external policy, the “European Consensus” makes a strong inter-institutional commitment to mainstreaming children’s rights in all EC policy and programmes, and this Communication should be coherent with that Development Policy Statement as well as committing to the same in internal EC policy and programme development. Clear guidelines will need to be developed to facilitate this process. Tools such as training will be needed to ensure there is adequate expertise to mainstream child rights in a meaningful way. Monitoring and evaluation mechanisms will need to be developed to ensure mainstreaming has been effective.

• The Commission has acknowledged that “mainstreaming” has been an area where they have had encountered difficulty in implementation. Tools and resources exist from Member States, other donor governments, and NGOs to facilitate this process. The following is a link to one example from the Norwegian government: http://www.dep.no/ud/english/doc/plans/032181-220018/dok-bn.html. Our organisations commit to supporting the Commission in the development of further tools necessary for mainstreaming child rights into their work. A database should be created to store information regarding the best practices identified in order to facilitate their implementation by other Member States and the Commission.

"Action" 4: Indicators and Data Collection

• We support the inclusion of a commitment to develop child-relevant indicators. However, actions on indicators and impact assessment ("Action" 8) are intrinsically linked given that the information received from
the indicators and data collection will feed into the assessment. We therefore feel that these two actions should be closely coordinated.

- As the Lisbon Council identified children as one of the target groups for priority action by Member States, the new indicators should be developed in close co-ordination with the indicators for the National Action Plans against poverty and social exclusion.
- For both the internal and external dimension, the Commission will need to ensure indicators do not exclude the most marginalized and vulnerable populations who are often invisible in official statistics.

"Action" 5: Communication Strategy

- The Commission has foreseen an EU Communication strategy on the rights of the child to be implemented primarily through a website dedicated to children’s rights. We would encourage the Commission to conduct further research to ensure this is the most effective way of reaching children to inform them of their rights in the context of the EU. They may also want to consider partnering with existing efforts in this area linked to the UN Committee on the Right of the Child to ensure the EU perspective is included.
- An active and effective communication and awareness-raising strategy on children’s rights-related issues in the EU and worldwide should involve the Representations and the Delegations of the European Commission as well as the Information Offices of the European Parliament.
- Children's participation should play a central role in the communications strategy ensuring a meaningful dialogue rather than a one-way information campaign. The strategy should include child-friendly materials, including on current legislation and policies.
- Internal communication: Measures for raising awareness on Child Rights within the EU institutions should be an integral part of the Communication Strategy.

"Action" 6: Capacity Building

- The current draft calls only for capacity building to be done in the context of the inter-service group. This is not sufficient. Broader training will be necessary to implement the actions outlined in the Communication as well as other capacity building tools to inform and support Commission officials, especially in the EC Delegations. Such capacity building should be done in partnership with child rights NGOs and international organisations such as UNICEF.
- The EC should also undertake to facilitate capacity building and exchanges of experience with partners and practitioners in the field.

"Action" 7: European Forum

- While we support a forum for civil society consultation, we question the added-value of this action and need to see more detail on the mandate and responsibilities of the Forum, in particular in relation to the White Paper and its development and implementation. We do not need another annual talk shop. We would like to see a systematic consultation mechanism which includes civil society (including practitioners, social workers, etc.) in Europe as well as in third countries, children’s participation, and consultation with national governments to ensure a meaningful partnership between the European Commission and other relevant actors to ensure the rights of all children are respected and protected.
- Management and follow-up of the Forum should be part of the mandate of the Inter-Service Group.
- The Forum will not be able to tackle all child rights issues, therefore it should be issue focused and use and support existing networks of child rights expertise.
- This could be an excellent forum for meaningful children’s participation. Children and young people could play a leadership role by identifying the issues to be addressed by each meeting of the forum, accessing the appropriate child rights networks, and producing recommendations. There would have to be a commitment from the Commission to taking these recommendations on board.
- The role of European and national civil societies and NGOs should be institutionalized within the European Forum for the Rights of the Child and a dedicated mechanism should be established so that NGOs would be entrusted to conduct awareness campaigns at the national and the local level. National awareness entities should be created at the state member level in order to coordinate the efforts with the National ChildONEurope branches (where applicable) and ensure an on-going national lobbying based on the decisions and the recommendations taken at the international, European and national level.
“Action” 8: Impact Assessment

- As stated above, it should be made clear in the Communication that the development and use of indicators and impact assessments are intrinsically linked and should not be unnaturally separated as they are in the draft Communication.
- We support the inclusion of an analysis of the impact of EC legislation, policies and programmes on children and a 5 year review but we call on the Commission to go further to include child rights impact assessments more systematically.
- Impact assessment has been relegated in the Communication to what is effectively an evaluating role only. The value of a children's rights impact assessment is precisely its ability to guide legislation and policy-making and ensure that children's rights are fully considered and incorporated if the assessment is conducted upstream – i.e. in determining legislation and policy-making. The EC should therefore put in place a mechanism whereby it can measure the likely impact its policy and programming proposals will have on children and the respect of their rights in the EU and globally. This should take the form of a child rights impact assessment (CRIA) which would be carried out systematically when the Commission puts forward new proposals for legislation or policy.
- The results of the CRIAs should guide the development of external relations instruments such as Country Strategy Papers and Programming Guidelines.
- Impact assessments must make full use of the UN Committee on the CRC's concluding observations and general remarks, the alternative reports of the NGOs, existing and future child-related data of the relevant UN-bodies such as UNICEF, national authorities and that of the civil society organizations.
- A General Discussion day on Donors and concluding observations could be held by the UN Committee on the Rights of the Child for giving guidance. EU should take the initiative to suggest such a General Discussion Day to the UN Committee on the CRC.

“Action” 9: Inventory

- We question the value of this action. If it intends only to produce an inventory of Member State actions on child rights, this information should already be compiled for Member State reports to the Committee on the Rights of the Child.
- We recommend the Commission commit to work in close cooperation with the UN Committee on the Rights of the Child and create a database of national reports, concluding observations and general comments on Member States.
- It could also include outcomes of the Council of Europe, Court of Human Rights, the OSCE and cooperate with the future Fundamental Rights Agency (to be set up on 1 January 2007)

“Action” 10: White Paper

- We support the development of a White Paper on Children's Rights based on the CRC and its Optional Protocols and call for a commitment in this Communication to structured public dialogue which includes children's participation as a fundamental aspect of its development as well as its implementation.
- The draft does not commit to a concrete timeline for drafting and adopting the White Paper. It would be a grave error to commit to drafting a long-term strategy only to see the process delayed indefinitely. The Commission must capitalize on the current political will to move forward on children's rights and include a clear timetable for the White Paper. We have recommended a consultation and drafting process in 2007 as the first action of the Commission on the Rights of the Child, and adoption of the White Paper well before the end of the term of the current Commission in 2008.

“Action” 11: Resources

- Financial resources: We welcome the specific action highlighting the need for dedicated resources to implement this Communication however we call for a commitment, rather than a suggestion, to allocate specific resources from annual work plans to children's rights. The Commission should already foresee in its Preliminary Draft Budget 2007 the appropriations for appropriate staff and other resources.
- Article 4 of the CRC commits governments to doing everything possible to ensure children have access to their rights. If this Communication does have the CRC at its heart, there is therefore an obligation to ensure adequate resources for its implementation.
• **Human resources:** There are many commitments in this Communication that will require child rights expertise. We therefore recommend the inclusion of a commitment to ensure specific child rights experts are placed in the relevant DGs as well as Delegations to provide support to Commission officials.

• As stated in Action 1, it is unrealistic that the Child Rights Coordinator carries the load of implementing all the "day-to-day" actions, like mainstreaming, impact assessment and child proofing legislation alone. We recommend the inclusion of a specific reference to the creation of a child rights Directorate.

• A Commissioner on the Rights of the Child would play a key role in terms of visibility and leadership for implementing and EC strategy on children’s rights.

“Action” 12: Specific future actions

• This point is vague and incomplete. We recommend this be combined with Action 2 with a commitment to create a joint work plan by the inter-service group to chart a coordinated way forward with clear lines of accountability toward the White Paper.

Annex 2

• The list of actions in Annex 2 is too focused on internal actions, and is not comprehensive in terms of representing the full range of children’s rights, as mentioned previously.

• Individual organisations will send in specific responses to this part of the consultation.