NEWSLETTER SPECIAL

Putting Children’s Rights on EU Agenda

EUROPEAN CHILDREN’S NETWORK PLAN OF ACTION FOR THE BELGIAN PRESIDENCY

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PUTTING CHILDREN’S RIGHTS ON EU AGENDA

European Children’s Network Plan of Action for the Belgian Presidency

Euronet, the European Children’s Network, welcomes the initiative of the Belgian Presidency to organise a meeting of EU Ministers for children. In this submission Euronet presents a Plan of Action including a set of recommendations putting children’s rights on the EU Agenda.

I The European Union and its relevance to children

The European Union has, over the last year started to put children on its agenda. Ministers working on children’s policy met for the first time on 20 November 2000 under the French Presidency and adopted ten measures forming an “Action Plan for Children” and the EU Charter of Fundamental Rights which was adopted in December 2000 includes a specific article (24) referring to children’s rights. In July 2001 the European Parliament adopted a resolution on children. All these institutional commitments recognise for the first time that EU policy and legislation impacts on children.

II The Challenge for the Belgian Presidency

The Belgian Presidency will follow up the French Presidency meeting on childhood and will organise another meeting with EU Ministers for Children on 9 November 2001 in Brussels. Euronet, the European Children’s Network, has written its Plan of Action for the EU Ministers Meeting (see section III) and has commented on the “EU Action Plan for Children” adopted under the French Presidency (see section IV).

Euronet recognises the fact that the principal competence for policy and legislation on children’s issues is the responsibility of the member states’ governments. However, many issues affecting children are neither uniquely national or transnational, such as the standardisation of products and services, greater cross border dissemination of child pornography and child trafficking. Therefore in cases where the EU passes legislation, policy and programmes, children’s best interests must be taken into account. (see annex I)

III European Children’s Network Action Plan for Children

- Making children a political priority
- Giving children a legal base in the EU Treaties
- Assessing the child-impact of EU legislation and policies
- Ensuring policy co-ordination
- Promoting children’s participation
- Combating child poverty
- Challenging discrimination against children
- Providing a fair budget for children
- Developing action programmes benefiting children
European Children’s Network Plan of Action to be presented to EU Children’s Ministers meeting on Friday 9 November.

Euronet presents its own plan of action for the Interministerial meeting to consider. We would be pleased to provide further information or input to explain and support our recommendations.

Making children a political priority:

- The European Commission should publish a Communication on Children to take forward the proposals of the EU Ministers
- The Commission should develop mechanisms for assessing the impact on children of macro-economic policy-making, drawing on EU environmental impact as a useful model both within the member states and at EU level.

Children make up 20% of the EU population yet their rights as established in international law are currently almost invisible in EU legislation, programmes and political decisions. Children will be more affected by decisions with long-term implications being taken now than any other population group. But children also deserve recognition as active citizens of Europe today.

Giving children a legal base in EU Treaties:

- A new article should be inserted in the EU Treaties so that the Community can contribute to the promotion and protection of the rights and needs of children. This article should be based on the UN Convention on the Rights of the Child.
- Article 24 of the EU charter of Fundamental Rights should be strengthened, the Charter should be incorporated in the EU Treaty and a reference be made to the UNCRC in the Preamble. The guiding principle in this Article must be the UN Convention on the Rights of the Child and particular emphasis should be placed on the following principles:
  * the primary consideration shall be the best interests of the child (Article 3)
  * the rights of the child shall be respected and ensured without discrimination of any kind (Article 2)
  * the child shall be sure to express his/her views in all matters affecting the child and the views of the child being given due weight (Article 12)

Children’s interests are taken into account to a limited extent in the EU Treaty in policy areas such as offences against children where action is intergovernmental, social exclusion, non-discrimination, education and consumer policy. However, children’s interests are affected by more EU policy areas, but the EU’s overall competence in relation to children’s issues is restricted and lacks coherence. The predominant focus within the Treaties on the ‘citizen-as-worker’ means that children interests are excluded from consideration across the majority of policy areas – even though aspects of EU legislation and policy can have unintended but highly damaging consequences for children. Euronet believes that a legal base is needed in the EU Treaty and that the core of a legal basis for children should be the principles of the UN Convention on the Rights of the Child. The reasons for children to have their own particular consideration and special set of rights and protection within the EU Treaty are firstly, that the UN Convention on the Rights of the Child has been ratified by all EU member states, which are bound to this, but the EU which passes legislation with direct or indirect bearing on children’s lives is under no such obligation. Secondly, children are a special category of people who have specific
needs different from adults and who do not have the ability to protect themselves. Thirdly, EU legislation inadvertently can affect children in a negative way, a recognition of children’s interests would ensure that they were taken into account when draft legislation was considered.

Assessing child impact of EU legislation and policies:

- The European Commission should ensure that all proposed EU legislation and policies are fully compatible with the principle of the best interests of the child as a primary consideration as expressed in the UN Convention on the Rights of the Child.
- All proposed EU legislation, policies and programmes should be subjected to a child impact analysis in order to assess their potential implications for children and to avoid any negative impact.

Many issues affecting children are dealt with on an EU level, such as the standardisation of products and services, but the principle of the ‘best interests’ of the child is only included in EU legislation on an ad hoc basis. Children are a special category of people with specific needs and rights which are different from adults.

Ensuring policy coordination:

- The annual meeting of European Ministers for children, initiated under the French Presidency, and the common action plan adopted by these Ministers (20 November 2000) should be followed up by an annual action plan with a review of the measures taken and regular meetings of Ministers. A structured dialogue must take place between officials, NGOs and other EU institutions to prepare these meetings.
- EU institutions should work more closely with children’s NGOs, children-led organisations and children’s ombudspersons or commissioners.
- The conditions for EU membership are referred to as the Copenhagen Criteria: stability of institutions, guaranteeing democracy, the rule of law, human rights, and the respect for and protection of minorities. Consequently, the Copenhagen Political Criteria encompasses the issue of human rights, including the rights of the child, and constitute a legal base to build on. This does form a unique opportunity to place the rights of the child on the political agenda. However, this cannot be done without a political will from both sides.

There is a need for policy coordination within and between the different EU institutions with regard to issues affecting children to ensure that children’s interests are taken into consideration in all EU legislation, policies and programmes that affect them. In this respect cooperation with children’s NGOs, children-led organisations and children’s ombudspersons or commissioners is needed as well.

Promoting children’s participation:

- The EU and member states must involve children and young people in decision-making processes at all levels through appropriate mechanisms, based on Article 12 of the United Nations Convention on the Rights of the Child (UN CRC), and provide adequate resources for these initiatives.

It is important for Member States and EU institutions not only to endorse the principle that children have a right to express their views in their own right as set out in Article 12 of the UN CRC (children’s right to express views on all matters concerning them) but to implement this fully. Euronet invites the EU and Member States to involve
children as fully as possible in decision-making processes, and apply this to any area of legislation and policy. Positive attempts to involve children as active citizens in policy and planning have already been made at national level and local level. In 2000 Euronet started a European Network of Children and Young People in which children and young people from five EU member states participated and cooperated in developing “Agenda 2000 for children and young people in Europe”. In this ‘Agenda 2000’ they recommend “securing every person’s right to participate as a citizen in his/her community and country of residence, regardless of their country of origin”.

**Combating child poverty:**

- Member States should give priority to implementing National Action Plans on combating poverty and social exclusion in order to progress the objectives set in the Nice Summit with special emphasis on combating child poverty.

Following the decision of the EU Council in Lisbon (March 2000) to halve child poverty by the year 2010 EU Member States should prioritise the implementation of the National Action Plans on combating poverty and social exclusion.

**Challenging discrimination against children**

- Within the EU institutional frameworks need to be created to address the discrimination against children, rendering them more visible and recognising them as citizens of Europe

Many children experience discrimination as a consequence of their particular status, for example disabled children, children from ethnic minorities, immigrant children, children living in poverty, refugee and asylum-seeking children.

**A fair budget for children:**

- The European Parliament should extend the budgets which are currently targeted on youth to younger children and increase resources available to children through general budget-lines and programmes.

The proportion of the EU’s budget which is currently spent on children is minuscule in comparison with that spent on other aspects of EU activity, and compares unfavourably with the amount spent on other social groups by the EU. Children should be given budgetary priority by allocating adequate and fair resources in relation to spending on the needs of other sections of the population. Targeting children at an early stage means investing in them and in Europe’s future.

**Developing action programmes benefiting children:**

- The EU institutions must ensure that children can fully benefit from existing EU action programmes including those on youth, non-discrimination and social exclusion.

EU action programmes which directly or indirectly affect children should ensure that children can benefit from these programmes. The youth programme should lower the age for participation of younger children. The non-discrimination programme should fund projects dealing with the discrimination of children as a specific group, on the basis of age discrimination. The social exclusion programme should support projects for children following the decisions made by the EU Summits in Lisbon and Nice.
IV Euronet Analysis of “EU Action Plan for Children”

1. **Ministers’ proposal**: 20th November to be a European Day for Children’s Rights
   
   **Euronet comment**: Euronet supports this.

2. **Ministers’ proposal**: The Creation of a European Observatory for Children and the Family
   
   **Euronet comment**: Euronet welcomes such an Observatory, but believes that it must exist alongside clear child impact analysis of EU legislation within the Commission and a designated Commissioner with a mandate on children’s policy.

3. **Ministers’ proposal**: A European hotline for children to call in cases of maltreatment
   
   **Euronet comment**: Euronet supports national hotlines for children as opposed to a European one. A European hotline will add another layer for children and Euronet believes that children in each Member State should be able to access a hotline and that these hotlines should be supported at European level to work together and exchange best practice.

4. **Ministers’ proposal**: A European ethical code of conduct for the audio-visual sector
   
   **Euronet comment**: Euronet welcomes the fact that this has been discussed. Euronet also recommends that the European Commission takes further steps to ensure that the audio-visual and information industries understand and respond to the urgent need to develop new and acceptable forms of regulation in order to protect children.

5. **Ministers’ proposal**: A system of cooperation for dealing with separated children (unaccompanied refugee children)
   
   **Euronet comment**: Euronet welcomes closer cooperation between all involved authorities at national and European level. In a Europe where there is freedom of movement EU member states must cooperate to assist separated (unaccompanied refugee) children, ensuring that their rights are respected with the ‘best interests’ of the child being a primary consideration. Euronet stresses that these children should never be deported or detained at borders.

6. **Ministers’ proposal**: The development of preventative tools to help children protect themselves such as teaching materials for primary school students to combat child abuse and incest, assistance for abused children in institutions and the exchanges of good practice.
   
   **Euronet comment**: Euronet believes that on the basis of practical experience, in addition to providing material and information for children it is vital to raise awareness amongst adults, and provide training for anyone working with children on how to recognize child abuse and provide support for abused children. Euronet supports the exchanges of good practices between the different member states in this respect.

7. **Ministers’ proposal**: To continue the fight against sex tourism
   
   **Euronet comment**: Euronet supports the initiatives taken so far by the Commission to fight child sex tourism. In this respect the budget line to combat child sex tourism needs to be reinstalled. Euronet recommends that the EU Ministers support EU action to combat child sex tourism and to stop commercial sexual exploitation, especially in view of the likely accession of CEE countries in the next few years. Child sex tourism should also be
considered as part of continuing dialogue with and support for countries outside the EU. Euronet would support an EU common position for the Summit on the trade in children and sexual exploitation in Yokohama, Japan in December 2001.

8. **Ministers’ proposal:** A permanent group representing the Ministers is created in order to carry out their decisions

   **Euronet comment:** Euronet welcomes the creation of such an (experts) group and recommends that this group reports back to the Ministers meeting each year and has regular structured contact with NGOs, the European Parliament and the European Commission.

9. **Ministers’ proposal:** Cooperation between EU Member States with respect to children is to be reinforced in the context of commitments made under the UN and ILO – which therefore must include the UN Convention on the Rights of the Child

   **Euronet comment:** Euronet supports this measure and recommends that also on a EU level the UN Convention on the Rights of the Child and ILO Conventions affecting children will be applied consistently in EU policies and legislations.
ANNEX I: Explanatory Note

How does the EU affect children?

Euronet welcomes the new political will and the recognition by the EU institutions that children are affected in both a positive and negative way by EU legislation, policy and practice. However children’s current legal status in the EU Treaty is unclear and in practice their needs are considered in an ad hoc way in EU legislation. The EU Treaty primarily focuses on the “citizen as worker” which excludes children. In EU law children are seen too often as only “victims” or “dependents” or “barriers to work” which is in contradiction with their status in the Convention on the Rights of the Child. Many issues affecting children are dealt with on an EU level, such as the standardisation of products and services (TV, internet, media), the cross border dissemination of child pornography, child trafficking and legal consequences for children when their parents choose to live in different parts of the EU following family breakdown. But the principle of “the best interests of the child” is only included in EU legislation on an ad hoc basis. In some cases the EU has legislated to promote the highest standards of safety for children, for example in the Toy Safety Directive 1988. In other cases commercial considerations have prevailed above the best interests of the child with the potential to infringe children’s rights, for instance the Distance Selling Directive and toy and TV advertising policies of the EU. This can result in time consuming debates and potentially expensive court cases as Member states challenge this, note in particular the recent challenge by Sweden concerning TV advertising directed at children.

Children need their own particular consideration and special set of rights and protection within the EU Treaty to ensure a consistent application of their rights in EU legislation and policies, because:

- The UN Convention on the Rights of the Child has been ratified by all EU member states, which are bound to this, but the EU, which passes legislation with direct or indirect bearing on children’s lives is under no such obligation.
- Children have not always been accepted as holder of rights and animals are often given rights before children. In the EU Treaty, animals have rights but children do not.
- Children are a special category of people who have specific needs different from adults and who do not have the ability to protect themselves.
- EU legislation inadvertently can affect children in a negative way, a recognition of children’s interests would ensure that they were taken into account when draft legislation was considered.

Competence of EU in issues affecting children’s rights

Putting children’s rights on the EU agenda does not mean that the EU would gain additional competences. Euronet recognises the fact that the principal competence for policy and legislation on children’s issues is the responsibility of the member states’ governments. However, many issues affecting children are neither uniquely national or transnational, for example, legal consequences for children when their parents separate and choose to live in different countries of the EU and the standardisation of products and services (TV, internet, media), greater cross border
dissemination of child pornography and child trafficking. Therefore in cases where the EU passes legislation, policy and programmes, children’s rights must be taken into account. This should enable European legislators to ensure that the best interests of the child is taken into account in all European policy, law and programming. Children are affected differently from adults by European legislation and it is important that all EU policy and legislative proposals take their needs into consideration.

**Why is a children’s policy and family policy complementary?**

The need for a specific children’s policy at EU level is frequently misunderstood. As the family is the place where most children grow up, it is often argued that issues concerning children can be most effectively addressed under the umbrella of family policy. It is true that families currently play the central role in protecting children and providing for them, and the interests of children are closely linked to those of their parents. It is also important to acknowledge that children’s interests need protecting in other areas of policy which are not covered by family policy. For example, consumer policy, child pornography and child trafficking, adoption, separation and divorce. Another problem is that some children live separately from their families, for instance, children in institutions, street children, traveller children and unaccompanied refugee children. The needs of these children can be easily overlooked.

The Convention on the Rights of the Child places a special emphasis on the primary caring and protective responsibility of the family for their children. This illustrates the complementarities of children’s and family policies. In this respect a children’s policy could be seen as one of four interlocking circles of policies within the overall framework of wider social policy. These four interlocking circles are family policy, youth policy, gender policy and children’s policy. To some extent the interests of the four groups coincide, and some of the needs of children can be met by attending to the areas of overlap. Therefore some of the needs of children can be met within a family policy, but other areas affecting children, as mentioned above, are separate and distinct from a family, youth or gender policy. A children’s policy is therefore complementary to policies for families, but also acknowledges children as social actors who must be supported in the gradual transition from dependence on the family to independent adulthood. In this respect the age of the child is a critical factor. When children are young, their interests are almost always met through the family, however, as they get older this approach becomes less and less appropriate.
ANNEX II

What is Euronet?

Euronet – the European Children’s Network, is a network of children’s rights agencies including national members and child rights coalitions in all 15 EU member states, and ICCB (International Catholic Children’s Bureau) and the International Save the Children Alliance. Together these agencies share a concern about the general invisibility of children in EU policy, legislation and programmes. Euronet members worked together to strengthen the rights of the child by, amongst other things, trying to include a reference in the Amsterdam Treaty to the principles of the UN Convention on the Rights of the Child, ratified by all EU member states.

Following this, Euronet has developed a comprehensive EU Children’s policy “A Children’s Policy for 21st Century Europe: First Steps”, published in 1999. In 2000 this report was complemented by a report “Challenging Discrimination against Children in the EU”, which proposes explicit measures within the EU to challenge the discrimination children experience, make them more visible, acknowledge them as citizens of Europe and ensure that their voices are heard. During the same year, Euronet started a European Network of Children and Young People which presented their “Agenda 2000 for children and young people in Europe” to the EU institutions. Euronet has also campaigned extensively for a recognition of the rights of the child in the EU Charter of Fundamental Rights and welcomes the new Article 24 as the first recognition of the principle of children’s rights in the EU Treaty.

Euronet Member Organisations

Austrian Coalition of Child Rights NGOs (Austria)
Kind en Samenleving (Belgium)
Red Barnet (Denmark)
Pelastakaa Lapset r.y. (Finland)
COFRADE, French coalition of children’s NGOs (France)
Deutscher Kinderschutzbund (Germany)
Institute of Child Health (Greece)
FICE (Luxembourg)
Defence for Children International (the Netherlands)
Instituto de Apoio à Criança (Portugal)
Plataforma de Organizaciones de Infancia (Spain)
Rädda Barnen (Sweden)
The Save the Children Fund (UK)
National Society for the Prevention of Cruelty to Children (UK)
Bureau International Catholique de l’Enfance (European delegation)
International Save the Children Alliance (Europe Group)
Organisation Mondiale Pour l’Education Prescolaire (European delegation)