

Opinion Of The European Economic and Social Committee on the Communication from the Commission — Towards an EU Strategy on the Rights of the Child

COM(2006) 367 final

(2006/C 325/16)

On 13 July 2006 the European Commission decided to consult the European Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the abovementioned proposal.

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 7 November 2006. The rapporteur was Ms van Turnhout.

At its 431st plenary session, held on 13 and 14 December 2006 (meeting of 13 December 2006), the European Economic and Social Committee adopted the following opinion unanimously.

1. Executive summary

1.1 The European Economic and Social Committee welcomes the Communication from the Commission entitled *Towards an EU Strategy on the Rights of the Child*. In particular, the Committee supports the proposal to develop a comprehensive EU strategy to effectively promote and safeguard the rights of the child in the European Union's internal and external policies and to support Member States' efforts in this field.

1.2 The EESC regrets however that the Communication does not indicate that the strategy will commit to minimum standards and include comprehensive objectives with clear targets and timelines.

1.3 The EESC welcomes the proposed structures to be established to support this Strategy, including a Children's Rights Unit within the Commission and a Coordinator for the Rights of the Child; a Commission Inter-service Group; a European Forum for the Rights of the Child; a web-based discussion and work platform; activities to directly involve children in the process and a communication strategy on children's rights. The EESC will be seeking to play an active role in these important fora.

1.4 The Committee regrets that more attention is not paid to the situation of the girl-child, children with disabilities and migrant, asylum seeker and refugee children, both within the EU and in the global context.

1.5 The EESC welcomes the acknowledgement that Member States are bound to respect international treaties and calls for a greater emphasis in the Strategy on the need for Member States to implement with a sense of urgency their existing European and international commitments to children's rights, in particular

under the United Nations Convention on the Rights of the Child.

1.6 The EESC calls for the development of the Strategy to take into account the diversity of children and their varying needs, with a particular focus on issues of child poverty and discrimination. The EESC recommends that priority be given to the development of a set of comparable indicators and the collection of consistent data at Member State level. In particular, it calls for due consideration to be given to the issue of quality early education for children under six, and for the development of complementary qualitative targets for childcare and daycare services.

1.7 The EESC urges that sufficient status and political leverage be given to the Coordinator for the Rights of the Child to ensure that the aims of the office are achieved; and that political commitment be dedicated to progressing the Communication and developing the Green Paper and Strategy. The Committee suggests that the European Parliament consider establishing a specific measure to finance the Strategy and its proposed actions.

2. Background

2.1 Children's rights form part of the human rights that the EU and the Member States are bound to respect under international and European treaties, in particular the UNCRC and its Optional Protocols ⁽¹⁾, including also the Millennium Development Goals ⁽²⁾; and the European Convention on Human Rights ⁽³⁾ (ECHR). The EU explicitly recognised children's rights in the European Charter of Fundamental Rights ⁽⁴⁾, specifically in Article 24.

⁽¹⁾ UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; UN Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

⁽²⁾ UN General Assembly, United Nations Millennium Declaration, Fifty-fifth session, 18 September 2000.

⁽³⁾ Full text available at <http://www.echr.Council of Europe.int/ECHR/EN/Header/Basic+Texts>.

⁽⁴⁾ Charter of Fundamental Rights of the European Union (OJ C 364 of 18.12.2000), available at http://europa.eu.int/comm/justice_home/unit/charte/index_en.html.

2.2 The Commission identified children's rights as one of its main priorities in its Communication on Strategic Objectives 2005-2009: 'A particular priority must be effective protection of the rights of children, both against economic exploitation and all forms of abuse, with the Union acting as a beacon to the rest of the world' ⁽⁵⁾. In this context, the Group of Commissioners on Fundamental Rights, Non-discrimination and Equal Opportunities decided in April 2005 to launch a specific initiative to advance the promotion, protection and fulfilment of children's rights in the internal and external policies of the EU.

2.3 In March 2006, the European Council requested the Member States 'to take necessary measures to rapidly and significantly reduce child poverty, giving all children equal opportunities, regardless of their social background'.

2.4 This communication gives effect to these decisions.

3. General comment

3.1 The European Economic and Social Committee welcomes the Communication from the Commission entitled *Towards an EU Strategy on the Rights of the Child* — which focuses on all children under 18 years. The Committee supports this significant initiative by the Commission to lay the foundations for the development of policy on children's rights. In particular, the Committee highlights the Commission's proposal to establish a comprehensive EU strategy to effectively promote and safeguard the rights of the child in the European Union's internal and external policies and to support Member States' efforts in this field.

3.2 The destiny of Europe increasingly depends on its ability to foster societies that are inclusive and supportive of children. This Communication is a recognition that to promote and safeguard the rights of children is fundamental to the future of the European Union and that creating child friendly societies within the EU can not be separated from the need to further deepen and consolidate European integration. Children should be valued not only as future adults and workers but there is also a need to recognise childhood as an important and valuable part of life in its own right.

3.3 The EESC regrets the deadlock in the EU constitutional process given that the Constitutional Treaty and the Charter for Fundamental Rights explicitly recognise the rights of the child. As a consequence, the existing limited legal bases for children's rights in the EU Treaties have implications for possible budgetary sources.

⁽⁵⁾ Strategic objectives 2005-2009. Europe 2010: A Partnership for European Renewal, Prosperity, Solidarity and Security — COM(2005) 12, 26.1.2005.

3.4 In acknowledgement of the multitude of challenges for children and young people in today's society the EESC has regularly contributed over the past decade to youth policy development at Community level ⁽⁶⁾. It has initiated important debates on key areas, such as youth employment, social integration, education, mobility, participation and the role of NGOs.

3.5 The EESC welcomes the acknowledgment that it is vital that children's rights be separate and not simply subsumed into mainstream human rights. The EESC believes that children, due to their vulnerability and specific needs, require special safeguards and care, including appropriate legal protection.

3.6 The EESC urges that the Strategy acknowledge the important role of the family, and in particular the role of parents, and Member States' responsibility to assist parents in their child-rearing responsibilities in many ways, not only financially.

3.7 The EESC welcomes the adoption of a definition of children as all those below the age of eighteen years, in line with the UN Convention on the Rights of the Child (UNCRC). There will be a need for coherence and coordination between EU policies that target children between the ages of 15 and 18 year olds, as this age group also falls within the EU definition of youth. The Strategy should reiterate relevant targets contained in the European Youth Pact and the Open Method of Coordination on youth.

⁽⁶⁾ EESC opinion of 28.2.1996 on *European Cultural Policy for Children*. Rapporteur: Mr Sklavounos (OJ C 153 of 28.5.1996)
 EESC opinion of 2.7.1998 on *Exploitation of children and sex tourism*. Rapporteur: Mr Sklavounos (OJ C 284 of 14.9.1998)
 EESC opinion of 29.11.2000 on *White Paper: Youth Policy*. Rapporteur: Ms Hassett-van Turnhout (OJ C 116 of 20.4.2001)
 EESC opinion of 24.4.2002 on *Proposal for a Decision of the European Parliament and of the Council establishing the European Year of Education through Sport 2004*. Rapporteur: Mr Koryfidis (OJ C 149 of 21.6.2002)
 EESC opinion of 25.4.2002 on *European Commission White Paper — A New Impetus for European Youth*. Rapporteur: Mrs Hassett-van Turnhout (OJ C 149 of 21.6.2002)
 EESC opinion of 24.9.2003 on *Proposal for a European Parliament and of the Council decision establishing a Community action programme to promote bodies active at European level in the field of youth*. Rapporteur: Mrs Hassett-van Turnhout (OJ C 10 of 14.1.2004)
 EESC opinion of 16.12.2004 on *Relations between the generations*. Rapporteur: Mr Bloch-Lainé (OJ C 157 of 28.6.2005)
 EESC opinion of 10.3.2005 on *Proposal for a Decision of the European Parliament and of the Council creating the Youth in Action programme for the period 2007-2013*. Rapporteur: Mr Rodríguez García-Caro (OJ C 234 of 22.9.2005)
 EESC opinion of 11.5.2005 on *Proposal for a Regulation of the European Parliament and of the Council on medicinal products for paediatric use and amending Regulation (EEC) No 1768/92, Directive 2001/83/EC and Regulation (EC) No 726/2004*. Rapporteur: Mr Braghin (OJ C 267 of 27.10.2005)
 EESC opinion of 14.12.2006 on *Children as indirect victims of domestic violence (own-initiative opinion)*. Rapporteur: Ms Heinisch.

3.8 The EESC urges the Commission to elaborate minimum standards and include comprehensive objectives with clear targets and timelines for the implementation of the Communication.

3.9 Europe needs children's ongoing commitment to help to build an integrated, competitive, safe and inclusive Europe. If the European Union is to mean anything to children, it must be relevant in their lives and show a clear interest in and respond visibly and creatively to their needs.

3.10 The EESC welcomes the Commission's acknowledgment of children's need to express their views in dialogues and decisions affecting their lives as outlined in Article 12 of the UNCRC. Any policy aimed at children must be characterised by the fundamental principle of participation with children: a principle that is reiterated at European and international level ⁽⁷⁾.

3.11 The EESC also welcomes the Commission's proposed activities to directly involve children in the process. The Member States and institutions must provide the necessary resources, supports and mechanisms to facilitate the participation of children in the development and implementation of the Strategy. Children should be involved from an early stage in the process and through a variety of age appropriate methodologies, for example, art work, facilitated discussions etc. It should be highlighted that a key challenge to this work will be the inclusion of children from disadvantaged and ethnic minority backgrounds and children with disabilities and ensuring equal opportunities for all such children.

3.12 A horizontal approach to the development of policy will ensure a more coordinated and effective strategy. Member States regularly consult with Employer and Trade Union organisations when developing policies such as employment guidelines. Equally success of this initiative will depend on the involvement of all parties concerned, in particular, children, children's organisations as well as parents, social partners, regional and local authorities and Member States.

3.13 Consequently, the EESC hopes that this Communication will lay the basis, both at the European and national level, for a more effective partnership between decision-makers, local and regional authorities, non-governmental organisations and children themselves. Real and continued involvement of children and children's organisations in the development and implementation of policies will ensure that children's actual needs are addressed and that children feel an ownership of the future Strategy.

⁽⁷⁾ United Nations Convention on the Rights of the Child, 1989; Declaration of the United Nations on the International Year of Youth 1985, 'Peace, Participation, Development'; European Charter on Participation of Young People in Municipal and Regional Life of the Congress of Local and Regional Authorities in Europe, 1992; Recommendation of the Committee of Ministers of the Council of Europe 'On youth participation and the future of Civil Society', Recommendation No R (97) 3 of 4 February 1997; Resolution of Council and Ministers for Youth meeting within the Council of 8 February 1999 (OJ 1999/C42/01).

3.14 Children are not an homogeneous group. The EESC recommends, therefore, that policies made at both the EU and Member State level should take into account the diversity of children and address their varying needs, for example, children may be impacted by their geographical location, age, gender, ethnicity, religion, culture, language, disability or family structure. Special attention will need to be paid to the impact of poverty, social exclusion, disability, discrimination and racism and the situation of ethnic minority and refugee children, both within the EU and in the global context.

3.15 The EESC welcomes the statement that 'the place where children are living also influences their situation'. Children may be disadvantaged due to inequitable access to services available in the area in which they live, such as access to quality education, healthcare, housing and accommodation, social services, public transport, play and recreation facilities; information and opportunities to participate in civil society. The EESC suggests that the Strategy include specific objectives to ensure that children in all geographical areas have equal opportunities; this will entail strengthening activities on tackling child poverty.

3.16 The Committee regrets that more attention is not paid to the situation of the girl-child, children with disabilities and migrant, asylum seeker and refugee children, both within the EU and in the global context.

3.17 In line with the Commission commitment to mainstream disability expressly confirmed in the 2003 European Action Plan on Equal Opportunities for people with disabilities ⁽⁸⁾, disability should be mainstreamed within the Strategy to ensure the full and equal participation and inclusion of children with disabilities.

3.18 The EESC supports the Commission on the Status of Women 2007 finding that 'while recognising that some progress in women's participation in decision-making at all levels has been achieved, expressed concern at the serious and persistent obstacles, *which are many and varied in nature*, that still hinder the advancement of women and their participation in decision-making, including feminisation of poverty, lack of equal access to health, education, training and employment, armed conflict and lack of security.' ⁽⁹⁾

3.19 The EESC is disappointed that no reference is made to the provision of quality 'early education and development' for children under six, despite childcare and daycare services being a

⁽⁸⁾ COM(2003) 650 final, Brussels 30.10.2003.

⁽⁹⁾ UN Economic and Social Council, Commission on the Status of Women 2007: focus on discrimination and violence against the girl child.

long-term and priority policy goal of the EU and the EU adoption of quantitative targets. The EESC urges the explicit inclusion of this area within the proposed Strategy since it has a major bearing on children's lives and well-being and clearly falls within the remit of the Communication ⁽¹⁰⁾. In particular, the Committee urges the development of complementary qualitative targets for childcare services, that take account of children's rights and their best interests and that build on earlier work by the Council of Ministers and the EC Childcare Network ⁽¹¹⁾.

3.20 The EESC welcomes the existing work of the European Union in relation to reducing child poverty. However, Member States need to step up to the challenge of eradicating child poverty and put immediate targets in place. Meeting this challenge will require a comprehensive, sustained and fully-resourced programme of action that addresses the multi-dimensional nature of child poverty. This should include a focus on supporting low income workers with children as well as those outside the employment net. Child poverty has a severe impact on children across a range of issues such as health, education and even a child's future 'life chances' of ever breaking out of the poverty trap. Member States need to immediately implement policies addressing the entire spectrum of these issues.

3.21 Another major challenge is the care of children without family care or at risk of losing it. Factors leading to such situations vary between countries but include family breakdown, poverty, HIV/AIDS, behavioural, addiction or parenting problems. The Strategy should contain an objective to establish clear prevention strategies and family support programmes.

3.22 Other challenges to Member States where it would be useful to include an objective and encourage learning from best practice include the areas of youth justice and family law; and the promotion of healthy eating to improve health and tackle childhood obesity; and the promotion of family friendly work policies.

3.23 Where children are placed in residential institutions action is needed to protect and promote their rights. The Strategy should commit to the drafting of European guidelines

⁽¹⁰⁾ The Communication's goal 'to establish a comprehensive EU strategy to effectively promote and safeguard the rights of the child in the EU's internal and external policies'; as well as Article 24 of this Charter of Fundamental Rights of the European Union, that 'in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration'.

⁽¹¹⁾ The Recommendation on Child Care (92/241/EEC, approved 31 March 1992) adopted by the Council of Ministers in March 1992; and Quality Targets in services for young Children produced by the EC Childcare network and published by the European Commission in 1996.

and quality standards on children in care ⁽¹²⁾, taking into account standards, recommendations and protocols proposed by international organisations such as UNICEF, WHO and the Council of Europe.

3.24 The EESC welcomes the recently published report of the independent expert, Paulo Sérgio Pinheiro, for the United Nations study on violence against children ⁽¹³⁾. The report 'urges states to prohibit all forms of violence against children, in all settings, including all corporal punishment, harmful traditional practices — such as early and forced marriages, female genital mutilation and so-called honour crimes — sexual violence and torture and other cruel, inhuman or degrading treatment or punishment.' ⁽¹⁴⁾ The EESC urges the Commission to consider the appointment of a Special Representative on Violence against Children in order to promote and support the implementation of the recommendations made in the report.

4. Children's rights at an EU level

4.1 The EESC welcomes the acknowledgement that Member States are bound to respect international treaties, in particular the United Nations Convention on the Rights of the Child (UNCRC) which has been ratified by each of the EU Member States. In fact on a global level only the USA and Somalia have not ratified the UNCRC. In this connection, the basic International Labour Organisation (ILO) conventions prohibiting child labour are also particularly important.

4.2 The EESC is disappointed that the Communication does not make a stronger statement on the need for Member State to implement with a sense of urgency their existing European and international commitments to children's rights, in particular under the United Nations Convention on the Rights of the Child. The EESC believes that much work remains to be done within the EU at Member State level to ensure compliance, at legislative and practice level, with existing commitments, for example under the UNCRC, the European Convention on Human Rights and the Council of Europe's instruments. This work should be integrated into the proposed assessment of the impact of existing EU actions affecting children's rights. In this field, it would be useful to draw on the opinions prepared every five years in all EU Member States by governments and NGOs on application of the UNCRC and the situation of children; a second analysis could also be undertaken.

⁽¹²⁾ This could possibly be done in cooperation with the Council of Europe, whose Parliamentary Assembly and Committee of Ministers adopted recommendations on children in residential institutions in 2005. See Recommendation N° R (2005) 5 of the Committee of Ministers to member states on the rights of children living in residential institutions.

⁽¹³⁾ www.violencestudy.org.

⁽¹⁴⁾ UN Sixty-first session, Promotion and protection of the rights of children, A/61/299.

4.3 The EESC welcomes the Commission's proposal to analyse the scope and causes of the barriers to children's full enjoyment of their rights. It will be important to not only 'assess the effectiveness of its existing action' but to facilitate an assessment of the progress of Member States in complying with the UNCRC, through comparative data analysis, as outlined in the Impact Assessment.

4.4 The EESC recommends that priority be given to the development of a set of comparable indicators and the collection of consistent data at Member State level. There is on-going work within the Open Method of Coordination to develop an indicator (or set of indicators) on child well-being, as well as statistical data on income related poverty, material deprivation and housing⁽¹⁵⁾. Many different datasets also exist at Member State level⁽¹⁶⁾. The development of indicators must reflect children's experiences and best interest, this can be achieved through facilitating children to be involved in defining indicators.

4.5 The EESC supports the Commission's proposal to mainstream children's rights when drafting EC legislative and non-legislative actions that may affect them. It will be important to identify key areas which have a substantial impact on children, including those not traditionally associated with children such as public transport but which, in fact, impact greatly on their lives.

4.6 The EESC recommends that the Open Method of Coordination be used as a mechanism for engagement between Member States and for learning from best practice in relation to the implementation of the UNCRC.

4.7 The EESC supports the Commission's proposal to host a European Forum for the Rights of the Child and to set up a web-based discussion and work platform. The Committee will be seeking to be an active member of this important Forum.

4.8 The EESC welcomes the short-term measures proposed in the Communication to tackle some urgent challenges. In addition to the measures outlined, the Committee highlights that there is an urgent need to develop a measure to enable transnational cooperation by police forces in relation to the checking of criminal records of staff and volunteers who work with children. The EESC urges the Strategy to consider the establishment of an EU register of convicted sex offenders against children which can be accessed by police forces.

4.9 The EESC welcomes the Commission's proposals to design a communication strategy on children's rights and to provide information on children's rights in a child-friendly manner. The Committee urges that these materials be based on the UNCRC and that all information campaigns be age appropriate, available in multiple languages and accessible to children with disabilities.

⁽¹⁵⁾ Portfolio of overarching indicators and streamlined social inclusion, pensions and health portfolios, June 2006.

⁽¹⁶⁾ For example: 'Opportunity for All: seventh annual Report 2005', Department for Work & Pensions, UK includes a wide range of child & youth indicators.

4.10 The EESC welcomes the Commission's proposal to set up a Commission Inter-service Group. The Committee will be seeking representation on this Group. The Committee welcomes the Commission's proposal to establish a Children's Rights Unit within the Commission and appoint a Coordinator for the Rights of the Child. The EESC notes the important role accorded to the Children's Rights Coordinator in ensuring the success of the Strategy.

4.11 The EESC urges that the necessary financial and human resources be provided for these new fora and structures; that sufficient status and political leverage be given to the Coordinator to ensure that the aims of the office are achieved; and that political commitment be dedicated to progressing the Communication and developing the Green Paper and Strategy. The Committee suggests that the European Parliament consider establishing a specific measure to finance the Strategy and its proposed actions.

4.12 The EESC welcomes the Commission's proposal to present a progress report every year. The Committee requests that it be consulted on the development of this report and that the report be made public.

5. Children's rights at an international level

5.1 The EESC welcomes the focus on both children within the EU and children living outside the EU. However, the EESC is disappointed to note that the sequencing of text appears to give prominence to the 'global situation' rather than the 'in the EU' situation and prominence to international dialogue over intra-state dialogue. The Committee recommends that a balance be achieved in the Strategy between the global situation and EU internal and intra-state actions and dialogue.

5.2 The European Union and its Member States should systematically take into account in bilateral agreements and relations with non-EU states the recommendations (Concluding Observations) of the UN Committee on the Rights of the Child.

5.3 The EESC welcomes the acknowledgement that the almost universal ratification worldwide of the UNCRC provides a particularly robust basis for engagement between the European Commission and non-EU countries; but regrets that the Communication did not build on the potential to use the ratification by all EU Member States of the UNCRC as a framework for engagement between Member States; and for learning from best practice.

5.4 The EESC recommends that EU development aid should provide for a percentage of its funding to be invested in interventions that benefit children.

6. Acknowledgements

6.1 As part of its process the EESC consulted with several children's networks and organisations and would like to thank them for their input ⁽¹⁷⁾.

7. Specific comments on terminology ⁽¹⁸⁾

7.1 The phrase 'sexual abuse' should be replaced by 'sexual exploitation'.

7.2 The term 'handicaps' should be replaced by 'impedes'.

7.3 The phrase 'break of adolescence' should be replaced with 'beginning of adolescence'.

7.4 The meaning of the phrase 'indoor pollution' needs to be clarified.

Brussels, 13 December 2006

The President
of the European Economic and Social Committee
Dimitris DIMITRIADIS

⁽¹⁷⁾ Eurochild, SOS Kinderdorf, World Association of Girl Scouts and Girl Guides (WAGGGS), European Information Bureau, Jaap Doek, Chairman of the UN Committee on the Rights of the Child and Thomas Coram Research Unit.

⁽¹⁸⁾ All references from Section I.4.1, COM(2006) 367 final.