

Opinion of the Committee of the Regions towards an EU Strategy on the Rights of the Child

(2007/C 146/08)

THE COMMITTEE OF THE REGIONS

- welcomes the Commission's Communication, and in particular the proposed development of a Strategy to effectively promote and safeguard the rights of the child in the EU's internal and external policies and to support Member States' efforts in this field;
- welcomes the establishment of a Children's Rights Unit within the Commission and notes the important role accorded to the Children's Rights Co-ordinator in ensuring the success of the Strategy, but hopes that sufficient resources will be provided for these and that sufficient status and political leverage will be given to the Co-ordinator to ensure that the aims of the office are achieved; calls for clarification on the role of the Co-ordinator on how it will complement work at national level;
- regrets that more attention is not paid to the situation of unaccompanied minors, the girl-child, children with disabilities and migrant, asylum seeker and refugee children, both within the EU and in the global context; including the provision of care services and protection to all the above children;
- notes that the Strategy has the potential to lay the basis, at a European and national level, for a more effective partnership between decision-makers, local and regional authorities and non-governmental organisations;
- regrets, however, that there is no acknowledgment in the Communication of the unique role of local and regional authorities in providing services to children and safeguarding their rights and underlines that these authorities are willing and able to be a partner in the development and implementation of the Strategy;
- recommends that the necessary financial and human resources and political commitment be dedicated to progressing the Communication and developing the Green Paper and Strategy and suggests that the European Parliament consider establishing a specific measure to finance the Strategy and its proposed actions.

THE COMMITTEE OF THE REGIONS,

Having regard to the Communication from the Commission ‘Towards an EU Strategy on the Rights of the Child’ COM(2006) 367 final;

Having regard to the decision of the European Commission of 4 July 2006 to consult it on the subject, under the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its President of 22 February 2006 to instruct its Commission for Constitutional Affairs, European Governance and the Area of Freedom, Security and Justice to draw up an opinion on this subject;

Having regard to its draft opinion on the situation of unaccompanied minors in the migration process — the role and suggestions of regional and local authorities (CdR 136/2006 rev. 2);

Having regard to its opinions on the Hague Programme: Ten priorities for the next five years (CdR 122/1005 fin); on combating human trafficking (CdR 87/2001 fin), on the DAPHNE II programme to prevent violence against children, young people and women and to protect victims and groups at-risk (CdR 63/2003), on the protection of minorities and non-discrimination policies (CdR 53/2006 fin); on demographic change (CdR 152/2005 fin) and on integration and migration (CdR 51/2006 fin);

Having regard to its draft opinion (CdR 236/2006 rev. 1) adopted on 29 November 2006 by the Commission for Constitutional Affairs, European Governance and the Area of Freedom, Security and Justice (rapporteur: Ms Maria Corrigan, Member of Dun Laoghaire/Rathdown County Council and Dublin Regional Authority);

Whereas:

- 1) under the UN Convention on the Rights of the Child, children are defined as all those below the age of eighteen years;
- 2) all Member States have ratified the UN Convention on the Rights of the Child, neither the European Commission nor the European Union is or can be a party to it;
- 3) there are limited legal bases for children’s rights in the EU Treaties; this has implications for possible budgetary sources;
- 4) the central role of the family, and in particular the role of parents, and Member States’ responsibility to assist parents in their childcare and childrearing responsibilities is acknowledged;
- 5) the promotion and safeguarding of the rights of children and the creation of inclusive and child friendly societies is fundamental to the future of the European Union;
- 6) involving children and young people — at an early stage — in the public domain is central to the development of an inclusive and democratic society;
- 7) regional and local authorities are in a unique position to play a role in promoting and protecting the rights of children given their responsibility for the physical environment, public transport and access to education, health care, play and recreation, the job market for young people; and also for their role in monitoring children’s living conditions through, for example, social assistance and data collection;

adopted the following opinion unanimously at its 68th plenary session, held on 13 and 14 February 2007 (meeting of 13 February):

1. Views of the Committee of the Regions

1.3 **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;

The Committee of the Regions

1.1 **welcomes** the Commission’s Communication, and in particular the proposed development of a Strategy to effectively promote and safeguard the rights of the child in the EU’s internal and external policies and to support Member States’ efforts in this field;

1.2 **recognises** that investing in children now is an investment in our futures and a further deepening and consolidation of European integration;

1.4 **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 Member States; but **is disappointed** that there is not a stronger emphasis on the need for Member States to implement with a sense of urgency their existing European and international commitments to children’s rights;

1.5 **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;

1.6 **welcomes** the establishment of a Children's Rights Unit within the Commission and **notes** the important role accorded to the Children's Rights Coordinator in ensuring the success of the Strategy, but **hopes** that sufficient resources will be provided for these and that sufficient status and political leverage will be given to the Coordinator to ensure that the aims of the office are achieved; **calls** for clarification on the role of the Coordinator on how it will complement work at national level;

1.7 **supports** the short term actions proposed by the Commission to tackle some urgent challenges, in particular the creation of a single six digit telephone number for child helplines within the EU and one for child hotlines dedicated to missing or sexually exploited children, and **believes** that these lines should be augmented by an agreed protocol for dealing with inter-state child abductions. Furthermore, **believes** that the new child helplines should not duplicate but rather complement existing helplines at national and regional level and that the exchange of best practice in Member States should inform the establishment of these services;

1.8 **notes** that the Communication did not indicate that the Strategy will commit to minimum standards and include comprehensive objectives with clear targets and timelines;

1.9 **notes** that systems are currently not in place that can produce comprehensive, comparable and consistent data on indicators across the Member States; **recalls** that there is ongoing work using 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, and many different datasets also exist at Member State and regional/local levels;

1.10 **points out** that children are not an homogeneous group, their needs vary, for example, depending on the child's age, ability, gender, ethnicity and family structure;

1.11 **regrets** that more attention is not paid to the situation of unaccompanied minors, the girl-child, children with disabilities and migrant, asylum seeker and refugee children, both within the EU and in the global context; including the provision of care services and protection to all the above children.

1.12 **regrets** that no reference is made to the provision of quality 'early education' for children under six. Despite 'childcare' services being a long-term and priority policy goal of the EU and the adoption of EU quantitative targets;

1.13 **notes** that the Strategy has the potential to lay the basis, at a European and national level, for a more effective partnership between decision-makers, local and regional authorities and non-governmental organisations;

1.14 **regrets**, however, that there is no acknowledgment in the Communication of the unique role of local and regional authorities in providing services to children and safeguarding their rights and **underlines** that these authorities are willing and able to be a partner in the development and implementation of the Strategy;

1.15 **emphasises** that in developing the Strategy the principles of subsidiarity and proportionality should be fully respected;

1.16 **welcomes** the statement that 'the place where children are living also influences their situation'; children may be disadvantaged due to inequitable access to quality education, health-care, public transport, play and recreation facilities; information and opportunities to participate in civil society; and **would like to see** more attention paid to conditions in city, suburban and other specific areas identified by the Member States;

1.17 **emphasises** that many local and regional authorities directly fund and implement Development Policy in third countries, supporting infrastructure and key services, twinning with authorities, sharing experience and transferring skills, and that the potential exists for a greater focus in this work on children's rights;

1.18 **welcomes** the acknowledgment that children have the right to express their views on matters affecting their lives; and **welcomes** the proposed activities to involve children in the development of the Strategy. The involvement of regional and local authorities and children's organisations will be important to the success of this work;

1.19 **welcomes** the recently published United Nations study on violence against children⁽¹⁾. 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'⁽²⁾; **suggests** that the findings from this study be fully considered during the development of the Strategy.

(1) This report was produced by an independent expert, Paulo Sérgio Pinheiro, and is available at: www.violencestudy.org.

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

2. Recommendations of the Committee of the Regions

The Committee of the Regions

2.1 **recommends** that the necessary financial and human resources and political commitment be dedicated to progressing the Communication and developing the Green Paper and Strategy and **suggests** that the European Parliament consider establishing a specific measure to finance the Strategy and its proposed actions;

2.2 **underlines** that local and regional authorities be regarded as essential partners in the development of the Strategy, and **calls** to be included as a member of the European Forum for the Rights of the Child; with representation on the Inter-services Group; and that it be consulted on the development of the Coordinator's report and that this report be made public;

2.3 **recommends** that the Strategy commit to a set of minimum standards and include ambitious actions with clear targets and objectives, following a thorough analysis;

2.4 **recommends** that a balance be achieved in the Strategy between its focus on the global situation and the EU internal and intra-state actions and dialogue;

2.5 **recommends** that priority be given to the development of a set of comparable indicators and the collection of consistent data at Member State and, where possible, regional level;

2.6 **calls for** the provision of adequate resources, supports and mechanisms to facilitate the participation of children in the development of the Strategy, including children from disadvantaged and ethnic minority backgrounds and children with disabilities. Children should be involved at an early stage in the process and through a variety of age appropriate methodologies, for example, art work, facilitated discussions, etc. Furthermore, **acknowledges** that local and regional authorities could also do more in facilitating such consultation of children on relevant policies determined at sub-national level;

2.7 **reiterates** its call for full implementation of the Convention on the Rights of the Child of 20 November 1989; and **underlines** the importance of the following rights: freedom of thought, conscience and religion; protection of private life; protection from the use of violence, mistreatment and neglect; the right to health care; the right to education, schooling and training; and protection of minorities, as stated in its opinion on integration and migration (CdR 51/2006 fin), as well as the right to appropriate nutrition and housing;

2.8 in this regard, **insists** that the crucial role of local and regional authorities as the frontline providers of essential services to children, such as education and housing, childcare

and other social services, is fully recognised as well as their role in planning, policing and maintenance of the physical environment ensuring that children have access to housing suitable and appropriate to their needs, as well as adequate play and leisure facilities and grow-up in a safe physical environment;

2.9 **calls for** an increased emphasis on the need for Member States to implement with a sense of urgency their existing European and international commitments, including commitments at legislative and practice level under the UNCRC, the European Convention on Human Rights and the Council of Europe's instruments. This work should be integrated into the assessment of the impact of existing EU actions affecting children's rights;

2.10 **suggests** that the analysis not only 'assess the effectiveness of its existing action' but facilitate an assessment of the progress of Member States' in complying with the UNCRC, through comparative data analysis, as outlined in the Impact Assessment;

2.11 **suggests** that the analysis also include a review of whether all Member States have ratified the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption (1993);

2.12 **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 and that local and regional authorities should be fully involved in this process;

2.13 **recommends** that EU and Member State policies take into account the diversity of children and their varying needs; for example, children disadvantaged by geographical location, age, gender, ethnicity and disability. 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, and the implications of religious, linguistic and cultural diversity, both within the EU and in the global context;

2.14 **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 and educational disadvantage. Regional and local authorities will play a central role in these measures;

2.15 **recommends** that, in addition to the short-term measures outlined, a measure be developed to enable transnational cooperation by police forces in relation to the checking of any criminal records of staff and volunteers who work with children; **urges** that the Strategy should consider the establishment of an EU register of sex offenders against children which can be accessed by police forces;

2.16 **urges** that the Strategy address ways to better develop family support services to prevent child abuse and filicide (the killing of a child by a parent). This could focus on supports to parents, prevention and early identification of child abuse; supports to victims of abuse and the establishment of a mechanism to review suspicious deaths of children in order to examine the effectiveness of state interventions prior to such cases;

2.17 **recommends** that the Strategy addresses the negative influence of television, computers and new technologies on children, such as access to adult or inappropriate images on the internet and also the sedentary nature of these activities with consequent implications for active lifestyles among children. A related issue is the negative impact of direct targeting of children in advertising and marketing. Measures to utilise technology for educational purposes should be encouraged, such as television programmes to assist children's linguistic and cultural competence, this will be particularly important for migrant children. Creative measures are also needed to promote cultural activities

and make them accessible to children such as reading, music and theatre;

2.18 **requests** that the training programmes and tools developed as part of the Strategy be available to regional and local administrations to familiarise officials with new policy tools and best practice;

2.19 **recommends** that the communications strategy be based on the UNCRC, and that all information campaigns be launched at regional and local level, be age appropriate, available in multiple languages and accessible to children with disabilities;

2.20 **recommends** that EU development aid should provide for a percentage of its funding to be invested in interventions that benefit children and that the development policy of local and regional authorities in Third Countries should also enhance priority to the transfer of skills and policy experience on children's rights.

Brussels, 13 February 2007.

The President
of the Committee of the Regions
Michel DELEBARRE
