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2021/0070 (NLE)

Proposal for a

COUNCIL RECOMMENDATION

Establishing a European Child Guarantee

{SWD(2021) 62 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

Commission President Ursula von der Leyen announced the creation of a European Child Guarantee with a view to ensuring that ‘every child in Europe at risk of poverty or social exclusion has access to the most basic of rights like healthcare and education’¹. Supporting children from an early age and throughout their childhood is of paramount importance with a view to building a sustainable, equal, inclusive and competitive knowledge economy and a fair society.

With the aim of preventing and combating social exclusion, this proposal supports Member States in their efforts to guarantee access to quality key services for children in need: early childhood education and care, education (including school-based activities), healthcare, nutrition, and housing. While most children in the EU already have access to these services, inclusive and truly universal access is vital for ensuring equal opportunities for all children, and in particular those who experience social exclusion due to poverty or other forms of a disadvantage.

Social exclusion is a complex and multidimensional phenomenon. Its key drivers are insufficient resources and poverty, but also lack of equal access to goods and services due to various forms of disadvantage, preventing full participation in the society². **The proposal targets children in need**, referring to children at risk of poverty or social exclusion. In view of the multi-faceted challenges faced by people with low income, having difficulties to access goods and services or the labour market, a composite indicator being ‘**at risk of poverty or social exclusion**’ has been agreed at EU level. The indicator measures: (i) the number of people who have an equivalised disposable income (after social transfers) that is less than the at risk of poverty threshold³; (ii) severe material deprivation, that captures the lack of basic goods that are needed to guarantee an adequate standard of living in a given society⁴; and (iii) very low work intensity⁵. Children living in such households are particularly prone to social exclusion and are the group targeted by this recommendation.

In a majority of EU-27 countries, the rate of persons at risk of poverty or social exclusion is higher for children than for the total population. In 2019, 22.2% (nearly 18 million) of children lived in households at risk of poverty or social exclusion, as opposed to 20.9% (around 91 million) for the total population. The reduction of the risk of poverty or social exclusion among children over the last decade has been slower than among the general

¹ Political Guidelines for the European Commission 2019-2024.

² See for instance: Communication from the Commission ‘Towards a Europe of Solidarity: Intensifying the Fight Against Social exclusion, Fostering Integration’, COM(92)542. Resolution of the Council and of the ministers for social affairs meeting within the Council of 29 September 1989 on combating social exclusion, OJ C 277, 31.10.1989, p. 1-1. ‘The multi-dimensional analysis of social exclusion’, Levitas at al, (2007); ‘Leaving no one behind: the imperative of inclusive development. Report on the World social situation 2016.’, UN (2016).

³ Fixed at 60% of the national median equivalised disposable income after social transfers.

⁴ Severe material deprivation means the enforced inability to pay for at least 4 of the following 9 items: (1) rent, mortgage or utility bills; (2) keeping home adequately warm; (3) unexpected expenses; (4) eating meat or proteins regularly; (5) holidays; (6) a television set; (7) a washing machine; (8) a car; (9) a telephone.

⁵ This reflects the share of the population under 60 years old who live in households where the people of working age have worked less than 20% of their total work potential during the past year.

population. In addition, the poverty gap⁶ in EU-27 is higher for children (25.4% in 2019) than for the rest of the population (24.3%), with the same holding true for the persistence of poverty⁷ (14.1% for children in 2018 vs 10.8% for the rest of the population).

There is a strong correlation between social exclusion of children and the lack of access to key services. Children living in poverty or who experience particular disadvantages are more likely to face barriers in accessing services, which are key for their well-being and the development of social, cognitive, and emotional skills. While such services in all Member States are generally in place, the evidence shows that the access is uneven. In around one third of Member States, parents on moderate incomes find costs of early childhood education and care to be very high. Schoolbooks, school transport, meals and additional school-based activities place a significant burden on family budgets in 15 Member States. In several Member States, only some healthcare-related services for children are fully free of charge. In six Member States, more than 10% of children experience severe housing deprivation. Homelessness has increased in nearly all Member States, also affecting children. The drivers of unequal access to services may be manifold and can include: the lack of financial resources to cover for the costs of the services by parents or guardians; limited availability, particularly in rural⁸, remote or disadvantaged areas; lack of adaptation of services, or personnel, to children with particular needs; lack of information on the available services; or administrative barriers.

Alongside poverty, other forms of disadvantage create barriers for inclusion and participation in the society. The proposal also recommends that, when designing their national integrated measures to support children at risk of poverty or social exclusion, Member States take also into account, wherever appropriate, the specific needs of children who are homeless or experience severe housing deprivation; who have a disability; those with a migrant background; with a minority racial or ethnic background (particularly Roma); those being in alternative (especially institutional) care; and children in precarious family situations.

Children from disadvantaged backgrounds are disproportionately affected by social exclusion, often resulting from poverty or deprivation. Depending on the Member State, the poverty risk for children raised by a single parent, in families with three or more children, or with a migrant or Roma background is up to three times higher than that of other children⁹. Children from disadvantaged backgrounds also show considerably lower early childhood education and care attendance rates. Children placed in institutional care may not fully benefit from mainstream and inclusive education. Furthermore, children with disabilities, with a migrant background or those living in rural or remote areas might be unable to take part in many of school-based activities. Barriers can include affordability, the lack of proper infrastructure, poor accessibility, or language problems. The participation of those children in preventive health programmes is also hindered. Low-income status or a precarious family situation often result in irregular or unhealthy nutrition. Finally, the lack of access to affordable and adequate housing, including safe drinking water, poses an increased risk of severe housing deprivation and affects the overall wellbeing of children. All these access

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The relative median at-risk-of-poverty gap that helps to quantify how poor the poor are. It is calculated as the difference between the median equivalised disposable income of people below the at-risk-of-poverty threshold and the at-risk-of-poverty threshold, expressed as a percentage of the at-risk-of-poverty threshold.

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The persistent poverty rate is the share of persons living in a household with an equivalised disposable income below the poverty threshold in the current year and in at least 2 of the preceding 3 years.

8

The Commission will adopt in June 2021 a Communication entitled 'The long-term vision for rural areas', which inter alia will address a limited access of children to services or infrastructures in rural, remote or disadvantaged areas.

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Joint Employment Report 2021 adopted by the Council on 15 March 2021.

barriers perpetuate the intergenerational cycle of social exclusion, with profound and long-term effects on children's lives.

Preventing and combating social exclusion of children is essential for social progress and sustainable development. Social exclusion has damaging effects on the present and future opportunities of children and on their capacity to contribute to today's and tomorrow's society. Children who are socially excluded are less likely than their better-off peers to perform well in school and enjoy good health. They are at a higher risk of dropping out of school and, when they become adults, are more likely to be (long-term) unemployed and to experience poverty, because of reduced job opportunities and earnings. Poor education and health also have an important economic and labour market impact as they hinder the employment growth and lead to a lower-quality and less-productive workforce.

The COVID-19 crisis has exacerbated pre-existing inequalities and entails a significant risk of an increased poverty or social exclusion rate. It has created socio-economic risks for women and vulnerable groups such as single parents, children and the elderly, the persons with disabilities, migrants, minorities, younger and precarious workers and people living in areas and households with limited or no digital connectivity. Low and middle-income groups have a higher probability of income loss due to increasing unemployment and fewer telework possibilities. The impact on the disposable income of households is expected to drive up inequalities and may lead to new categories of households being at risk of poverty or social exclusion. School closures resulted in children missing out a reliable source of nutrition, as many children were deprived of school meals. Widespread digitalisation mitigated to a certain degree the education loss caused by school-closures, but many children lacked good home-learning environments e.g. due to the lack of necessary equipment, a poor internet connection, or lack of support in school work. COVID- 19 and social distancing measures also affected formal care arrangements, education, and leisure services.

There is consensus in the EU on the importance of guaranteeing effective and non-discriminatory access to quality key services for children who face various forms of disadvantage. In its Resolution of 24 November 2015¹⁰, and as confirmed in its Resolution on the European Social Fund Plus of 4 April 2019¹¹, the European Parliament called for a European Child Guarantee, with a focus on children in poverty and with an emphasis on certain key services. The Parliament also asked the Commission to explore the feasibility of such a European Child Guarantee via a multi-annual preparatory action. In its conclusions of 8 June 2020, the Council likewise invited the Commission to deliver a proposal for a European Child Guarantee. In its Special Report 20/2020 on child poverty of 29 September 2020¹², the European Court of Auditors highlighted that a better targeting of Commission support to the Member States actions is needed to combat child poverty. Reacting to this report, the Council called on the Commission to include actions and objectives to tackle child poverty in its future initiatives, including as part of the European Semester economic coordination process. On 11 March 2021, the European Parliament adopted a Resolution on children's rights in view of the EU Strategy on the rights of the child¹³, in which it calls on the Commission to present its proposal for establishing the European Child Guarantee in the first

¹⁰ European Parliament resolution of 24 November 2015 on reducing inequalities with a special focus on child poverty (2014/2237(INI)).

¹¹ European Parliament legislative resolution of 4 April 2019 on the proposal for a regulation of the European Parliament and of the Council on the European Social Fund Plus (ESF+), (COM(2018)0382 – C8-0232/2018 – 2018/0206(COD)).

¹² Special Report 20/2020: 'Combatting child poverty – Better targeting of Commission support required', European Court of Auditors, 2020.

¹³ European Parliament resolution of 11 March 2021 on children's rights in view of the EU Strategy on the rights of the child (2021/2523(RSP)).

quarter of 2021, and calls on the Member States to speed up its implementation and to invest all possible resources, including EU funds. The European Parliament also highlighted that Member States should establish multi-annual national strategies for tackling child poverty and social exclusion and the European Child Guarantee national action plans.

No child should be left behind. The demographic trends and skills shortages, highlighted in the Commission's Report on the impact of demographic change adopted on 17 June 2020¹⁴, make it indispensable to foster the potential of the young generations, regardless of their socio-economic background. While the EU experiences one of the highest levels of social inclusion and cohesion in the world¹⁵, a decisive policy action is needed to support children in more difficult circumstances and who may face barriers due to different forms of disadvantages. Therefore, the European Child Guarantee puts focus on supporting children in need.

The European Pillar of Social Rights provides the framework for EU and national action for fair and well-functioning labour markets and social protection and inclusion¹⁶. The European Pillar of Social Rights Action Plan¹⁷ strives for further improvements in living standards, working conditions and equal opportunities for all, thereby ensuring fairness, resilience and upward social convergence. The Action Plan provides a new impetus to address poverty or social exclusion in the EU. **It sets the target to reduce by at least 15 million the number of people at risk of poverty or social exclusion, and out of this at least 5 million should be children.** The revised Social Scoreboard will track performance and trends in the Member States, enabling the Commission to monitor progress towards the implementation of the principles of the European Pillar of Social Rights as part of the well-established policy coordination framework in the context of the European Semester.

The objective of the European Child Guarantee is to prevent and combat social exclusion by guaranteeing the access of children in need to a set of key services. In doing so, the initiative will contribute to fostering equal opportunities for children in need and combating child poverty.

To achieve this objective, and on the basis of extensive consultation process, the proposal:

- recommends Member States to target support measures at children in need, understood as persons under the age of 18 years who are at risk of poverty or social exclusion;
- when identifying children in need and within this group, recommends Member States to take into account, wherever appropriate, specific forms of a disadvantage, such as the needs of: (i) homeless children or children experiencing severe housing deprivation; (ii) children with a disability; (iii) children with a migrant background; (iv) children with a minority racial or ethnic background (particularly Roma); (v) children in alternative (especially institutional) care; and (vi) children in precarious family situations;

¹⁴ Report on the Impact of Demographic Change, European Commission, 2020.

¹⁵ For instance, overall income inequality, as measured by the S80/S20 ratio, amounted in 2018 to 8.4 for the US but only 5.05 for the EU-27, with other leading economies either lacking recent and reliable data (China estimate for 2011 was 28.3), or being above the EU level (UK 5.6, Japan 6.2). Despite a slightly lower overall Human Development Index (0.920 for the US vs 0.894 for the EU-27 in 2019), an average European lives 2.4 years longer than an average American (life expectancies being respectively 80.9 and 78.5 years in 2018).

¹⁶ In particular principle 1 'Education, training and lifelong learning', principle 3 'Equal opportunities', principle 11 'Childcare and support to children', principle 14 'Minimum income', principle 16 'Healthcare', principle 17 'Inclusion of people with disabilities', principle 19 'Housing and assistance for the homeless' and principle 20 'Essential services'.

¹⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'The European Pillar of Social Rights Action Plan', COM(2021)102 final.

- calls on Member States to guarantee for children in need effective and free access to early childhood education and care, education (including school-based activities), a healthy meal each school day and healthcare; making certain services cost-free is one of the ways of increasing effectiveness of access;
- calls on Member States to guarantee for children in need effective access to healthy nutrition and adequate housing;
- provides guidance to Member States on how guaranteeing access to these services could be supported by corresponding measures;
- establishes governance and reporting mechanisms;
- provides for the implementation, monitoring and evaluation arrangements.

The proposal recognises that addressing the drivers of social exclusion of children is a multi-dimensional challenge. The European Child Guarantee itself will be effective only within a broader set of integrated measures, as outlined in the action **European Pillar of Social Rights Action Plan**, and within a broader policy framework of the **EU strategy on the Rights of the Child**, to which this proposal also contributes. To this effect, the proposal recommends that Member States build a supportive enabling policy framework by: (i) ensuring that relevant policies are consistent with one another and improving their relevance for supporting children; (ii) investing in adequate education, health and social protection systems; (iii) providing labour market integration measures for parents or guardians and income support for families and children; (iv) addressing the territorial dimension of social exclusion, including in distinctive urban, rural and remote areas; (v) strengthening cooperation and involvement of various stakeholders; (vi) avoiding discrimination and stigmatisation of children in need; (vii) supporting strategic investments in children and services, including enabling infrastructure and qualified workforce; and (viii) allocate adequate resources and making optimal use of the EU funding.

Union funds are available to support measures addressing child poverty and social exclusion and the implementation of the European Child Guarantee. Within the European Social Fund Plus (ESF+), for the 2021-2027 financing period, Member States that have a rate of children at risk of poverty or social exclusion higher than the EU average (in 2017-2019) will have to earmark 5% of the ESF+ for combatting child poverty or social exclusion, while other Member States will be required to earmark an appropriate amount. The European Regional Development Fund will contribute as well with future-proof investments in social infrastructure, equipment and access to quality and mainstream services, as well as with cooperation projects in border regions.

The Recovery and Resilience Facility will provide an opportunity to strengthen the growth potential, job creation and economic, social and institutional resilience of the Member States, including through the promotion of policies for children and the youth, and to mitigate the economic and social impact of the COVID-19 crisis, contributing to the implementation of the European Pillar of Social Rights, and enhancing economic, social and territorial cohesion. The Technical Support Instrument can support Member States in the design and implementation of their reforms aimed at addressing educational, social, economic and legal inequalities and challenges affecting children.

Member States will also continue benefitting from the 2017 – 2023 EU milk, fruits and vegetable scheme¹⁸. In 2023, the Commission will propose a revision of the scheme to make

¹⁸ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, OJ L 347, 20.12.2013, p. 671–854.

healthy products more available to children and improve their understanding of the benefits of healthy and sustainable food.

- **Consistency with existing policy provisions in the policy area**

The 2013 Commission Recommendation Investing in Children: breaking the cycle of disadvantage¹⁹ set out an integrated approach to reducing child poverty or social exclusion and improving child wellbeing. The Recommendation focused on the three strands: (i) access to adequate resources; (ii) ensuring access to affordable quality services; and (iii) upholding children's rights to participate in play, recreation, sport and cultural activities, as well as in decision-making that affects their lives. This proposal complements the existing policies in the area of combating social exclusion of children, builds on the experience and lessons learnt from the implementation of the Investing in Children Recommendation and reinforces its second strand by prioritising access to key services for children in need.

The European Semester economic and employment coordination process, supported by the Social Scoreboard²⁰, has highlighted the challenge of child poverty or social exclusion, with a number of Member States receiving related country specific recommendations²¹. The Employment Guidelines²² underline the importance of ensuring the access of everyone, including children, to certain services, such as early childhood education and care, education and healthcare, with such access serving as a necessary condition for ensuring equal opportunities.

In the 2014-2020 financing period, European Structural and Investment Funds (in particular the European Social Fund, the European Regional Development Fund and the Fund for European Aid to the Most Deprived) supported a number of policy areas relevant for children, including tackling child poverty or social exclusion, quality mainstream education and care services, as well as healthy and nutritious food and material assistance to deprived children.

In 2017-2020, the Structural Reform Support Programme provided technical support to implement Member States' reforms aimed at: (i) increasing the quality of early childhood education and care and preventing early school leaving; (ii) making education systems more inclusive; (iii) supporting deinstitutionalisation of children; (iv) improving access to services for children with disabilities; (v) fostering social integration of migrant and ethnic minority children; (vi) increasing the child-friendliness of national justice systems; and (vii) reviewing family protection legislation, to meet the evolving needs of all types of families.

- **Consistency with other Union policies**

The proposal is complementary to and consistent with a number of other EU initiatives. It represents a concrete deliverable of **the European Pillar of Social Rights Action Plan** and will contribute to achieving its headline target of reducing the number of people at risk of poverty or social exclusion. Increasing labour market participation of underrepresented groups, including women, will also contribute to tackling poverty; the European Pillar of Social Rights Action Plan sets a headline target of achieving an employment rate of 78% and puts forward a complementary ambition to at least halve the gender employment gap, by 2030.

¹⁹ Commission Recommendation 2013/112/EU of 20 February 2013 'Investing in children: breaking the cycle of disadvantage', OJ L 59, 2.3.2013, p. 5.

²⁰ <https://ec.europa.eu/eurostat/web/european-pillar-of-social-rights/indicators/social-scoreboard-indicators>.

²¹ Country-specific recommendations address a broad range of issues relevant to child poverty, such as income support, inclusive education, access to early childhood education and care, access to healthcare and homelessness.

²² Council Decision (EU) 2020/1512 of 13 October 2020 on guidelines for the employment policies of the Member States, OJ L 344, 19.10.2020, p. 22–28.

The proposal complements the **EU Strategy on the Rights of the Child** adopted at the same time, which pools all existing and future initiatives on children's rights under one coherent policy framework, and makes concrete recommendations for both the internal and external EU action. It outlines the Commission's work in the following fields: (i) child participation in the EU's political and democratic life; (ii) socio-economic inclusion, education and health; (iii) prevention and protection from all forms of violence and discrimination; (iv) child friendly justice; (v) children in the digital age; and (vi) the global dimension of the rights of the child. The section on socio-economic inclusion is aligned with the European Child Guarantee.

On 22 May 2019, the Council adopted a **Recommendation on High-Quality Early Childhood Education and Care Systems**²³, with the aim to support Member States in their efforts to improve access to and quality of their early childhood education and care. On 30 September 2020, the Commission adopted a Communication entitled '**Achieving a European Education Area by 2025**'²⁴ where inclusion and gender equality constitute one of the six dimensions to be consolidated. Based on that Communication, on 19 February 2021, the Council adopted a **Resolution on a strategic framework for European cooperation in education and training towards the European Education Area and beyond (2021-2030)**²⁵ and agreed on an EU-level target that at least 96% of children between 3 years and the starting age for compulsory primary education should participate in early childhood education and care. The Resolution also foresees to improving quality, equity, inclusion and success for all in education and training. Member States agreed that the share of early leavers from education and training should be less than 9% by 2030.

On 30 September 2020, the Commission adopted a Communication entitled '**Digital Education Action Plan 2021-2027: Resetting education and training for the digital age**'²⁶, which presents an ambitious vision for digital education in a lifelong learning perspective with the inclusion of all learners across all ages at its core.

On 5 March 2020, the Commission adopted its **Gender Equality Strategy 2020-2025**²⁷. The strategy aims to counter gender stereotypes affecting the wellbeing and opportunities of girls and boys in all their diversity from an early age. It also announces, as confirmed by the European Pillar of Social Rights Action Plan, that in 2022 the Commission will present the revision of the Barcelona targets²⁸ for participation in early childhood education and care. The Strategy also promotes women's economic empowerment and the equal sharing of unpaid care work, including caring for children, between women and men. As long as women continue to carry a disproportionate responsibility for bringing up children, the objectives of gender equality and children's social inclusion will continue to be closely interconnected.

²³ Council Recommendation of 22 May 2019 on High-Quality Early Childhood Education and Care Systems, OJ C 189, 5.6.2019, p. 4–14.

²⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Achieving the European Education area by 2025', COM(2020)625 final.

²⁵ Council Resolution on a strategic framework for European cooperation in education and training towards the European Education Area and beyond (2021-2030), OJ C 66, 26.2.2021, p. 1-21.

²⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Digital Education Action Plan 2021-2027: Resetting education and training for the digital age', COM(2020) 624 final.

²⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'A Union of Equality: Gender Equality Strategy 2020-2027', COM(2020) 152 final.

²⁸ The Barcelona targets were agreed in 2002 by the Barcelona European Council. They say that 33% of children under three, and 90% of children between three years old and the mandatory school age should be enrolled in childcare.

On 19 September 2020, the Commission adopted the **EU anti-racism action plan 2020 - 2025**²⁹. The action plan envisages combating racism through policy and funding programmes in the areas of employment, housing and access to healthcare and education. It promotes actions to ensure that children with a minority racial or ethnic background have equal access to education and that teachers are trained to work with all children and be sensitive to the needs of pupils from different backgrounds. It also envisages a Commission report on the application of the EU Racial Equality Directive, which prohibits discrimination based on ethnic or racial origin, including discrimination of Roma children, in different areas such as education and social protection.

On 7 October 2020, the Commission adopted the **EU Roma strategic framework for equality, inclusion and participation**³⁰. It consists of a Communication and a proposal for a **Council Recommendation on Roma equality, inclusion and participation**, adopted by the Council on 12 March 2021³¹. The Recommendation calls on Member States to fight multiple and structural discrimination against Roma, in particular against Roma children, and to take stronger measures that support Roma children and their families in the interrelated fields of employment, social services, quality, inclusive mainstream education and early childhood education and care, health, housing and access to essential services, nutrition and access to leisure activities.

On 14 October 2020, the Commission adopted a Communication entitled '**A Renovation Wave for Europe - greening our buildings, creating jobs, improving lives**'³². The initiative is based on the principle of affordability of the renovated housing and its accessibility, thus contributing to the goal of guaranteeing adequate housing to children in need, especially through the Commission Recommendation on Energy Poverty³³.

On 1 July 2020, the Commission adopted a package '**The Youth Employment Support: a bridge to jobs for the next generation**'³⁴ to support young people who are entering the labour market. One of the building blocks of the package was a proposal for a Council Recommendation '**A Bridge to Jobs – Reinforcing the Youth Guarantee**'³⁵, which was adopted by the Council on 30 October 2020. The Recommendation aims to ensure that all young people under the age of 30 receive a good quality offer of employment, continued education, an apprenticeship or a traineeship within 4 months of becoming unemployed or leaving formal education.

On 12 November 2020, the Commission adopted the **LGBTIQ Equality Strategy 2020-2025**³⁶, which presents measures to promote inclusion and combat discrimination against LGBTIQ persons and their families, including children.

²⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'A Union of equality: EU anti-racism action plan 2020-2025', COM(2020) 565 final.

³⁰ Communication from the Commission to the European Parliament, the Council 'A Union of Equality: EU Roma strategic framework for equality, inclusion and participation', COM(2020) 620 final.

³¹ Council Recommendation of 12 March 2021 on Roma equality, inclusion and participation, 2021/C 93/01.

³² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'A Renovation Wave for Europe - greening our buildings, creating jobs, improving lives', COM(2020) 662 final.

³³ Commission Recommendation (EU) 2020/1563 of 14 October 2020 on 'Energy poverty', OJ L 357, 27.10.2020, p. 35–41.

³⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Youth Employment Support: a Bridge to Jobs for the Next Generation', COM/2020/276 final.

³⁵ Council Recommendation of 30 October 2020 'A Bridge to Jobs – Reinforcing the Youth Guarantee and replacing the Council Recommendation of 22 April 2013 on establishing a Youth Guarantee' 2020/C 372/01, OJ C 372, 4.11.2020, p. 1–9.

³⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Union of Equality: LGBTIQ Equality Strategy 2020-2025, COM/2020/698 final.

On 24 November 2020, the Commission adopted an **action plan on integration and inclusion 2021-2027**³⁷, which covers migrants and EU citizens with a migrant background. The action plan focuses on the enabling factors essential for a successful integration and inclusion: education and training, employment and skills, and health and housing. It pays particular attention to children of migrants and EU citizens with a migrant background.

On 3 February 2021, the Commission adopted a Communication entitled ‘**The Europe’s Beating Cancer Plan**’³⁸, putting childhood cancer under the spotlight. One of the flagship initiatives of the plan is to launch the ‘Helping Children with Cancer Initiative’ to ensure that children have access to rapid and optimal detection, diagnosis, treatment and care.

The EU Strategy for the Rights of Persons with Disabilities 2021-2030³⁹ aims to improve the lives of persons with disabilities in the coming decade, in the EU and beyond. The strategy also adopts an intersectional perspective to the needs of children with disabilities.

Several Commission initiatives have already addressed the wider policy context and main drivers of social exclusion of children, in particular the labour market participation of parents and guardians. These initiatives are: the Commission Recommendation on the active inclusion of people excluded from the labour market⁴⁰; the Council Recommendation on the integration of the long-term unemployed into the labour market⁴¹; the Directive on work-life balance for parents and carers⁴²; the Council Recommendation on access to social protection⁴³; the new Skills Agenda⁴⁴; the European instrument for temporary support to mitigate unemployment risks in an emergency (SURE)⁴⁵, and the Commission proposal for a directive on adequate minimum wages⁴⁶.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

Under Article 151 TFEU, the objectives of the Union and the Member States include the promotion of improved living conditions, proper social protection, and the development of human resources, with a view to lasting high employment and the combating of exclusion. Improving equality of opportunities for all children living in the EU contributes to reaching those objectives. Under Article 153 (1)(j) TFEU, the Union supports and complements the

³⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ‘Action plan on Integration and Inclusion 2021-2027’, COM(2020) 758 final.

³⁸ Communication from the Commission to the European Parliament, the Council ‘Europe’s Beating Cancer Plan’, COM(2021) 44 final.

³⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ‘Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030’, COM(2021) 101 final.

⁴⁰ Commission Recommendation of 3 October 2008 on the active inclusion of people excluded from the labour, OJ L 307, 18.11.2008, p. 11–14.

⁴¹ Council recommendation of 15 February 2016 on the integration of the long-term unemployed into the labour market, OJ C 67, 20.2.2016, p. 1–5.

⁴² Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, (OJ L 188, 12.7.2019, p. 79-93).

⁴³ Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed 2019/C 387/01, (OJ C 387, 15.11.2019), p. 1–8.

⁴⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ‘European Skills Agenda for sustainable competitiveness, social fairness and resilience’, COM(2020)274.

⁴⁵ Council Regulation (EU) 2020/672 of 19 May 2020 on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak, OJ L 159, 20.5.2020, p. 1–7.

⁴⁶ Proposal for a Directive of the European Parliament and of the Council on adequate minimum wages in the European Union, COM(2020) 682 final.

activities of the Member States in the field of combatting social exclusion, with a view to achieving the objectives of Article 151.

The proposal is based on Article 292 of the Treaty on the Functioning of the European Union (TFEU), under which the Council adopts recommendations on a proposal from the Commission, in conjunction with Article 153(1)(j) and Article 153(2) TFEU.

The proposal will contribute to the objectives of the Treaty on European Union, notably to combating social exclusion and discrimination, and protecting the rights of the child (Article 3 of the Treaty).

The proposal will also contribute to implementing the Charter of Fundamental Rights of the EU, and particularly to its Article 24, which recognises that children have the right to protection and care as is necessary for their well-being, and Article 33, which stipulates that the family must enjoy legal, economic and social protection.

- **Subsidiarity (for non-exclusive competence)**

While policies addressing child social exclusion are the responsibility of the Member States, the Union has the competence to support and complement Member States' actions.

The proposal ensures the added value of action at the EU level. It will uphold a political commitment to advance on equal opportunities for all children, and in particular for children in need, and will support upward social convergence of Member States.

The added value of EU-level action is becoming even greater in view of the challenges associated with the COVID-19 pandemic, as its socio-economic impacts are likely to disproportionately affect children in need. The European Child Guarantee will help mitigate some of the negative effects of the pandemic by ensuring that children in need have full access to key services.

While respecting the Member States' competences, the proposal gives concrete content to this ambition in particular by capitalising on 8 years of the implementation of the Investing in Children Recommendation. A focused EU intervention to reduce the gap between children in need and their better off peers in terms of access to key services will ultimately contribute to ensuring equal opportunities for children in the EU, while avoiding the high economic and societal costs of child social exclusion and the intergenerational transmission of disadvantages.

The proposal will also help Member States to make best use of the EU and national funding in order to address social exclusion of children. The Commission strongly encourages Member States to address child social exclusion as a matter of priority.

- **Proportionality**

The proposal complements Member States' efforts in the area of addressing social exclusion of children. It respects Member States' practices and the diversity of systems. It recognises that different national, regional or local situations could lead to differences in how the Recommendation is implemented. This will allow Member States to make use of the Recommendation according to their specific context.

Proportionality also played a key role in guiding the choice of the instrument.

- **Choice of the instrument**

The instrument is a proposal for a Council recommendation, which abides by the principles of subsidiarity and proportionality. It builds on the existing body of the European Union law and is in line with the type of instruments available for European Union actions in the area of

social policy. As a legal instrument, the proposal signals the Member States' commitment to the measures laid down in this Recommendation and provides a strong political basis for cooperation at European level in this area, while fully respecting the remit of the Member States.

3. RESULTS OF EX POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex post evaluations/fitness checks of existing legislation**

In 2017, when presenting the European Pillar of Social Rights, the Commission took stock of 4 years of the implementation of the Investing in Children Recommendation⁴⁷. The assessment was complemented by a study by experts from the European Social Policy Network entitled 'Progress across Europe in the implementation of the 2013 EU recommendation on Investing in children: Breaking the cycle of disadvantage. A study of national policies'⁴⁸.

The Commission assessment reviewed progress achieved, both in general policy terms and for each of the three strands. It also examined the impact on policy-making for children and families, including a number of good practices and practical examples of actions taken.

The assessment concluded that the full implementation of the Recommendation was still work in progress. Although the Recommendation received strong support both at national and EU level, including from the European Parliament and civil society, it was still neither well-known nor properly used within the Member States at the local level, where concrete policy mechanisms have to be developed and implemented. However, the assessment did highlight that the Recommendation inspired a number of projects with positive impact. It was, to various degrees, successfully used as a policy lever in the European Semester, contributing to relevant country-specific recommendations to Member States on topics ranging from early childhood education and care services and income support to inclusive education. It also had an impact on preparation and implementation of the 2014-2020 European Structural and Investment Funds' programmes⁴⁹.

The assessment highlighted that most Member States agreed that only a comprehensive integrated approach would be an effective strategy capable of breaking the cycle of disadvantage. Member States identified this renewed focus and the need to improve cooperation between all stakeholders at local level as a challenge. Most Member States agreed that it is socially fair and economically sound to invest more in children during the early years and that the provision of high-quality early childhood education and care is the key component.

Finally, in terms of achievements, the assessment found out that the Recommendation's first two strands, on access to income and services, were instrumental in bringing about concrete policy changes and developing projects.

In addition, the study by the European Social Policy Network concluded that the improvement in the Member States on access to affordable quality services was insufficient and uneven. The least progress has been made in the areas of access to housing, healthcare and education.

⁴⁷ Taking stock of the 2013 Recommendation 'Investing in children: breaking the cycle of disadvantage', SWD(2017) 258 final.

⁴⁸ Progress across Europe in the implementation of the 2013 EU recommendation on 'Investing in children: Breaking the cycle of disadvantage', a study of national policies, European Commission, 2017.

⁴⁹ In the 2014 – 2020 programming period, 25.6% of the total ESF allocation of EUR 86.4 billion was earmarked for social inclusion measures. Under the ERDF, EUR 24.1 billion was allocated to inclusive growth priorities, including to promote social inclusion, combating poverty and investment in education facilities.

Lessons learnt from the implementation of the Investing in Children Recommendation and the findings of the European Court of Auditors underline that combating social exclusion of children effectively requires reinforced efforts to better target the EU funding support in the Member States.

- **Stakeholder consultations**

The Commission carried out a targeted consultation between July and November 2020 through on-line questionnaires, focus groups and dedicated hearings, which involved Member States through the Council's Social Protection Committee, the European Economic and Social Committee, the Committee of the Regions, the European social partners, civil society organisations and children themselves. This proposal reflects to a large degree the stakeholders' views gathered during the consultations.

A majority of the respondents to the targeted consultation emphasised that the EU has a major role to play in supporting national, regional and local authorities in coordinated efforts to improve the situation of children in need. The stakeholders welcomed an initiative on a European Child Guarantee and stressed the importance of ensuring access to free early childhood education and care, free education, free healthcare, adequate housing and healthy nutrition, and of ensuring play and recreational activities for children. The majority of consulted stakeholders were in favour of proposing a Council recommendation on a European Child Guarantee. Stakeholders also stressed the importance of including specific groups of children in the target group of the Child Guarantee. They highlighted the importance of developing and implementing integrated strategies in fighting social exclusion and breaking the cycle of disadvantage, focusing not only on children's needs, but supporting entire families.

The proposal benefits also from the wide consultation process with children where 10.000 children took part. The outcome called for the European Child Guarantee to focus on concrete and effective measures to ensure equal treatment of all children, with particular attention to children in vulnerable situations, and equal access to quality and affordable education for all children, from early childhood education and care to secondary education.

The summary of the results of the stakeholder consultations is attached to the Commission staff working document accompanying this proposal.

- **Collection and use of expertise**

The proposal is grounded in the Commission's staff working document taking stock of the implementation of the Investing in Children Recommendation, the European Court of Auditors special report on child poverty and the expertise collected via a multi-annual preparatory action requested by the European Parliament, in particular the 'Feasibility study for a Child Guarantee'⁵⁰ and the 'Study on the economic implementing framework of a possible EU Child Guarantee Scheme including its financial foundation'.⁵¹

The purpose of the feasibility study for a Child Guarantee was to clarify the potential scope of a European Child Guarantee and analyse conditions for implementing it, and to assess its EU added value. The study focused on four specific groups of socially vulnerable children: children in residential care, children with disabilities, children with a migrant background (including refugee children) and children living in a precarious family situation. It analysed

⁵⁰ 'Feasibility Study for a Child Guarantee, Final Report', European Commission, 2020.

⁵¹ 'Study on the economic implementing framework of a possible EU Child Guarantee Scheme including its financial foundation, Final Report', European Commission 2020.

the feasibility of guaranteeing them access to 5 key services: free healthcare, free education, free early childhood education and care, adequate housing and healthy nutrition.

The study concluded that the access of the above categories of children to the 5 services indeed needs to be improved. Lack of access may have short- and long-term consequences for children themselves, but also for society. Mainstream services need to be inclusive to ensure that children in need benefit fully and avoid stigma and segregation. Although ensuring access to the services would be an important part of tackling child social exclusion, it would need to be placed within a broader approach, as set out in the Investing in Children Recommendation, and within an enabling social policy framework. Finally, EU funds have considerable potential to play a more effective and strategic role in supporting access to the services.

The ‘Study on the economic implementing framework of a possible EU Child Guarantee scheme including its financial foundation’, complementary to the feasibility study, explored what could be the cost and benefits for the competent authorities of guaranteeing that all children in need have indiscriminatory access to the 5 services covered by the European Child Guarantee. The study concluded that benefits will have both a short-term impact on children’s lives and a long-term impact on children’s prospects as adults, on society and on future public expenditures. The study showed that the costs associated with providing children in need with free school meals, free quality early childhood education and care and removing school costs are relatively low, and are especially low in the light of the potentially high benefits that the actions can bring.

Finally, the Commission, at the request of the European Parliament and in partnership with UNICEF, is running pilot projects in Bulgaria, Croatia, Greece, and Italy to test these actions on the ground, and is researching the policy frameworks in Germany, Lithuania, and Spain. This will provide a valuable input to the implementation phase of the proposed recommendation.

- **Impact assessment**

The instrument proposed – a Council recommendation – offers guidance on how to implement the European Child Guarantee, while also allowing Member States the flexibility to design and implement measures, according to their national practices. Consequently, no impact assessment is needed.

The impact of the Recommendation will not only depend on how the Member States implement the measures. Country-specific circumstances, such as the macroeconomic situation, the design of the social protection systems and social services and the functioning of the labour market are also important, and make it difficult to disentangle the specific impact of the proposal from other factors.

The accompanying staff working document includes an overview of the most important challenges with regard to social exclusion of children, as well as gaps preventing equal access of children in need to the relevant services. It also includes a preliminary analysis of the Recommendation’s effectiveness and potential impacts.

The analysis used a combination of internal and external expertise. It also originates from numerous monitoring and peer learning activities and the feedback received during targeted consultations. Together, these contributions translated into measures detailed in the proposal.

In addition, a better collection of data at EU level is proposed in order to improve a close monitoring of actions in the Member States. A specific provision is included in the proposal to review the Recommendation after an initial period of implementation.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

The European Child Guarantee will contribute to safeguarding the right of children to protection and care necessary for their well-being and to the legal, economic and social protection of the family (Article 24 and 33 of the Charter of Fundamental Rights of the EU).

4. BUDGETARY IMPLICATIONS

This proposal has no financial implications for the EU budget.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

It is proposed that the Commission monitors the Recommendation's implementation in the context of the European Semester, supported by the revised Social Scoreboard, including a new headline indicator on children at risk of poverty or social exclusion.

The proposal recommends that Member States nominate a national Child Guarantee Coordinator, equipped with adequate resources and mandate, who will effectively coordinate and monitor the implementation of the Recommendation and act as a contact person for the Commission. The Commission will work jointly with the Child Guarantee Coordinators and the Social Protection Committee to facilitate mutual learning (e.g. through peer reviews or peer counselling), share experiences, exchange good practice and follow up on the Member States' actions taken to implement the European Child Guarantee.

The Commission will regularly report to the Social Protection Committee on the implementation of the Recommendation on the basis of the biennial reports from Member States.

The Commission also will engage with the Social Protection Committee in establishing a common monitoring framework, including quantitative and qualitative indicators, to assess the implementation of this Recommendation. The Commission and the Social Protection Committee will also work together towards enhancing the availability, scope and relevance of pertinent data at EU level.

Finally, after an initial period of its implementation, the Commission will take stock of progress made in the implementation of the Recommendation and report to the Council by 5 years after the adoption.

- **Detailed explanation of the specific provisions of the proposal**

§ 1-2 define the objective of the Recommendation and its personal scope (who are the children the Recommendation addresses).

§ 3 contains definitions, which are to be applied for the purposes of this proposal.

§ 4-5 are at the core of the Recommendation. They invite Member States to guarantee for children in need effective and free access to early childhood education and care, education and school-based activities, at least one healthy meal each school day and healthcare. Furthermore, Member States are invited to guarantee for children in need effective access to healthy nutrition and adequate housing. Member States should identify children in need, and within this group, take into account specific forms of a disadvantage experienced by children in need.

§ 6 refers to the efforts Member States should be making in building an enabling policy framework to address social exclusion and to break intergenerational cycles of poverty and disadvantage, and recommends a number of policy measures to that effect.

§ 7-10 recommend a set of national measures Member States should put in place in order to effectively implement the European Child Guarantee.

§ 11 establishes governance and reporting mechanisms. These include the following recommendations to the Member States:

- nominating national Child Guarantee Coordinators who will coordinate and monitor the implementation of the Recommendation;
- involve relevant stakeholders in identifying children in need and barriers they face in accessing and taking-up the services covered by the Recommendation, taking into account national, regional and local organisation and circumstances;
- submitting to the Commission a national action plan to implement the Recommendation;
- performing outreach activities;
- involving relevant stakeholders in the preparation, implementation, monitoring and evaluation of the national action plan;
- reporting regularly to the Commission;

§ 12 establishes implementation, monitoring and evaluation mechanisms and welcomes the intention of the Commission to:

- use the European Semester to monitor the implementation of the Recommendation;
- work jointly with the Social Protection Committee and the national Child Guarantee Coordinators;
- report regularly on progress to the Social Protection Committee;
- work jointly with the Social Protection Committee on a monitoring framework and relevant indicators;
- review the implementation of the Recommendation and report to the Council by 5 years after the adoption;
- strengthen awareness raising and communication activities, and increase dissemination of results.

Proposal for a

COUNCIL RECOMMENDATION

Establishing a European Child Guarantee

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292, in conjunction with Article 153(2) and Article 153(1)(j) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Pursuant to Article 3(3) of the Treaty on European Union, the Union combats social exclusion and discrimination and promotes equality between women and men and protection of the rights of the child.
- (2) Pursuant to Article 9 of the Treaty on the Functioning of the European Union (TFEU), in defining and implementing its policies and activities, the Union takes into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health.
- (3) Pursuant to Article 151 TFEU, the Union and the Member States have as their objectives the promotion of employment, improved living and working conditions, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of social exclusion. Pursuant to Article 153(1), point (j) TFEU, with a view to achieving those objectives, the Union supports and complements the activities of the Member States in the field of combating social exclusion.
- (4) Article 24 of the Charter of Fundamental Rights of the European Union recognises that children have the right to such protection and care as is necessary for their well-being, and that child's best interests must be a primary consideration in all actions relating to children, whether taken by public authorities or private institutions. Article 33 of the Charter of Fundamental Rights of the European Union stipulates that family shall enjoy legal, economic and social protection.
- (5) Article 17 of the Revised European Social Charter, done at Strasbourg on 3 May 1996, confirms the commitment to ensure that children have the care, the assistance, the education and the training they need.
- (6) The United Nations Convention on the Rights of the Child, adopted on 20 November 1989, which has been ratified by all Member States, stipulates in Articles 18, 24, 27, 28 and 31 that State Parties recognise the right of the child to State assistance, the enjoyment of the highest attainable standard of health, access to healthcare services, adequate standard of living, education, leisure, recreational activities, and to participate fully in cultural and artistic life.

- (7) Article 7 of the United Nations Convention on the Rights of Persons with Disabilities⁵², ratified by the Union and all its Member States, stipulates that State Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
- (8) Together with its Member States, the Union is fully committed to be a frontrunner in implementing the United Nations 2030 Agenda and the Sustainable Development Goals, including those on eradicating poverty, ensuring healthy lives and promoting well-being, and ensuring inclusive and equitable quality education.
- (9) In November 2017, the European Parliament, the Council and the Commission proclaimed the European Pillar of Social Rights, setting out 20 principles to support well-functioning and fair labour markets and welfare systems. Principle 11 provides for children's right to affordable early childhood education and care of good quality, protection from poverty and to specific measures to enhance equal opportunities of children from disadvantaged backgrounds.
- (10) On 20 February 2013, the Commission adopted Recommendation 2013/112/EU⁵³ Investing in children: breaking the cycle of disadvantage. That Recommendation sets out an integrated approach to reducing child poverty or social exclusion and improving child wellbeing building on three pillars: access to resources; access to quality services; and children's right to participate.
- (11) The European Parliament, in its Resolution of 24 November 2015⁵⁴, called on the Commission and the Member States to introduce a child guarantee, with focus on children in poverty and their access to services. The European Parliament further called in its Resolution of 11 March 2021⁵⁵ on the Commission to present its proposal for the European Child Guarantee in the first quarter of 2021, and called on the Member States to invest all possible resources, including EU funds to fight child poverty and social exclusion and to establish child guarantee national action plans.
- (12) The Joint Declaration entitled 'Overcoming poverty and social exclusion – mitigating the impact of COVID-19 on families – working together to develop prospects for strong children', signed in December 2020 by 24 ministers of the Employment, Social Policy, Health and Consumer Affairs Council, called for a European child guarantee based on the joint principles and integrated approach of the Recommendation 2013/112/EU and of the European Pillar of Social Rights. The ministers reaffirmed that access to free healthcare, free education, affordable early childhood education and care, decent housing and adequate nutrition are essential for children at risk of poverty or social exclusion.
- (13) The European Pillar of Social Rights Action Plan⁵⁶ provides for a new impetus to addressing poverty and social exclusion in the Union, in particular by setting the target

⁵² Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, OJ L 23, 27.1.2010, p. 35.

⁵³ Commission Recommendation 2013/112/EU of 20 February 2013 'Investing in children: breaking the cycle of disadvantage', OJ L 59, 2.3.2013, p. 5.

⁵⁴ European Parliament resolution of 24 November 2015 on reducing inequalities with a special focus on child poverty (2014/2237(INI)).

⁵⁵ European Parliament resolution of 11 March 2021 on children's rights in view of the EU Strategy on the rights of the child (2021/2523(RSP)).

⁵⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'The European Pillar of Social Rights Action Plan', COM(2021)102 final.

with the 2030 horizon to reduce by 15 million the number of people at risk of poverty or social exclusion, including at least 5 million children.

- (14) The Union comprehensive Strategy on the Rights of the Child⁵⁷ helps strengthen children's participation in the society, protect vulnerable children, including those at risk of socio-economic exclusion and marginalisation, protect children's rights online, foster child-friendly justice and prevent and fight violence against children. It also aims to combat discrimination of children, including on the grounds of their sex or sexual orientation – or that of their parents.
- (15) The objective of this Recommendation is to prevent and combat social exclusion by guaranteeing the access of children in need to a set of key services. Children in need are persons under the age of 18 years who are at risk of poverty or social exclusion⁵⁸.
- (16) In order to provide for effective access or effective and free access to key services, Member States – in accordance with national circumstances and approaches – should either organise and provide such services or provide adequate benefits so that parents or guardians of children in need are in a position to cover for these services.
- (17) There are close to 18 million children at risk of poverty or social exclusion in the EU. One of the main determinants of social exclusion of children is the unequal access to key services, which are essential for the wellbeing and the development of social, cognitive and emotional skills. Children living in poverty or children from disadvantaged backgrounds are more likely to face barriers in accessing early childhood education and care, inclusive education, healthcare, healthy nutrition and adequate housing. They start their lives at a disadvantage, which can have long-term implications for their development and future prospects.
- (18) The intergenerational transmission of social exclusion jeopardises social cohesion over generations and generates higher costs to our welfare states, hindering economic and social resilience. Improving equal access of children in need to the key services is an important means of stepping up efforts to prevent and combat social exclusion. It also contributes to fostering equal opportunities for children in need and combatting child poverty.
- (19) Tackling disadvantage from early years is a cost effective investment, also in a long term perspective, as it contributes not only to the inclusion of children and their higher socio-economic outcomes when they are adults, but also to the economy and the society through better integration to the labour market and social life. Investing in equal opportunities for children lays the foundation for a sustainable and inclusive growth, supporting fair and resilient societies and upward social convergence. It also contributes to addressing the impact of adverse demographic developments by reducing skills and labour shortages and ensuring a better territorial coverage, while harnessing the opportunities arising from the green and digital transitions.
- (20) Equal access to quality and inclusive early childhood education and care and education is central to breaking the transmission of social exclusion and securing equal opportunities for children in a disadvantaged situation. However, limited availability and high costs of early childhood education and care can form a barrier for children from low-income families. Their attendance rates are considerably lower and result

⁵⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'EU Strategy on the Rights of the Child', COM(2021) 142/1.

⁵⁸ This refers to children at risk of poverty, experiencing severe material deprivation, or living in households with very low work intensity.

later on in worse educational outcomes and higher school drop-out rates, in particular for children with a migrant background or Roma children. Segregation and discrimination in accessing mainstream education by children with disabilities or special educational needs remains a challenge. The choice of the educational establishment needs to reflect the best interests of the child. The growing number of children with a migrant background in education systems calls for the prevention of segregated school settings and the adaptation of teaching methods.

- (21) Important part of learning, including acquiring social skills, takes place by means of sport, leisure or cultural activities. Such activities proved to be beneficial, especially for children from disadvantaged backgrounds. However, certain groups of children may either not afford them or their participation is hindered by the lack of proper infrastructure, poor accessibility or language problems.
- (22) Children from low-income families have hindered access to certain healthcare services, such as dental care or to supports, such as braces, corrective lenses or spectacles. They also have fewer opportunities and resources to benefit from disease prevention and health promotion programmes. Income poverty and other social determinants significantly affect the overall development and health, including mental health, of children and increase the risk of ill-health in later years. Early intervention and prevention are essential. Better access to public health prevention and promotion programmes, including vaccination, and parenting support can help achieve better outcomes.
- (23) Access to healthy and sustainable nutrition is a challenge notably for low-income families. Healthy food and nutrition programmes can help address problems such as poor diet, lack of physical activity, obesity or use of alcohol and tobacco, thereby reducing malnutrition and poor nutrition, which is more prevalent among children from disadvantaged backgrounds. The experience of the COVID-19 pandemic demonstrated the importance of the school meal schemes for some children, who suddenly were deprived of a reliable source of nutrition during the lockdown⁵⁹.
- (24) Children from low-income families, with a migrant background or with a minority racial or ethnic background are at a higher risk of severe housing deprivation, overcrowding, and energy poverty, and are more exposed to homelessness. Housing expenditures are a heavy burden, especially for single-parent households. The provision of adequate housing and ensuring that children and their families receive adequate accommodation in emergency shelters is an important mechanism for tackling social exclusion of children and minimising the risk of homelessness. Aiming at the de-institutionalisation of children, the placing of children in institutional care should be used as last resort, taking into account the best interest of the child. Quality community-based or family-based care should be promoted. Providing support to children who leave institutional care would support their independent living and social integration.
- (25) The COVID-19 pandemic may have far reaching effects on the economic and social well-being of families and children, and is likely to disproportionately affect children from disadvantaged backgrounds. Low and middle-income groups face a higher risk of income loss, with potentially significant impact on the disposable income of households due to increasing unemployment and reduced telework possibilities. The crisis is expected to exacerbate existing inequalities and is likely to result in an

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2020 Social Protection Committee annual review of the Social Protection Performance Monitor (SPPM) and developments in social protection policies. Report on key social challenges and key messages, p. 58.

increase the number of households being at risk of poverty or social exclusion. It also puts a significant pressure on the availability of services. Children experiencing various forms of a disadvantage are among the hardest hit by the COVID-19 pandemic. Distance learning has been difficult for many children living in households without adequate family support, skills or equipment, including for children living in remote or rural territories with inadequate digital infrastructure.

- (26) Tackling social exclusion of children and reducing the socio-economic impact of the COVID-19 pandemic requires an integrated, person-centred and multidimensional approach and an enabling policy framework. Strengthening cooperation and coordination between services at various levels warrants effective prevention and supports social inclusion of children. Along with ensuring access to the key services, across all regions and territories, including through investments in services' infrastructure and the workforce, it is also necessary to improve the effectiveness and relevance of related policies, combine preventive and remedial measures and make the best out of existing Union instruments.
- (27) The European Semester economic and employment coordination process, supported by the Social Scoreboard, has highlighted the challenge of child poverty or social exclusion, with a number of Member States receiving related country specific recommendations. The Employment Guidelines underline the importance of ensuring the access of everyone, including children, to certain services, such as early childhood education and care, education and healthcare; with such access serving as a necessary condition for ensuring equal opportunities.
- (28) Union funds are available to support the implementation of the European Child Guarantee and further supportive measures. Within the proposed European Social Fund Plus⁶⁰ all Member States will need to earmark an appropriate amount to tackle child poverty or social exclusion. For Member States, in which a rate of children at risk of poverty or social exclusion is above the Union average, this amount is to be at least 5% of their national European Social Fund Plus allocation. The European Regional Development Fund and InvestEU will equally support investments in enabling infrastructure, such as social housing and early childhood education and care facilities, as well as equipment and access to quality and mainstream services. As part of the Recovery Plan for Europe and the instrument 'Next Generation EU', the Recovery and Resilience Facility offers additional Union funding for reforms, investments and policies for the next generation, children and the youth, such as education and skills, to be included in the national recovery and resilience plans⁶¹. The Technical Support Instrument can support Member States in designing and implementing structural reforms in areas of education, social services, justice and health, including cross-sectoral reforms tackling child poverty and social exclusion.
- (29) Member States can also benefit from the 2017 – 2023 EU milk, fruits and vegetable scheme to make healthy products more available to children and improve their understanding of the benefits of healthy and sustainable food.

⁶⁰ Proposal for a Regulation of the European Parliament and of the Council on the European Social Fund Plus (ESF+), COM(2018) 382 final.

⁶¹ In line with the Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility. OJ L 57, 18.2.2021, p. 17–75.

- (30) This Recommendation should be implemented through national action plans adapted to national, regional and local circumstances. Such national action plans should identify children in need and barriers they face in accessing and taking-up the services covered by this Recommendation. To this end, Member States should involve relevant stakeholders, including non-governmental organisations promoting children's rights. The progress in implementing this Recommendation should be regularly monitored in the context of the European Semester, including through the development of relevant monitoring indicators.
- (31) This Recommendation complements Recommendation 2013/112/EU, constitutes a deliverable of the European Pillar of Social Rights Action Plan, and complements the Union comprehensive Strategy on the Rights of the Child.
- (32) This Recommendation fully respects the principles of subsidiarity and proportionality. It is without prejudice to principles of national procedural law and the legal traditions of the Member States and does not entail an extension of the Union's powers,

HAS ADOPTED THIS RECOMMENDATION:

OBJECTIVE AND SCOPE OF THE EUROPEAN CHILD GUARANTEE

- (1) The aim of this Recommendation is to prevent and combat social exclusion by guaranteeing access of children in need to a set of key services.
- (2) This Recommendation applies to children in need.

DEFINITIONS

- (3) For the purpose of this Recommendation, the following definitions apply:
 - (a) 'children in need' means persons under the age of 18 years, who are at risk of poverty or social exclusion.
 - (b) 'children with a migrant background' means third country national children, irrespective of their migration status, and children with nationality of a Member State who have a third country migrant background through at least one of their foreign-born parents;
 - (c) 'children in precarious family situations' means children exposed to various risk factors leading to social exclusion, such as: living in a single parent household; living with a parent with a disability; living in a household where there are mental health problems or long-term illness; living in a household where there is substance abuse, or domestic violence; children of a Union citizen who has moved to another Member State and who themselves remained in their Member State of origin; children having a teenage mother or being a teenage mother; children having an imprisoned parent;
 - (d) 'effective access' means a situation in which services are readily available, affordable, accessible, of good quality, provided in a timely manner and where the potential users are aware of their existence, as well as of entitlements to use them;
 - (e) 'effective and free access' means a situation in which services are free of charge, readily available, accessible, of good quality, provided in a timely

manner, where the potential users are aware of their existence, as well as of entitlements to use them;

- (f) 'school-based activities' means learning by means of play, recreation, sport or cultural activity that takes place within or outside of regular school hours, is organised by the school and is part – or linked to – the school curricula;
- (g) 'healthy meal' or 'healthy nutrition' means to a balanced meal consumption, which provide children with nutrients necessary for their physical and mental development and for physical activity that complies with physiological needs;
- (h) 'adequate housing' means a dwelling that meets the current national technical standards, is in a reasonable state of repair, provides a reasonable degree of thermal comfort and is available at an affordable cost.

CORE RECOMMENDATIONS

- (4) Member States are invited to:
 - (a) guarantee for children in need effective and free access to early childhood education and care, education and school-based activities, at least one healthy meal each school day and healthcare;
 - (b) guarantee for children in need effective access to healthy nutrition and adequate housing.
- (5) Member States should identify children in need and within this group take into account, wherever appropriate in designing their national integrated measures, specific disadvantages experienced by:
 - (a) homeless children or children experiencing severe housing deprivation;
 - (b) children with a disability;
 - (c) children with a migrant background;
 - (d) children with a minority racial or ethnic background (particularly Roma);
 - (e) children being in alternative (especially institutional) care;
 - (f) children in precarious family situations.

ENABLING POLICY FRAMEWORK

- (6) Member States are invited to build an integrated and enabling policy framework to address social exclusion of children, focusing on breaking intergenerational cycles of poverty and disadvantage and reducing the socio-economic impact of the COVID-19 pandemic. To that effect, in implementing this Recommendation, Member States should:
 - (a) ensure consistency with this Recommendation of social, education, health, nutrition and housing policies at national, regional and local level and, wherever possible, improve their relevance for supporting children, in an integrated manner;
 - (b) step up investment in education, adequate health and social protection systems in order to address effectively the needs of children and their families, particularly of those exposed to social exclusion;

- (c) ensure adequate policies and resources, including through labour market integration measures for parents or guardians and income support to families and households, so that financial barriers do not prevent children from accessing quality services;
- (d) address the territorial dimension of social exclusion, taking into account the specific needs of children according to distinctive urban, rural, remote and segregated areas, based on an integrated and multidisciplinary approach;
- (e) strengthen cooperation with and involvement of national, regional and local authorities, social economy organisations, non-governmental organisations and other stakeholders, in the design, delivery and monitoring of policies and quality services for children;
- (f) take measures to promote inclusion and to avoid and tackle discrimination and stigmatisation of children in need;
- (g) support strategic investments in quality services for children, including in enabling infrastructure and qualified workforce;
- (h) dedicate adequate resources for implementing this Recommendation and make optimal use of national and EU funds, in particular the European Social Fund Plus, the European Regional Development Fund, REACT-EU, Invest-EU, the Recovery and Resilience Facility and the Technical Support Instrument.

EARLY CHILDHOOD EDUCATION AND CARE, EDUCATION AND SCHOOL-BASED ACTIVITIES, A HEALTHY MEAL EACH SCHOOL DAY

- (7) With a view to guaranteeing for children in need effective and free access to early childhood education and care, education and school-based activities and a healthy meal each school day, Member States are encouraged to:
 - (a) identify and address financial and non-financial barriers to participation in early childhood education and care, education, and school-based activities;
 - (b) take measures to prevent and reduce early school leaving, re-engage children who are at risk of dropping out or have dropped out of education or training;
 - (c) provide learning support to children with learning difficulties to compensate for their linguistic, cognitive and educational gaps;
 - (d) adapt facilities and educational materials of early childhood education and care and of educational establishments to the needs of children with a disability, using inclusive teaching and learning methods; for this purpose ensure that qualified teachers and other educational professionals are available, such as psychologists, speech therapists, rehabilitators or teaching assistants;
 - (e) put in place measures to support inclusive education and avoid segregated classes in early childhood education and care establishments and in educational establishments; this may also include giving priority or early access for children in need;
 - (f) ensure at least one healthy meal each school day;
 - (g) ensure provision of educational materials, including books or uniforms, where applicable;

- (h) provide high speed connectivity, digital services and adequate equipment necessary for distance learning to ensure access to educational content online;
- (i) ensure transport to early childhood education and care and education establishments, where applicable;
- (j) ensure equal and inclusive access to school-based activities, including participation in school trips;
- (k) develop a framework for cooperation of educational establishments, local communities, social services and social economy actors to support inclusive education, to provide after school care and opportunities to participate in sport, leisure and cultural activities, and to build and invest in educational establishments as centres of inclusion and participation.

HEALTHCARE

- (8) With a view to guaranteeing for children in need effective and free access to quality healthcare, Member States are invited to:
 - (a) to facilitate early detection and treatment of diseases and developmental problems, including those related to mental health, ensure access to periodic medical, including dental and ophthalmology, examinations and screening programmes; ensure timely curative and rehabilitative follow-up, including access to medicines, treatments and supports, and access to vaccination programmes;
 - (b) provide targeted rehabilitation and habilitation services for children with disabilities;
 - (c) implement accessible health promotion and disease prevention programmes targeting children in need and their families, as well as professionals working with children.

HEALTHY NUTRITION

- (9) With a view to guaranteeing for children in need effective access to sufficient and healthy nutrition, including through the EU school fruit, vegetables and milk scheme, Member States are encouraged to:
 - (a) support access to healthy meals also outside of school days, including through in-kind or financial support;
 - (b) ensure that nutrition standards in early childhood education and care and education establishments address specific dietary needs;
 - (c) limit advertisement and restrict the availability of foods high in fat, salt and sugar in early childhood education and care and education establishments;
 - (d) provide adequate information to children and families on healthy nutrition for children.

ADEQUATE HOUSING

- (10) With a view of guaranteeing for children in need effective access to adequate housing, Member States are invited to:
- (a) ensure that homeless children and their families receive adequate accommodation in emergency shelters, prompt transfer from such shelters to permanent housing and provision of relevant social and advisory services;
 - (b) assess and revise, if necessary, national, regional and local housing policies and take actions to ensure that the interests of families with children in need, including addressing energy poverty, are duly taken into account; such assessment and revision should also include social housing policies and housing benefits;
 - (c) provide for priority and timely access to social housing for children in need and their families;
 - (d) while taking into account the best interests of the child, prevent children from being placed into institutional care; ensure transition of children from institutional care to quality community-based or family-based care and support their independent living and social integration.

GOVERNANCE AND REPORTING

- (11) With a view to sound governance, monitoring and reporting, Member States are encouraged to:

National Child Guarantee Coordinators

- (a) nominate a national Child Guarantee Coordinator, equipped with adequate resources and mandate enabling the effective coordination and monitoring of the implementation of this Recommendation;

Identifying children in need

- (b) with a view of most effective targeting of measures to children in need and taking into account national, regional and local organisations and circumstances, involve relevant stakeholders in identifying children in need and barriers they face in accessing and taking up the services covered by this Recommendation;

National action plans

- (c) within six months from the adoption of this Recommendation, submit to the Commission an action plan, covering the period until 2030, to implement this Recommendation, taking into account national, regional and local circumstances. The action plan should include in particular:
 - (i) the targeted categories of children in need to be reached by corresponding integrated measures;
 - (ii) quantitative and qualitative targets to be achieved in terms of children in need to be reached by corresponding measures, taking into account regional and local disparities;

- (iii) measures planned or taken in implementing this Recommendation, including at regional and local level, and the necessary financial resources and timelines;
- (iv) other measures planned or taken to address child social exclusion and break intergenerational cycles of disadvantage, based in particular on enabling policy framework provided for in paragraph 6;
- (v) a national framework for data collection, monitoring and evaluation of this Recommendation, also with a view of establishing a common monitoring framework referred to in paragraph 12 point (d).

Outreach

- (d) develop effective outreach measures towards children in need and their families, in particular at regional and local level and through educational establishments, trained mediators, family-support services, civil society and social economy organisations, with a view of raising awareness and encouraging and facilitating the take-up of the services covered by this Recommendation;

Involvement of stakeholders

- (e) ensure the participation of regional, local and other relevant authorities, children and relevant stakeholders representing civil society, non-governmental organisations, educational establishments and bodies responsible for promoting social inclusion and integration, children's rights, inclusive education and non-discrimination, including national equality bodies throughout the preparation, implementation, monitoring and evaluation of the action plan;

Reporting to the Commission

- (f) report every two years to the Commission on the progress in implementing this Recommendation, in line with the national action plan.

IMPLEMENTATION, MONITORING AND EVALUATION

- (12) The Council welcomes the intention of the Commission to:
 - (a) monitor the progress in implementing this Recommendation, including its outcomes and the impact on children in need, in the context of the European Semester, and propose, where appropriate, country-specific recommendations to Member States.
 - (b) work jointly with Member States, the national Child Guarantee Coordinators and the Social Protection Committee to facilitate mutual learning, share experiences, exchange good practices and follow up on the actions taken in response to this Recommendation as set out in the relevant national action plans.
 - (c) report regularly to the Social Protection Committee on the progress in implementing this Recommendation, on the basis of the reports from Member States.
 - (d) work jointly with the Social Protection Committee to:
 - (i) establish a common monitoring framework and develop agreed common quantitative and qualitative outcome indicators to assess the implementation of this Recommendation;

- (ii) with a view of informing policy making, enhance the availability, scope and relevance of comparable data at the Union level, including on children in need and their access to services, and adequacy and coverage of benefits targeted at children;
- (e) review the progress made in the implementation of this Recommendation and report to the Council by 5 years after the adoption;
- (f) strengthen awareness raising and communication efforts and increase dissemination of results and good practice examples at Union level and among Member States and relevant stakeholders.

Done at Brussels,

Done at Brussels,

For the Council
The President