

REFLECTIONS ON RECENT EU DEVELOPMENTS IN THE FIELD OF CHILDREN'S RIGHTS AND WELL-BEING

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SUMMARY

Despite the slow recovery of the economies in Europe, pervasive and persistent high levels of child poverty continue to be a feature of the European Union (EU). Of the 100 million people under the age of 18 in the EU, over 26 million are at risk of poverty or social exclusion – this is more than one child in every four. We often see intergenerational transmission of poverty, as experiencing poverty in childhood is associated with many poor outcomes – with regard to health, education, and ultimately employability – that lead to an intergeneration cycle of disadvantage. There are massive gaps between the aspirations of the UN, the Council of Europe and the EU, and what actually happens on the ground.

It is not due to a lack of regional and international legal and policy instruments that we are unable to protect children and their rights. The international and EU legal frameworks offer a wide array of legal and policy instruments to ensure that Europe moves forward in this area. It is crucial to make best use of all these instruments. Eurochild has long advocated for the EU to put its weight behind these regional and global commitments, enabling Member State governments to be more efficient by utilizing these international and regional instruments.

This paper aims to provide some informed, critical reflections on recent development in the EU in the field of promoting children's rights and well-being, and to offer some suggestions as to how the actions of the EU might be consolidated, developed and sustained into the future.

INTRODUCTION

The first year of the Juncker Commission – the European Commission in office since November 2014 – was marked by a succession of crises: the threatened Grexit, the influx of migrants and refugees, the sluggish economic recovery, and horrific acts of terrorism. Amidst all these events, it is striking how the pervasive and persistent child poverty which exists in every country in Europe remained sidelined, and how decision-makers are failing to understand that this deep crisis affecting our youth is casting a shadow over Europe's future and prosperity.

Of the 100 million people under the age of 18 in the European Union (EU), over 26 million are at risk of poverty or social exclusion – this is more than one child in every four¹. We often see the intergenerational transmission of poverty, as experiencing poverty in childhood is associated with many poor outcomes – health, education, and ultimately employability – that lead to an intergenerational cycle of disadvantage. Poverty is often associated with marginalisation and lack of opportunity, and can undermine a person's self-worth and sense of agency. Our leaders often claim to be acting in the interests of future generations. However, they often seem to disregard how children's present life experiences will determine our collective future.

Children are being impacted upon by the economic crisis and the inadequate responses of governments to this crisis. On the one hand, children experience

greater family tension and stress due to their parents' job losses and job insecurity. On the other hand, governments are increasingly cutting public benefits and key services for children and families as part of their austerity measures, which inevitably exacerbates poverty and widens the gap between those who can afford quality services and those who cannot (Eurochild, 2012). There is a dramatic increase in 'absolute' poverty, with more and more families struggling to meet their basic needs. Governments are neglecting their responsibility to create a sustainable social welfare system that prevents children from living in poverty and creates crucial safety nets for vulnerable children and families, where financial support is coupled with services and proactive and preventive interventions.

It is not due to the lack of regional and international legal and policy instruments that we are unable to protect children and their rights. The international and EU legal frameworks offer a wide array of legal and policy instruments to ensure that Europe moves forward in this area. It is crucial to make the best use of all of these instruments. Eurochild has long advocated for the EU to put its weight behind these regional and global commitments, thus enabling Member State governments to be more efficient by utilizing these international and regional instruments. This paper aims to provide some informed, critical reflections on recent developments in the EU in the field of promoting children's rights and well-being to assess whether and how the EU is working towards a child-centred approach, including a comparison with international trends.

THE EU POLITICAL AGENDA

Since 2005 Eurochild has advocated for child poverty to be a political priority for the EU.² The adoption in 2013 of the *European Commission Recommendation on "Investing in Children: Breaking the Cycle of Disadvantage"* (henceforth this will be referred to as "the Recommendation") as part of the Social Investment Package was an important milestone (European Commission, 2013). The Recommendation is a well-crafted document which reflects the wide consensus that tackling child poverty requires a child-rights perspective and a comprehensive approach based on three pillars: 1) access to adequate resources; 2) access to quality services; and 3) children's participation in decisions that affect them, and in cultural, leisure and sport activities. It recommends Member States use structural funds to catalyse reforms to implement the Recommendation and it suggests that Europe 2020³ and its governance tools be used to support child-centred investment. And yet, albeit important, these policy developments will not make a difference to children's lives unless they are used to leverage political progress and investment at national and sub-national levels.

The *Alliance for Investing in Children*⁴, coordinated by Eurochild and made up of 24 European networks of social NGOs and organisations sharing a commitment to end child poverty and to promote child well-being across Europe, was specifically set up in 2014 to engage national stakeholders in implementing the Recommendation – through making maximum use of Europe 2020 and the Structural and Investment Funds. By joining forces, civil society has been helping to ensure that EU policy and funding make a real difference to the

lives of children and young people on the ground, by mobilizing their national member organisations to influence policy reform and investment.

In March 2015, the Alliance published an *Implementation Handbook for the Investing in Children Recommendation* coordinated by Eurochild, tracing ways in which child poverty in Europe is being combatted, and documenting 15 detailed case studies from across Europe to show how the Commission policy guidance can be implemented at the national level (EU Alliance for Investing in Children, 2015). This publication provides evidence of integrated approaches to breaking the cycle of child poverty and thinking beyond professional silos. Ensuring children and their families are active agents of change and not passive recipients of support is crucial to improving long-term outcomes. The case studies documented in the handbook also demonstrate that effective interventions need favourable policy contexts in order to be sustainable and scaled-up.

The EU governance and structural funding were supposed to reinforce the implementation of the Recommendation, but in reality, the Recommendation has slipped down the list of priorities and the follow-up has been weak. There has been a growing disconnect and the current political climate at the EU level continues to support a rather narrow agenda.

The *Europe 2020 strategy* (European Commission, 2010) is supposed to be the main tool to realise integrated child poverty strategies in each EU Member State. Regrettably, we have witnessed a total asymmetry in how economic, social and environmental goals are pursued within the strategy – with the former taking precedence. In particular, there is on-going political pressure to narrow the focus of Europe 2020 to growth and employment. This has undermined the overall impact of the strategy, namely the cross-cutting priorities of providing material security to families, ensuring access to quality services (early childhood, education, health, housing etc.) and involving children and young people in decision-making.

The *European Semester*, as the EU's annual cycle of economic policy guidance, has the potential to make the engagements of the Europe 2020 agenda a reality and to bring about positive and tangible changes in the lives of children across Europe. However, the European Semester appears to be taking a much more limited and short-term perspective defined solely by jobs and economic growth. As Eurochild noted in the 2015 Semester Report, the attention of the EU is being diverted from poverty reduction, and the focus on children is weakening (Eurochild, 2015b). The *2015 Annual Growth Survey* (AGS) failed to mention Europe 2020, while the *National Reforms Programmes* (NRPs) were not drafted in consultation with stakeholders and did not emphasise the positive interlinkages between the Europe 2020 targets or with the Investing in Children Recommendation. The number of child-focused *Country Specific Recommendations* (CSRs) decreased significantly from 2014 to 2015, and although some Member States did not deliver on their child-related 2014 CSRs, these did not necessarily get followed up with CSRs in 2015. In other words, poverty is no longer mentioned as a priority concern for the EU, and the EU is moving further away from tackling it within its borders.

A weaker focus in the Semester on social issues has also been associated with stronger austerity measures promoted within EU Member States. At the national level, Eurochild has noted that the financial crisis and budget cuts continue to erode welfare support for vulnerable families and reduce investment in services such as education and housing. The social investment approach which advocates for investment throughout the child's life cycle to prevent social exclusion and its consequences appears to have been neglected. Given the negative impact that many austerity measures are having on children's well-being, the European Commission should demand that Member States carry out ex ante and ex post impact assessments to determine the effect that all policy measures are having on children, particularly on those children at the greatest risk of severe poverty and social exclusion.

The emphases in the new EU budgetary period (2014-2020) on the importance of deinstitutionalization and on using the *European Structural and Investment Funds* (ESIF or ESI Funds) to promote social inclusion and tackle poverty are potentially very important. However, ex ante conditionalities require that an established anti-poverty strategy is carried out. Unfortunately, the financial and economic crisis is working against the full implementation of the anti-poverty strategies. The Eurochild's Semester Report highlights that strategic links between ESIF spending and the Investing in Children Recommendation have been insufficiently developed.

The current European Commission has made investment a priority, in the attempt to return the EU to a place of economic growth and prosperity. Soon after taking office in November 2014, the current European Commission presented the *Investment Plan for Europe* (European Commission, 2014) aiming to "strengthen Europe's competitiveness and to stimulate investment for the purpose of job creation". The Plan is part of President Juncker's 'holy trinity': structural reforms, fiscal responsibility, and investment. Achieving a social Triple A rating – another of Juncker's priorities – must also be seen within this trilogy⁵.

The Plan sets ambitious targets, but fails to take a comprehensive approach to children's rights and well-being that goes beyond the Commission's main priorities. Understandably the EU has made the tackling of youth unemployment a top political priority. However, this has not led to prioritising investment in and reforms to our education systems. Education systems across Europe are failing children, in particular those disadvantaged by their socio-economic circumstances, disability, ethnicity or migration status, etc. Curricula are still predominantly driven by academic achievement, whilst in reality education consists of much more than developing knowledge skills. Many children from disadvantaged backgrounds are deprived of access to music, art and culture, leisure activities and sports, all of which are essential for children's well-being and development. The qualitative and inclusive dimensions of educational reforms are what make the real difference to children's lives and the future of society.

The renewed focus on investment by the current Commission must build on the Investing in Children Recommendation and promote investing in children. A *child-centred investment strategy* is a pre-condition to achieving sustainable

and equitable economic and social development (Eurochild, 2015a). A child-centred investment strategy should prioritise investment in five pillars: education, early years policies, health promotion, community development and family strengthening, social protection and welfare support. Addressing disadvantage in childhood requires an integrated and child-rights approach for it to be successful in the long-term.

Overall, we fear that the EU political agenda has become less favourable to supporting children's rights. The European Commission is narrowly interpreting its mandate and stripping its work down to a strictly economic agenda. It is worrying to see how investing in children is being overshadowed by the dominant discourse on employment and economic growth, although pressure from the European Parliament will hopefully help to bring back some momentum to investing in children in the near future.

THE BROADER POLITICAL CONTEXT

The *European Parliament* plays an increasingly important role in combating child poverty and promoting children's well-being, especially after the Lisbon Treaty came into force in 2009. To celebrate the 25th anniversary of the United Nations Convention on the Rights of the Child (UNCRC), in November 2014 the European Parliament adopted a *resolution* calling for the full implementation of the Convention to ensure respect for the rights of every child everywhere (European Parliament, 2014). It details several issues which the EU and the Member States can address, both in their internal and external policies. One such example is the implementation of the Investing in Children Recommendation and focusing specifically on children in the Europe 2020 strategy processes; considering children a priority when implementing regional and cohesion policies; investing in public services for children; implementing the UN guidelines on alternative care and support through EU funds for the deinstitutionalisation process; and increasing children's participation in decision-making processes. The Resolution further calls on the European Commission to mainstream children's rights throughout its services and expresses the intention to establish an intergroup on children's rights and well-being at the European Parliament.

In December 2014 an *intergroup on children's rights* for the current parliamentary term (2014-2019) was approved. Intergroups are informal structures within the European Parliament formed to foster exchanges between Members of the European Parliament (MEPs) and with civil society on particular subjects. This new intergroup was an important development in 2014. It aims to promote children's rights and to ensure that the best interests of the child are taken into account in EU internal and external actions. While bringing greater visibility to children's rights, it can potentially help mainstream the rights of children in all aspects of the work of the Parliament.

The creation of this intergroup is the result of the advocacy efforts of Eurochild and other child rights networks which contributed to the *Child Rights Manifesto*⁶ launched on 20 November 2013 with the aim of establishing a permanent mechanism with explicit responsibility for protecting and promoting children's rights in internal and external affairs across all policy

sectors. MEPs who take part in the Intergroup act as focal points for children's rights and well-being in each parliamentary committee.

The Intergroup played a key role in the campaign for the *Written Declaration on Investing in Children* that was launched in September 2015. This parliamentary initiative was an important opportunity to remind Member States to take action and break the cycle of disadvantage by encouraging investment in children. More specifically, the document called on the EU and Member States to set specific (sub-)targets to reduce child poverty as an aspect of the overall poverty reduction target of Europe 2020. At the same time, it called on the European Commission to dedicate sufficient resources to the effective follow-up of the Recommendation on Investing in Children, and to include a non-binding indicator measuring child poverty or social exclusion as part of the scoreboard of social and employment indicators. It was recommended that this scoreboard should receive the same level of attention as other indicators such as the unemployment rate, within the European Semester coordination, so that governments are able to choose adequate policy responses that do not undermine social cohesion.

After three months of campaigning, the Written Declaration had been signed by 428 MEPs, becoming the most signed written declaration since 2011. The success of the campaign sent out a powerful message to all the other EU institutions, making it clear that the European Parliament wants child poverty to be given the political attention it deserves. If Europe wants to prosper, it has to make investing in children a priority and must embrace a robust economic recovery which is inclusive and provides equal opportunities to all children.

The *Council of Europe* is pushing in a similar direction in its recently adopted *six-year Strategy on the Rights of the Child* (Council of Europe, 2016), that focus governmental efforts on five priorities: tackling poverty and inequality, promoting child participation, preventing violence, promoting child friendly justice, and protecting children's rights in the digital environment. The Strategy takes into account outcomes from a Desktop Study on children's views with regards to their rights "Challenges to children's rights today: what do children think?" to which Eurochild has contributed (Daly, Ruxton & Schuurman, 2015). Civil society, including the Eurochild network, has a crucial role in ensuring that such a strategy is embedded in the work of European governments.

At the United Nations in September 2015, world leaders adopted a set of universal *Sustainable Development Goals*⁷ (SDGs) for 2030, which offer clear directions to improve life for children today and in the future by addressing poverty, nutrition, health and education. The SDGs include 17 ambitious goals, which contribute to promoting children's well-being in all countries across the globe. The first goal is to eradicate poverty, with 169 targets covering a broad range of sustainable development issues, including ending poverty and hunger, improving health and education, making cities more sustainable, combating climate change, and protecting oceans and forests. The target to reduce the proportion of children living in poverty by 2030 is particularly relevant and shows that child poverty is a universal challenge that requires a response at national, European and global level.

The UN has clearly drawn particular attention to the need to invest in children as a priority concern. In March 2008, the Human Rights Council (HRC) through its resolution 7/29 on the rights of the child affirmed “its commitment to effectively integrate the rights of the child in its work and that of its mechanisms in a regular, systematic and transparent manner, taking into account specific needs of boys and girls”. Five years later, in its resolution 25/6 on the rights of the child and access to justice for children, the HRC decided to organize an annual full-day *meeting in March 2015* focused on the theme, “Towards better investment in the rights of the child” which resulted in the adoption of a *resolution*, and invited the *High Commissioner* to prepare a *report* about this issue, in close collaboration with the United Nations Children’s Fund, other relevant United Nations bodies and agencies, States, regional organizations and human rights bodies, civil society and including the voices of 2,700 children (United Nations, 2014).

The 2015 HCR resolution on the rights of the child⁸ calls upon all States to ensure that national laws and policies are translated into “transparent, participatory and accountable budgets” for the promotion and protection of children’s rights, and highlights the importance of child participation in budgetary and fiscal processes. It also affirms that “investment in children has high economic and social returns” and stresses the importance of resource allocation and spending for the promotion and protection of children’s rights. While UN resolutions are not legally binding, the consensus entails a commitment by States to implement the proposed actions in their national policy frameworks.

The resolution also included an invitation to the *High Commissioner* to prepare a *follow-up report* on investment in the rights of the child, based on good practices and lessons learned, in close cooperation with relevant stakeholders. The report, presented at the 31st session of the Human Rights Council in March 2016, provides examples to demonstrate that, whatever a country’s level of resources is, it can fulfil its obligations under the UNCRC, as an increase in investment in children is ultimately dependent on political will. It focuses on progressive taxation policies, international cooperation, efficient administration and resource transparency, and participation of citizens, including children and young people.

The UN Committee on the Rights of the Child has recently adopted a *General Comment on “Public budgeting for the realization of children’s rights”*. This General Comment aims to shed light on article 4 of the UNCRC (protection of rights)⁹ and provides States with guidelines and concrete measures that they can take to achieve sufficient and efficient public budget allocation and spending to realise children’s rights within a framework of open, inclusive and accountable governance. The General Comment provides the official guidance on how States are to implement the obligations they undertook to uphold the rights of children under their jurisdiction, and therefore represents a powerful instrument for advocacy for children’s rights.

CONCLUSIONS

Despite global commitments which have been made to protect children and their rights, policies and investments do not seem to match these commitments within the EU. Eurochild is concerned that the main narrative in the EU is still limited to economic regeneration and job creation, and that the current EU leadership is moving further away from the goals set in the Europe 2020 Strategy and the guidance of the European Commission Recommendation on Investing in Children. This concern is reflected by the increasing attention paid to growth in the European Semester and in the Investment Plan for Europe, both failing to go beyond the Commission's priorities and to provide comprehensive solutions to child poverty.

It is by looking at the bigger picture that we can restore our hope. The developments at the UN and Council of Europe level mirror a cross-cutting approach to children's rights and well-being that puts children's rights and investment at the fore. The Written Declaration on Investing in Children and the establishment of the Intergroup on Children's Rights indicate that the European Parliament is working to mainstream children's rights in all EU policies. Eurochild hopes that this momentum will be acknowledged and seized upon by all EU leaders.

Investing in children's development and well-being is essential for realising children's rights and enabling children to reach their full potential. Therefore, Europe needs to start by investing in children, families and communities. This is crucial in order to achieve social cohesion and inclusion, as well as economic growth and prosperity – now and in the long-term.

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BIOGRAPHY

Dr Agata D'Addato is the Senior Policy Coordinator responsible for research, policy and practice at Eurochild, a network which brings together over 100 member organisations from across Europe, promoting the rights and well-being of children and young people in Europe. Eurochild aims to monitor and influence EU policy to ensure that the rights of children and, in particular, the rights of the most vulnerable children are taken into account. She is responsible for coordinating Eurochild's work on child poverty and well-being, family and parenting support. She also coordinates the research project 'Childonomics – Measuring the long-term social and economic value of investing in children' alongside Eurochild's work on mutual learning and practice exchange.

Prior to this position, Agata D'Addato, who holds a PhD in Demography from the University of Bari, worked as a researcher in various universities and well-renowned research institutes across Europe in the fields of demographic change, family policies, immigration and integration.

ENDNOTES

- 1 <http://ec.europa.eu/eurostat>
- 2 <http://www.eurochild.org/childpoverty/>
- 3 http://ec.europa.eu/europe2020/europe-2020-in-a-nutshell/index_en.htm
- 4 <http://www.alliance4investinginchildren.eu>
- 5 In his October 2014 speech to Parliament, Commission President Jean-Claude Juncker declared his ambition for the EU to achieve a 'social triple-A' rating. The 'five presidents' report' entitled 'Completing Europe's Economic and Monetary Union' recommended a strong focus on employment and social performance, while recognising that there is no one-size-fits-all template. The Employment, Social Policy, Health and Consumer Affairs Council of 7 December 2015 adopted the conclusions as 'part of the vision for a social triple-A rating for Europe', emphasising that 'social governance should be used to its full potential to identify and address key common social and employment challenges and trends to watch with a view to the achievement of the common employment and social objectives, including the Europe 2020 targets'. It should be noted that, following its initial announcement, the Commission has not yet provided concrete and structured information on progress towards a social triple-A rating.
- 6 <http://www.eurochild.org/projects/child-rights-manifesto/>
- 7 <https://sustainabledevelopment.un.org>
- 8 http://resourcecentre.savethechildren.se/sites/default/files/documents/a_hrc_28_l28_english.pdf
- 9 Article 4 obliges all the States Parties to undertake all legislative, administrative and other necessary measures, including to mobilize, allocate and spend public resources, to realize children's rights.