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PREFACE

For too long we have tended to assume that we as adults know what is best for our children. And in making that assumption, we have neglected to understand the importance of finding out from children themselves about their lives. What emerges with force from this Euronet report is that the relative invisibility of children's own unique experience and understanding from all the key legislative and policy-making forums has served to produce policies which discriminate against children. Nowhere is this more evident than in the field of economic policy where the lack of active consideration of the situation of children has produced an unacceptable growth in child poverty across the EU. However, it can also be seen, for example, in the failure to implement environmental policies which take account of the lives of children, in education which reflects their desire to be participants in, rather than just recipients of, the learning process and the failure to provide adequate protection to promote the rights of non-nationals throughout the Member States.

The near universal ratification of the UN Convention on the Rights of the Child heralds a global recognition that children are subjects of rights and are entitled to be given serious consideration. Amongst the member states of the European Union, are some of the most progressive policies and legislation towards children in the world. However, there is still a very long way to go. The European Parliament is of the view that the European Union itself must play a key role. It is a powerful political institution whose policies and legislation have a profound impact on the lives of children. It needs to introduce the necessary structures and information systems at all levels to ensure that the perspective, knowledge and unique experience of children is actively considered in the formulation of its programmes, policy and legislation. Failure to do so will perpetuate the inherently discriminatory impact of children's invisibility. Finally, I would like to say that I am very pleased that The European Charter of Fundamental Rights that has recently been declared in Biarritz, establish children's rights in a specific article.

Nicole Fontaine
President of the European Parliament

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EXECUTIVE SUMMARY

Introduction

Children are socially and politically excluded from most national and European institutions. They cannot vote. They have little or no access to the media. They have only limited access to the courts. They are not members of powerful lobbies which campaign and lobby governments such as the trade unions, the commercial sector or environmental groups. Without access to these processes which are integral to the exercise of democratic rights, children and their experience remain hidden from view and they are, in consequence, denied effective recognition as citizens.

The impact of this exclusion is discriminatory in both practice and consequence. It results in a failure to address the unique rights and interests of children. It results in a failure to give explicit recognition to the impact of policies and legislation on children's lives. It is compounded by a failure to ensure that the views, experiences and concerns of children themselves informs the process of decision-making within national and European institutions. A powerful message which emerges from the consultation with children commissioned as part of this project is that children from all participating EU countries evoked a world in which they experienced profound insecurities and in which adults played an insufficient role in working in collaboration with them to make it safer.

This report proposes that explicit measures are needed within the EU to challenge the discrimination against children, render them more visible, acknowledge them as citizens of Europe and ensure that their voices are heard and taken seriously .

Obligations towards children

All European member states have ratified the UN Convention on the Rights of the Child which imposes detailed obligations on governments to respect and promote the human rights of children. Whilst the EU itself cannot ratify the Convention, it has a clear responsibility to ensure that its policies and legislation, at minimum, do not impede those obligations and, at best actively facilitate their implementation. In particular, the EU

institutions should have regard to:

Article 2 – the right of all children to respect for all the rights in the Convention without discrimination on any grounds

Article 3 – the obligation to promote the best interests of children

Article 6 – the right to life and optimum survival and development

Article 12 – the right to be listened to and taken seriously

To date, there is no recognition given to these rights in the decision and policy-making institutions of the EU. In consequence, children's rights and concerns are not given adequate consideration, resulting in direct and indirect discrimination against them.

Discrimination against children at national and EU level

All children are discriminated against as a consequence of their age. In addition, many groups of children experience additional discrimination in grounds of their status or situation.

- **Discrimination against children as body**

Children are widely denied access to the courts, they have no right to vote nor any form of representation within the political institutions at national or European level, they are not given active consideration in economic policy with detrimental implications for their well-being, they are the only people whom it remains lawful to hit in many European countries, they receive a disproportionately low share of EU expenditure, they have no access to the media, they are disproportionately affected by general policies to restrict asylum and opportunities for family reunion, they are frequently denied respect for their culture and religion in schools, they are more likely to be subject to arbitrary detention than adults, little or no attention is given within the EU to children's concerns in environmental policy.

- **Discrimination against groups of children**

Ethnic minority children experience racism and discrimination in every EU country. Disabled children are both formally and informally excluded from many aspects of life taken for granted by other members of society - no right to inclusive education, exclusion from opportunities for play, leisure and culture, and are more likely to be forced to live in institutions. Non-nationals often lack equal entitlement to education, health care, housing and social

security benefits. Children in penal institutions are at enhanced risk of bullying, self-harm and poor educational opportunities. Poor children are disproportionately vulnerable to accidents, poor health, low educational attainment, and social exclusion

The discriminatory impact of children's social exclusion from European economic policies: an illustrative example

No economic policies are 'child-neutral'. Over the past 20 years, the EU has witnessed a growth in child poverty in almost every country and the proportion of public expenditure on children has diminished. These trends are profoundly damaging in their immediate and long-term impact not only on children themselves - children suffer disproportionately from the corrosive impact of poverty - but also on the future well-being of Europe. The absence of proper consideration of these policies on children constitutes a form of indirect discrimination. Its impact is also discriminatory. This is not the result of deliberate intent. Rather, it is the consequence of the failure to give active consideration to the potential impact of proposed economic policies on children. This failure is being compounded in the lack of any consistent analysis of the potential impact of economic monetary union on children.

The EU needs to give active consideration to protecting and promoting the rights of children to an adequate standard of living. Children's rights must be given explicit focus not only in policies to address social exclusion but also in wider economic policy. In doing so, recognition must be given to the fact that children's lives cannot be subsumed within those of families:

- Children's experience may be determined by their parents' social or economic situation but may have different implications
- Children often have lives which are separate from their parents
- Childrens and parents interests do not always coincide
- Different groups of children are affected differently by poverty and social exclusion

Children's own experience of discrimination, social exclusion and democratic participation

A consultation with children undertaken across Europe, as part of this report, reveals that children:

- are deeply aware of discrimination against other groups of children, feel a strong sense of injustice at its prevalence and dama-

- ging impact but feel impotent to challenge it;
- consider that they are discriminated against as children, have 'lesser' status than adults and are widely disregarded in the development of public policy at all levels;
 - want to play a greater part in contributing to policies and legislation which impact on their lives not only because they feel that this is just, but also because they consider that they have an important contribution to make.

Recent relevant EU initiatives

Tackling discrimination

The inclusion in Amsterdam Treaty of a non-discrimination clause is a welcome development although it has limitations because:

- It does not have direct effect
- Any measures proposed under it require unanimous agreement
- There is no spending power attached to the Article

If the proposed employment and race directives and community action programme under the Article are to be effective for children, they need to give attention to three factors:

- Direct and indirect discrimination perpetrated against children - for example, in economic policy, public resource allocation, democratic participation;
- Discrimination experienced exclusively by children - for example, in education;
- Specific impact of discrimination against particular groups of children - for example, disabled children, traveller children, asylum seeking children.

Promoting greater participation by children

Children have little or no access to the European institutions. There is a significant body of evidence that children want greater involvement, but currently feel impotent to influence the political agenda. The recent resolution of the Council to extend opportunities for youth participation is welcome and needs to be given a high priority if its recommendations are to become more than pious aspirations. Systematic consideration needs to be given to developing structures through which children themselves can participate effectively within the institutions of the European Union.

Recommendations for ending discrimination against and social exclusion of children within the EU

If the EU is to challenge the historic discriminations that have been perpetrated against children through their invisibility within government, it must take action to address the following six failures in its current ways of working.

- Failure to give a high priority to children
- Lack of promotion and protection of children's rights
- Lack of independent advocates for children at national and EU level
- Lack of knowledge about children's lives and the impact of government policy
- Lack of effective co-ordination between different departments
- Failure to listen to children themselves

Recognition of the invisibility and consequent discrimination against children has been made by the Council of Europe. In its European Strategy for Children, adopted by the Parliamentary Assembly in 1996, it acknowledged not only that the rights of children are far from being a reality in most European countries, but that there was a clear role for the Council of Europe in facilitating states' compliance with the commitments entered into under the Convention on the Rights of the Child. In particular, the Strategy makes specific reference to the need for greater equality between adults and children, and recommends to governments that they adopt a strategic framework to ensure consistent consideration of children based on tackling the existing failures listed above. This framework has equal relevance for the institutions of the European Union

1. Give children a higher priority

Although much of the policy which impacts on children's lives takes place at national level, there is considerable scope for a more strategic approach to giving children's rights and interests a higher political priority throughout the decision and policy making bodies of the EU. Unless and until children's interests are integrated into the mainstream agenda, discrimination through neglect and inaction will continue. Furthermore, there are many areas of EU policy where the potential impact on children

is either not understood or is simply disregarded - for example, policies on environment, work, trade and tourism, communication and culture. Without adequate scrutiny of their impact, they may directly or indirectly discriminate or exclude children.

- An EU Children's Unit should be established, within the Secretariat General of the European Commission to raise awareness of children's rights and interests and provide information and analysis to Directorates on implementing policies to protect and promote these rights.
- All existing and proposed EU directives, policies and programmes should be subjected to child impact analyses in order to assess their potential implications for children from the perspective of states' obligations under the UN Convention on the Rights of the Child. Work needs to be undertaken to explore different methods of developing child impact analyses, evaluating models that have been introduced at member state level, as well drawing on comparable work undertaken for example, in the field of environment.

2. Promote and protect children's rights

Every member state has voluntarily entered into obligations to implement the Convention on the Rights of the Child. It is imperative that EU legislation, policy and programmes, at the very least do not impede the fulfilment of those obligations, and at best, actively serve to promote their implementation. But without consistent scrutiny backed up both by strategies to give effect to a commitment to promote non-discrimination and social inclusion of children, and the establishment of independent institutions to monitor these rights, children will remain marginal to the mainstream agenda.

- In the work being undertaken in respect of the race and employment directives and the Community Action programme under Article 13 to fight discrimination, the perspective of discrimination against children on grounds of age should be considered. Discrimination in areas exclusive to children such as school admissions and exclusions and bullying should be addressed. In addition, the specific experience of children in relation to discrimination against particular groups should be considered – for example, in respect of disability and race.

- Under the programme to combat social exclusion under Article 137, the particular rights and interests of children should be given explicit consideration, and clear recognition should be made that children's interests will not always coincide with those of their parents.
- Member states should agree to introduce a new Article into the EU treaties, acknowledging the rights of children, based on the UN Convention on the Rights of the Child and the obligations of the EU to protect and promote those rights. This would ensure that children rights are given consistent consideration in the development of legislation and policy and the allocation of resources.
- The Council of Ministers should adopt an EU Action programme to raise awareness of children's rights and develop practical responses at all levels to key issues affecting children in the EU.
- The European Commission should encourage exchange of practice in the development of training for professionals to promote non-discrimination and active participation in respect of children.
- All EU Directorates should scrutinise their programmes of action to assess whether children's rights and interests have been properly considered and whether they directly or indirectly discriminate against children.
- Member states should scrutinise their legislation to ensure both that it does not discriminate against a body or against particular groups of children, and that any equal opportunities or non-discrimination legislation actively addresses the concerns of children. In so doing they should have regard to the principles of the Convention on the Rights of the Child.
- Member states should be encouraged to introduce human rights and citizenship into the school curriculum, and to ensure that the culture and ethos of schools is consistent with respect for principles of non-discrimination, respect for diversity, respect for children.
- The media in all member states should be encouraged to develop voluntary codes of practice which respect the integrity and rights of children.

3. Establish advocates for children's rights

Many European countries have now established commissioners or ombudsmen for children in recognition that the discriminations experienced by children in the exercise of their rights justify specialised institutions. These bodies play an important role in holding national governments to account in meeting their obligations to children. They also seek to ensure that those governments are held to account in their role as partners within the EU. They can therefore play an important part in helping the EU ensure that its actions are consistent with the rights of children.

- The European Commission should initiate discussion between member states on the value of establishing children's ombudsmen or commissioners throughout the EU to promote and protect the rights of children.
- Relevant Directorates should establish dialogue with the existing ombudsmen and commissioners, as well as children's NGOs to enlist their expertise in the development and delivery of policy as it impacts on children.
- Consideration should be given to the establishment of a Human Rights Monitoring Agency with a remit to monitor, protect and promote the rights of children at EU level.

4. Enhance knowledge and understanding about children and the impact of EU policy on their lives

There is a significant lack of information on children and their lives in the EU. The range and depth of both qualitative and quantitative information is limited. Without adequate data, assessment of children's needs and protection of their rights is not possible. Furthermore, there is currently no assessment as to what proportion of EU expenditure is allocated to programmes which benefit children. Certainly very little specific funding is targeted at children under 15 and such funding as does extend to them does not compare with their presence as one fifth of the EU population. Nor is there systematic analysis of the potential implications of proposed economic policies.

- The remit of Eurostat should be extended to include a wider range of data about children's lives. Statistical indicators on poverty and

social exclusion should disaggregate data about children from that of their families.

- Programmes of research undertaken on children should include methodologies which seek the direct experience of children, drawing, for example, on the work undertaken by the UK Economic and Social Research Council Children 5-16 Programme.
- The European Union should initiate a transnational study to highlight particular aspects of social exclusion on children in order to make recommendations to tackle the poverty and social exclusion that children face.
- Mechanisms should be developed to assess the impact of macro-economic policies on children and to ensure that proper consideration is given to the need to promote their best interests in the implementation of such policies.
- In each budgetline, assessment should be made as to what funding, if any is allocated to children, whether such an allocation is necessary and at what level.
- The EU should investigate the situation of children without legal status throughout the member states.

5. Introduce effective co-ordination across the EU on matters affecting children

Policies and legislation, developed by many different European Commission departments, impact either directly or indirectly on children, yet there is inadequate collaboration across departments to ensure sufficient visibility and consistency of policy on children to avoid discrimination against them.

- Member state ministers with responsibility for children should meet on a regular basis to discuss issues of relevance to children and examine the potential implications for children of current EU initiatives and policies.
- A European steering group should be established involving representatives of the EU institutions, the ECOSOC, the Committee of Regions, trade unions as well as relevant European NGOs to pro-

vide a framework for dialogue on the implementation of the Directives on social exclusion and discrimination.

6. Promote participation of children and their recognition as EU citizens

At the core of the direct and indirect discrimination against children within the EU is the failure to grant them recognition as citizens and create opportunities for them to articulate their concerns and priorities to politicians.

- The European Commission should encourage exchange of good practice and experience in models of promoting children's participation. It should also commission research into effective models at local, national and European levels for involving children in decisions that affect their lives. It should make funding available to facilitate the development of this work.
- Member states should seek to develop more effective approaches to promoting children's participation at all levels, in particular through consulting with children themselves on strategies that work.
- The European Commission should initiate a dialogue with children on strategies for promoting more active participation in policies that affect them with a view to developing Community programmes in these areas
- Member states should give consideration to lowering the voting age from 18 to 16 years.

INTRODUCTION

'What message would I send to the European Parliament? I don't think we can tell them anything because there is a division between us – there shouldn't be but there is. We feel, we are made to feel less important and I think if they make decisions, which would affect our lives, then we should definitely be consulted about it. They make rules which they think are for the best but they're not. We should be able to talk about things and to say whether we agree or not'. (16 year old from the UK)

Children are people and as such are subjects of rights. As rights-holders, they must be visible. Politicians must recognise not only that policies on trade, growth, monetary union, consumer rights, labour movement have a direct impact on children's lives but that children have a legitimate claim to have their interests in these matters taken seriously. To date those interests are given insufficient recognition. A flexible labour force might be valuable in promoting greater profitability but can create havoc and insecurity in children's lives. Lower public expenditure might be an effective strategy for reducing inflation and debt but may cause profound and lasting harm to the well-being of children. It is children whose personal development and social contribution will shape the future of Europe and who offer the opportunity to break the cycles of discrimination and social exclusion so prevalent throughout the member states. But as children, they cannot be left to struggle with these challenges alone. Effective policies are those which promote the aspirations of citizens, strengthen civil dialogue and community participation, enhance integration whilst respecting diversity. Such policies can only happen when politicians listen to people - and people includes children.

In September 2001, leaders of all the member states will be participating in the UN General Assembly Special Session on children to assess progress in promoting children's rights since the World Summit for Children in 1990. At that Summit, a commitment was made by world leaders 'to give every child a better future' and to give a high priority to the rights of children. Whilst some progress has been made at country level, analysis of current developments across the member states and within the European Union itself, reveals a continuing and unacceptable disregard for children's rights, with very serious consequences for their immediate and long-term welfare and for the well-being of Europe as a whole.

It is incumbent on all the institutions of the European Union to give children a higher political priority now. Children are socially and politically excluded. The process of exclusion is discriminatory in practice and consequence. It needs to be tackled by promoting opportunities for children, and their experience and concerns, to be heard and taken seriously by politicians and policy makers at national and European level.

Children in Europe

There are 90 million children living within the European Union. Social, economic and demographic changes taking place in all member states - the ageing population, patterns of labour mobility, changing family structures, increasing numbers of asylum seekers and refugees, patterns of immigration, the electronic communications phenomena, polarisation of wealth - will have profound impact, not only on their immediate lives, but their long-term futures. Equally, legislation and policy being developed now in response to these and many other key issues, at both national and European level, has significant influence on nature and quality of children's lives. Children, therefore, have a legitimate interest in those policies whether they be economic, social, environmental or political.

Yet children as a group are comparatively invisible as citizens or as subjects throughout the European Union. Whilst they are highly visible in discourse on, for example, the growth of neo-nazi movements, football hooliganism, comparative educational attainment or indeed, sexual exploitation and abuse, in all these issues it is adults who are defining the debate, with the children and young people reduced to the status of objects of their concern. Children themselves are rarely heard providing their own observation, commentary or analysis of their experience. This is hardly surprising. The routes through which adults articulate their views, and highlight their concerns are largely unavailable to children. They cannot vote. They have little or no access to the media. They have only limited access to the courts. They are not members of powerful lobbies which campaign and lobby governments such as the trade unions, the commercial sector or environmental groups. Without access to these processes which are integral to the exercise of democratic rights, children and their experience remain hidden from view and they are, in consequence, denied effective recognition as citizens. As the Spanish children in the Euronet consultation argued 'In order to participate in society, you need to vote'. The impact of this denial at national level was effectively summarised in the report of the Finnish Government to the Committee on the Rights of the Child, the international body responsible for monitoring governments' progress in implementing the Convention on the Rights of the Child, in its observation that there was a 'structural indifference to children which is the product of the deeply ingrained segmentation of administration. As a result, it is difficult at national level to create principles and practices to harmonise the policies relating to children with the actual provision of services for children' ¹. It was put even

more forcefully by one young person in the consultation when she was asked whether listening to young people would make a difference. 'Of course it makes a difference. I think people need to be involved in the decision-making process. Young people are the future of tomorrow and I think if adults are messing around now or not listening to us now, then young people would be thinking the same thing now that they don't have to listen and that's wrong. The views of adults need to be changed so that the views of young people can be changed'. (UK)

At European level, recognition of children's interests is even less advanced. The driving agenda within the EU treaties is the 'citizen as worker' which inevitably excludes children from most policy priorities. Furthermore, their formal exclusion is not compensated by recognition that these policies will frequently impact, often negatively, on children's lives. In other words, children are invisible within policy-making. It is significant, that although Eurostat provides extensive comparative data on many aspects of life in Europe, it pays little attention to the lives of children. For example, an comprehensive overview of the living and working conditions in the 15 member states is provided in *A Social Portrait of Europe*, but it contains almost no information on the situation of children ².

Children's invisibility creates a spiral of discrimination. Discrimination has been defined by the Human Rights Committee as "any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms ³". Whilst age is not specified, it can be assumed under the provision of 'other status'. Children are excluded, by virtue of their age, from the European agenda ⁴. This exclusion is discriminatory both in practice and in consequence. It results in a disregard for the equal protection and promotion of their rights. This disregard of children's interests does not arise from a malign or deliberate intent. Rather, it is a reflection of the low status of children within societies: a failure to acknowledge that their experience as children is different from that of adults, that it is of equal validity, and that it is missing from current agendas. This view is exemplified by the observation of one of the Austrian delegation to the Committee on the Rights of the Child, when he commented that although no particular study had been envisaged to assess the effects of the Euro on children, it would without doubt prove beneficial ⁵. But as this policy paper will argue, such assumptions are not always valid.

However, not only is it right in principle that discrimination against children through their exclusion from the European agenda should end, it is also of immense benefit to the EU as a whole that this should happen. There are powerful arguments in favour of giving children a higher political priority.

- **Children’s healthy development and active participation are crucial to the healthy future of any society** . The costs of failing children are high. Messages from research confirm that what happens to children in the early years and even before birth significantly determines their future growth and development. This, in turn, determines their life chances and their cost or contribution to society over the rest of their lives. Yet too often, no active consideration is given to how proposed policies are likely to affect the lives, rights and interests of children. ‘Children need to be listened to – they have a view as well. Sometimes children see things adults don’t’. (Italy)
- **Children are more affected by the actions - or inactions - of government than any other group.** Many areas of national and European policy affect children to some degree, either directly, or indirectly. And their dependence and developmental state make them disproportionately vulnerable to the impact of economic, environmental, consumer, employment, immigration, transport policies. The Euronet consultation, for example, revealed environmental degradation as a consistent theme of concern. As one Belgian child observed. ‘Children have a strong longing for safety’. And the French children condemned adult failure to create safe environments for children as a form of discrimination
- **Children suffer from fragmentation of public services** , with all the consequent inconsistencies of philosophy and practice, duplication of provision, poor communication, and inadequate solutions to complex problems.
- **Children have no vote, nor access to the powerful lobbies that influence government or European agendas** . They have little, if any, access to the media. The views of children rarely inform the actions of national or European politicians. The view expressed by one Italian child encapsulated the general view that ‘children’s opinions are unlikely to affect decisions taken by adults’.

- **Children in most countries are denied access to the legal system and courts to protect their rights** . Responding to children's concerns and complaints and remedying their rights requires special arrangements. The mechanisms that are employed by adults to exercise their rights are largely unavailable to children.

Other vulnerable groups have experienced comparable exclusion. For example, women, disabled people and many ethnic minority communities have been and continue to be marginalised by governments, with inadequate attention paid to the consequent direct and indirect discrimination they experience. However, there is now widespread recognition, not only that such discrimination exists, but also that there is an imperative at both national and European level to take active measures to address it. Comparable attention now needs to be paid to the marginalisation of children within Europe.

This paper argues that children within Europe are discriminated against both directly and indirectly in the development of legislation and policy, in resource allocation and in political priority. This discrimination both derives from and is compounded by their invisibility or social exclusion from the decision-making processes of the European Union. And the primary strategy for challenging this exclusion must be to start creating the framework for listening to children, acknowledging them as citizens of Europe and including them as participants in a democratic community .

The paper argues for the creation of institutional frameworks within the EU to address the discrimination against children, rendering them more visible and recognising them as citizens of Europe.

Children's right to non-discrimination, social inclusion and participation

The right to non-discrimination is widely recognised in international human rights law. The many international and European human rights treaties, to which all members states are bound, provide a clear set of obligations to respect the rights of all people to be treated as of equal worth. These non-discrimination rights all extend to children either implicitly or explicitly. However, although the principle of equality of rights for all people is well-established, it has not, in the past, been adequately addressed in respect of children. Whilst children are not explicitly excluded from the key human rights treaties, neither is their unique experience of human rights abuses reflected in their provisions or tackled adequately by the respective treaty monitoring bodies. The 1989 Convention on the Rights of the Child, like the 1965 Convention on the Elimination of all forms of Racial Discrimination and the 1979 Convention on Elimination of Discrimination against Women, was drafted in recognition of the fact that children experience discrimination and need special protection under international law if their rights are to be realised.

UN Convention on the Rights of the Child

All members of the European Union have ratified the Convention on the Rights of the Child and are therefore required under international law to comply with its principles and standards. Whilst much of the legislation, policy and practice on which the Convention impacts applies at national level only, the socio-economic environment in which it takes place is determined to a significant degree by the policies of the European Union. Furthermore, the priorities within the EU, its legislative and funding programme will have a direct bearing on the implementation of rights for children at national level. Therefore, although the European Union itself cannot formally ratify the Convention and thereby be bound by its provisions, that fact that it comprises a membership which has done so, places it under a clear duty to develop policy and legislation which not only is consistent with the rights of children, but actively facilitates compliance at national level.

This will not be achieved by default. Indeed, at national level, the Committee on the Rights of the Child has expressed concern over the adequacy of measures to tackle discrimination against children in many

European states including Belgium, Denmark, Finland, UK, Italy, Germany, France and Portugal. A commitment to non-discrimination requires active consideration of the specific impact of all policies on the exercise of children's rights. The Committee on the Rights of the Child has identified four underlying principles which need to be considered in implementing all other rights. If the European Union is to facilitate member states in meeting their obligations to children under the Convention, these principles need to inform policy and decision-making throughout the European institutions.

Article 2 – the right to non-discrimination

Article 2 of the Convention on the Rights of the Child states that:

1. States parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth or other status.

2. States parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 2 requires governments to ensure that **all** the rights in the Convention apply without discrimination to **all** children within the jurisdiction of the state ⁶.

- **All rights** Discrimination can and does serve to prevent the realisation of all rights. Governments and European institutions must ensure that their own actions do not discriminate against any children, and also take active measures to prevent discrimination by others. This necessitates rigorous scrutiny of all legislation and policy to consider its potential impact not only on children as a body but on any particular groups of children likely to be affected by it.
- **All children** The Convention rights extend equally to all children. Protection is not restricted to those with legal citizenship: aliens, refugees, asylum seekers, stateless children and children of illegal immigrants are all entitled to equal respect for their rights. The Convention specifically addresses the rights of vulnerable groups

of children to equal treatment – refugee children, children in trouble with the law, children in situations of armed conflict, and children from minority groups. Article 2 also introduces specific recognition of the rights of disabled children to protection from discrimination.

However, the principle of non-discrimination does not prohibit legitimate differentiation between children. Affirmative action to protect the rights of particularly vulnerable children, such as refugee or asylum seeking children or those from ethnic minorities, is justified, provided that it is demonstrably in the best interests of those children⁷. And respect for the evolving capacities of the child allows for children to be granted greater responsibility for decision-making as they gain in age and competence.

Article 2(2) protects children against discrimination on the basis of their parents' or guardians' status, beliefs, activities or opinions. For example, a child cannot be denied education because his parents have been convicted of a crime or are refugees. A child cannot be denied the right to inherit nationality from her father, because her parents are not married. And whilst Article 2(1) is limited to non-discrimination in the exercise of the rights in the Convention, Article 2(2) extends to any form of discrimination or punishment imposed on the child as a result of who his or her parents are⁸.

Article 3 – the best interests of the child

Article 3 requires public and private social welfare institutions, courts of law, administrative authorities or legislative bodies to give primary consideration to the best interests of the child in all actions concerning them. This duty has particular significance in respect of discrimination against children as a body. Many differences in law, policy and practice in respect of children are justified on the grounds that they are needed for their protection. However, they often do in fact constitute discrimination. Article 3 provides a test against which such distinctions must be judged. Unless they are necessary to protect a child's welfare, they would represent a breach of the right to non-discrimination. For example, the Young Workers' Directive places very significant restrictions on children's right to work⁹. However, it does so specifically to promote children's best interests through protecting other rights - the right to full time education, to the best possible health, to play, to protection from harm and from economic exploitation. Its restrictions are therefore justified. On the other hand, repatriation of asylum seeking children on grounds that family reunification is in their best interests, can and does place them at risk of returning to dangerous environments or situations where parents are

unable to care for them. European children would never be returned to live in dangerous environments within their own country. As such, these policies discriminate against a particularly vulnerable group of children.

Article 3 also requires an end to the invisibility of children in policy-making. It demands that governments consider all proposed legislation and policy to ascertain whether it is consistent with the best interests of children. Failure to do so can and does result in provisions or initiatives which discriminate against children either directly or indirectly. Of necessity then, a comparable obligation needs to be respected by the institutions of the European Union in order that the development of policy gives explicit recognition to the rights and interests of children which can then be implemented at national level.

Article 6 - the right to survival and development

Article 6 of the Convention stresses the right of every child to life and optimum survival and development. The non-discrimination principle requires that governments take pro-active measures to ensure that this right is respected equally for all children. It also requires that consideration is given to ensure that policies are not developed which are detrimental to the health and well-being of children as a body. For particularly vulnerable children, optimum survival and development will be jeopardised without additional targeted help. Education programmes which recognise the realities of the lives of street or homeless children will be necessary to enable them to benefit from education on the basis of equality of opportunity. Without positive discrimination, these and many other groups of children will be denied opportunities to realise their optimum potential. At European level, respect for Article 6 would require the availability of programmes and funding to facilitate the optimum development of children.

Article 12 – the right to be listened to and taken seriously
It is only through listening directly to children that adults can work effectively to tackle the roots or the impact of discrimination. Article 12 provides that all children have the right to express their views on all matters of concern to them and to have those views taken seriously in accordance with their age and maturity. In other words, children are entitled as of right to be consulted when decisions that affect them are being made, both as individuals and as a body. This radical recognition of children as active participants in their own lives provides a powerful tool through which children can challenge discrimination. Indeed, the primary discrim-

mination against children as a body is the failure of European, national, regional and local institutions to listen to children in the development of legislation and public policy in order to ensure that their views and concerns are properly reflected.

European instruments to promote children's right to non-discrimination

Member states also have obligations to respect children's rights under a number of European treaties. All member states have ratified the European Convention on Human Rights (ECHR). Although it was not drafted with children expressly in mind, its provisions do nevertheless extend to children. Article 1 of the ECHR requires states to guarantee the rights it contains to everyone within the jurisdiction – and everyone obviously includes children. And Article 14 requires that all rights embodied in the ECHR must be respected without discrimination. Although neither childhood status nor age are listed in Article 14 as grounds for discrimination – it includes grounds of sex, colour, language, religion, political or other opinion, national or social origin, association with national minority property, birth or other status, - they are covered by the inclusive 'or other status'. An Additional Protocol to the Convention introducing a freestanding equality right has now been adopted and opened for signature on 4th November 2000. Once in force, it will provide considerable additional protection for individuals in states which ratify against discrimination in the exercise of any right set out in law.

The ECHR, of course, only addresses civil and political rights. Economic and social rights are protected under the European Social Charter which also incorporates a principle of non-discrimination in the enjoyment of the rights it embodies. And as with the Convention on the Rights of the Child, all EU legislation and policy must be cognisant of member states obligations under both the Convention and the Charter.

The Council of Europe has also adopted the Convention on the Exercise of Children's Rights which seeks, in principle, to give binding legal effect to the principle embodied in Article 12 of the Convention on the Rights of the Child. However, it is much more narrowly drawn than Article 12. For example, it requires states only to commit to implementation of the right to be heard in the field of family law, it fails to distinguish between the concept of best interests and the right to express views, and it imposes age limits of the exercise of the right. It therefore weakens the

principle in the Convention on the Rights of the Child that children have a right to express their views on all matters of concern to them and thereby serves to undermine rather than advance children's interests.

The process of discrimination against children

There are four key inter-linking processes through which discrimination against children is perpetuated throughout the European Union – legislation, government action or inaction, internalised attitudes, and the media.

1 Legislation

At both national and European level, legislation can directly or indirectly discriminate not only against children as a group but also against particular groups of children. Children throughout the EU are denied the right to vote in national or European elections until they are 18 years old. Children in some countries are denied the right to family reunion under immigration legislation, children from third countries may be excluded from EU citizenship, refugee and asylum seeking children may be provided with less rights to benefits, access to education and health care. In the UK, children have no formal right to exercise any democratic rights in school – there is no entitlement to have a school council, no formal rights of complaint against any abuse or injustice, no right of appeal against a permanent exclusion. 16-17 years olds are precluded by law from entitlement to social security benefits, and the minimum wage does not extend to them ¹⁰. Under Portuguese law, the child of an illegal immigrant is not entitled to attend school ¹¹.

2 Government neglect or inaction

Discrimination against children often occurs because governments fail to act to protect their rights. Children's invisibility in the economic and political arenas of the EU can and does lead to the implementation of policies which disregard their rights and interests. Although one in five of the EU population is a child, in 1997, less than 3 MECU of the EU's overall expenditure reached children directly ¹². The failure to give children sufficient priority at national level is exemplified in the concern raised by the

Committee on the Rights of the Child in its examination of the Spanish Government on its progress in implementing the Convention on the Rights of the Child that in establishing the budget allocated to the promotion and protection of economic and social rights, insufficient consideration had been given to the best interests of the child¹³. National and EU policies on transport and environment frequently reflect the interests of the commercial lobbies with disregard for the disproportionate vulnerability of children to the effects of environmental pollution.

Equal treatment legislation often exists, but is not effectively implemented. For example, whilst the law in most European countries exists to protect the rights of Gypsy and Traveller children to education, health care, access to sites, in practice these laws are often implemented in arbitrary and unfair ways by local authorities resulting in hardship and unequal treatment¹⁴.

3 Internalised discrimination

Discriminatory attitudes which confer inferior status on childhood are underpinned by an implicit assumption of children's lack of competence – they are unable to make rational choices, exercise judgement or express valuable opinions. This leads to a lack of respect for them as individuals. For example, there continues to be an assumption in much of Europe that it is acceptable to hit children, whereas any form of violence towards adults is condemned. In the debate within the EU on the importance of improving democratic participation and getting closer to citizens, children have not, to date, registered as citizens.

These general assumptions about the limited capacities of children are compounded for particular groups of children. Assumptions that disabled children lack the capacity to be educated, or they are best cared for in institutions, that poor children are less able or talented or that street children or Travellers are dishonest and untrustworthy, that asylum seekers are exploitative and manipulative can all lead to further discrimination in the exercise of rights. A group of children from Austria, for example, observed that: 'Children who have to go to a children's home are stigmatized. Nobody asks you what you want, nobody cares for your rights. (They) are discriminated against because they are considered to have lower intelligence than average children and therefore not supported to go for a higher degree'. Discrimination is often rooted in fear – fear of an unfamiliar people who look different, have another language, cul-

ture, religion, and social behaviour, fear that one ethnic group threatens the security, cultural identity, land or jobs of another group. These attitudes, blinkered by prejudice, can result in wide-ranging discriminatory practices which have a devastating impact on the immediate lives and long-term outcomes for the children concerned.

4 The media

The media can, and often does, promote discrimination against children through its representation of them. At a General Discussion day held in 1996 by the Committee on the Rights the Child on children and the media, lack of respect for the integrity of children in their portrayal by the media was voiced as a key concern¹⁵. Younger children tend to be portrayed as passive victims of abuse and violence or as cute angels available for adult entertainment. Older children, on the other hand, are widely represented as demons posing a threat to society through their violence, drug-taking, criminal activity, insolence, truancy or promiscuity. For example, an analysis of 400 news stories relating to children in the UK carried out by Children's Express in 1998 revealed that half the stories stereotyped the children negatively and nearly a third presented children as victims¹⁶. Within these constructions of childhood, children are seen either to be in need of protection from adults or adults are seen to need protection from children. Rarely are children presented as citizens with a perspective to contribute towards the news agenda. They are not provided with opportunities to appear as commentators, observers or experts. The French children in the Euronet consultation explicitly recommended the need for greater co-operation from the media in presenting the positive side of children and young people to counter the predominant representation of children in crisis.

These negative images of children are often compounded by the way in which the media can generate hostility towards particular groups of children. Certain groups of children, for example, disabled children or those from minority groups, are often simply absent from the media, leaving these children without role models and depriving the wider population of positive images of them. Thus, the media colludes with and affirms the low value society attaches to those groups of children. Demeaning and degrading images of girls perpetuate negative gender stereotypes. At its most extreme, the media can be responsible for orchestrated campaigns to mobilise hatred and dehumanise particular groups.

The nature of discrimination against children – an overview

1 Discrimination on grounds of childhood status

There is little acceptance to date of the widespread existence of discrimination against children as a group, largely because they have no vehicle through which to articulate their experience and it is therefore unheard and unacknowledged. Rather, there is a presumption that children's rights and interests are protected by the adults with responsibility for them.

The status of childhood

As minors in law, children are deemed incompetent to exercise judgements on their own behalf. Differences in the way children are treated are justified on grounds of the physical, emotional and intellectual immaturity. Accordingly, parents or guardians are granted rights and responsibilities to exercise decision-making on their behalf. These parental rights, whilst varying in detail within member states, are largely common to all – for example, rights to give a child a name, authorise medical treatment, determine a child's schooling, choose their religion. Clearly, it is necessary for children to be protected when young from having to take full responsibility for their lives. Article 5 of the Convention on the Rights of the Child recognises that parents have a responsibility to provide direction and guidance to children but emphasises that it must be provided in the exercise of the child's rights and in accordance with the child's evolving capacity. Obviously as children grow older, they gain in competence and understanding and are increasingly able to take responsibility for the exercise of their own rights. The provision for non-discrimination in the Convention on the Rights of the Child allows for differential treatment of children on the basis of age, and indeed between groups of children, provided that such differentiation is justified in the best interests of the child.

Discrimination in law and policy against children

Scrutiny of legislation and policy throughout the member states reveals that children are disadvantaged significantly in the exercise of their rights by virtue of their childhood status. The Spanish children in the Euronet consultation summed up the problem when they argued that 'Everything that young people want to do is conditioned by age. They are never thought of as capable of deciding for themselves. Young people are

always reminded of their duties, never of their rights'. Forms of discrimination in the exercise of rights as a consequence of children's status include.

- **Article 1 – the Convention rights apply to anyone under the age of 18 years** – competent children can be denied the right to appear in court, to express views when parents are divorcing, to confidential medical advice
- **Article 2 – the right to non-discrimination** – children, and the issues that affect them are often not explicitly included in non-discrimination legislation, and equal opportunities policies are widely focused on adult, rather than children's concerns
- **Article 4 – the obligation to take all appropriate measures to implement children's rights** – very few member states have undertaken the necessary analysis to ensure that the maximum possible measures are being applied to promote and protect the rights of children – their lack of power in economic and political arenas renders it impossible for them to exercise any influence over such agendas. This failure is exemplified in the lack of adequate data gathered about the lives of children in the European Union. There is no accurate information, for example, about how many children grow up in step-families, experience divorce, are excluded from school, are disabled, commit particular crimes, arrive as migrants, refugees or asylum seekers, without which it is not possible to develop coherent policies directed to promoting the interests of children¹⁷. Children are an identified target in only four EU budget lines, most of which have no legal base¹⁸.
- **Article 6 – the right to life and optimal development** – children suffer disproportionately from the impact of environmental pollution and yet, too often are not given appropriate consideration on the development of policy in this field
- **Articles 7 & 8 – the right to knowledge of identity** – priority in many countries is given to would-be parents in the sphere of reproductive health – children born as a consequence of assisted reproduction are often denied the right to knowledge of their identity, with legislation often colluding with the wishes of parents and donors for secrecy
- **Article 10 – the right to family reunion** – restrictions on family reunion as a consequence of tightening policies on immigration impact disproportionately on children
- **Article 12 – the right to express views** – few children have the opportunity to voice their experience or concerns to politicians and policy makers at either national or European level, many chil-

dren are denied any access to the courts when decisions about them are being made, many children in public care lack access to independent advocacy

- **Article 13-15 – freedom of religion, expression and association**

- although member states of the EU protect these rights for adults, very few have undertaken any explicit measures to address them rights in respect of children for whom these rights are more likely to be impeded by parents or guardians – in many countries, for example, children have no freedom to exercise choice in their religion in schools

- **Article 16 – the right to privacy** - children are widely denied respect for privacy – children in residential care lack opportunities for private phone calls, letters are read by adult carers, child protection policies in many countries fail to provide children with opportunities for confidential help

- **Article 17 – the right to information and access to the media** – children have little or no access to the media and are represented widely through negative stereotypes

- **Article 18 – obligations to provide services for parents** - the focus of much child care and out of school provision is to provide a service for parents, with relatively little emphasis on the perspective of the children affected

- **Article 19 – the right to protection from all forms of violence** - children are the only group of people whom it remains lawful to hit in many European countries, babies are more likely than any other group of people to be killed

- **Article 20 – the right to alternative care** - children in public care can be deprived of their liberty without having committed any offence

- **Article 22 – the equal rights of refugee children** - the increasingly tough measures to restrict asylum seekers and refugees can impact severely on children - prejudice, poverty, insecurity can cause more lasting damage to vulnerable children. In some countries there are no specialised services to address the very particular needs of unaccompanied young refugees

- **Article 24 – the right to the best possible health** - in many countries, children are denied the right to give their own consent to treatment even where they are fully competent to understand the consequences of proposed treatments

- **Article 27 – the right to benefit from an adequate standard of living** - children have been disproportionately likely to suffer poverty over the past 20 years, in some countries there are no

benefits available for school leavers, and a lower minimum wage for comparable work

- **Article 28 – the right to education** - in many countries, schooling continues to be authoritarian with too little account taken of the importance of respecting the rights of children and recognition of their right to participate in decisions concerning their education
- **Article 30 – the right to respect for language, culture and religion** - children in school can be forced to wear clothing which does not respect their religion and culture – insisting that Muslim girls remove their headscarves or wear skirts, not allowing Sikh boys to wear turbans, not providing opportunities for them to practise their religion or speak their language
- **Article 31 – the right to play** - children’s access to open space, to play areas, to public arenas is increasingly restricted either because of fears for their safety or because they themselves are perceived as threatening and they are targeted by police
- **Article 33 – the right to protection from harmful drugs** - children are often targeted by drug pushers to create early dependency
- **Article 34 – the right to protection from sexual exploitation** - children are increasingly exploited by pornography through the Internet, children are particularly vulnerable to sexual abuse in families
- **Article 37 – the right to protection from arbitrary detention** - children with mental health problems can be detained without their consent in many countries without protection from mental health legislation
- **Article 40 – the right to due process** - children are sometimes placed in adult jails placing them at considerable risk of exposure to violence and abuse, juvenile courts are often serviced by the least experienced and skilled lawyers

2 Discrimination against particular groups of children

Whilst all children are discriminated against because they are children, there are many groups of children who experience further discrimination as a consequence of their particular status. One English girl in the Euronet consultation summed up the experience of many when she commented that ‘I think people experience something like discrimination on a day to day basis. I think its part of the society we live in to discriminate against others. There are lots of ways to discriminate’. The Committee on the Rights of the Child, too, has identified a range of fac-

tors which can cause children to be discriminated against, many of which exist throughout the European Union, including ¹⁹:

- **sex** – Austria, for example, has a differential ages for boys and girls for marriage and sexual consent ²⁰
- **disability** – no EU country provides an absolute right for disabled children to choose mainstream education and their rights to social integration through friendships, play, leisure, culture are significantly limited, disabled children are disproportionately likely to be confined to institutional care
- **race, xenophobia and racism** – children from ethnic minority communities suffer widespread discrimination in every EU country
- **children involved in juvenile justice system** , in particular, children whose liberty is restricted – the right to education for children in custody in some countries is inadequate and certainly not as comprehensive as that provided for other children, access to health care is often poorer than for other children
- **children affected by HIV/AIDS** and children of parents with HIV/AIDS – such children can be shunned, excluded from school, denied friendship in all EU countries
- **minorities** , including Roma children, gypsies, travellers - widespread hostility exists towards these groups throughout the EU and they are often denied access to health care, education and a safe environment – for example, in France in 1994, gypsies had twice the infant mortality rate than the rest of the population and only around one third of gypsy children attended school ²¹
- **non-nationals** , including immigrant children, illegal immigrants, children of migrant workers, refugees/asylum-seekers including unaccompanied refugees – these groups of children often lack equivalent entitlement to benefits, housing, and in some countries can be detained pending determination of status. For example, the Committee on the Rights of the Child was critical of procedures for asylum seeking children in Germany and Belgium in respect of family reunification and expulsion to third countries ²². In the Netherlands, children without legal status, have no right to public services except in urgent situations ²³.
- **children living in poverty** – poverty exists, although to a widely different extent in all EU countries - poor children have less opportunity than others to the best possible health, to social inclusion, to safe play, to a healthy environment.

Children's views on discrimination

As part of the development of this policy paper, Euronet commissioned a series of consultations with children aged between 8-18 years, across the member states, on their views on discrimination and how they are treated as children. Of course, children are no more homogenous a group than adults. Their views necessarily vary according to their age, sex, religion, culture, nationality, ethnicity, disability, or social and economic circumstances. However, on the issues of discrimination, the consequent exclusion they experience and their interest in greater opportunities for democratic participation, there is a remarkable degree of unanimity amongst the children who participated, and indeed, with the views expressed in other recent attitude surveys of children and young people ²⁴.

Experience of discrimination against groups of children

The children from every participating country were acutely aware of the existence of discrimination, in particular, the extent and impact of racial and ethnic discrimination, which was identified by almost every child as a problem. This widespread experience is effectively captured by an Italian girl who observed that: 'The most evident form of discrimination is due to a difference in skin colour. The most apparent consequence of this is a reluctance to give work to coloured immigrants, who are almost always cast out by society'.

But they identified many other groups who, in their experience, are discriminated against – Gypsies, disabled children, children living in institutions, children who are different through poverty, and children who are simply different from the most powerful groups in the school or community. 'You can be discriminated against for virtually everything – hair colour, skin colour, religious beliefs, girl or boy, taste in music, coming from a different country. If they don't like something that different, they don't accept you.' (Italy). The French children also articulated the extent to which children were more vulnerable to discrimination when some disruption takes place within their family lives - divorce, moving house or country, new partners.

The children documented how discrimination can be displayed through sarcasm, jokes and hints, nasty looks, physical aggression, judgements and prejudice, and commented on its damaging effect on their lives. It produces a profound sense of anger, humiliation, a desire to withdraw, loss of self-esteem, self-hatred, fear, social isolation, insecurity and unhappiness. Of particular significance is the fact that, although all the

children participating in the consultation expressed strong views about how wrong discrimination was, almost all responses indicated a sense of impotence in tackling it either when it was directed towards themselves or towards others. Rather, they describe 'watching fearfully' and feeling unable to act to prevent its continuation. They do not perceive themselves as having the capacity to challenge behaviour even when they strongly disapprove of it.

Discrimination against children as a group – the failure to listen

Many of the children identified age discrimination as an important factor in their lives, articulating a strong sense of injustice about adult indifference to their concerns. They generally felt that their views were rarely heard or considered on a par with others. The theme which emerges with considerable consistency is that children expect to be treated as 'lesser' because of their childhood status: this point was highlighted by a Dutch 17 year old who commented that she was ignored by politicians because she is 'just' a girl. Other children observed that:

'I think discrimination against young people is wrong because people respect young people's opinions less – because you are younger they think you don't know'. (UK)

Children cannot decide or give an opinion on where they sit in the classroom, or how homework is organised. In guidelines on the environment, nothing is taken into account about children' (Belgium)

'The Government does discriminate against a lot of people in different ways. For example, young people should have the right to vote – we live in the society so we should have the right to express out views on what we think. Government publications are in such language that young people can't always understand and find it too complicated. They should make an effort that all children, not just teenagers, babies as well need to be listened to and taken into consideration about certain decisions' (UK).

There was a degree of cynicism expressed about the limitations of some attempts which have been made to engage with children. This perception was clearly articulated by one girl from who commented on the difference between 'political showmen and seriously interested politicians' (Netherlands). And children from Belgium and France, in particular, identified a need for adults to receive training in how to deal with promoting children's participation. They argued that this was necessary to develop a more structured approach to political participation at national, regional

and local levels. Some of the Italian children were critical of the provision in school for opportunities to contribute their views which were subsequently rarely taken into consideration.

The value of children's views and experience

While most children recognised that parents, teachers and politicians have a legitimate authority over them, they feel that better decisions and judgments would be made if more trouble was taken to understand the lives and feelings of children over whom that authority is exercised. And there was a significant degree of consistency in the particular concerns they raised which they felt that adults should listen to and address – pollution, lack of play facilities, dangers of traffic, violence, too many children in poverty, and the need for better democracy both in schools and the wider sphere. They had many practical suggestions for policy change to enhance the lives of children as illustrated by the following short selection:

Children like to be involved in the education process and it should be a collective responsibility for teachers and children'. (Belgium)

'Schools need to address questions of racism, exclusion, the environment and all issues which impact on discrimination'. (France)

'Education in this country is so formal and you don't get a chance to say what you think. That is why education is failing so many young people because they don't find it interesting, don't want to be there and that's why they don't want to learn' (UK)

'A family policy would not only help our families, but in particular these non-European families. It would be helpful for the scholastic and social inclusion of these children to have help from more cultural mediators both in school and at home'. (Italy)

'The European Commission should appoint a special rapporteur to do a comparative study on the situation of illegal children in the different member states'. (Netherlands)

Newcastle is very, very, poor, its got lots of homeless people. It's shameful on the government that people have to live in such conditions' (UK)

We need support in establishing organisations to fight against discrimination, or to participate in (existing) movements of solidarity against discrimination'. (France)

'In the same way that there is monetary union in Europe and football players can play in any European country, we propose that everybody is able to fully participate as citizens where they reside even if this is another country from their own. It should extend to people from non-EU countries. Everyone should be given full citizen status so that they can participate in society'. (Spain)

The children articulate a powerful desire to be afforded greater respect and improved opportunities for dialogue with adults. However, in order for this to happen, they need access to information. The French children, in particular, commented on how children find it difficult to maintain credibility with, and acquire the respect of adults if they are denied the information through which to develop informed arguments. This was most poignantly expressed by one Italian boy describing the experience of good communication with an adult: 'I felt happy because it is so rare that adults can understand children and feel solidarity with them'.

But almost all the children expressed similar views:

Children need to be listened to – they have a view as well. Sometime, children see things that adults don't' (UK).

' I think my opinion is important when decisions have to be taken that concern me. But in my municipality this has not yet been understood. Moreover, I think it would be right to always ask children for their opinion about something. In the future, we, too, shall be submitted to the same laws and the same rules as now and basically we also live in our town' (Italy).

'I think young people do have a lot of confidence but they are so used to having to answer to adults that they find it very difficult to stand up for themselves because they grow up thinking that adults have always made the decisions for them and that's the way it should be'. (UK)

Key messages

Three key messages arise from the consultation:

- 1 Children express a deep concern over the scale and extent of discrimination against vulnerable groups of children and a desire to see more effective challenges to such abuses of children's rights. However, the consultation also highlights children's own lack of power in tackling discrimination themselves. This indicates a clear need for more effective collaboration between adults and children in exposing acts of discrimination, and developing strategies for promoting greater tolerance and understanding. The children from

all countries evoked a world in which they experienced profound insecurities and in which adults played an insufficient role in working with them to make it safer.

2 Children clearly feel that they are not taken sufficiently seriously by the adult world, and are effectively discriminated against. There was significant consistency in the identification of aspects of public policy which fail to give them sufficient priority and where policy makers would benefit from greater understanding of children's lives. It is clear, from this and many other consultations that the adult world has a great deal to learn from children.

3 The consultation exposed a strong wish for the promotion of greater respect for children, their views, concerns and experience. They want to participate more both because they feel it is right and because they recognise that they have an important contribution to make. And clearly, many children felt that the European Union should play an active role in helping change come about. Their messages to the EU were to:

'Take everybody seriously and not just the adults. Young people and children should be asked more about how they feel and respect their decisions' (Belgium).

'The European Parliament should work in such a way that other young people can benefit from it'. (UK)

'Give youngsters a chance to have their say through greater participation in collegiate bodies at schools and universities'. (Italy)

'Get to know European children, their traditions and culture better and make sure they have more room to play' (Italy).

'Enforce the UN Convention in practice – I think it has been talked about for so long...it is still not publicised enough to young people'. (UK)

Discrimination and social exclusion

The European Union is primarily an institution concerned with the freedom of movement of labour and capital. Its primary impact on citizens then is in the field of socio-economic policies. And yet in this area, the EU is guilty of having failed to give children any political priority.

Children and economic policy

It can be argued that no economic policies are 'child-neutral', and that although such policies might appear to have little relevance for children, they will often have a bias against or for their best interests²⁵. For many years, governments argued that economic growth of itself was sufficient to promote the well-being of all citizens. Of course, a higher per capita income will ensure that children fare better in respect of their right to survival and development²⁶. Economic growth is likely to produce healthy and better educated children who will in turn contribute to economic growth. However, evidence shows that the wealth of a country is not a guarantee of the ending of poverty nor protection of vulnerable citizens from faring badly on a range of indicators of social well-being²⁷. The UNDP, for example, has identified patterns of growth which are not compatible with sustainable human development:

- Jobless growth where the overall economy grows but fails to expand opportunities for employment
- Rootless growth which causes people's cultural identity to wither
- Futureless growth where the present generation squanders resources needed by future generations²⁸.

It has also argued that development must be consistent with and informed by a commitment to respect for human rights²⁹. Accordingly, if economic growth is to promote children's rights and interests, it must be inclusive, sustainable and equitable. But if children are not visible in the analysis of economists, as is currently the case, there will be no mechanism for assessing what the impact of proposed policies is likely to be, and whether their structure and implementation do enhance the quality of children's lives. In order to ensure that children's rights and interests are properly reflected in economic strategies, they need to be characterised by:

- An emphasis on equity and policies that support an inclusive, broad-based, participatory pattern of growth

- Predictability and stability
- An emphasis on human and social development and on the accumulation of social capital and trust
- An emphasis on job creation
- A minimum of job security
- A very long-term perspective ³⁰.

EMU and recognition within economic policy

Economic Monetary Union constitutes a major step forward in the process of integration within the European Union, with profound implications for the lives of all European citizens. Its broad aims are economic growth, a stable economic environment, job creation, exchange rate certainty and cheaper transaction costs. On balance, if these goals are achieved, they have the potential to be beneficial for children. However, the determination of priorities given to each of these goals will have differing implications for children. For example, priority given to price stability by the European Central Bank is likely to favour older people who have paid most of their debts and have more to gain from high rates of interest. It can disadvantage families with younger children on whom high interest rates will adversely affect housing costs and employment rates ³¹. Furthermore the budgetary constraints and binding restrictions on fiscal deficits imposed on participating states resulted in the share of public expenditure as a percentage of GDP falling for the first time to two and a half decades ³². Inevitably this impacts adversely on children as governments cut funding for social programmes, reduced benefits and replaced universal with means tested benefits.

However, the implications of EMU for children are, to date, given very little consideration by economists. In the UK for example, the main focus of the government has been business ³³. At the EU level, there has been some focus given to the impact of the change on consumers with a Consumer Committee established, comprising both national and European organizations, to highlight the benefits to consumers of the new currency. And children have been targeted in education campaigns. However, there is no systematic analysis given to the impact of the proposals on children and their families ³⁴.

At this stage, it is too early to assess what the impact of EMU will be on children and their families. What is clear is that there will be an impact and that it is important to develop the necessary tools with which to

assess as early as possible the nature of the impact, and what adjustments might be needed to its design or operation to prevent harmful outcomes for children. In order to do this, it is necessary to ask whether the policies proposed will contribute towards the creation of an environment which will promote their best interests by:

- Encouraging children's optimum survival and development
- Facilitating their participation in the societies around them
- Enabling all children to benefit without discriminating against any group

The discriminatory impact of ignoring children in economic and social policies

Analysis of children's material situation throughout Europe, leads to the inevitable conclusion that where children are invisible to politicians developing social and economic policy, they suffer significantly. The data available on child poverty provides eloquent testimony to the discriminatory impact of disregarding the rights and interests of children.

The EU's broad definition of poverty recognises that it is not and cannot be an absolute condition. Poverty is defined as 'resources (material, cultural and social) that are so limited as to exclude them from the minimum acceptable way of life in the Member State in which they live'³⁵. In other words, it is relative to the social expectations of their society. Article 27 of the Convention on the Rights of the Child stresses the right to an adequate standard of living for the child's physical, mental, spiritual, moral and social development. Its wording clearly acknowledges the detrimental impact of poverty on children's life chances and the need for a definition of poverty which extends beyond basic provision of material needs³⁶. It confirms the need to view poverty in relative terms. Article 27, whilst recognising that parents have primary responsibility for supporting their children, also places clear obligations on the state to assist parents in this task.

The impact and extent of poverty

Children are especially vulnerable to the corrosive effects of poverty and social exclusion – their relative physical and emotional immaturity significantly weakens their capacity to resist its impact. It impedes educational opportunity, damages health, increases risk of accidents, precludes

access to safe play, restricts aspirations and increases exposure to drugs, violence, unprotected sex and crime. A childhood spent in poverty can have significant long term impact on children's future capacities to move beyond a lifetime of social exclusion. There is then a powerful moral, social and economic case for giving priority to addressing child poverty. Yet using the accepted definition of poverty within the EU (households living on less than half the average income), within the Union as a whole it is estimated that one fifth of children - 18 million are living in poverty³⁷. Furthermore, data from nine EU countries (Finland, Sweden, Belgium, Luxembourg, Denmark, Netherlands, Germany, Italy and the UK) indicates that there has been, on average, a rise in the numbers of children living in poverty over the period from the mid 80s to the mid 90s from 10.5% to 13.5%. Only in Sweden and Finland, countries with already below average poverty in the 1980s, was any fall recorded³⁸.

However, poverty, whilst it exists in all member states, does so in widely varying degrees – from 2.6% of children in Sweden to 20.5% in Italy³⁹. These variations exist despite the fact that both Italy and Sweden have similar GDP per capita⁴⁰. That being so, it is clear that the extent of child poverty is not directly linked to the overall wealth of the state but rather to the policies and investment made by governments to addressing the issue. Indeed, recent analysis shows that those countries with the highest social expenditures are those with the lowest rates of child poverty⁴¹. Furthermore the proportion of GDP which is necessary to lift all children out of poverty is relatively low – for example, 0.08% in Finland and 0.48% in the UK⁴². It is therefore demonstrably achievable if the political will exists.

An important indicator of risk of poverty and social exclusion is whether or not children are living in households without work – for example, during the 1980s, children under 14 years in EU households with no working adults were four times more likely to be living in poverty than children in households where someone worked⁴³. Research undertaken on workless households between 1986 and 1996 indicates that across 11 EU countries, the percentage of those with one or more children under 15 rose from 8% to 10.6% over the period, although the figures reveal wide disparities – from less than 4% in Portugal in 1996 to almost 20% in the UK⁴⁴. However, there has been little analysis of changing proportion of children living in workless households. There is no data on the numbers of children living in households where there is no work which is a critical figure in assessing the impact of economic policies on children.

Levels of public expenditure on children

Despite this disturbing evidence of a growing proportion of children at risk of poverty, there is evidence that public expenditure on adults has risen more rapidly than expenditure on children over the past decades. A study by UNICEF concludes that since the early 1970s, the rate of improvement in child welfare in many industrialised countries has slowed and that the risks of poverty and other forms of deprivation have grown faster than for other vulnerable groups⁴⁵. It's authors warn that with the combined impact of the global economic environment and changes in family structures, any weakening of social policies targeted on children could seriously erode much of the progress in child well-being of the past 45 years.

In summary then, children's vulnerability to economic policies and trends is clear. So too is their worsening situation in recent years. There are more children in the EU living in poverty, more children living in work-less households, and a lower proportion of public expenditure being directed towards their welfare. The negative impact of the social and economic policies which have produced these outcomes are not the result of deliberate intent. No-one at European or national level would want actively to promote a deteriorating situation for children. It is clearly neither in the interests of children themselves nor the EU at large. Rather, they are the consequence of a failure to give children as a constituency any political priority and to give specific consideration to the impact of economic and social policies on their lives. And in the absence of a capacity for children to lobby on their own behalf, it is imperative that the relevant institutions within the EU, as well as those at national level, begin to give explicit attention to the rights, needs and interests of children when developing policy. Indeed, in 1993, the Committee on the Rights of the Child commented that: 'There is an urgent need for a discussion on how children can be protected in programmes of economic reform. International, regional and national financial institutions have a role to play in this endeavour'⁴⁶.

EU responses to poverty and social exclusion

The EU has begun to take the issue of social exclusion and poverty seriously. The 1997 Amsterdam Treaty includes a new social base, Article 137, to combat social exclusion which can be agreed by majority voting rather than unanimity within the Council of Ministers. At the Lisbon meeting of the European Council in March 2000, the heads of government declared the numbers of poor in Europe to be unacceptable and called for decisive steps to eradicate it, including the introduction of targets against which progress can be made. Particularly welcome was the proposal for a target of halving of child poverty by 2010. Pursuant to these commitments, a proposal for a Decision of the European Parliament and of the Council was published in June 2000 setting out a programme for combating social exclusion to be adopted for the period Jan 2001- Dec 2005. Its aims are to:

- Improve understanding of social exclusion
- Promote co-operation and mutual learning
- Develop capacity to tackle social exclusion

If real understanding is to be gained about the impact and nature of social exclusion on children, the programme must give specific attention to their situation in all three areas.. An assumption that focusing on parents or families will provide sufficient answers, will perpetuate the tradition of rendering children's unique experience invisible. And it will, therefore, fail children. The following issues need to be acknowledged and acted on to ensure that children's experience of poverty and social exclusion are appropriately addressed within the programme.

- **Children's experience may be determined by their parents social or economic situation but will have different implication** S
For example, information documenting the extent of families who are homeless or living in overcrowded accommodation will not describe the situation of children. It is necessary to know how many children live in homeless families, how many in overcrowded or inadequate housing? What impact does it have on their health, education, play and opportunities for social inclusion? Where parents have limited or no work, what impact does this have on children's health, education, aspirations. How many children are living in workless families, and what are the patterns of increase or decrease?

- **Children have lives which are separate from their parents**

For example, a growing number of young people are homeless. What are the causes of such homelessness, what facilities exist for them, how adequate are they, how does homelessness impact on their self-esteem and mental well-being, access to health care and education? How long do young people tend to remain homeless, what helps them find accommodation, what additional support is needed to help them re-integrate following periods of homelessness?

- **Children's and parents interests do not always coincide**

For example, strategies to tackle poverty and social exclusion through work can have a negative impact on children's lives. How do children feel about the child-care provided when their parents are working? What impact does it have on their well-being, their friendships, the opportunities for play and freedom of association? How do children experience parents working long hours? How does it affect their family life, quality of parental relationships, social isolation?

- **Different groups of children are affected differently by poverty and social exclusion**

Some groups of children are more vulnerable to poverty and experience particular difficulties in accessing their rights when facing social exclusion. For example, it is estimated that there are between 7-8,500,000 Gypsies and Travellers in Europe and despite numerous European Community resolutions and funding programmes designed to improve their situation, they are widely exposed to prejudice and hostility, many are unable to access health care and children are excluded from schools⁴⁷. Children living in immigrant families are disproportionately likely to be living in poverty and experience homelessness⁴⁸. In addition, children from ethnic minority communities face significant levels of discrimination, abuse, harassment and violence on a regular basis in schools and on the streets.

None of these experiences will be identified and understood unless explicit attention is given to examining the situation of children as distinct from their families. And unless they are understood, it will not be possible to begin to address the roots of poverty and social exclusion as it impacts on children throughout the European Union. As presently drafted by the European Commission, no reference is made to children in the Social Exclusion Programme other than the commitment to tackle child poverty.

Current developments to address discrimination against children within the EU

1 Through national legislation

At national level, all EU member states have some form of legislation to tackle discrimination on grounds of sex, racial or ethnic origin, religion or belief and disability ⁴⁹. Whilst this legislation rarely makes explicit reference to children, and much of its focus relates to the field of employment, they are covered by the general provisions and are therefore implicitly afforded some protection in the exercise of the right to non-discrimination on these grounds. However, this is not, of itself sufficient. Children's experience of, for example, disability discrimination will not necessarily be comparable with that experienced by adults. For example, much of the provision at state level to tackle discrimination against disabled people addresses their exclusion from the labour market which is not relevant to most children. However, exclusion from the right to mainstream education is relevant and yet, although many governments have introduced policies to promote inclusion, in no EU country is there a legal right on the part of disabled children to inclusive education.

As yet there is comparatively little legislation on age discrimination in the member states. Where legislation or policies do exist, they are almost exclusively linked to older people, particularly in the field of employment. In Ireland, for example, the Employment Equality Act 1998, which covers to access to employment, working conditions, vocational training and dismissal, excludes anyone under 18 years except in respect of vocational training. Furthermore its Equal Status Bill 1999 states, in Section 3(3) 'Treating a person who has not attained the age of 18 years less favourably, or more favourably than another, whatever that person's age, shall not be regarded as discrimination on the age ground'. The only exception to this pattern is Finland where proposals have been developed by the government to reform the Constitution to introduce the principle that discrimination on grounds of age should be prohibited and that a particular obligation to treat children equally as individuals be adopted. The provision is designed to emphasise that children should be treated as equal to the adult population and as persons with fundamental human rights equal to those of adults. There are only limited exemptions proposed to the presumption of equal rights – for example, voting in elections and participation in registered associations.

Clearly, children do experience forms of discrimination which are not yet adequately recognised (see page 31-35). The Committee on the Rights of the Child has consistently identified both aspects of national legislation which serve to discriminate against children and the inadequacy of protection in law against discrimination in the exercise of their rights⁵⁰. Two issues emerge from an overview of existing legislation at state level to address discrimination. Firstly, there has been insufficient recognition that children can and do suffer both direct and indirect discrimination as a consequence of their youth. No systematic scrutiny appears to be taking place to assess whether differentiations which exist on grounds of age are justified in children's best interests as required by the Convention on the Rights of the Child. Secondly, there has been insufficient effort made to examine how other forms of discrimination – for example, on grounds of race, disability, religion, nationality - impact specifically on children and to introduce measures which take account of those differences. Governments have clear obligations to tackle these deficiencies.

Progress is being now made in a number of states. Sweden, Denmark, Belgium, Spain, Portugal, France and Austria have all established statutory ombudsmen or commissioners for children which have an explicit remit to promote the rights of children and challenge discrimination in the exercise of those rights. These initiatives on the part of governments are an important milestone in their recognition both of the need to give children a higher political priority and that children are subjects of rights which need protection and promotion.. The Committee on the Rights of the Child has consistently pressed all members states to establish such bodies⁵¹.

2 Through European legislation and policy

The European Union claims a strong commitment to promoting the right to equality and protecting all people against discrimination, recognising these principles as both fundamental rights, necessary for effective democracy, and also as integral to the objectives of strengthening economic and social progress and cohesion. However, to date it has only been in the field of sex discrimination that there has been any significant development of social law and policy to give effect to the principle of equality. Article 119 of the EC Treaty on equal pay for equal work provided the basis for the Equal Pay Directive 1975 and a number of subsequent directives on equal treatment for women on the field of employment.

The Amsterdam Treaty 1997 for the first time introduces a non-discrimination clause, Article 13, which empowers the Community to take action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age and sexual orientation. Of particular relevance for children is the inclusion of age which does, according to legal advice from member states' government, include children⁵². Clearly, in theory, the potential for recognition that children can be discriminated against on grounds of their age represents a considerable mark of progress. However there are limitations to Article 13⁵³:

- It does not have **direct effect** which means that it cannot be used by an individual in a court of law and cannot be used by an individual in the European Court of Justice. So, a child who experiences discrimination cannot take direct action through the courts to challenge the injustice. It is a provision which can only be activated by all member states agreeing on specific measures.
- Any measure proposed under Article 13 requires **unanimous agreement** of all EU members states governments which means that proposals can be blocked by one government.
- There is no **spending power** attached to this Article which will necessarily limit the impact of any measures taken under it.

In 1999, the European Commission published proposals to give effect to the powers bestowed by Article 13⁵⁴:

- A directive to combat discrimination in the labour market on all grounds referred to in Article 13 (except sex which has already been covered)
- A directive to combat discrimination on grounds of racial and ethnic origin
- A programme of action designed to support member states in combating discrimination

What are the implications of these proposals for children?

Employment and race directives

It is probably significant that the text of the document drawn up by the Commission setting out these proposals includes a list of relevant international treaties which address non-discrimination but fails to mention the Convention on the Rights of the Child. Clearly, enhanced legal powers to tackle discrimination in the workplace and on grounds of race are relevant

to children. Many older children are working and many suffer from racism. However, it is imperative that in drafting the directives, the specific issues faced by children and young people are directly acknowledged. For example, in the UK, provisions on the minimum wage exclude children aged 16-17 years and provide a lower rate for young people aged 18-25. Racism is a pervasive, yet growing phenomenon throughout the EU but it is important to recognise that its nature and impact on children's lives is not necessarily comparable with that on adults. For example, children spend considerable amounts of unsupervised time at school and on the streets which exposes them to abuse, harassment, and violence. Children's own unique concerns and experience must be explicitly sought and addressed in the implementation of the Directive.

Community Action programme

A proposal establishing the Programme was proposed in November 1999⁵⁵. The Programme defines discrimination as 'one group of persons being treated less favourably than another on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation or as the application of an apparently neutral provision which is liable to disadvantage that person or group of persons on the same grounds unless justified by objective reasons' (Article 2). The Article goes on to state that 'In designing, implementing and following up the activities under the programme, account will be taken of the experience of people exposed to discrimination'. This statement of principle is welcome in that it clearly acknowledges the existence of indirect and inadvertent discrimination which is of particular significance for children. It also expressly requires that those affected by discrimination are enabled to participate in the development of strategies for tackling the problem. Again, as age is one of the grounds included, children should be recognised as a group entitled to take part in these processes. Although, as it stands, the proposal contains no explicit reference to children, neither does it specifically address the other groups who are included within Article 13. The only reference it makes to young people relates to the need to incorporate the results of action under the SOCRATES, LEONARDO and YOUTH programmes into this programme. Whilst important, these address the promotion of non-discriminatory attitudes by young people rather than discrimination experienced by them.

The proposal develops three strands of activities:

- improving understanding of issues related to discrimination
- developing the capacity of target actors to tackle discrimination effectively through civil dialogue and information and practice exchange

- promoting and disseminating values and practice in the fight against discrimination

Its scope will extend to the promotion of non-discrimination within and by public administrations and the media, and the removal of barriers to participation in decision-making, the democratic process, and access to goods and services. It will identify tools and methodologies for monitoring discrimination and mainstreaming anti-discriminatory policies and practices alongside dissemination of information about rights to equal treatment. It is not clear whether the programme extends to the actions of national governments. It makes no reference to the need to review legislation or policy which serves to discriminate. Nor does it appear to impose explicit obligations on European institutions themselves to scrutinise their actions from the perspective of potential discriminatory actions. Without these elements, the discriminations perpetrated against children through their invisibility in governmental policy-making will inevitably continue.

However, within the activities and areas designated for the programme, it needs to give explicit attention to three factors:

- **Direct and indirect discriminations perpetrated against children** on grounds of their age – for example, in economic and social policy, education, access to services, democratic participation, protection from violence and public resource allocation
- **Discrimination experienced exclusively by children** – for example, in education and training
- **Specific impact of discrimination against particular groups of children** – for example, in what ways are disabled children discriminated against and how can it be challenged? In what ways does immigration and asylum policy impact on children and discriminate against them in the exercise of their rights?

And in so doing, all activities must ensure that action is directed to promoting the right to non-discrimination in the exercise of all rights.

3 Through democratic participation of children

The exclusion of children from democratic participation

The most striking and significant form of discrimination perpetrated

against children is their lack of any real opportunity for democratic participation within the European Union. At a formal level, they are precluded from the right to vote in elections at either national or European level until they are 18 years old and are thus unable to exercise any role in formal representative democratic institutions. There is a growing movement from young people to lower the voting age. The perceived injustice of political exclusion was clearly articulated by the Belgian children consulted by Euronet who observed that 'a person of 40 years with an IQ of 60 has the right to vote, but a child of 16 years with an IQ of 120 does not. If age is considered to be an objective reason to exclude children from voting, then is not IQ also an objective reason. There is a need for a discussion to look at objective reasons for the right to vote'. And in the UK, Article 12, a children and young people's organisation is actively campaigning for a reduction in the voting age.

However, democracy can be understood in much broader terms as participation in civil society. Many groups who have traditionally suffered disadvantage – for example, women and disabled people, have increasingly entered into dialogue with politicians at local, national and European level to promote and press for greater recognition of their concerns as the instruments of parliamentary democracy have not proved sufficient to reflect their interests⁵⁶. Without access even to the formal democratic processes, children have an even stronger claim for comparable political participation. Exclusion from participation imposes a twofold discrimination on children. It represents a denial of the fundamental right to be listened to and taken seriously in decisions that affect them in legislation, policy, resource allocation, as required by Article 12 of the Convention on the Rights of the Child. And as a consequence of this exclusion, they are denied the right to influence the exercise of other rights. For example, as argued above, the absence of their experience from economic policy has led to a failure to protect their interests.

Developments at national level

There has been growing recognition in recent years at national level of the importance of creating structures through which children can participate in political processes and contribute towards the development and delivery of policy and decisions which impact on their lives. France for example, has had children and youth municipal councils since the late 1970s. Sweden, Denmark and the Netherlands, amongst others, have introduced structures through which children can influence and shape education policy and the delivery of education in schools⁵⁷. Many local authorities in the UK have sought to introduce processes for consulting

children on local services ⁵⁸. In Denmark, the National Committee for Children has been established through legislation to provide a mechanism through which children can make their concerns known to the Government.

However, these initiatives are far from universal and in many countries are still in their infancy. Recent research undertaken into political participation of young people under 18 across indicates that is still a reality for only a small minority of young people ⁵⁹. The Belgian children in the Euronet consultation highlighted some of the limitations in their observation that 'There are more local community councils in Belgium for children which run alongside adult ones. Some function well, but often they do not, and very often, it is the children of the politicians who are in it.' Similarly, the UK children noted the insufficient rate of progress: 'I don't think all adults listen. Some adults live in the last century whereas some are moving in to this century. More adults now listen to young people than before but there needs to be more youth participation'.

Insofar as there has been greater willingness to involve children, it has been influenced by increasing awareness of the extent to which exclusion of children from participation has failed them ⁶⁰. For example, a series of public inquiries in Wales into abuse of children in public care consistently found that the children were denied any opportunity to make complaints about what was happening to them. A culture of systemic abuse was allowed to survive for many years because children were not able to make themselves heard to residential staff, senior management, local or national politicians.

It also reflects growing concerns on the part of politicians that young people are increasingly disaffected from the formal political process. Patterns of both registration and voting amongst young people are low in many European countries. Promoting involvement of young people is a means through which they can both acquire knowledge and understanding of political processes as well as strengthening their interest in and commitment to democracy. And there is evidence that children do want a greater say in their lives. Cynicism and lack of active engagement in existing political structures is not necessarily an indication of lack of interest in political issues. For example a survey carried out in Austria in 1997 of 800 13-17 year olds, asked them whether they wanted political information and participation. 93% wanted to be informed when new projects were planned in their municipality and 65% wanted youth consulting hours with politicians ⁶¹. The findings reveal a significant concern for

greater involvement. The widespread view of many young people is encapsulated by the observation of one contributor to the Euronet consultation: 'There are a lot of people out there who want to have a say but either they don't know enough about how to go about it or they do have a say but are ignored so they won't speak out again'.

Process of participation

Evidence from initiatives throughout the European Community reveal that even very young people are capable of expressing their views and participating in the development of policy that affects them. Practice ranges from formal youth councils which have a standing body of young people to advise on proposed policy, peer advocacy schemes in which young people themselves advocate for changes identified as necessary for the protection of children's rights, involvement of children in local initiatives such as anti-poverty programmes, school councils, action on Agenda 21, or one-off consultations on issues such as the local environment, design of leisure facilities or school closures. And research has shown that the outcomes of children's participation in such projects is predominantly positive⁶². Not only does it result in better decision-making, but it strengthens children's own experience of democracy and democratic processes, and encourages them have confidence in their capacity to influence outcomes.

However, if democratic participation is going to tackle the discrimination of children, it needs to involve children of different ages and from as wide a variety of situations as possible. Marginalised children – homeless children, Travellers, refugees and asylum seekers, immigrant children, for example, will have views and perspectives to contribute which will not necessarily be raised by children from less excluded groups. Different methodologies are necessary to engage such children and ensure that they are not further marginalised.

Developments within the EU

The European Union has begun to take the issue of children's political participation seriously. During the Austrian EU-Presidency in 1998, it was made key issue in the area of youth policy. A European Wide 'Participation Congress' was organised in Austria attended mainly by young people. Its recommendations were instrumental in contributing to a subsequent resolution of the Council and Ministers for Youth adopted in November 1998 which recognises the relevance of youth participation for the present and future of Europe. It calls on member states to extend and improve opportunities for young people to participate. It also reco-

gnises the importance of children's participation at Community level and invites the Commission of the European union to:

- Focus on young people's interests as a guiding principle for action to be applied to all relevant policy areas and, where appropriate to assess the potential effects of measures to be launched at the Community level on the living conditions of young people and to show up ways and means of taking the interests of young people into account
- Promote the involvement of young people in the development, execution and evaluation of youth activities and programmes in the Community level
- Promote studies to examine the possibilities for young people's participation in Europe
- Enter a dialogue with young people on these issues and consider their opinions in the development of Community programmes in these areas
- Promote exchange of ideas and practice on young people's participation

However, as yet, the real visibility of children and young people across the institutions of the European Union remains limited. There needs to be systematic consideration of each proposed policy to assess its potential implications for children and strategies developed to ascertain how the direct experience and views of children themselves can be gathered in order to inform the proposal.

Appendix 1 - Background to the Report

This report is the culmination of a year long project 'Promoting the Rights of the Child to Non-discrimination, Participation and Social Inclusion' which was undertaken by Euronet (the European Children's Network) in 2000 with financial support from Directorate General Employment and Social Affairs of the European Commission. It complements the report that was undertaken by Euronet 'A Children's Policy for 21st Century Europe: First Steps' written by Sandy Ruxton.

Euronet commissioned Gerison Lansdown to prepare a report on this topic, based on information derived from a consultation carried out with children and young people throughout the EU, a series of seminars across the EU, information obtained from national and European NGOs working in the field of discrimination and social exclusion, CRC reports and academic research. The project was guided by an 'Experts Group', including prominent academics from across the EU and the management committee of Euronet (see 'Acknowledgements' below).

To launch this project a consultation round was started through Euronet members in EU member states to reach a wide number of children and young people. Children between the age of 8 to 18 years old have participated in this consultation. Euronet's member organisations have carried out the consultation in different ways. Some made a questionnaire to be filled in by the children (the Netherlands and France), others organised discussion groups around different themes related to discrimination (France), others involved many different national NGOs working with children and organised meetings with the children on different themes (Italy and Spain), others asked young people to carry out interviews with other young people (the UK). Some of the children and young people involved in the consultation also took part in a Euronet project which ran parallel to this project and involved the setting up of a European children's and young people's network and the development of an Agenda for children's rights.

To stimulate further debate, a series of three seminars were held in Porto, Lyon, Amsterdam and Helsinki, each bringing together NGOs and experts from 'clusters' of EU Member States to address key issues around the theme of discrimination and social exclusion of children within the EU.

A regular newsletter was also published and circulated to interested parties to keep them informed about the development of the project, to pass on up-to-date information about EU activities, and to further develop the process of building more solid networks and partnerships for future action.

Acknowledgements

The Author

Gerison Lansdown is a freelance writer and researcher in the field of children's rights. She was the founder director in 1992 of the Children's Rights Office, now known as the Children's Rights Alliance for England. She has published and lectured widely on the subject of children's rights, both nationally and internationally. She works as a consultant for UNICEF's Innocenti Research Centre in Florence, and is on the Board of UNICEF UK. She lives in London, UK.

The Experts Group

The Experts Group met twice with the Management Committee and author during the writing of the report. They also commented individually on drafts of the report. Euronet is extremely grateful to the Experts Group for the advice and support they provided. The content of the report however remains the responsibility of the author alone.

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Luisa Maria Aguillar is the permanent representative to the European institutions for BICE (The International Catholic Children's Bureau). She directed a three year initiative by BICE, co-financed by DGV, to share experience on children's participation in family and social life across the EU and she directs with Euronet the setting up of a European children's and young people's network.

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