

Mainstreaming children's rights in EU policy

Discussion paper prepared by Eurochild and EURONET for the meeting in the European Parliament - 9 October 2007

The European Commission's Communication "*Towards an EU Strategy on the Rights of the Child*"¹ commits the EU to a number of objectives and supporting actions.

Objective 3 refers to mainstreaming children's rights in EU actions: "*It is important to ensure that all internal and external EU policies respect children's rights in accordance with the principles of EU law, and that they are fully compatible with the principles and provisions of the UNCRC and other international instruments.*" The EC therefore proposes: "*to mainstream children's rights when drafting EC legislative and non-legislative actions that may affect them (2007 onwards).*"

Objective 5 refers to enhancing capacity and expertise on children's rights. The EC commits: "*to provide the necessary skills and tools to actors involved in mainstreaming children's rights in Community policies (2007 onwards).*"

EU legislation and actions need to be in line with the UN Convention on the Rights of the Child (1989) and should not ignore or water down what is in this Convention. The European Parliament must hold the EC accountable to its commitments as set out in the Communication. Adoption of the European Parliament Report by the Committee on Civil Liberties, Justice and Home Affairs is particularly important in this regard.

In this discussion paper we present some ideas on what can be done in practice to achieve child rights mainstreaming in EU policy and action. These suggestions are neither exhaustive, nor fully developed, but aim instead to stimulate debate and move the EU forward in realising its objectives.

1. Develop and implement an effective child rights impact assessment tool

Children's rights should be part of planning, programming and legislating in the EU. To achieve a child rights approach in EU policy making child impact assessment tools need to be developed. Impact assessments provide an important input by informing decision-makers of possible consequences of policy choices. They are already common practice at EU level in the fields of gender equality, environmental protection, consumer protection and fundamental rights². Specific tools to assess the impact of policy on children's rights have been developed at national and regional level e.g. Children's Rights Impact Assessment – developed by Scotland's Commissioner for Children and Youth People.

To be effective impact assessments must be carried out by specialists otherwise they risk becoming a superficial exercise. There may also be a need to gather information and opinions from outside experts and stakeholders – particularly from children themselves. Guidelines should be developed on how best to involve children in decision-making on future policy and action. Lastly the results of such impact analyses should be transparent and taken seriously by decision makers.

¹ COM(2006) 367 final

² Compliance with the Charter of Fundamental Rights in Commission legislative proposals – methodology for systematic and rigorous monitoring, COM (2005) 0172

The EU should set realistic and time specific targets for application of the child rights impact assessment tool in a few priority areas.

2. Ensure analysis of the impact of existing EU policy and action

The impact assessment needs to build on an assessment of the impacts of existing action (legislative and non-legislative, internal and external). The Communication foresees such a study being carried out in 2007-2008. So far, no action has been taken. The study is crucial for the development of appropriate methodologies for assessing the impact of future policy and action.

3. Build effective measures for monitoring progress towards full-implementation of children's rights

A second study planned under the Communication is to identify and collect data on children's rights. This has been subject to a call for tender from the Fundamental Rights Agency published in August 2007³. The study must take account of on-going work by the Task Force on Child Well-being, organised in the framework of the Open Method of Coordination on social inclusion⁴. It has a mandate to review existing indicators at a national and sub-national level and how these may feed into a common EU framework. In a mainstreaming context, such indicators must also support policy making in other internal policy areas (health, education and culture, immigration and asylum, regional development, urban policies, transport). Child-specific data collection must also support the EU's development cooperation policies and external relations.

4. Ensure coordinated action across all areas of EU policy and action

While the EC has an Inter-service Group of EC officials working across different areas that impact on children, they are still a long way from achieving a cohesive approach to children's rights. Mainstreaming requires that the common standards, tools, approaches to policy development and levels of awareness and training of staff are applied across all the different sectors of EU action. There needs to be effective interchange between different departments and a common communication strategy with outside partners. Strong cooperation with other international organisations is also crucial, particularly the Council of Europe, the World Health Organisation, International Labour Organisation, the UN Committee on the Rights of the Child, and UNICEF. Cooperation and exchange between committees and political groups of the European Parliament is also important. Eurochild and Euronet call on the EP to create a Joint or Inter-Parliamentary Group on Children's Rights, or other formal grouping, to initiate, coordinate and lead Parliamentary processes aimed at enhancing children's rights in Europe and worldwide.

Implementation of the United Nations Convention on the Rights of the Child requires a respect for the indivisibility of all the rights of the child. It is not possible to fit children's rights neatly into one policy agenda. Mainstreaming demands leadership, adequate resources and effective coordination. Most importantly the EC must commit resources (human and financial) to ensure a properly functioning coordination unit. Such commitment and leadership is essential for the development and implementation of mainstreaming tools and monitoring mechanisms such as those highlighted above.

↳ **Eurochild and EURONET therefore call on the European Parliament to campaign for a specific budget to be allocated to the implementation of the Communication to enable the EC to fulfil its commitments.**

↳ **Eurochild and EURONET emphasise the important role that the European Parliament plays in holding the EC accountable to its commitments and putting pressure on the EC to ensure the necessary political leadership.**

³ Study on indicators measuring the implementation, protection, respect and promotion of children's rights in the European Union, mapping and assessment of available relevant data resources (FRA2-2007-3200-T06). www.fra.europa.eu

⁴ The Task-force on child poverty and child well-being is an ad-hoc group set up by the Social Protection Committee as part of the Indicators Sub-Group. These groups monitor and feed into the EU's social inclusion strategy.