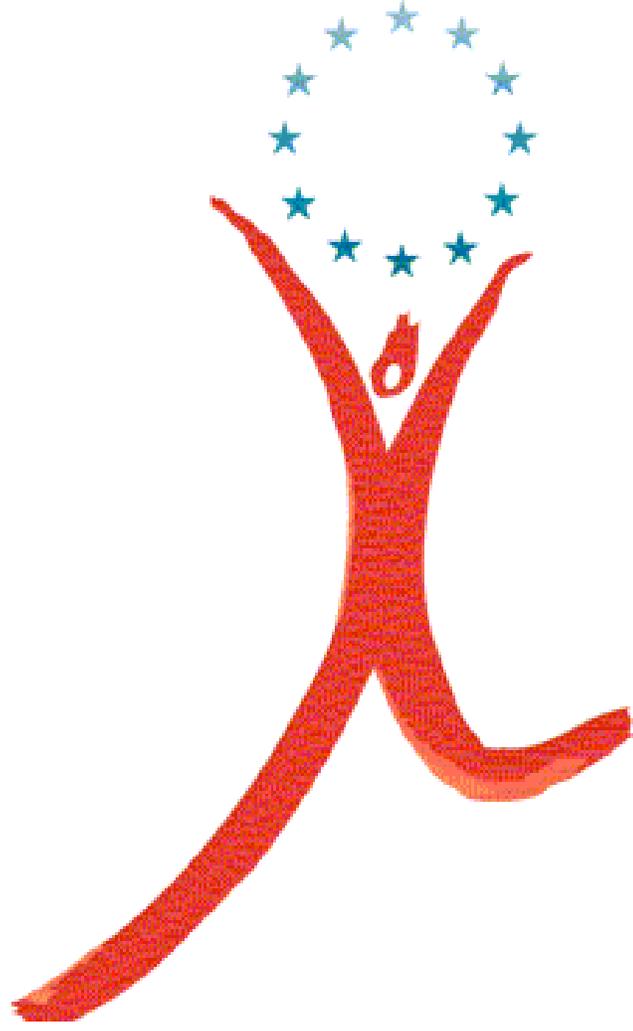


**PREMIERS PAS VERS
UNE POLITIQUE
de l'Enfance
pour l'Europe due 21^e siècle**

**A children's
POLICY
for 21ST century Europe :
FIRST STEPS**



A children's POLICY for 21ST century Europe : FIRST STEPS

*This report was commissioned by Euronet –
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PREFACE

A Children's Agenda For Europe

- We are children and young people of the European Union meeting in Belfast at the end of May 1998. We demand that the European Union listen carefully to the voices of its 90 million children and young people under 18 years of age.
- We, as Europe's young citizens, are eager to contribute actively to the development and progress of Europe. We want to change the social, political and economic landscape of our Europe.
- In our Europe every child will be respected and listened to and every child will have the right to participate in the democratic process.
- In our Europe the Union will be close and accessible to this and future generations of European citizens.
- We are concerned that the way in which Europe is developing creates real risks for the safety, protection and well-being of its young citizens.
- Twenty percent of Europe's children live in poverty - despite the countries of the European Union being among the richest in the world. Children's rights to protection from abuse, violence, crime, exploitation and pollution within the European Union are far from guaranteed.
- The development of the single market has brought some benefits but not enough has been done to make sure that children and young people's specific needs have been taken into account.
- We urge the politicians and policy makers of our Europe and countries to take action to promote and protect children's rights and treat us equally and with respect.

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EXECUTIVE SUMMARY

'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.'

Article 3 - 1989 UN Convention on the Rights of the Child

The key message of this report is that an European Union children's policy must be developed if the rights and interests of children and young people are to be acknowledged and addressed fully within the Union. This is not only essential for today's children, but will also contribute significantly to a positive future for the EU.

A Call for an EU Children's Policy

The EU is on the brink of profound economic and political change, especially as a result of factors such as the introduction of the single currency, progress towards enlargement, and reassessment of the future of the European welfare state (pages 18-19).

Furthermore, the impact of other social and demographic changes facing children and their families within the European Union, such as the ageing population and changing family structures, is immense and is set to continue well into the 21st Century. The next 30 years could see the EU child population fall by 11 per cent, whereas the numbers of over 60s may grow by 50 per cent.

Meanwhile, the long-standing gap between rich and poor is still growing, and the impact on children is particularly severe in many parts of the EU. Twenty per cent of children in the EU live in households with below half the average income in their country.

Shifts such as these have significant implications for children and for the future of legislation, policy and structures within the Member States and the EU as a whole. A comprehensive EU children's policy is required, based on the framework of the 1989 UN Convention on the Rights of the Child (now ratified by all EU Member States and all but two countries worldwide). The recommendations which might form the core of such a policy are set out in full below (pages 41-57). Detailed recommendations for specific policy areas are also set out in the main report (pages 59-103).

To translate this vision into practice will require the mobilisation of considerable political will among all the relevant actors, including children's organisations and children themselves. The twentieth century has shown what can be achieved with popular support - improvements in the living conditions of working people, progress towards equality between the sexes, and the emergence of environmental issues. At the beginning of the 21st century, it is time to put children on the European agenda too.

'...it is typical that when the big elephants fight the little delicate things are overlooked. In relation to the Amsterdam Treaty there were so many hard compromises, such as common foreign policy and defence policy...It is not very prestigious for a strong powerful Prime Minister to return back home and tell his citizens that he succeeded in negotiating a bill on children's policy'.

Euronet interview with Villy Sovndal, Socialistisk Folkeparti, Denmark, September 1998

Weaknesses of the EU's current approach to children

- **The invisibility of children's interests.**

At EU level children are a low political priority, although increasing attention is being accorded at national and local level to policy-making for children (eg. in 1998 the new German Government committed itself to extending children's rights). The distinct interests of a range of social groups

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facing discrimination are visible within EU legislation and policy-making, but this is not the case for children across the majority of policy issues, including EU citizenship, enlargement, and the EU budget (pages 30-32).

- **Lack of overall policy direction and co-ordination.**

Whilst there are several European Commission directorates involved in action which impacts on children, there is no one central department or directorate that takes a lead in developing a coherent overall policy direction and mainstreaming a children's perspective across the Commission. Policy also lacks co-ordination, both within the Commission and the European Parliament (pages 32-34).

- **Children's interests are often overridden by economic interests.**

In many cases, the free movement provision of the Single Market can have damaging consequences for children. For example: the protection of children as consumers may be undermined by TV advertising and children's safety may be compromised by lack of regulation of new information services such as the Internet (page 34).

- **Limited legal bases in the EU Treaties.**

Although the EU Treaties - especially following full ratification of the Amsterdam Treaty - do allow limited consideration of children's interests across a range of policy areas (notably offences against children, social exclusion, non-discrimination, education and consumer policy), the EU's overall competence in relation to children's issues is restricted and lacks coherence. The predominant focus within the Treaties on the 'citizen-as-worker' means that children interests are excluded from consideration across the majority of policy areas - even though aspects of EU legislation and policy can have unintended but highly damaging consequences for children (pages 35-38).

- **Limited EU action.**

The EU has undertaken some action which has had benefits for children (eg. in relation to violence against children, consumer policy, education and youth employment). However in many cases it has been restricted. In other cases, children have to some extent been the incidental beneficiaries of action targeted primarily at other groups (eg. equal opportunities, health and the free movement of people), but again the impact has been low (pages 38-40).

- **Lack of information on children at EU level.**

The range and depth of quantitative and qualitative data is limited, and proper comparative information based on common indicators is lacking. It is therefore very difficult to identify children's wider needs and the issues which require priority political action (page 99).

- **Restricted opportunities for child participation.**

Despite the gradual development of 'civil dialogue' between the EU institutions and NGOs, the EU is still very far from the creation of a 'Citizen's Europe' where children can exercise their rights and participate alongside adults as full European citizens (page 69).

Core Recommendations

1. Practical Next Steps

Defining and exploiting emerging EU legal bases for children. The most useful new legal bases under the Amsterdam Treaty are likely to be Article 137 (tackling social exclusion); Article 13 (the non-discrimination clause); and Article K.1 (offences against children), which allows for inter-governmental action only. A children's perspective should be integral to all EU policy and action generated under these Articles.

- *in all activities currently being undertaken by the European Commission to fight discrimination under Article 13, a generational perspective including children (defined as persons up to the age of 18 years) should be integral.*

- *the European Commission should review the implementation and effectiveness of the 1997 Council of Ministers 'Joint Action' to combat sexual exploitation of children. In order to develop understanding of the scope and purpose of Article K1 the Commission should fund an in-depth examination of this legal base and should convene a meeting in 1999 with Member State governments and NGOs to consider these topics in more detail.*
- *in line with Article 137, the interests of children should be integrated by the EU institutions into EU measures to promote social inclusion, given children's particular vulnerability and the importance of their longer-term role in responding to the challenges facing the EU. The aim of EU action should be to assist the development and implementation of effective responses at EU, Member State and local level.*
- *the development by Eurostat of statistical indicators on poverty and social exclusion should disaggregate the position of children from that of households or families, mirroring proposals made by the Commission in relation to the Daphne Programme. Eurostat should also explore with Member States the collection of a wider range of data on children at national level.*
- *the European Commission should develop a Communication on issues affecting children, which sets out the context and key policy themes, and promotes further initiatives at EU and national levels. The Communication should form the basis for the development of Council of Ministers Conclusions on Children's Policy.*

Developing existing programmes and initiatives. Although much policy towards children is addressed at national and local level, some issues also have a European dimension requiring an EU response. There is evidence that the public will support further EU action where it can see a need for it (eg. 85% of adults in Europe believe that EU intervention to combat child sex tourism is desirable).

- *Good use should now be made of the legal base for a five-year action programme to tackle violence against children, based on the Commission's already published Communication*
- *the European Commission should propose a horizontal piece of legislation to protect children as consumers, based on Article 153 (ex Article 129a) of the Amsterdam Treaty*
- *the EU institutions should ensure that children's rights standards are addressed as a specific topic in negotiations between the EU and the CEE countries in relation to enlargement*
- *Eurostat's annual demographic report should regularly assess the current and future impact of demographic change on children - the Community's future workers and carers.*

Establishing an EU Action Programme for children. The establishment of an Action Programme for Children would be desirable in the long-term. Unlike many other disadvantaged groups (people in poverty, disabled people, elderly people), the EU has never implemented an Action Programme for Children.

- *the Council of Ministers should adopt an EU Action Programme for Children, with the aim of raising awareness of children's rights and developing practical responses at all levels to key issues facing children in the EU.*

2. Developing a framework children's policy at EU level

A clear legal base in the EU Treaties. The Amsterdam Treaty fails to provide a clear and simple legal framework which enables policy-makers to ensure that children interests are fully respected within EU policy and structures. The next revision of the EU Treaties should remedy this position by the insertion of a new and comprehensive Article, respecting the primary competence of the Member States in this field.

- *the Member States should agree the insertion of a new Article into the EU Treaties so that the Community can contribute to the acknowledgement, promotion and protection of the rights and needs of children, while respecting the lead role of the Member States*

Incorporating respect for the principles and standards of the UN Convention into EU law. The 1989 UN Convention on the Rights of the Child (the UN CRC) is the most comprehensive international instrument describing the human rights of children. The CRC recognises the civil, cultural, political, economic and social rights of children. It also acknowledges children's rights to provision, protection and - for the first time in international human rights law - participation.

- *the Member States should incorporate respect for the principles and standards of the UN Convention into EU law such as the character of Fundamental Rights*
- *the European Commission should ensure that all proposed EU legislation and policy is fully compatible with the provisions of the UN Convention on the Rights of the Child*

3. Effective co-ordination of EU children's policy

Strengthening EU structures affecting children. Children are directly or indirectly affected by legislation and policy developed by several different European Commission departments. Indeed the activities of the majority of Commission directorates have some impact on children. Strengthening interservice co-ordination could ensure that a children's perspective begins to be recognised across the EU institutions. Similar issues occur in relation to Committees and intergroups of the European Parliament (see page 34).

- *the European Commission should review the role and functioning of existing interservice structures affecting children, with the aim of strengthening support for and co-ordination of children's policies across the Commission*
- *an EU Children's Unit should be established centrally, possibly within the Secretariat General of the European Commission. Such a unit would help to significantly improve awareness of children's issues and provide overall leadership across the Commission, but should not take over the responsibilities of other directorates general. The unit should work towards ensuring that all directorates general of the Commission develop child impact assessments.*
- *Member State Ministers with responsibility for children should meet at least twice a year to discuss issues of common concern at EU level and across the Member States, based on the models existing in relation to other policy areas (eg. Ministers for Women, Ministers for Youth).*
- *senior civil servants from the Member States should meet regularly to exchange information on and discuss EU children's policy, based on the models of 'high levels groups' which already meet in other policy areas (eg. disability, older people). Meetings should be serviced and co-ordinated by the EU Children's Unit.*
- *within the European Parliament, although children's issues should be mainstreamed across all relevant Committees, there should be one principal Committee which has the remit to take a lead in considering children's issues*

Developing liaison between children's NGOs and the EU institutions. A strong conclusion of the project is that the Commission should work more closely together with children's NGOs and children-led organisations. Where appropriate, it should assist the development of civil dialogue with children's NGOs and children-led organisations Europe-wide.

- *an NGO Advisory Committee should be established under the Daphne Programme to provide views which would have to be taken into consideration on all relevant aspects of EU policy affecting children. The NGO Committee should complement the primary advisory role of the Committee of Member State representatives. The model should be based on Articles 3 and 4 of the Commission's current proposal to the Council of Ministers in relation to the Daphne programme.*

4. Extending citizenship and participation for children

Children and adults are generally very supportive of moves to improve child participation at EU level and there are numerous examples of effective participation of children and young people initiatives at all levels (eg. Parliaments and Councils). Developing mechanisms at EU level would be fully consistent with the Commission's desire to get 'closer to citizens'.

- *the EU institutions should explore ways in which they can take the interests of children into account in decision-making processes, building on the 1998 Council of Ministers Resolution on Youth Participation proposed by the Austrian Presidency*
- *the European Commission should initiate discussion between Member States over approaches to child participation, both within Member States and at EU level, based on Article 12 of the UN CRC*
- *the European Commission should extend the funding it currently provides for participation projects for children and continue to promote exchanges of good practice around children's participation at EU, national and local levels*
- *the Member States should take further steps to involve children and young people in decision-making processes at all levels (eg. through youth parliaments, local youth councils, and school-based initiatives), and should provide adequate resources for these initiatives at all levels*

5. Improving information on children and monitoring their circumstances

Gathering systematic data and information on children in the EU. At present there are significant gaps in information on children in the EU. A dynamic EU children's policy depends on continuous reassessment of changing economic, social and demographic conditions across the EU, and the impact these have on children.

- *the reports of the European Observatory on National Family Policies should be presented to European Parliament annually and used as the basis for a debate, taking into account the situation of children*
- *the European Commission should extend the existing remit of the European Observatory on National Family Policies to encourage a stronger focus on children. This could be achieved by changing the title to the European Observatory on Childhood and Family Policies*
- *the European Commission should seek to extend the mandate of Eurostat to include a wider range of basic data regarding children, building on its current proposals for the collection on information on child sexual exploitation and abuse*

Establishing an independent body to monitor the rights of children in the EU

- *a Human Rights Monitoring Agency should be set up, including within its remit the monitoring of children's rights at EU level. Activities in relation to children should be based on the framework of the 1989 UN Convention on the Rights of the Child and a close link maintained with the UN Committee on the Rights of the Child. Reports from the Agency identifying problems and making policy proposals for the EU level should be presented to the European Commission's Children's Unit*
- *children's rights should be addressed within an Annual Survey of Human Rights within the EU, drawn up by the Human Rights Monitoring Agency*

Assessing the impact of macro-economic policy-making on children. At present decisions on macro-economic policy at EU and Member State level are taken with limited assessment of their impact on children.

- *the EU institutions should develop mechanisms for assessing the impact on children of macro-economic policy-making, drawing on progress in designing poverty and environmental impact assessments both within the Member States and at EU level*

Increasing resources for children from the EU's budget. The proportion of the EU's budget which is currently spent on children is very small in comparison with that spent on other aspects of EU activity (see page 32), and compares unfavourably with the amount spent on other social groups. Increasing EU investment in children (whilst maintaining existing support for other disadvantaged groups) would be an investment in the future of the EU which would save resources in the long-term.

- *the European Commission should seek to assess the likely impact on children and young people of the Agenda 2000 proposals for reform of the EU's budget, and develop strategies in response*
- *the European Commission should prepare an annual analysis of the proportion of the EU budget devoted to expenditure on different social groups, which should be submitted to the Parliament and debated*
- *the Council of Ministers and the Parliament should allocate increasing resources for children under age 15 from the EU's budget, both specifically targeted at them and also within other general budgetlines and programmes (including research)*

Specific Recommendations

Part Two of the report (pages 59-99) addresses specific policy areas affecting children where the EU has either taken some action, or has a legal basis for action (even if limited). These are: violence against children; social exclusion; non-discrimination; citizenship and participation; free movement of people; media and the Internet; consumer policy; education; health; environment; employment; Economic and Monetary Union; enlargement; and information on children.

INTRODUCTION

'...it is typical that when the big elephants fight the little delicate things are overlooked. In relation to the Amsterdam Treaty there were so many hard compromises, such as common foreign policy and defence policy...It is not very prestigious for a strong powerful Prime Minister to return back home and tell his citizens that he succeeded in negotiating a bill on children's policy'.

Euronet interview with Villy Sovndal, Socialistik Folkeparti, Denmark, September 1998

At the beginning of the 21st century Europe is at a crossroads. What is the likely impact of the creation of monetary union on the long-term project of European integration? Can European welfare states be renewed in ways which preserve high levels of social protection in the face of strong economic, social and demographic pressures? Is enlargement likely to lead to a more powerful and cohesive Europe, or will the interests of a small group of 'fast track' countries dominate?

Despite the critical importance to children of scenarios such as these, the future of Europe and the EU is almost never considered from the perspective of children.

This report looks ahead to the future for children in 21st century Europe. It argues that the economic, social, political and cultural development of the EU is dependent on its 90 million children achieving their full potential. Children will be more affected by decisions with long-term implications being taken now than any other population group. But children also deserve attention as active citizens of Europe today with their own specific human rights and needs. Their voices should be heard as the future of Europe is planned.

It is vital that the EU should seek to develop a children's policy which takes this reality into account and equips children as effectively as possible to meet these challenges. Such a policy should be based on a broad vision of what 'Europe' could mean for children, in which - with the support of Member States and respecting the principle of subsidiarity - EU institutions would:

- listen to the voices of children and involve them in decision-making processes
- encourage children to become active and responsible citizens
- fully protect children from any negative impact of EU policies
- invest in children and develop policies to promote their interests
- encourage best practice in implementing children's rights and interests to be shared

'The Economic and Social Committee considers that the widespread and alarming problem of child mistreatment, exploitation and abuse requires a fundamental repositioning and mobilisation of society...The Committee urges a comprehensive, preventive and pro-active approach, putting 'children first' in our everyday policy-making, social activity and cultural development'.

Opinion of the Economic and Social Committee on the Exploitation of Children, Brussels, 2 July 1998, CES 976/98 E/O

What is Children's Policy?

Although there are areas of overlap with other policy areas (eg. family, youth and gender policy), children's policy focuses on the specific interests of children (rather than other population groups), with children defined as those up to 18 years of age. Whilst there are substantial differences in the needs of babies, toddlers, school-age children, and young adults, there are considerable disadvantages in separating these groups from each other. For example, the EU currently focuses its youth policy on young people from ages 15-25 and the effect of this (along with other factors) has been to reinforce the marginalisation of children under 15 in EU legislation, policy-making and funding programmes.

What is needed instead is a perspective which brings together all these groups together under the common experience they share - childhood. Based on this approach, children's policy is usually rooted in the values and principles of the UN CRC, which enshrines children's rights to protection, provision

and participation up to the age of 18. It seeks to promote the 'best interests' of children as a primary consideration, and to increase investment in supporting their development. It aims at overall co-ordination of policy towards children, and the production of appropriate information and analysis of children's circum-stances for monitoring and evaluation purposes. It has the participation of children in decision-making as an important goal. (see section 23-30 below) .

Failings of existing EU policy towards children

'Children have a low priority at European level. The only serious political response came following the Dutroux affair when MEPs were queuing up to sign the European Parliament resolution'.

Euronet interview with Mary Banotti MEP, September 1998

Despite the increasing attention which is being devoted at local and member state level to the development of children's policy, at EU level there is a lack of political priority and will to tackle children's issues. Children's needs remain to a considerable extent invisible in policy-making. The idea that there is a need for a specific children's policy is little acknowledged and understood. As a result, policy towards children at EU level is fragmented and incoherent.

At present the emphasis placed on children and children's issues by the EU is very limited. Although some initiatives have been taken which are likely to benefit children (either directly or indirectly), the pre-dominant focus within the EU Treaties on the 'citizen-as-worker' means that children interests are excluded from consideration across the majority of policy areas. This occurs even though aspects of EU legislation and policy can have unintended but highly damaging consequences for children.

The only areas where a significant degree of attention has been paid to children concern child protection, the childcare needs of working parents, and children as consumers. But even in these areas, problems exist. In relation to consumer issues, for example, the 'best interests' of children are often overridden by those of more powerful economic interests. In a recent case, toy manufacturers have put considerable pressure on the European Commission to take legal action against the Greek government over national laws banning the advertising of toys on TV. It appears that the importance of adherence to Single Market rules is taking precedence over the protection of the best interests of children.

Although considerable weight is currently attached by the EU to the importance of 'getting closer to citizens', the voices of children themselves are unheard in this process. Despite the development of 'civil dialogue' between the EU institutions and NGOs, the EU is still very far from the creation of a 'Citizen's Europe' where children can exercise their rights and participate alongside adults as full European citizens.

'Children account for one fifth of the population of Europe - a significant proportion. Yet their views are rarely sought and they are generally not encouraged to participate in policy development. Adults are used to dismissing their views because they have no financial or voting power'.

Adam Ingram, Minister, Northern Ireland Office, speaking for the UK Presidency of the EU, Euronet Conference 'Active Voices, Children's Choices', May 28/29 1998, Belfast.

As a result of this lack of attention, information-collection on children is also weak at EU level. The range and depth of quantitative and qualitative data is limited, and proper comparative information based on common indicators is lacking. It is therefore very difficult to identify children's wider needs and the issues which require priority political action.

The ratification of the Amsterdam Treaty will lead to some improvements. The Treaty mentions children specifically for the first time (Article K.1), and clauses to counter discrimination on the ground

* All references to page numbers throughout this document correspond to the page numbers in the print version of the publication.

of age (Article 13) and to tackle social exclusion (Article 137) will provide the basis for some action to address the needs of children. However the scope of such action is likely to be limited (see pages 35-38) and these Treaty amendments fail to provide a clear and simple legal framework for respecting children's rights.

The impact on children of key challenges facing the EU

The existing approach of the EU legislation, policy and structures largely fails to meet the criteria for a children's policy as set out above. The need for an EU children's policy is therefore becoming more urgent. This view is reinforced when the likely impact on children of the huge challenges facing the EU are analysed. These include:

Economic and Monetary Union. Although significant benefits may arise from EMU, the likely impact on children is discussed relatively little, if at all. If the rights and needs of children were accorded greater attention in economic policy-making, this would help to ensure that potential dangers could be lessened or averted. This would be good both for children and families, and for the future well-being of the economy (see section pages 94-96).

Enlargement of the European Union. The likely entrance of a number of countries from central and eastern Europe in the early years of the next century will have significant repercussions for children both inside and outside the EU. Many of the children in central and eastern Europe are likely to face high levels of poverty and social exclusion for several years to come (see section pages 96-99). Yet overall the position of children has received little attention in the enlargement process despite the fact that enlargement provides a unique opportunity to improve the conditions facing children in the CEEC. The EU and NGOs could play a crucial role in helping to rebuild child welfare and protection systems damaged by abrupt transitions to market economies. The prospects for exchanging good practice between countries with very different histories and welfare systems are also exciting.

The future of the European welfare state. Pressure is increasing on EU Member State governments to reform social protection systems. The causes include: the ageing of European populations, with increasing support for older people required from a shrinking working population; political and economic constraints on levels of taxation and public borrowing (in particular the convergence criteria for EMU); declining support for state services; the growth of complex family households; and rising levels of poverty and social exclusion. However, it is vital to balance the creation of a dynamic European economy with a commitment to social solidarity and high levels of social protection for vulnerable groups outside the labour market - such as children. Without a strong political voice to safeguard children's interests, the quality and range of welfare provision for children and young people could decline - with highly damaging results for Europe's future.

'...along with the process of demographic ageing a process of political ageing has taken place. That means that, in society, resources have been taken away from children and families with children and transferred to elderly persons'.

Wintersberger, H., 'The Ambivalence of Modern Childhood: A plea for a European Strategy for Children', in Wintersberger, H., (ed.), Children: from marginality towards citizenship, Eurosocial Report 61/1996, European Centre for Social Welfare Policy and Research, Vienna

The development of 'European Citizenship'. 'EU citizenship' has as yet little meaning for children. Such rights as do exist are largely restricted to the 'citizen as worker', which automatically exclude children. Furthermore, EU citizenship continues to rest upon nationality of a member state, and the rights and protection afforded to children who are not EU nationals and/or are asylum-seekers or refugees is far more limited. It is important that a children's perspective should be part of the developing EU debate around citizenship and 'civil dialogue'. (see section pages 69-73)

The emergence of an EU human rights agenda. Currently there is debate among the EU member states as to whether the EU should adopt a Bill of Rights or accede to the European Convention on Human Rights (ECHR), and the protection of human rights remains predominantly the responsibility of national governments. Nevertheless, the ECJ is playing an increasing role in pronouncing on the role of human rights in Community law. In recent years calls for the EU to pay greater attention to human

rights have been increasing ⁽¹⁾ Growing emphasis on human rights has implications for the promotion of children's rights too, especially against the background of the 1989 UN Convention on the Rights of the Child.

A Vision For The Future

The report's overall aim is to set out a vision for the future of children's policy in the EU. In order to define this vision more clearly and identify practical steps to implement it, the report has four objectives:

- to audit EU legislation and policy and its impact on children within the EU
- to set out the arguments for the development of a distinctive EU children's policy
- to identify a framework for, and the key components of, a comprehensive EU children's policy
- to make recommendations for the development of EU legislation, policy and structures

Throughout the report, the main emphasis is on issues facing children within the EU although the rights of children in countries joining the Union are also addressed. Within some activities of the EU, there is also scope for involving countries from the European Economic Area (which includes the 15 EU Member States and Norway, Iceland and Liechtenstein). However these EEA countries are only briefly referred to in the text.

The report demonstrates that the EU's current focus in relation to children is incoherent. It argues that an EU children's policy is needed - a new vision for a Union where children's interests are taken into account, and where children can help the EU to find more effective solutions to the difficult problems which it faces in the modern world.

Based on an analysis of the overall impact on children of the EU's policies at present, it is possible to set out a series of recommendations which would form the basis for an EU children's policy. A number of practical proposals are suggested for implementation in the short term, such as: the development of a European Commission 'Communication' on children; the extension of the limited range of statistical indicators on children at EU level; the adoption of a legal basis for the Daphne Programme on violence against children; the inclusion of children in Eurostat's annual demographic report; and further exploration of the possibility of developing a Eurobarometer survey on children's attitudes in the EU (see pages 41-48).

In addition, the report also analyses specific EU policy areas in more depth, and makes detailed recommendations for the development of children's policy in relation to each of them. These issues are: violence to children; social exclusion; non-discrimination; citizenship and participation; free movement of people; media and Internet; consumer policy; education; health environment; employment; EMU; and information on children.

Even if these recommendations were all to be introduced, they would not however amount to a comprehensive children's policy. This would require a broader set of changes, including (see pages 48-57):

- the establishment of a clear legal framework in the EU Treaties for the promotion of children's rights
- incorporation of respect for the principles and standards of the UN CRC into EU law
- the strengthening of EU structures affecting children
- the development of a closer and more co-ordinated liaison between children's NGOs and the EU institutions
- the extension of citizenship and participation for children
- the improvement of information on children and monitoring their circumstances

Although the implementation of such an agenda is a longer-term objective, it is achievable if sufficient political momentum can be developed. Based on the agenda for action set out in this publication, Euronet is therefore seeking to stimulate debate and develop a strong campaign for implementation, in conjunction with NGOs and other relevant bodies across Europe.

PART ONE - AN OVERALL EU CHILDREN'S POLICY

'Our efforts to discover children's needs in Europe are met with difficulties for two reasons. Firstly, because in the EU citizens are seen as employers, employees and consumers only and secondly, because children are seen as children of working parents only'.

Agathonos, H., (1998), 'Children as Citizens of Europe: From Rhetoric to Reality', speech at Euronet Conference, Belfast, 28/5/98

Part One is divided into three main sections.

The first (defining an EU Children's Policy) addresses the question of why the EU needs a children's policy. It identifies what children's policy is, and goes on to analyse why children's policy is needed as well as family policy. Then it sets out the benefits which would result from an EU children's policy.

The second section (the EU's existing approach to children) outlines the EU's current arrangements and how they impact on children. It argues that the political priority accorded at EU level to children's interests is low and that children therefore remain largely invisible within EU legislation, policy and structures. It then identifies weaknesses inherent in the existing approach, such as the lack of coherence in EU policy towards children, the priority given to the interests of other groups, and the lack of political leadership within both the member states and EU institutions. Finally, it outlines the impact of these issues on the EU's 'competence' in relation to children's issues (highlighting the restricted legal bases for EU activity in this area) and on the action taken by the EU across a range of policy areas.

The third section (towards an EU children's policy) sets out the main recommendations arising from the project under the following headings: working towards an EU children's policy; developing a coherent children's rights framework at EU level; co-ordination of EU children's policy; extending citizenship and participation to children; and improving information on children and monitoring their circumstances.

Defining an EU Children's Policy

The key components

Children's policy focuses on children as a specific group in society - rather than the family, women, the labour market, or the community/neighbourhood - and seeks to make children's interests visible. Attempts to explore and define the aims, components and boundaries of 'children's policy' have increased in recent decades, in particular through initiatives in various member states and through the work of the Council of Europe's 'Childhood Policies Project' ⁽²⁾.

This is as a result of several factors, including: the profound economic and social challenges affecting children in the EU; the development of a post-war 'human rights' project and growing emphasis on children's rights globally (especially since the adoption of the 1989 UN Convention on the Rights of the Child); and changing perspectives on children within a new sociology of childhood⁽³⁾.

Children's policy is usually based on the values and principles of the 1989 UN Convention on the Rights of the Child, and includes measures designed to protect children and to provide for them. It also regards 19 children as active participants in society, with an important voice which should be listened to. The EU Member States have all ratified the Convention, and are under an international duty to implement it fully. Although variations exist between countries, children's policy tends to include several other key components:

- it is guided by the goal of developing social and economic policies which are in the 'best interests' of children. The interests of children and other social groups will often coincide but an important issue is how any potential conflicts can be reconciled
- it aims to increase investment in children, and to ensure a fair distribution of resources between social groups

- it produces the overall co-ordination of policy towards children (rather than fragmentation), based on broad cross-departmental and multi-disciplinary working to agreed strategies
- it includes policy making which is directly addressed at the specific interests of children, as well as assessing other policy areas where the effects on children are indirect
- it involves the collection of information on children on a systematic basis to identify their needs and the issues to which policy should respond
- it seeks to establish independent bodies to monitor children's rights (eg. a Commissioner or Ombudsman for children)
- it encourages the participation of children in decision-making both within the family and the wider community
- it is focused on certain 'core' policy areas (health; education; social services/child protection; youth justice; social protection; environment and urban policy; citizenship, nationality, identity, asylum and immigration; youth employment) but other areas are also important (regional policy; trade and industrial policy; energy; agriculture and food; media; human rights; defence; finance and economics)

Member State approaches to children's policy

'To modernise our society Germany needs qualified, motivated, creative young people, who combine individual opportunity with political, social and cultural commitment. Therefore we want to open up greater opportunities for participation for them...

'...We will strengthen children's rights. Children are independent people. We will extend the rights of children and young people, and in particular we will set out in law the right of children to a violence-free upbringing...

'We want to make Germany a child- and family-friendly country once again...'

Coalition agreement between the Social Democratic Party and the Green Party, Bonn, October 20 1998

Although there is considerable variety between the Member States of the EU in the extent to which they have sought to develop a specific 'children's policy' at national level, there has been a visible trend towards child-focused policies since the late 1980's⁽⁴⁾. For example:

- In **Finland**, the Government has reformed the Constitution to reflect the principles of the UN Convention.
- In **Greece**, a National Observatory for Children and Youth Rights was established in 1998, and in Italy, an Action Plan for Childhood envisages the setting up of national and regional observatories on children
- In **Denmark**, an inter-ministerial Committee for Children was set up in 1987.
- In **Spain** the 1948 legislation regulating the Minors' Court was declared unconstitutional in 1991 and was updated to bring it into line with Article 40 of the UN Convention. A number of Autonomous Communities have adopted laws for minors in line with the CRC.
- In **Austria**, a network of Ombudsmen for Children was established at federal and regional level in 1989, and Sweden set up a national Ombudsman in 1993.
- In **Sweden** (and **Norway** outside the EU), attempts are increasing to analyse the proportion of national budgets allocated to children
- In the **UK**, Ministers for Children were designated for Scotland and Wales by the Government in 1997.
- In **Portugal**, a Commission for Children's Rights was established in 1996.
- In **France** and other EU states, children or youth town councils have become increasingly involved in regional and local policy-making.
- In **Germany**, the new coalition Government recently agreed a joint policy statement which set out a range of positive objectives in relation to children's policy, especially in relation to participation in society and tackling violence against children (see box above).

These initiatives demonstrate clearly that at Member State and local level, there is an increasing focus on policies which explicitly recognise the distinctive position and interests of children. It is time that attention should focus on developing complementary policies and structures at EU level. The EU

currently lags behind the Member States in terms of its commitment to implement innovative measures such as those outlined above. It has also played only a limited role in exchanging best practice.

Why is a children's policy needed as well as family policy?

'The needs, rights and responsibilities of children are inextricably bound up with the needs, rights and responsibilities of their families, particularly their parents, since most policy relating to children affects parents and all policy for parents as parents affects children'.

However, '...Recognition of children's distinctive circumstances can become lost or blurred if they are considered only in a family context'.

Hodgkin, R., Newell, P., (1996), *Effective Government Structures for Children*, Calouste Gulbenkian Foundation

The need for a specific children's policy at EU level is frequently misunderstood. As the family is the place where most children grow up, it is often argued that issues concerning children can be most effectively addressed under the umbrella of family policy. Alternatively, it is suggested that a positive policy towards women would best take children's interests into account.

It is true that families, and women in particular, currently play the central role in protecting children and providing for them, and the interests of children are usually closely linked to those of their parents. There are therefore important areas of overlap between children's policy and family or gender policy. However family policy and gender policy encompass a wide range of policies - not all of which have children's 'best interests' as a central objective. There is also great variation between Member States in how the family policy and gender policy are approached. For example, one long-standing and widely accepted categorisation distinguishes between countries with 'explicit' and 'implicit' family policies⁽⁵⁾.

Family policy attempts to span the needs of parents, elderly people, other relations, stepfamilies, lone parent families - as well as those of children⁽⁶⁾. As 'the family' itself becomes more complex, it is increasingly difficult to use family policy to reach children - the broad focus can easily obscure the interests of the child.

Indeed, perceiving the best interests of the child as automatically the same as those of their family is unsatisfactory. There are instances where what is best for the child may conflict with what is best for other family members. This can be particularly evident in cases involving adoption, separation and divorce, or child protection.

It is also important to acknowledge that children have interests and needs which go beyond what the family can do for them. This is evident in relation to their interests as consumers, or citizens, or recipients of services. For example, the fact that today's children spend more time in institutions such as day care centres, creches, schools and youth clubs increases the importance of developing policy which addresses their particular needs as social actors.

Approaching the collection of statistics from a child rather a family perspective challenges many established categories too. For instance, although information about families by number of children is available in most countries, information about children by number of siblings hardly exists. The same is also generally true in relation to family composition, where the distribution of families by family type is known, but the number of children living in each family type is often unknown⁽⁷⁾. (see page 99).

Another problem is that there are a significant number of children living within the EU who are separated from their families - for example, children in institutions, street children, traveller children and unaccompanied refugee children. Without a clear focus on children's policy, the needs of children in these groups can be overlooked.

* All references to page numbers throughout this document correspond to the page numbers in the print version of the publication.

'Children's issues are mainly seen as an 'annex' to issues concerning adults, and this denies the individual personalities of children'.

Euronet interview with Wilmya Zimmermann, German MEP, September 1998

Within the EU context, the key focus on the childcare needs of parents, and in particular women, as workers has some drawbacks for children. From this perspective, children tend to be seen as 'barriers to work', 'dependants', and a cause of family poverty - as burdens on families and society, rather than as actual and potential contributors. Moreover, children's perspectives can easily get ignored.

It is possible to see children's policy as one of four interlocking circles (the others being family, youth and gender policy) within the overall framework of wider social policy. To some extent the interests of the four groups coincide, and some of the needs of children can be met by attending to the areas of overlap. However the analysis above suggests this approach is not sufficient to meet all of them.

What is needed instead is an approach which acknowledges children as social actors who must be supported in the gradual transition from dependence on the family to independent adulthood. The age of the child is a critical factor. When children are very young, their interests are almost always met through the family, however as they get older this approach becomes less and less appropriate.

The purpose of introducing a children's policy at EU level is therefore to put in place a policy which - recognising that interests of individual family members sometimes differ - renders children's rights visible, complementing and building on policies towards families and women.

The benefits of an EU children's policy

There are a number of significant benefits which would result from the introduction of a coherent EU children's policy. Such a policy would:

- enable the impact of EU policy on children to be assessed systematically, and ensure that a child perspective was included in the drawing up of EU policies. Almost all areas of EU policy affect children to some extent, either directly or indirectly.
- encourage the EU to recognise and implement the principles of the 1989 UN Convention on the Rights of the Child and encourage greater exchange of good practice between the Member States. Under the Convention, which has been ratified by all EU member States, children are the holders of specific civil, cultural, political, social and economic rights, as well as basic human rights. As a result, children would be more likely to be considered as EU citizens in their own right, rather than dependants of workers or 'not yet' adults
- ensure that greater resources were invested in children from the EU's budget. This would not only help children's development today but would also increase their social and economic contribution to EU society as adults. (see section on information on children, page 99).
- provide the basis for data-collection and analysis of the impact of social, economic, and demographic changes on children within the EU. This would facilitate effective monitoring of their circumstances and the design and planning of improvements (see section on information on children, page 99).
- strengthen the role of children's NGOs within the 'civil dialogue' at EU level, and ensure that the voices of children would be heard in EU policy-making. This would help to balance the powerful formal role of interest groups such as employers and trade unions (the 'social dialogue'), and to meet the EU's stated intention of engaging with a wider array of organisations in the development of legislation and policy (see section on citizenship and participation, page 69).
- help the EU institutions to recognise that children are usually more vulnerable than adults to the damaging impact of poverty, poor living conditions and environmental pollution. The likely effect would be that the EU would take specific action to address the needs of children in

areas such as these, whereas at present children are only the indirect target of EU action (see section on social exclusion, page 64).

- promote wider understanding of the lack of attention to children's interests relative to those of adults, and provide children with opportunities at EU level to put forward their perspectives on the issues they face. When given the opportunity to voice their concerns, children frequently argue for a reduction in the voting age. Giving them the vote in national and European elections might increase their interest and participation in the structures and processes of civil society (see section on citizenship and participation, page 69).
- make visible children's existing contributions to the family and to society, both within Member States and at EU level. Adults often argue that children are not 'competent' to participate, but many children provide unpaid assistance with caring and other tasks and contribute to family earnings (eg. farming and hotels), and/or participate as active citizens through volunteering and youth groups in a range of community initiatives (eg. playschemes, education projects, anti-crime strategies and environmental task forces). Involving children in activities such as these provides them with access to crucial opportunities to become effective participants (see section on citizenship and participation, page 69).

The EU's existing approach to children

The invisibility of children's interests

'...the EU has little to say about children, either individually or as a social group, or about childhood. This is in marked contrast to frequent discussions in official documents about older people. Whereas children (and indeed frail older people) are essentially invisible in these documents, older people who are not frail are frequently discussed in a positive light, as active and participant citizens. They are recognised as consumers, as providers of services and support and as voters'.

Deven, F., Inglis, S., Moss, P., Petrie, P., Reconciliation of work and family life for men and women and the quality of care services, Report for DGV, CE-V/2-98-008-EN-C

Although the EU has a degree of competence and has taken some action in relation to children (especially in the areas of consumer policy and child protection - see pages 79 and 59), in general the legal bases for EU action are weak. This is largely because the political priority of children at EU level is low. In spite of the positive arguments set out above for children to be given special consideration by the introduction of a coherent children's policy at EU level, the rights and needs of children remain relatively invisible within EU structures and policy-making.

Yet for some social groups, significant efforts have been made at EU level to make their distinct interests visible within legislation and policy-making. For example, at present great emphasis is being placed on ensuring that equal opportunities for women and men are 'mainstreamed' into all relevant Community policies (in particular the Structural Funds), based on Article 119 of the EU Treaties.

No attention has been devoted to giving the same visibility to children's interests - despite the fact that they too suffer discrimination. And although there are some EU policy areas where children's needs are to some extent addressed, there are far more in which they are not acknowledged at all. The lack of visibility of children within existing EU policy and structures is widespread. For example:

- **EU citizenship.** The definition of EU citizenship is closely related to the role of the citizen as a worker. Given that children - apart from those aged 15 or above - are not part of the active labour force, they are therefore automatically excluded from many of the rights which are conferred by EU citizenship. The rights they do enjoy are derived from the circumstances of their parents. Although the Amsterdam Treaty improves legal and political protection for EU citizens, the provisions are still largely irrelevant to children (eg. the right to stand as a candidate in elections in another Member State). Nevertheless, ECJ rulings are helping to

elaborate the concept of European citizenship in the Treaties and to extend citizenship rights to non-workers in certain cases (though in practice regulations vary between Member States).

'The advice I have received...is that the reference to all persons who have citizenship of a member state covers everybody, including children'.

Gay Mitchell, Irish Foreign Minister, representing the Irish Presidency of the EU, 1996

- **Enlargement of the EU.** There are some references to children in Central and Eastern Europe in the European Commission 'avis' (opinions on the readiness of individual CEEC states to open accession negotiations). However, although the Commission has given some financial support in the past, it is clear that overall the position of children has received little attention in the enlargement discussions. This appears to be partly the result of the largely economic criteria for accession, and partly of the general lack of attention to children's rights and interests in the EU's own policies and structures.
- **Environment.** Environmental policy has a legal base in the European Treaties, and although the 'subsidiarity' principle operates, much national environmental legislation - from water pollution, to air quality, conservation, and waste management - now originates from the EU. While many of the over 300 EU directives which have so far been agreed to protect the environment are clearly in children's interests, no systematic attention has been paid to children's rights in environmental policy and decision-making. Nevertheless, environmental threats to children are growing (eg. increasing traffic, inaccessible play space, environmental degradation).
- **The EU's Budget.** Although children can in theory benefit from newly established general budgetlines in relation to issues such as social exclusion and non-discrimination, in reality children's interests are accorded low priority. 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⁽⁸⁾. In 1998 some new resources were made available for children, but children still receive a very small percentage of the EU budget. Very little specific EU funding is aimed at children under 15, and their needs tend to be invisible in other budgetlines, appearing very rarely in the remarks. As a result, children's interests in relation to a range of policy areas - including enlargement, health and environmental policy are neglected.

Other weaknesses of the EU's current approach to children

Lack of a central focal point for developing overall policy direction

There are several EU directorates general (DGs) involved in action which impacts on children. These including the following (see also Appendix 2):

- The Secretariat General (Task Force on Justice and Home Affairs): violence to children
- DGI (External Relations): human rights; enlargement; exploitation of children
- DGV (Employment, Industrial Relations and Social Affairs): young workers; measures to reconcile work and family responsibilities; child labour; social exclusion; non-discrimination; demography
- DGVIII (Development): development aid for children outside the EU
- DGX (Information, Communication, Culture and Audiovisual): child protection and audio-visual services
- DGXIII (Telecommunications, Information Market and Exploitation of Research): child protection and internet; information technology and education
- DGXXII (Education, Training and Youth): programmes on education, youth, vocational training
- DGXXIII (Enterprise Policy, Distributive Trades, Tourism and Co-operatives): work on the sexual exploitation of children
- DGXXIV (Consumer Policy and Health Protection): protecting children from advertising, harmful products; consumer education
- ECHO (European Community Humanitarian Office): humanitarian aid which directly or indirectly benefits children

However at present there is no one central department or directorate that takes a lead in developing a coherent overall policy direction for children, mainstreaming a children's perspective within the work of 25 all relevant Commission directorates, and ensuring effective co-ordination within and between the EU institutions. This structural weakness both reinforces and reflects the low political priority devoted to children at EU level.

Lack of policy co-ordination within and between EU structures

Lack of a clear policy lead can result in uncertainty as to where to situate children's issues within particular directorates. For example, within DGV (Employment, Industrial Relations and Social Affairs) children's policy has been located in recent years in directorate E1 (research and analysis of demography and the social situation) and then in directorate D5 (equal opportunities for women and men and matters regarding families and children).

Between Commission directorates, there is more than one interservice group addressing issues relevant to children. However opinions vary as to how well these are working. From the information derived during this project, politicians and NGOs tend to believe that lack of co-ordination between directorates general is leading to a lack of consistency in the Commission's overall approach, but on the whole Commission officials are more content with the current arrangements. For instance, DGX is co-ordinating interservice co-operation in relation to media issues, and officials regard this as effective. Nevertheless, there is certainly scope for exploring the possibility of strengthening existing structures and/or developing new structures, perhaps building on the Commission's proposal for an Advisory Committee for the Daphne Programme.

Within the European Parliament, a range of Committees and intergroups have an interest in children's issues, and have taken initiatives in relation to them. These include the Committees on: Legal Affairs and Citizens' Rights; Employment and Social Affairs; Culture, Youth, Education and the Media; Development and Cooperation; Civil Liberties and Internal Affairs; Human Rights; Women's Rights. The less formal structure of the Intergroup on the Family, Children and Solidarity is also relevant. However, as in the Commission, it appears there is a lack of co-ordination between the activities of these various groups.

Children's interests often overridden by economic interests

In some areas, children's interests are overridden by more powerful financial and political concerns, contrary to the 'best interests' principle of Article 3 of the UN CRC:

- **Consumer policy.** Advertisers are exerting increasing commercial pressure on children, and employing new and more sophisticated marketing practices to link children from a very young age to particular products and services. Although there are some directives which have sought to take children's specific interests into account, the 1984 directive on misleading advertising fails to acknowledge the ways in which advertisers are increasingly seeking to target children, and that children need special protection because of their vulnerability (see section on consumer policy, page 79)
- **Audio-visual and information policy.** The introduction of new information services (digital broadcasting, pay-per-view, video-on-demand, internet) is creating new risks for children, especially of sexual exploitation by child abusers. The EU's response is based on encouraging national frameworks for self-regulation by the audio-visual and information industry, however it appears that low commitment and resources are currently being devoted to the development of rating and filtering systems by the industry. As a result children's rights to protection are being treated as secondary to the interests of industry.

Effects of the weaknesses in the EU's current approach to children

Weak legal bases for EU action

'The action taken by the EU in relation to the protection of children is still very limited, because of a lack of explicit legal bases and a failure to recognise that this action is of prime importance to the very future of the Union.....

Marie-Therese Hermange, MEP, 'The role of the European Union in the protection of children', speech at Euronet seminar, Paris, 25/9/98

A highly significant outcome of the weaknesses of the EU's current approach to children is that the EU Treaty has very limited legal bases for action in this area ⁽⁹⁾.

The primary law can be usefully divided into the legal bases which are introduced by the Amsterdam Treaty and those which existed before the Amsterdam Treaty (eg. in the Maastricht Treaty). The most important aspects in each category are as follows (see also Appendix 2):

Legal bases following the Amsterdam Treaty

- **Offences against children.** The only specific reference to children in the EU Treaties is provided by Article K.1 of the Amsterdam. Although this new article is welcome, it is limited to just one issue -offences against children. It therefore fails to cover other significant children's issues, and does not provide for children's interests to be taken into account in the drafting of EU legislation. Furthermore, Article K is under the 'Third Pillar'(Justice and Home Affairs) of the EU Treaties. As such, any action which can be taken is on a case by case and intergovernmental basis and Member States therefore have to agree all initiatives. However the Commission does have a right to propose initiatives in this area.
- **Social Exclusion.** New Article 137 in the Amsterdam Treaty on combating social exclusion is significant, as it provides a legal basis for the funding of social programmes (including those relevant to children). Importantly, proposals under this Article can be agreed by 'Qualified Majority Voting' (QMV) in the Council of Ministers, so that it will be less likely that individual Member States can block particular initiatives (unlike past experience). Already the Commission has issued a call for 'preparatory action in the field of social exclusion' (see page 64).
- **Discrimination.** The 'non-discrimination' clause (Article 13) enables the EU to take action on the grounds of 'age' (which includes children according to advice received by Euronet). However the clause has limitations. It does not have 'direct effect', and therefore cannot be used by an individual in a court of law or in the European Court of Justice. It can only be activated by all Member States' governments agreeing on specific measures. Also, all measures proposed under this clause require the unanimous agreement of all Member States' governments. Nevertheless, in 1998 the Council of Ministers agreed to introduce a budgetline on non-discrimination, which will cover children (see page 67).
- **Demography.** Under Article 143 of the Amsterdam Treaty, the Commission must draw up an annual report on the demographic situation in the Community, to be forwarded to the European Parliament, the Council of Ministers and the Economic and Social Committee (ECOSOC). The Parliament can also invite the Commission to draw up reports on particular problems concerning the social situation. This 27 clause could potentially be used to ensure that the EU collects age disaggregated statistics, including at the lower end of the age range (i.e. the number and situation of Union citizens under the age of 18) and that the effects of an ageing population on children and children's services are monitored (see page 99).
- **Equal Opportunities.** The Council of Ministers can adopt measures to ensure the application of the principle of equal opportunities in employment, according to Article 141 of the Amsterdam Treaty. Although not directly relevant to children, this clause could be beneficial to them, as measures to pro-mote equal treatment include parental leave and the provision of childcare (see page 91).
- **Human Rights.** The Amsterdam Treaty identifies 'respect for human rights and fundamental freedoms' (including those guaranteed by the European Convention on Human Rights) as one

of the principles upon which the Union is founded. Countries aspiring to future membership are obliged to satisfy human rights criteria, and Member States found to have engaged in a 'serious and persistent breach' of fundamental rights may be suspended from membership. The international emergence of children's rights in recent decades (and in particular the ratification by all EU Member States of the 1989 UN Convention on the Rights of the Child) suggests that children's rights should also be addressed within the context of the development of EU initiatives in relation to human rights.

- **Asylum policy.** The Amsterdam Treaty transfers visa, asylum and immigration policy from the 'Third Pillar' (co-operation within justice and home affairs on an inter-governmental basis) to EU competence following a transitional period of five years. This area therefore becomes subject to interpretation and review by the ECJ. Asylum-seeking and refugee children - especially those who are unaccompanied when they enter the EU - are likely to be affected by these provisions and deserve special consideration.

Legal bases prior to the Amsterdam Treaty

- **Consumer policy.** The 1987 Single European Act enshrined the legal basis for consumer protection at EU level, which has been further strengthened by Article 153 (ex Article 129a) of the Amsterdam Treaty. In particular, the latter states that 'consumer protection requirements shall be taken into account in defining and implementing other Community policies and activities'. The emphasis on consumer protection within the EU is growing, as result of issues such as the emergence of the single currency. However the focus on children as consumers has been as yet been limited in practice.
- **Education policy.** The EU can contribute to the development of high-quality education and of a 'European dimension' to education, as well as the promotion and improvement of vocational training and educational exchanges (Articles 126 and 127 of the Maastricht Treaty). The scope of these Articles is limited, as Member States retain exclusive responsibility for the curriculum and form of their education systems.
- **Media policy.** As producers of economic goods, the media are subject to the freedom of movement provisions governing the Single Market. Although national regulations and the shortage of frequency space originally resulted in a limited focus in media policy, the emergence of new technologies (eg. digital broadcasting, on-line services, the Internet) is causing huge trans-European and international challenges in relation to media policy. Children may be affected as consumers, and a child protection agenda is emerging to which the EU is beginning to respond.
- **Violence against children.** The Commission has submitted a proposal to the Council of Ministers to establish a legal base under Article 235 of the EU Treaties to convert the existing 'Daphne' Programme on violence against children, young people and women into a five year programme. Article 235 is a 28 'catch-all' clause which provides a legal base for EU activities for which the Treaties have not provided the necessary powers, and is appropriate for multi-disciplinary programmes with varied objectives. It requires unanimity in the Council of Ministers for proposals to be accepted (see page 59).

This brief summary demonstrates the EU's competence in relation to children's issues is, at best, haphazard. Although the existing legal bases do allow consideration of children's interests across a range of policy areas (notably offences against children, social exclusion, non-discrimination, education and consumer policy), the scope is restricted and lacks coherence, also the legal bases have not been used enough.

EU action impacting on children

The EU has undertaken some action which has had benefits for children - even though children have often been the incidental beneficiaries of action targeted primarily at other groups. However overall this action has been very limited in its effects. The main areas are set out in the text below (see Appendix 2 for a more detailed list):

- **Violence against children.** In recent years a central theme of EU action in relation to children has been tackling violence against children, which has been an increasing source of concern across the EU. Whilst respecting the primary responsibility of the Member States in this area, it has been widely accepted that the EU can make a contribution, particularly by addressing child protection issues with a transnational dimension. The EU has therefore developed a range of initiatives in response across the European Commission. These have included the Daphne and Stop funding programmes (Secretariat General), specific projects to combat child sex tourism (DGXXIII), a programme to prevent and tackle violence in schools (DGXXII), and action to protect children from harmful material transmitted via the internet or other forms of new technology (DGX and DGXIII).
- **Consumer policy.** Concerns over child safety have been the reason for a more long-standing involvement at EU level in consumer issues affecting children, which has been reinforced by the Single Market's emphasis on the free movement of goods and services. Some specific action has been taken by DGXXIV which targets children as a vulnerable group. For example, directives since the late 1980s have set minimum safety requirements in relation to goods such as toys and playground equipment. More recently, increasing emphasis has been placed on developing practical strategies for educating children about consumer issues in schools. DGX has also introduced the 'Television without frontiers' directive intended to prohibit programmes capable of being seriously harmful to children's development. In 1998, a Council of Ministers recommendation on the protection of minors and human dignity was adopted.
- **Family policy.** Until 1998, the Council of Ministers 'Conclusions on family policy' of 29 September 1989 (together with an accompanying Commission 'Communication on family policies') provided a very fragile and limited basis for information and exchange of good practice in relation to children. However the action the EU has taken in this area has centred on families rather than children. For example, although a variety of statistics and analysis of families and family policy is published by Eurostat (the EU's statistical agency) and the Commission-funded European Observatory on National Family Policies, only limited attention has as yet been paid to children as a separate category within households. From 1986-1996 the Commission funded a Network on Measures to Reconcile Employment and Family Responsibilities of Men and Women, which addressed issues relating to the care of children, however the Network has now closed. As a result of the recent ECJ case brought by the former UK Government, activities in this area have been further restricted.
- **Education** EU activity in relation to education has focused on helping to prepare young people (only in the 15-25 age range) for the world of work, in line with the EU's emphasis on labour market participation. This has been pursued through programmes such as SOCRATES (co-operation in education), LEONARDO (vocational training policy), and Youth for Europe III (cooperation in the youth field), all led by DGXXII. Some attention has been paid to activities to support younger children in school (eg. a European network of schools; programmes for the training of teachers; and 'Netd@ys' to explore the contribution of the internet), but this action has been far more limited.
- **Youth employment.** The EU has had substantial involvement in addressing the employment needs and rights of young people (especially from age 15 upwards) through DGV. A portion of the EU's massive Structural Funds, intended to promote economic cohesion across the EU, has been directed at supporting unemployed young people - especially those from disadvantaged backgrounds - into work by developing their skills and experience (particularly through the European Social Fund). In addition, the EU has developed the 1994 'Young Workers directive', designed to promote the health and safety of young people in the workplace.
- **Equal opportunities.** The strong focus within the EU Treaties on removing barriers to participation in the labour force means that some action has been taken to help working parents which has indirectly benefited children. The 1992 pregnancy directive which sets minimum standards for the health and safety of pregnant workers, and the 1996 directive on parental leave which will give working parents the right to three months unpaid leave following the birth or adoption of a child both fall within this category.

- **Health.** In the field of health, the primary competence is at Member State level. However the EU Treaties state that a high level of health protection must be ensured in the implementation of all Community policies and activities. The EU has adopted a number of specific action plans and budget -lines. Although little direct attention has as yet been accorded to the health of children within these, some have had a positive indirect impact - and it appears that a specific focus on children's health is emerging (eg. increasing funding for tackling drug usage among children and young people).
- **Free Movement of People.** EU legislation has helped workers and their families who wish to become established in another Member State (either permanently or for a long period). However establishment rights are as yet incomplete, especially for those who wish to move for a limited period. In 1997, the Report of the High Level Panel on the free movement of persons ⁽¹⁰⁾ made a number of proposals to allow more people to take advantage of their rights to free movement within the EU. Some of these are likely to have an indirect positive implication for children (eg. more flexible rules to allow EU citizens to be joined by their families in another member state) ⁽¹¹⁾.

Towards an EU children's policy - the core recommendations

The key message of this report is that an EU children's policy must be developed if the rights and interests of children and young people are to be acknowledged and addressed fully within the Union. This is not only essential for today's children, but will also contribute significantly to a positive future for the EU.

The 1989 UN Convention on the Rights of the Child (UN CRC), which has been ratified by all EU Member States, provides a coherent and comprehensive framework against which to evaluate EU legislation, policy and structures. The UN CRC does not prescribe which structures and policies are the most appropriate to ensure full implementation, however it is an extremely useful and dynamic tool for protecting and promoting children's rights at all levels and helps to focus attention on key elements of an overall children's policy. The revised guidelines published by the UN Committee on the Rights of the Child for reports from ratifying states are particularly helpful in setting out key general measures of implementation, and these are drawn upon in the recommendations set out below ⁽¹²⁾. The key elements include:

- adopting comprehensive overall strategies and action plans
- ensuring legislation is fully compatible with the Convention
- developing structures for co-ordinating policies relevant to children
- establishing 'permanent mechanisms' for co-ordination, monitoring and evaluation
- ensuring the systematic gathering of data on children (including budgetary analysis) as a basis for policy making
- implementation of the economic, social and cultural rights of children 'to the maximum extent of available resources'
- establishing independent bodies to promote and protect the rights of the child (eg. Ombudsmen or Commissioners)
- taking initiatives in co-operation with 'civil society'

Based on this framework, the main recommendations below develop a call for an EU children's policy, spelling out the central elements and the arguments for them. More specific recommendations in relation to particular areas of policy are set out in the sub-sections in Part Two.

These recommendations arise from an extensive process of consultation through conferences, seminars and interviews with politicians, civil servants, NGO representatives and children themselves at EU and Member State levels. These activities helped not only to assess the current state of EU law and policy, but also to gain insights into the perspectives of the key 'stakeholders', and to understand the obstacles to change.

Although it is vital to define a coherent vision for the future for children in the EU, it has to be recognised that not all the recommendations are achievable immediately. The EU faces huge

challenges at present, including the introduction of the single currency and enlargement of the Union. Against this background, it is important to be not only visionary but also realistic.

Alongside a small number of recommendations for the recognition of new rights in the long-term (eg. the inclusion of a comprehensive reference to children in the EU Treaties), there are also a series of practical steps - based on existing policies and institutions and not requiring significant new resources - which can be taken now.

1. Practical Next Steps

Defining and exploiting emerging EU legal bases for children

It is often claimed that measures affecting children are matters to be dealt with by the Member States, in accordance with the principle of subsidiarity. However many issues affecting children are neither uniquely national nor transnational. Violence against children can take place within a domestic setting, but it can also involve child trafficking, child pornography and child sexual exploitation across national boundaries.

As yet there has been a lack of thought about where the boundaries of policy at Member State and EU level should lie. It is important to develop an appropriate balance between the two, based on the principle of what will be in the 'best interests' of children. When interviewed by Euronet for this project, Bartho Pronk MEP cited the examples of EU policy towards older people and disabled people, arguing that 90 per cent of the competence for both these issues is at national level but 10 per cent at EU level and that progress had been made because of recognition of this fact. He believed that children's policy was a similar case, and that it was 'necessary to work at EU level on that 10 per cent - defining the European 'children's agenda'.

Research suggests that the public will support further EU action where it can see a need for it. According to a Eurobarometer survey in 1998, 85 per cent of Europeans believe that EU intervention to combat child sex tourism is desirable, 88 per cent believe it is also necessary. This provides solid confirmation that the public do want the EU to take action in this area ⁽¹³⁾.

A number of other social groups interested in the development of EU policy have achieved progress at EU level, even though the legal basis for EU action is limited. One MEP commented to Euronet interviewers that although women's groups did not have many opportunities within the Treaties, they had made effective use of existing legal bases (eg. the former Article 119). Another cited the progress made by the animal welfare lobby, despite the fact that the EU only has limited competence in this area. Drawing lessons from this experience, it is recommended that children's NGOs, Member States and EU institutions should seek to use emerging legal bases to the full, particularly those in the Amsterdam Treaty.

The most useful new legal base is likely to be the social exclusion Article 137; this has already given rise to a new budget line for preparatory action, which will cover children. As yet little attention has been paid to the impact of poverty and social exclusion on the lives of children and young people in the EU - despite the fact that there is evidence that children's circumstances have worsened in recent years, and that they are the social group most at risk of falling into poverty. The price that children may pay in meeting the huge economic, social and demographic challenges facing the EU reinforces the need for a strong focus on children within the development of policy, programmes and research in relation to poverty and social exclusion.

Similarly, Article 13 (the 'non-discrimination clause') should be used to develop action in relation to discrimination against children on the grounds of age. As with other social groups that face discrimination (eg. women, disabled people, ethnic minorities, older people), children are often treated unequally and denied opportunities to participate in society. For example, children cannot vote and usually are not consulted over key decisions which affect their interests. They are regarded as not competent to participate, and have judgements made for them as to what their best interests are. Abuses of children are often fuelled by the unequal power distribution between children and adults. However, whilst discrimination against many social groups is recognised and responded to, the interests of children are in this respect are frequently ignored. Action for children at EU level should therefore ensure that children's interests are recognised in the EU's general activities in this field,

including the mainstreaming of gender policy and into proposals for legislation to combat racial discrimination. The new budget line for preparatory action in this field should also be used to explore practical projects and awareness-raising actions.

Whilst the introduction of Article K.1 (offences against children) in the Amsterdam Treaty is welcome, uncertainty still surrounds how this article could, in practice, be used to benefit children. The Commission should explore further the potential of this article with Member States and NGOs, within the context of assessing the extent to which Member States have implemented the 1997 Joint Action and how it can be revised and built upon.

Another important issue to consider is the nature of the action which may be envisaged using these legal bases. At present there is a clear trend away from the development of new directives at EU level. One Commission official suggested that EU youth programmes had been largely educational and had responded to demand from the Member States. As a result, there had been no problem with subsidiarity. He went on to suggest that introducing legislation in relation to children and young people would face more opposition than implementing programmes. Another official in a different directorate supported this view; he outlined the impact of subsidiarity in relation to employment policy, where the Commission had a co-ordination function, but primary competence remained at Member State level.

‘...European guidelines have generated momentum that no directive could have done. Why? Because this is an area where powers will remain very much in the hands of the national authorities. Because it is an area where situations vary greatly from one country to another, where a single harmonised objective would make no sense’.

President of the Commission, The State of the Union debate, European Parliament, Strasbourg, 21 October 1998

The development of advisory guidance for Member States (eg. through recommendations) can help stimulate debate and facilitate exchanges of information and experience between governments, NGOs and children themselves. It is in this way that the EU is likely to have the most positive impact in relation to children’s issues at present.

It is recommended that:

- *in all activities currently being undertaken by the European Commission to fight discrimination under Article 13, a generational perspective including children (defined as all persons below 18 years of age) should be integral*
- *The European Commission should review the implementation and effectiveness of the 1997 Council of Ministers ‘Joint Action’ to combat sexual exploitation of children. In order to develop understanding of the scope and purpose of Article K1, the Commission should fund an in-depth examination of this legal base and should convene a meeting in 1999 with Member State governments and NGOs to consider these topics in more detail*
- *in line with Article 137, the interests of children should be integrated by the EU institutions into EU measures to promote social inclusion, given children’s particular vulnerability and the importance of their longer term role in responding to the challenges facing the EU. The aim of EU action should be to assist the development and implementation of effective responses at EU, Member State and local level*
- *the development by Eurostat of statistical indicators on poverty and social exclusion should disaggregate the position of children from that of households or families, mirroring proposals made by the Commission in relation to the Daphne Programme. Eurostat should also explore with Member States the collection of a wider range of data on children at national level*
- *the European Commission should develop a Communication on issues affecting children, which sets out the context and key policy themes, and promotes further initiatives at EU and national levels. The Communication should form the basis for the development of Council of Ministers Conclusions on Children’s Policy*

Developing existing programmes and initiatives

This part of the report summarised the current activities of the European Commission and set out the bases for Commission action. Although this summary indicates that the Commission has taken useful initiatives in some areas of policy, the overall approach is fragmented.

At present, violence against children is being accorded increasing attention at EU level, largely as a result of political pressure from the public and from the Member States. However there are many other significant policy areas where the EU can - and in some cases already does - play a role, but the response from a children's perspective is limited. Given that these areas may well not attract the same media attention as issues concerning violence against children, it is important to develop arguments and political support for extending action in these areas based on existing competencies.

It is important to recognise the need to identify proposals which comply with the principle of subsidiarity. In this light, there is particular scope for developing action in relation to children's issues which have a built-in transnational dimension. Alongside sexual exploitation and abuse, these include the media, the Internet and other new technologies, citizenship, freedom of movement, adoption, abduction and enlargement of the EU.

There are also important areas where the legitimate involvement of the EU has been established for some time, but where the child dimension has been insufficiently addressed. For example, the harmonisation of Single Market standards and regulations affecting children as consumers have failed to recognise sufficiently the increasing targeting of advertising at children. Childcare has primarily been considered from the perspective of the needs of working parents or employers, rather than from that of children.

In a few areas, such as education policy, the child dimension of policy is recognised in the Treaties, but most EU action concerns children above the age of 15. From this age the policy attention of the EU strengthens significantly, especially as a result of the emphasis on young people as workers. It is suggested elsewhere in this section that that this age should be lowered. In other areas, such as equal opportunities and social exclusion, the scope for developing EU action in relation to children has been limited, although it may develop as a result of the Amsterdam Treaty changes (see below).

Finally, there is a broad range of important issues where a children's perspective has rarely - if ever - been considered by policy-makers. These include the single currency, environment, transport, agriculture, energy, demography, industry, and regional policy.

The list below sets out some key recommendations in relation to the issues identified here, however more detailed agendas are set out in specific sections in the main text.

It is recommended that:

- *Member States should agree to adopt a legal base for a five year action programme to tackle violence against children, based on the Commission's already published Communication*
- *the European Commission should propose a horizontal piece of legislation to protect children as consumers, based on Article 153 (ex Article 129a) of the Amsterdam Treaty*
- *the EU institutions should ensure that children's rights standards are addressed as a specific topic in negotiations between the EU and the CEE countries in relation to enlargement*
- *Eurostat's annual demographic report should ensure that the current and future impact of demographic change on children - the Community's future workers and carers - is regularly assessed.*

Establishing an EU Action Programme for children

The establishment of an Action Programme for Children would be desirable in the long-term. Unlike many other disadvantaged groups (people in poverty, disabled people, elderly people), the EU has never implemented an Action Programme for Children. This reflects the marginalisation of children

within EU legislation, policy and structures and their lack of a strong political voice - a fundamental reason why an Action Programme for Children would be so valuable.

An Action Programme would enable the European Commission (together with Member States, NGOs and children themselves) to expand the range of existing EU activity by exploring policy areas affecting children to which little or no attention has yet been devoted by policy-makers; many of these are outlined in the specific policy sections of this report. By bringing together a range of initiatives relating to children within an Action Programme, awareness at EU and Member State level of the importance of children's rights and interests would also be given a major boost. Furthermore, the Programme would encourage cross-departmental working across the European Commission, and the development of lasting structures for the promotion of children's rights.

It appears that there is widespread support for the establishment of an EU Action Programme for Children. However significant obstacles exist to such a programme at present. In recent years, opposition from Member States governments has blocked proposals for Action Programmes on Poverty and for older people. There is therefore a clear need for the introduction of an appropriate legal base for developing an Action Programme for Children.

It is recommended that:

- *The Council of Ministers should adopt an EU Action Programme for Children, with the aim of raising awareness of children's rights and developing practical responses at all levels to key issues facing children in the EU.*

2. Developing a Framework for Children's Policy at EU level

A clear legal base in the EU Treaties

The Articles of the Amsterdam Treaty fail to provide a clear and simple legal framework which enables policy-makers to ensure that children's interests are fully respected within EU policy and structures. The next revision of the EU Treaties should remedy this position by the insertion of a new and comprehensive Article, respecting the primary competence of the Member States in this field. The Article should set out: basic children's rights principles; the aims of EU action, such as the encouragement of co-operation and co-ordination between Member States and the role of the EU in supplementing national action; and appropriate procedures for the adoption of EU proposals and actions by the European Commission and the Council of Ministers.

It is recommended that:

- *the Member States should agree the insertion of a new Article into the EU Treaties so that the Community can contribute to the acknowledgement, promotion and protection of the rights and needs of children, while respecting the lead role of the Member States*

Incorporating respect for the principles and standards of the UN Convention into EU law

The 1989 UN Convention on the Rights of the Child (CRC) is the most comprehensive international children's rights instrument. The CRC recognises the civil, cultural, political, economic and social rights of children. It also acknowledges children's rights to provision, protection and - for the first time in international human rights law - participation.

The Comité des Sages report on an EU Human Rights Agenda⁽¹⁴⁾ recommended that the European Commission should ensure 'that all legislation it drafts is fully compatible with the requirements of the Convention'. In another recent report, the International Save the Children Alliance also recommended that the EU should take the UN Convention as the yardstick by which it reviews its policies, programmes and other activities to ensure that they respect and promote the human rights of children. The report also argued that the CRC should be acknowledged in any EU Bill of Human Rights or other treaty amendment as the best contemporary expression of children's fundamental human rights.

It is recommended that:

- *the Member States should incorporate respect for the principles and standards of the UN Convention on the Rights of the Child into EU law*
- *the European Commission should ensure that all proposed EU legislation and policy is fully compatible with the provisions of the UN Convention on the Rights of the Child*

3. Effective co-ordination of EU children's policy

Strengthening EU structures affecting children.

Strengthening interservice co-ordination could ensure that a children's perspective begins to be recognised across the EU institutions. At present children are directly or indirectly affected by legislation and policy developed by several different European Commission departments. The most relevant of these at present are the Secretariat General, DG1, DGV, DGX, DGXIII, DGXV, DGXXII, DGXIII and DGXXIV and their activities are summarised on page 25 of this report. However the activities of the majority of Commission directorates have some impact on children, and the DGs highlighted in this report are those where, at least to some extent, a child perspective has already been identified.

There are also existing interservice groups between directorates general who are working on related issues, however these arrangements should be strengthened to ensure effective co-ordination of policies to children. Similar issues occur in relation to Committees and intergroups of the European Parliament (see page 34).

One option would be to set up a Children's Unit, perhaps based centrally in the Secretariat General of the Commission where it could have an overview of the activities of all the different directorates general involved. The unit would: provide a lead within the Commission on children's issues and oversee the development of an overall EU children's policy; co-ordinate interservice activities and act as a 'broker' between departments; and report annually to the European Parliament on children's issues. In addition, it would provide a focal point for facilitating exchange of good practice and dialogue between the Member States, and would service meetings of Member State Ministers with responsibility for children.

It is recommended that:

- *the European Commission should review the role and functioning of existing interservice structures affecting children, with the aim of strengthening support for and co-ordination of children's policies across the Commission*
- *an EU Children's Unit should be established, perhaps based centrally within the Secretariat General of the European Commission. Such a unit would help to significantly improve awareness of children's issues and provide overall leadership across the Commission, but should not take over the responsibilities of other directorates general. The unit should work towards ensuring that all directorates general of the Commission develop child impact assessments*
- *Member State Ministers with responsibility for children should meet at least twice a year to discuss issues of common concern at EU level and across the Member States, based on the models existing in relation to other policy areas (cf. meetings of Ministers for Women and for Youth)*
- *senior civil servants from the Member States and Commission officials should meet regularly to exchange information on and discuss EU children's policy, based on the models of 'high levels groups' which already meet in other policy areas (eg. disability, older people). Meetings should be serviced and co-ordinated by the EU Children's Unit*

- *within the European Parliament, although children's issues should be mainstreamed across all relevant Committees, there should be one principal Committee which has the remit to take a lead in considering children's issues*

Developing liaison between children's NGOs and the EU institutions

A strong conclusion of the project is that the Commission should work together with children's NGOs and, where appropriate, should assist the development of civil dialogue with children's NGOs Europe-wide. In a recent Proposal to the Council of Ministers to convert the 'Daphne' programme into a five year programme, the European Commission recommended the establishment of an Advisory Committee of Member State representatives (Article 4 of the Proposal), with the purpose of ensuring consistency and complementarity between relevant EU programmes and actions (Article 3).

These proposals could be further strengthened by the inclusion of an additional proposal to set up a NGO Advisory Group for Children to assist the Commission with the implementation of Article 3. This formal structure would complement the primary advisory role of the Member State Committee. It would help ensure that children's issues are being mainstreamed across the Commission, and would provide views which would have to be taken into consideration on all relevant aspects of EU policy affecting children. It would not have any role in discussing and agreeing the financing of project proposals and would consist of children's NGO representatives and designated Commission staff. It is suggested the group could meet three times a year in the context of the Daphne programme and would include Europe-wide NGOs and representative NGOs (such as national coalitions for children's rights) from the Member States. At least one NGO representative from each Member State should have a place on the Advisory Group. The possibility that representatives from CEE countries applying to join the EU should have observer status should also be considered.

It is recommended that:

- *an NGO Advisory Committee should be established under the Daphne Programme to provide views which would have to be taken into consideration on all relevant aspects of EU policy affecting children. The NGO Committee should complement the primary advisory role of the Committee of Member State representatives. The model should be based on Articles 3 and 4 of the Commission's current proposal to the Council of Ministers in relation to the Daphne programme.*

4. Extending citizenship and participation for children

'There is a need for a new civil right for children: they should be recognised as active subjects who are becoming increasingly aware of their social condition and should receive at an ever earlier age the opportunity to express their own voice, and also to assume their responsibilities in family, at school and in institutions providing social assistance'.

Commission of the European Communities, 'The European Union and the Family', Social Europe 1/94, Brussels)

Throughout this project children and adults were generally very supportive of moves to improve child participation at EU level. Children in particular argued strongly that their views should be listened to at all levels in the same way as those of adults and numerous examples came to light of effective participation initiatives at all levels (eg. youth parliaments and councils).

There is considerable support for the development of mechanisms at EU level to improve direct consultation with children and young people, and in 1998 the Council of Ministers adopted a proposal of the Austrian Presidency for a Resolution on Youth Participation (see box). The resolution is likely to form the basis for extending EU action in this area. It is important that children below age 15 (as well as young people from 15 upwards) should be consulted regularly by the EU institutions on issues that affect them, and that this consultation should be as accessible as possible. This would be fully consistent with the Commission's desire to get 'closer to citizens' and would help children and young people to promote their views and to understand the importance of civil and political participation.

'Young people in the European Union should therefore be granted a wider scope for active participation in European and national political affairs, the objective being to enable young people, on a step-by-step basis, to assume their share of both opportunities and responsibilities and to encourage them to become active citizens of the European Union.

'The Council, in the process of further implementation of the Treaty of Amsterdam, intends to associate the citizens more closely with the shaping of European policies. The European institutions and the member states of the European Union are therefore called upon, in particular, to involve the young citizens in the process of European integration.

'The Council recognises the overall need to ensure the political, economic, social and cultural participation of Europe's youth in the policies of the EU'.

Council of Ministers of Youth, Resolution on Youth Participation, Brussels, 26/11/98

Opportunities for participation should increase with age and maturity, and could help to counter the trend across Europe for children to remain dependent on their families well into adolescence. At EU level, there is a welcome and growing interest in issues affecting young people (aged 15 and upwards), but children below this age have received far less attention. The EU Treaties should encourage the participation of the full age range.

It is recommended that:

- *the EU institutions should explore ways in which they can take the interests of children into account in its decision-making processes, building on the 1998 Council of Ministers Resolution on Youth Participation proposed by the Austrian Presidency*
- *the European Commission should initiate discussion between Member States over approaches to child participation, both within Member States and at EU level, based on Article 12 of the UN CRC*
- *the European Commission should extend the funding it currently provides for participation projects for children and continue to promote exchanges of good practice around children's participation at EU, national and local levels*
- *the Member States should take further steps to involve children and young people in decision-making processes at all levels (eg. through youth parliaments, local youth councils, and school-based initiatives); such initiatives should be financed and promoted through transnational exchange of experience and good practice*

5. Improving information on children and monitoring their circumstances

Gathering systematic data and information on children in the EU

In 1996, the Council of Europe's Parliamentary Assembly recommended that Member States (of the Council) should make children more visible: '...through the systematic collection of information, in particular reliable, detailed (by age and gender), comparable statistics which will make it possible to identify their needs and the issues which require priority political action'⁽¹⁵⁾.

The gathering of systematic data and information on children in the EU is of fundamental importance, but at present there are significant gaps - both in terms of the range and the depth of quantitative and qualitative analysis⁽¹⁶⁾.

A dynamic EU children's policy depends on continuous reassessment of changing economic, social and demographic conditions across the EU, and the impact these have on children. It is welcome that forth-coming reports of the Vienna-based European Observatory on National Family Policies will pay particular attention to children's issues and believes that these should be made widely available across the EU. The European Commission's recent proposal that Eurostat should be mandated to collect and analyse at EU level publicly available statistics on child sexual exploitation and abuse

within the Member States would also prove a useful development which could be built upon in future⁽¹⁷⁾.

It is recommended that:

- *the reports of the European Observatory on National Family Policies should be presented to the European Parliament annually and used as the basis for a debate, taking into account the situation of children*
- *the European Commission should extend the existing remit of the European Observatory on National Family Policies to encourage a stronger focus on children. This could be achieved by changing the title to the European Observatory on Childhood and Family Policies*
- *the European Commission should seek to extend the mandate of Eurostat to include a wider range of basic data regarding children, building on its current proposals for the collection on information on child sexual exploitation and abuse*

Establishing an independent body to monitor the rights of children in the EU

An independent body is required to highlight problems and issues in implementing a coherent EU approach to children's rights, and to suggest solutions to the new European Commission's Children's Unit. The recommendation below builds on the proposal of the recent Commission funded Comité des Sages on human rights for the setting up of a 'Human Rights Monitoring Agency' at EU level. The Comité suggests that reports from the new agency should be the basis for Commission action to deal with specific problems identified, assuming that action can and should be appropriately taken at EU level⁽¹⁸⁾.

It is recommended that:

- *a Human Rights Monitoring Agency should be set up, including within its remit the monitoring of children's rights at EU level. Activities in relation to children should be based on the framework of the 1989 UN Convention on the Rights of the Child and a close link should be maintained with the UN Committee on the Rights of the Child. Reports from the Agency identifying problems and making poli-cy proposals for the EU level should be presented to the European Commission's Children's Unit*
- *children's rights should be addressed within an Annual Survey of Human Rights within the EU, drawn up by the Human Rights Monitoring Agency*

Assessing the impact of macro-economic policy-making on children

'The needs of children must move "upstream" in the overall design of economic policies. It is not enough - even though it may be appropriate - to advocate a larger share of public expenditure going to, say, the provision of daycare centres or primary education. A child-hostile Central Bank can be far more harmful to our children than an incompetent Ministry of Education.'

De Vylder, S., Macro-economic policies and the rights of the child, Conference on the best interests of the child in the European Union, Stockholm, 29 May 1997, Rädna Barnen

At present decisions on macro-economic policy at EU and Member State level are taken with limited assessment of their impact on children. It is important to consider how EU institutions and Member States can 'child-proof' all new economic policies to increase awareness of the impact of such policies on children.

It is recommended that:

- *the European Commission should develop mechanisms for assessing the impact on children of macro-economic policy-making, drawing on progress in designing poverty and environmental impact assessments both within the Member States and at EU level.*

Increasing resources for children from the EU's budget

'Children's rights should be made a political priority by: '...investing in children and giving them budgetary priority by allocating adequate and fair resources in relation to spending on the needs of other sections of the population at all levels (national, regional, local).'

Parliament Assembly of the Council of Europe, (1996), European Strategy for Children, Doc. 7436

Based on the obligation on governments in Article 4 of the UN CRC to implement children's economic, social and cultural rights 'to the maximum extent of available resources', there is a strong argument for increasing resources for children from the EU's budget. The proportion of the EU's budget which is currently spent on children is minuscule in comparison with that spent on other aspects of EU activity, and compares unfavourably with the amount spent on other social groups by the EU. This is also true in relation to research; the new Fifth Framework for research funding has a focus on demography, but this prioritises research on older people. The proposals below therefore seek to increase investment in children, whilst maintaining existing support for other disadvantaged groups.

'Childhood is a once-and-for-all window of opportunity for biological and social development. Failure to support development in childhood has permanent and irreversible effects for individuals, denying them the opportunity to reach their full potential.....'Failure to support development in childhood has a massive impact on society's capacity to develop in the future, as the lost potential starves the economy of the human capital needed to ensure future growth with equity'.

Save the Children UK, (1995), Towards a Children's Agenda, London.

It is recommended that:

- the European Commission should seek to assess the likely impact on children and young people of the Agenda 2000 proposals for reform of the EU's budget, and develop strategies in response
- the European Commission should prepare an annual analysis of the proportion of the EU budget devoted to expenditure on different social groups (including children), which should be submitted to the Parliament and debated
- the Council of Ministers and the Parliament should allocate increasing resources for children under age 15 from the EU's budget, both specifically targeted at them and also within other general budgetlines and programmes (including research)

PART TWO – HOW ARE CHILDREN AFFECTED BY EU POLICIES

Part Two addresses specific policy areas affecting children where the EU has either taken some action, or has a legal basis for action (even if limited). A number of these areas are very similar to some of the priorities of children and children's NGOs in the member states - for example, social exclusion and children's participation. But the list also includes some new issues while neglecting others (for example, juvenile justice). This reflects the impact of the principle of subsidiarity so that the issues which are significant at EU level are not necessarily the same as those which are significant at local or member state level.

The order in which the topics are presented generally reflects the potential for further action for children within the EU context; those where the greatest opportunities exist at present are outlined earlier and those where change may be a more long-term aspiration are addressed later. These issues include:

- Violence against children
- Social exclusion
- Non-discrimination
- Citizenship and participation
- Free movement of people
- Media and internet
- Consumer policy
- Education
- Health
- Environment
- Employment
- Economic and Monetary Union
- Enlargement
- Information on children

Violence against children

The EU's developing child protection agenda

Violence against children, especially in the form of sexual exploitation and abuse, has been an increasing source of concern within the EU in recent years and there has been strong political and public support for the EU to respond.

'The Commission is firmly set on actively taking part in the fight against sexual abuse of children in all areas. In this way, we show that the rights of children and women are also human rights'.

Extract from speech by Commissioner Anita Gradin, European Parliament, Strasbourg, 18 September 1996

The action which has been taken so far by the Council of Ministers and the Commission to tackle all forms of violence against children is very welcome, and is in line with Article 19 of the UN CRC (which argues for the protection of children from all forms of physical or mental violence). The Amsterdam Treaty introduces a new Article K.1, which will encourage - on an inter-governmental basis - the development of police and judicial co-operation in tackling crimes against children which cross national borders.

'Before the Dutroux case many people had not made the link between children's rights and the EU - they had not realised there was any EU dimension to this question'.

Euronet interview with Bartho Pronk MEP, September 1998

Extending the Daphne programme

The Daphne programme was initially set up on a pilot basis, run by the Secretariat General in the European Commission. The Commission is therefore seeking to establish a legal base for the Daphne programme based on Article 235 of the European Treaties, proposing a Council of Ministers decision to extend the programme from 2000 to 2004. Further NGO action is proposed in relation to the exchange of information, coordination and cooperation, the raising of public awareness and the exchange of best practice ⁽¹⁹⁾. An accompanying Communication ⁽²⁰⁾ suggests a number of additional proposals. For example, that Europol should be involved in the establishment, maintenance and standardisation of registers of missing children within the Member States.

The Commission's proposals are extremely worthwhile and the Council of Ministers should be urged to adopt the programme. As unanimity is required between Member State governments for decisions to be accepted by the Council under Article 235, there is a need for concerted action between NGOs to encourage Member State governments to accept the proposals.

Violence against children - The 'Daphne' and 'Stop' programmes

The Daphne programme was set up in 1997, intended to support NGOs in tackling violence against children, young people and women. It generated massive interest, and of 428 projects submitted, the Commission's 3 million euro was only able to fund. The projects funded in the first year included: networks for experts dealing with missing children; an audit of child protection provisions in the EU Member States; a research study measuring the effectiveness of programmes to prevent recidivism among sex offenders; a project exploring good practice in tackling child pornography on the internet.

In 1996 the Commission also established a parallel multi-annual programme against trafficking in human beings and sexual exploitation of children (the STOP programme). This programme is open to public authorities, and therefore covers public officials such as judges, police officers, civil servants, immigration officers and social workers.

Violence within the family

Violence against children within the family represents a pressing social problem in all the Member States of the EU, although it is extremely hard to establish an overall picture of its extent and nature as research traditions, definitions of abuse, and legislative frameworks vary widely. Four EU Member States (Sweden, Finland, Denmark and Austria) and several other European countries (Croatia, Cyprus, Latvia, Norway) have introduced legal reforms explicitly banning all corporal punishment of children. In a 1998 case, the ECHR ruled that UK law failed to provide adequate and effective protection from inhuman or degrading punishment (Article 3 European Convention on Human Rights); as a result the UK Government is to reform the law. In Belgium, a proposal to do so is under consideration, and the new German Government has stated its commitment to legal reform. Italy's Supreme Court ruled in 1996 that the use of violence in childrearing and education was no longer lawful.

Physical punishment is dangerous, and it has been identified as a significant factor in the development of violent attitudes and action, both in childhood and later life. It also inhibits or prevents positive child development and positive forms of discipline. Public support for legislation to ban corporal punishment has strengthened over time. Physical punishment of children is a fundamental breach of their human rights and there is a strong case for legal protection (combined with education strategies) to be extended to all EU states. The EU is already playing an important role through the Daphne programme in helping Member States to learn from each other's experience and this work should be developed.

Violence in schools

The European Commission launched a 'Violence in Schools' initiative following the Council of Ministers conclusions on safety in schools (22/9/97), which called upon the Commission and the Member States to step up co-operation in this field. The programme now supports a range of action to prevent and tackle violence, including pilot projects and networks, in-service training, and the exchange of information and practice. This programme is to be welcomed and should be extended to

cover all institutional settings outside the family where the quality of children's education can be affected by violence. There is evidence that levels of violence to children in residential care and penal institutions can be especially high.

Child sex tourism

In 1996, the Commission (through DGXXIII) published a Communication on combating child sex tourism (REF Commission of the European Communities, Communication from the Commission on combating child sex tourism, Com(96) 547 final), which sets out action which should be taken with the tourism industry and NGOs to deter child abusers from travelling (eg. information and awareness campaigns, the reinforcement of codes of conduct and self-regulation within the industry), and recommendations to reduce prostitution in the countries of destination. In 1998, a Eurobarometer survey ⁽²¹⁾ confirmed that European public opinion regards action at EU level as highly desirable, indeed essential.

The initiatives taken by the Commission so far have been impressive and should be developed. The task will become more pressing as a result of the likely accession of several CEE countries in the early years of the next century. Already it is evident that sex tourism and child trafficking are growing in these countries to cater for men arriving from Western Europe ⁽²²⁾, and that support services to protect children need to be developed urgently (see section on 'Enlargement').

Tackling child sex tourism - projects co-funded by the Commission

A project of the international ECPAT (End Child Prostitution and Tourism) network informs travellers about child sex tourism by sending them information before they travel and inviting them to place specially-designed luggage labels on their cases to show their support for the struggle against child sex tourism. Appropriate training and materials for staff in the tourism industry are also being developed. It is intended to broaden this approach from Germany, France, Belgium and the Netherlands to other countries.

In Germany, the international aid organisation 'Terre des Hommes' set up a project in 1998 to develop awareness among travellers on long-haul flights by showing them an in-flight video on the subject. Lufthansa and Air France have already accepted to show the video on their flights, and negotiations are underway with other European airline companies.

Recommendations:

- *Member States should adopt a legal base for the Daphne programme under Article 235 as soon as possible, based on the current proposal of the Commission. It is important that NGOs work together and make their views known to national Social Affairs Ministries to ensure this happens.*
- *The European Commission should continue to promote, through the Daphne programme, exchanges of experience and information between Member States on tackling violence to children within the family, building on the positive experiences of EU states where the physical punishment of children is prohibited.*
- *In line with Article 19 of the UN CRC, the long term policy objective for Member States should be the banning of physical punishment of children across the EU. Alongside appropriate legal reform, the emphasis should be on developing education strategies to strengthen positive non-violent approaches to discipline.*
- *The 'Violence in Schools' programme should be extended by the European Commission to other institutional settings for children (eg. residential care and penal institutions).*
- *The European Commission should extend its action to combat child sex tourism, especially in view of the likely accession of CEE countries in the next few years. Child sex tourism should also be considered as part of continuing dialogue with and support for countries outside the EU.*

- *Research should be initiated by the European Commission into the extent and nature of children's involvement in the sex industry, both within the EU and CEEC.*

Social Exclusion

'In most modern societies, children and families with children are economically disadvantaged as compared to adults or families without children. As a consequence, child poverty has become a widespread phenomenon.

Wintersberger, H., 'The Ambivalence of Modern Childhood: A plea for a European Strategy for Children', in Wintersberger, H., (ed.), *Children: from marginality towards citizenship*, Eurosocial Report 61/1996.

A new legal base for EU action

Although EU social policy initiatives to tackle social exclusion have often been blocked by Member States in the past, the 1997 Amsterdam Treaty includes a new legal base to combat social exclusion (Article 137). As this clause can be agreed by majority voting rather than unanimity within the Council of Ministers, it is likely to provide an important basis for further EU action in future. Already the Commission has issued a call for preparatory action in the field of social exclusion, including activities to improve knowledge in the Member States, exchange experiences and information on current approaches and promote networking between NGOs. However although this budgetline will cover initiatives to support children as well as other groups, the available funding is insufficient to tackle the widespread and diverse problems of poverty and social exclusion faced by children in the EU.

The impact of social exclusion on children

Because of their rapid rate of physical, mental, emotional and social development, children are more vulnerable than adults to the effects of social exclusion. Many children within the EU live in families on low incomes; in many of these families no parent or carer is employed and the impact on children can be highly damaging (see box below). Children in groups facing social exclusion (eg. homeless people, travellers, ethnic minorities, asylum-seekers and refugees, people in rural areas) often encounter particular obstacles in gaining access to rights which should be available to all citizens (eg. education, health, welfare and leisure services). Many children within these groups also face significant degrees of discrimination, harassment and even violence on a regular basis.

The extent of child poverty and social exclusion in the EU

Article 27 of the UN CRC asserts 'the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development'. But across the EU, one fifth of children live in poor households with a household income of below 50% of the average in their country ⁽²³⁾. Research indicates a continuing link between child poverty and ill-health and overall improvements mask significant variations between regions and between socio-economic groups within the EU. Poor housing and homelessness are also serious concerns in the EU (although they are not areas of direct EU competence). An unknown number of children and young people live on the streets, and they appear to represent a growing proportion of the total homeless population.

Child poverty in the EU 12

Percentage of children living in households :

- where space is limited (30%)
- with leaky roofs (8%)
- with damp walls (18%)
- that cannot afford a week's annual holiday (36%)
- that are unable to keep the home adequately warm (17%)
- that are unable to afford to buy new clothes(15%)
- without a private car (14%)

- which report they are not able to make ends meet (25%)

Eurostat, (1994), initial results from the European Community Household Panel, Luxembourg, quoted in Ditch, J., Barnes, H., Bradshaw, J., Kilkey, M., (1998), A Synthesis of National Family Policies 1996, European Observatory on National Family Policies, European Commission

Strengthening the EU's response

The Commission's Social Action Programme for 1998-2000 contains some positive proposals, however they are unlikely to have a significant impact on children. The needs of other socially excluded groups - women, disabled people, ethnic minorities, older people - are specifically addressed in one way or another, but children's interests are not. Even in areas where one might have expected a focus on children (eg. the Commission's Communication on issues affecting older people in contribution to the 1999 UN Year 'Towards a Society of All Ages'), children remain invisible.

Although many of the proposals may have an indirect positive impact on children (eg. the development of statistical indicators on poverty and social exclusion; the programme for the integration of refugees), children's interests may well be overlooked if they are not mainstreamed within them. The Commission's continuing narrow focus on exclusion from the labour market, which ignores wider multi-dimensional aspects of poverty and social exclusion, makes this outcome more likely. Against the background of the potentially huge social consequences from the introduction of single currency and the adaptation of social protection systems to changing needs, the Commission should assert and respect the fundamental social rights of all citizens (as proposed by the 1996 Comite des Sages report)⁽²⁴⁾ - and this should include children.

Recommendations:

- *Because of their vulnerability and the severe impact of poverty and social exclusion on them, children's interests should be given a specific focus within proposals set out in the European Commission's 1998-2000 Social Action Programme to tackle social exclusion*
- *The development by Eurostat of EU statistical indicators on poverty and social exclusion should treat children as separate individuals within family households, so that children's circumstances can be effectively monitored*
- *Policies to tackle social exclusion should respect solidarity between the generations, and the European Commission's Communication as part of its contribution to the 1999 UN Year 'Towards a society of all ages' should therefore cover children*
- *The European Commission should develop an action plan to implement the proposals on fundamental social rights set out in the 1996 Comite des sages report, paying particular attention to children's rights*

Non-discrimination

'Why can I marry at the age of 16, but not be able to buy a drink at my own wedding?'

Irish young person at Euronet conference, Belfast, May 28/29, 1998

Discrimination is usually considered to affect groups such as women, disabled people, ethnic minorities, and older people - but not children. Yet the discrimination faced by members of these groups has common features with the experiences of children. All these groups tend to:

- receive different and unequal treatment (and are seen as having more limited rights) compared with that given to the 'majority' group against which they are defined (adults, men, the non-disabled, white people etc.)
- have judgements made about their needs and welfare based on what other people consider them to be, rather than being asked directly

- be seen as in need of protection rather than empowerment, while at the same time experiencing coercive or violent behaviour towards them
- be seen as 'dependants' and 'unproductive'
- be denied participation in decision-making, whether about their own lives or about broader community interests

According to Article 2 of the UN CRC (the 'non discrimination' clause), children should have the right to be protected from all forms of discrimination and to be regarded as a specific group requiring equality of opportunity.

So far EU policy and action has paid less attention to the interests of children than it has to the interests of other disadvantaged groups. Furthermore, although the new Amsterdam 'non-discrimination' Article covers age (and therefore should cover children), there is a likelihood that children's interests will remain invisible unless specific attention is directed at meeting them.

Supporting disabled people

The 1989 Social Charter committed the EU to improving opportunities for disabled people (eg. in relation to vocational training, the working environment, transport, housing, mobility and access to public buildings). Two Action Programmes (HELIOS) have been established. In 1996 the Commission adopted a Communication on Equality of Opportunity for people with disabilities ⁽²⁵⁾, and in the same year the European Disability Forum was established as an independent NGO (having originally been part of the HELIOS II Programme), with a remit to advise on disability issues in all areas of Community activity. Although some of these initiatives have had an indirect positive impact on children, the interests of disabled children have received no specific consideration by the EU.

Tackling racism

A range of awareness initiatives across Europe were launched during the European Year Against Racism (1997), including the setting up of a European Monitoring Centre on Racism and Xenophobia and the establishment of a European network of anti-racism organisations. In 1998, the Commission set out an Action Plan against racism, which proposes further practical and procedural measures. Despite the fact that some of these activities are likely to have positive indirect consequences for children, again an explicit 'children's perspective' is lacking.

New Opportunities under the Amsterdam Treaty?

Although new Article 13 on 'non-discrimination' has several limitations, the setting up of a new anti-discrimination budgetline is a positive step which should be used to develop initiatives in relation to children. The fact that the Commission intends to launch a broad debate on the use of Article 13 is to be welcomed. From the point of view of children, the debate should focus on how to mainstream a children's perspective into other areas of equal opportunities. This would ensure that the impact on children of all EU activity in relation to equal opportunities was recognised and monitored.

Recommendations

- *The European Commission should ensure that discrimination against children as a group is addressed specifically within the context of any EU action resulting from the introduction of Article 13 of the Amsterdam Treaty*
- *The European Commission should ensure that all action against racism addresses in particular the needs of children from ethnic minorities and promotes appropriate action to tackle racism and xenophobia among young people*
- *The new Observatory on Racism and Xenophobia should undertake EU-wide studies of the effects of racism on children and young people, and make recommendations for the development of Member State legislation, policy and practice*

Citizenship and participation

'The Council of Ministers of Youth regards the increased participation of young people as one of the central tasks to be undertaken in the process of shaping European society in political, social and economic terms'.

Council of Ministers of Youth, Resolution on Youth Participation, Brussels, 26/11/98

The concept of 'EU citizenship'

Although the original emphasis of the EU was on the 'citizen as worker', making some rights irrelevant to those outside paid employment such as children, the concept of citizenship has gradually been strengthened in the EU Treaties. The Amsterdam Treaty consolidates and extends citizens' rights by improving legal and political protection. Some of these provisions are also relevant to children (eg. new legal bases for combating all forms of discrimination, and combating social exclusion), but in general the rights conferred by the EU Treaties are mostly denied to children. Nevertheless, ECJ rulings are having increasing impact by elaborating the concept of European citizenship in the Treaties. This trend has significant positive implications for children and young people (eg. the Martinez Sala case - see section on 'free movement').

Extending the right to vote to young people

The EU Treaties give every person with the nationality of an EU Member State the right to vote in municipal and European elections, however children cannot access this right until age 18. Young people at the Euronet seminar organised in Vienna during this project highlighted the inconsistencies in the law (see box below) and argued that extending political participation to young people from age 16 was of paramount importance in helping to prepare future EU citizens for participating in democratic life. There is also some evidence from Austria that children and young people are not only interested in participating at the local level, but also at national and at European level. Moreover, there are already examples around the world of countries where young people can vote at 16 (eg. Brazil, Cuba, Nicaragua); in Germany, the state of Lower Saxony also has this system in place. The Member States should explore this possibility, together with that of extending education on citizenship to young people.

'The average age of politicians in our country (Austria) is 67 years old. What would seniors say if they were represented by 25 year olds or younger people ?'

'We can be criminals at 14, make career choices at 14, can marry at 16, but cannot vote until 18'.

Austrian young people at Euronet seminar, Vienna, October 2/3, 1998

Children from third countries excluded from EU citizenship

Another important issue relating to children's citizenship which was raised at the Euronet seminar in Madrid on children's participation (22/6/98) is that the status of 'EU citizenship' continues to rest primarily upon nationality of a Member State. Yet in some cases, especially in countries where citizenship is determined by parental nationality rather than the birthplace of the child, entire families can remain without host country citizenship - and therefore without EU citizenship - for generations. This has, for instance, been the position for many years of Turks born and resident in Germany (although the recently elected Government has pledged to reverse this). Similarly, the legal rights of refugee and asylum-seeking children in the EU - many of whom are fleeing persecution or civil war - have generally been very limited, especially in recent years as immigration and asylum policies have been tightened across the EU.

These examples suggest that more should be done to equalise the position of children who are third country nationals and children who are EU citizens, putting into practice the key principle of Article 2 of the UN CRC ('all rights apply to all children without discrimination').

'We build walls within Europe against children from third countries'... We should 'promote the rights of all children, including those from third countries, in Europe. Children should be taught from the beginning that they are European citizens and that they are equal'.

Elisa Perez Vera, Euronet seminar on children's participation, Madrid, 22/6/98

Promoting civil participation for children

Moving beyond the concept of citizenship purely as a set of legal entitlements, some social groups (eg. women, disabled people) have increasingly used citizenship in a much broader sense to emphasise rights to participate in wider society. This approach was central to the 1998 European Social Policy Forum, where it was argued that existing barriers to participation should be removed, and that key actors (NGOs, social partners, and public authorities) should be mobilised to enable this to happen ⁽²⁶⁾.

'Many of the most difficult problems facing government today cannot be adequately addressed without involving children and young people in finding solutions, and accommodating their perspective and needs in policy-making. For example, urban regeneration, rural development, environmental sustainability, transport policy, and training and education policy would all benefit from the active input of children and young people. If we are to build a cohesive and well-functioning society we cannot afford to go on ignoring the point of view of children and young people and allowing them to bear the brunt of economic and social exclusion'.

Save the Children (UK), (1997), All together now: Community participation for children and young people, London

The rights and needs of children can be considered from this perspective too. Children are among the most powerless of social groups, and often have very limited opportunities to be involved in key decisions which affect them. Yet they have expert knowledge of the behaviour of children at school, on the streets, in youth clubs, in the family and so on. They also have views on what could be done to improve the environment, make the streets safe and make schools better places to study and learn. Recognising their capacities and valuing their contribution - individually and collectively - is a crucial prerequisite for creating a dynamic, participative society. Accepting that children are not just dependent on adults, but also social actors in their own right lies at the core of the ground-breaking participation sections (in particular Article 12) of the UN CRC.

Article 12 (children's right to express views on all matters concerning them) challenges the EU and Member States to involve children as fully as possible in decision-making processes, and can apply in any area of legislation and policy. The Council of Europe's four-year 'Childhood Policies Project' concluded that it should be a requirement for policy-makers actively to seek out the wishes and feelings of children on policy issues which are of importance to them ⁽²⁷⁾.

Positive attempts to involve children as active citizens in policy and planning have been made at national and local level. At Euronet's Madrid seminar, innovative examples from Spain and Portugal were described (see box). At EU level, BICE (the International Catholic Child Bureau) recently organised with sponsorship from the European Commission a unique Children's Forum in the European Parliament. Apart from this, very few activities directly involving children have taken place at EU level, although it would be possible to develop and extend existing EU programmes to enable this to happen.

Local consultation with children in Spain

The City Council of Cornellà in Catalonia has drawn up local legislation for children, and has presented the draft to a specially established 'Children's Commission' in the Council. Other initiatives have included: asking children for their 'Christmas list' for the city, and involving them in developing their ideas; surveying children about their experiences of the health service; and awareness programmes for policy-makers and parents on aspects of children's rights.

Information from Euronet seminar, Madrid, June 1998

Recommendations:

- *In all aspects of EU and Member State legislation and policy, the European institutions should seek to ensure equal treatment of children from third countries and children who are EU citizens, building on the European Year Against Racism and Article 2 of the UN CRC.*
- *In particular, the EU institutions should ensure that children's rights - and in particular the needs of unaccompanied refugee children - are fully taken into account in the development of forthcoming EU asylum legislation and policy (following transfer to EU competence), based on the 1994 UNHCR Guidelines on Refugee Children.*
- *The lower age limit for a number of existing EU programmes should be reduced by the Member States from 15 to 13 years - especially those under the proposed 'Youth' programme intended to run from 2000-2004.*
- *The European Commission should develop practical proposals to ensure that children are given a voice within the emerging 'civil dialogue' between the EU institutions and NGOs, building on Article 12 of the UN CRC.*
- *Member States should explore the possibility of reducing the voting age from 18 to 16 in elections and introducing education for citizenship for young people.*
- *The European Commission should explore with the Council of Ministers how children's participation could be promoted by using new technologies such as the internet, building on the initiative of the Austrian Presidency of the EU for a 'Citizen's Conference for the future of Europe'.*

Free Movement of People

Free movement of people between different parts of the EU is currently at a relatively low level - although probably much higher than the official estimate of 5.5 million EU nationals resident in another Member State. Influences on free movement include factors such as high unemployment, the changing role of the family, the growth in the services sector and the ageing of the population. The introduction of the 'euro' is likely to increase mobility within the EU significantly and to give impetus to the development of the concept of 'EU citizenship'. As a result of these trends, increasing numbers of children will be affected by free movement provisions.

The right of establishment

As members of the families of workers, children now benefit from the right to entry and residence in another Member State under EU law (partially a consequence of rulings by the ECJ). However, some problems remain, as the 1997 Veil Report highlighted ⁽²⁸⁾. Although the report's recommendations do not specifically address children, some are likely to have a positive indirect effects on them (eg. more flexible rules to allow EU citizens to be joined by their families in another member state).

'Family rights should be amended to reflect social change. Freedom of movement is not complete unless citizens have the right to be joined by their family under favourable conditions for their integration in the host country.....The term 'spouse' does not include an unmarried partner, which can give rise to problems. The report points out that the 'family group' is undergoing rapid change and that growing numbers of people, often with children, form *de facto* couples'.

Report of the High Level Panel on the free movement of persons, chaired by Simone Veil, European Communities, 1998).

In response, the Commission proposes (amongst other things) to harmonise the legal status of all EU citizens in the Member States, 'irrespective of whether they pursue an economic activity or not' ⁽²⁹⁾. This move is likely to improve the legal position of children and young people.

Based on interpretation of existing EU regulations ⁽³⁰⁾, a recent ECJ ruling ⁽³¹⁾ in the 'Martinez Sala' case -where an unemployed mother was given access to child-raising allowance when residing in another state - already moves Community law in this direction, potentially opening the way for a widening of access to a range of welfare benefits to all EU citizens moving to another part of the EU.

The education of the children of migrant workers

The 1977 directive on the education of the children of migrant workers ⁽³²⁾ acknowledges that the situation of EU migrant children at school is distinct from that of national children and requires special efforts to be made on their part, and is the only example of an attempt to harmonise educational provision throughout the EU. However, the directive is formulated on the presumption that those whom it will benefit will eventually return to their country of origin. Moreover, implementation of the directive has been uneven, with the European Commission's own reports showing that most Member States have failed to take any measures at all to meet the directive's provisions ⁽³³⁾. It remains to be seen whether an individual can bring a claim against an individual Member State, as this has not yet been tested in the ECJ.

'Interviews with education specialists as part of the Children and Migration project have shown that not a single respondent was even aware of the existence of the Directive. One representative of an education authority in England even requested that we send him a copy of the Directive to read! Very few of the children interviewed had been given additional tuition by their school to assist them with any educational difficulties associated with migration. The prevailing assumption seems to be that if a child is in need of such additional help, it is up to the parent to seek private tuition and is beyond the responsibility of the host state'.

Stalford, H., 'Children, Citizenship and Internal Migration in the European Union: The Impact of European

Family separation

Free movement and the right of establishment has led to more children being born to parents of different nationalities. When families separate, the consequences for children are always important - and even more so when parents decide to live in different countries. However the problem in cases involving custody and access, and child abduction, is that they fall within the competence of Member States, and the EU cannot intervene - despite the European dimension to these issues.

These issues therefore tend to be discussed on an inter-governmental rather than an EU basis. For example, a 'Convention on Jurisdiction and Recognition and Enforcement in certain Family Matters' (the 'Brussels II' Convention, OJ C2221, 16 July 1998) was signed by Member State governments in 1998 under the 'Third Pillar' - and therefore without the involvement of children's NGOs. In relation to child abduction, most EU states have ratified the 1980 Hague Convention on international child abduction.

However procedures are complicated and slow, and cases tend not to be heard in specialised courts with officials with the necessary expertise. There is also no requirement for the child to be consulted or for his/her views to be taken into account in decision-making. The only direct EU involvement is through the European Parliament's mediator of abducted children (currently Mary Banotti MEP), who has tackled well over 30 cases and made several positive recommendations for legal reform since her appointment in 1995. One report from the European Parliament has proposed the introduction of a legal base for EU action ⁽³⁴⁾.

Recommendations:

- *The European Commission should bring forward legislative proposals to implement a common legal framework for free movement rights for all citizens (including children) who wish to reside in another Member State, in line with Article 8a of the EU Treaty ('Citizenship of the Union').*
- *The European Commission should encourage the Member States to take further steps to implement fully the 1977 directive on the education of the children of migrant workers.*

- *In view of the increasing integration of the EU, the European Commission should initiate - with the involvement of children's NGOs - an EU-wide study of the likely impact of increasing mobility on children*
- *Member States should seek to monitor progress in addressing transnational divorce and separation, and child abduction, and develop further common action to implement existing international Conventions in these areas*
- *In the longer-term a legal instrument based on the EU Treaties should be introduced by the Member States to allow for greater EU involvement in relation to transnational family matters affecting children.*

Media and internet

Protecting children in audio-visual and information services

New information services are coming into the home which are potentially difficult to control, including digital broadcasting, pay-per-view, and video-on-demand services. On-line services and the Internet are taking these developments even further, offering the possibility of access to worldwide networks and interactive material.

'I think it is naive to think that children only have access to the Internet in their own homes. All the research suggests that children's access to media - be it TV, video, or internet - is mostly with friends when the parents aren't there, in internet cafes and so on'.

June Kane, Adviser, Daphne programme, BICE-Euronet seminar, Paris, 25/9/98

Although these new services can provide children with easy access to a vast range of educational materials and cultural opportunities, there are disadvantages too. There is the possibility of an increasing divide between the 'information-rich' and the 'information-poor', perhaps deepening existing patterns of disadvantage between and within different EU regions. Or children may be exposed to illegal or harmful images depicting pornography, racism or extreme violence, or to contact with sexual abusers or other criminals.

Abusers can use services such as the internet to trade pornography or even to organise the trafficking of children. Particular attention has focused at EU level on the impact on children of the information revolution. In 1996 the European Commission published a Green paper ⁽³⁵⁾ and a Communication on 'Illegal and Harmful Content on the Internet' ⁽³⁶⁾. Subsequently, an Action Plan on promoting safe use of the internet was adopted ⁽³⁷⁾, setting out initiatives in relation to hotlines for reporting potentially illegal material, filtering and rating systems, and awareness-raising among the public and Internet users. In 1998, the Council of Ministers adopted a Commission recommendation ⁽³⁸⁾, with the following goals:

- establishment of national frameworks for self-regulation of audio-visual and information services
- exploration of new measures for protecting children from broadcasting
- increasing access of children to new services in educational environments
- quality content and services for children
- research, information and public awareness activities in relations between children and the media
- co-operation between Member States in terms of legal and internal affairs
- debate and sharing of experience at international level

If implemented by Member States and relevant parties at national and local level, these proposals are likely to make a substantial contribution to the protection of children. They would also be in line with Article 17 of the UN CRC, which sets out the role of the media in disseminating information to children that is consistent with their moral well-being.

However the proposals tend to rely on the goodwill of the audio-visual and information services industries. There is a fear that a strategy based on self-regulation may not deter all those engaged in activities which are likely to harm children from exploiting their vulnerable position. For example, in relation to the internet, although several software packages are available to help parents filter out unsuitable sites, it is likely that most children who are computer literate will at present be able to get round these systems. And although new ratings systems are being developed and the major internet service providers are indicating that they will uphold them - financial support from the industry has so far been insufficient to ensure the urgent progress which is needed.

‘...one very important point emerges in relation to educating children to use the media, either audiovisual or written: you have to educate the parents as well’.

Christine Benaim, Director, BICE France, BICE-Euronet seminar, Paris, 25/9/98

Recommendations

- *In order to promote children’s safety to the maximum extent possible, the European Commission, in conjunction with the Member States, must build upon the measures it has already taken and play a strong role in monitoring national regulation of audiovisual and information services (including internet).*
- *The European Commission should also take further steps to ensure that the audio-visual and information industries understand and respond to the urgent need to develop new and acceptable forms of self-regulation in order to protect children.*
- *The EU institutions should engage more actively with children’s NGOs and children themselves in developing strategies and projects in relation to audio-visual and information services.*
- *The European Commission should take further steps to make new technologies available to all children and young people (and especially those facing social exclusion), developing pilot projects and exchanges of experience between the Member States, and disseminating lessons learnt.*
- *Further resources should be given by the Council of Ministers to Europol so that it can play a stronger role in policing the development of audio-visual and information services within Europe*

Consumer policy

The need for a child perspective in consumer policy

Children have strong consumer interests as they are a relatively vulnerable and powerless group within society who need protecting from risks to their health and safety. Although several directives have been adopted by the EU which have had a significant impact in improving children’s safety, the overall approach has been haphazard. Often the general focus of directives results in children’s rights being ignored, and there has as yet been no systematic consideration of children’s interests.

It is therefore important that Article 153 (ex Article 129a) of the Amsterdam Treaty strengthens consumer protection in the EU, and provides a legal basis for children’s interests and concerns as consumers to be taken more fully into account in the drafting of EU legislation on a wide range of important issues. This is increasingly important in relation to issues which can be addressed at EU level arising from the Single Market’s emphasis on the free movement of goods and services (eg. product safety, the regulation of advertising).

Making products safe for children

The EU has adopted a number of directives where children's interests have been taken directly into account. For example, a 1988 directive was intended to provide minimum safety requirements for toys. Further directives have been aimed at establishing standards for producers so that children cannot undo fastenings on potentially dangerous products, such as bottles of medicines. Another directive sought to reduce the danger to children from toxic substances in children's comforters. Most recently, the Commission has agreed to harmonise safety standards upwards in the Member States in relation to levels of pesticides in baby foods.

Beyond these specific cases, products for children have to some extent been covered by more general consumer protection directives. For instance, a directive on general product safety in 1993 has extended protection relating to toys to include equipment in playgrounds and toys in public places.

Despite these initiatives, problems remain. Sometimes the standards have been set at too low a level to make a real impact (and on occasion have even reduced standards in some countries). The implementation of directives (for which Member States have responsibility) is often poor and sanctions non-existent. In relation to toy safety, for example, all toys are required to bear a 'CE' mark to show that they conform to relevant EU safety standards, yet manufacturers have the right to declare that their products comply by attaching the mark themselves. Although Member States must carry out checks, it appears that enforcement is not rigorous enough in some cases.

Furthermore, there are other directives where children's interests have remained invisible. The draft directive on buses and coaches currently under discussion makes no reference to easy access standards for children; people with young children are often concerned, for example, by the height of steps, the functioning of doors and the difficulty of getting buggies and pushchairs on board. The range of topics which have been covered by directives has also led to a piecemeal coverage of products relevant to children. And in some instances, the interests of industry have prevailed over significant child safety concerns, and the 'best interests' of children are accorded lower priority, against the spirit of Article 3 of the UN CRC. The recent case of hazardous chemicals in soft PVC toys may prove the latest illustration of this (see box below).

PVC in toys - children at risk

Several Member States (including Sweden, Spain and Denmark) have recently withdrawn toys made of PVC from their shops, owing to the risk that certain substances they contain (called phthalates) can damage the kidneys and liver if sucked on or chewed by children. However most toy manufacturers have not been prepared to halt sales of toys made with PVC, or to label the toys as potentially containing hazardous substances.

In July 1998 the Commission recommended that Member States should take appropriate measures nationally, but this action fell far short of an outright ban on such toys. Consumer groups have argued that, given the lack of reliable scientific evidence at this stage, a ban is the only way in which children's safety can be assured. Moreover, the existence of alternatives to PVC means that it is unnecessary for manufacturers to continue making toys with PVC.

Regulating advertising to children

Children need protection from the negative effects of certain types of advertising, which can reinforce brand loyalty, transmit misleading information or suspect values (eg. 'use this product and you will gain more friends'), and encourage them to put pressure on their parents to purchase certain products.

Advertising is mainly transmitted by TV and is likely to expand as the number of TV channels in Europe grows. However other forms of advertising are increasingly targeted at children too, through new techniques such as kids clubs, sponsorship, free gifts, direct mail, and in-school advertising. A feature which makes EU intervention particularly relevant is that much marketing is now carried out across national borders.

'Children do not constitute a full-fledged market party. They understand advertising very differently from adults. Their ability to understand the purpose of advertising, which is generally considered a crucial prerequisite for children to be able to develop a critical and questioning attitude to it, does not in general develop completely until the age of 12. This seems to be even more the case when it comes to 'hidden' forms of advertising, such as advertorials and games. Given children's limited skills, special regulations for children are needed'.

BEUC, (1996), Children and Advertising, 255/96

The EU has introduced directives on misleading advertising (1984) and on distance selling, however they do not contain specific provisions concerning children. The 1989 Television Without Frontiers directive (amended in 1997) is intended to facilitate the free movement of TV broadcasting within the EU whilst providing protection for children from programmes which might seriously harm their development; it also requires Member States to ensure that children are protected from TV advertising. However frequent infringements of the rules occur, and enforcement is poor.

More generally, EU legislation tends to be drafted in a vague way, leaving a lot of freedom to advertisers (eg. what is 'misleading' advertising directed at children?). Wide variations in interpretation of the law are also found between courts in different Member States.

Another central difficulty is that the Single Market drive for free movement of goods and services may result in commercial considerations overruling the 'best interests' of children, contrary to Article 3 of the UN CRC. In a 1995 case, a UK TV station transmitted advertisements to children in Sweden, although these are prohibited for children under age 12 under Swedish law. The ECJ ruled that a Member State is only allowed to have more restrictive legislation if this is in the public interest of consumers. More recently, European toy manufacturers have called on the Commission to take legal action against the Greek government over national laws banning TV advertising of toys between 07.00 and 22.00 hours, which it believes breach Single Market rules. The Greek authorities claim the ban is necessary to protect children.

Educating children on consumer issues

Given the increasing emphasis of industry on advertising their products to children, especially in schools, the setting up of an educational consumer affairs unit in the Commission is very welcome. Working with national and European consumer affairs groups, the unit should provide a key focus for ensuring that appropriate information reaches children about the products with which they are faced, and that children are helped to develop critical awareness around consumer issues.

Recommendations

- *Based on new article 153 on consumer policy in the Amsterdam Treaty, the Commission should propose horizontal legislation to protect children adequately from all forms of commercial communication, whatever the medium, and covering all products and services. The legislation should include regulations to restrict advertising and marketing to children in schools.*
- *The European Commission should ensure that children's interests are mainstreamed in any policy proposals arising from the Council's of Ministers Resolution on the consumer dimension of the Information Society (3/11/98).*
- *Consumer and children's organisations should be engaged in consultation processes with relevant EU institutions at as early a stage as possible in the development of proposals which may affect children's interests as consumers.*
- *Unless EU legislation can establish the highest possible level of protection for children, Member States must be permitted to develop and retain their national consumer standards affecting children. They should also be able to apply these standards to goods and services emanating from other countries, and should not be forced by the EU to accept lower standards.*

- *The European Commission should assess the impact of proposed legislation and policy to ensure that the 'best interests' of the child comes before commercial considerations.*
- *The European Commission should promote and support information and education campaigns in the Member States to educate children in relation to consumer issues. Awareness-raising should also be targeted at parents and teachers.*

Education

Towards the 'learning society'?

Although the period of compulsory education has become more or less standardised across the EU, wide variations exist in the way education provision is arranged in the Member States. In general it appears that standards across the EU are relatively high, however there is concern in some countries that these are declining (in particular in relation to basic skills such as literacy and numeracy).

The EU can, within its current competence, contribute to the development of high-quality education and of a 'European dimension' to education, and the promotion and improvement of vocational training. These aims are largely implemented through funding programmes such as SOCRATES (co-operation in education), LEONARDO (vocational training policy), and Youth for Europe III (cooperation in the youth field).

In 1998 the Commission set out its proposals for the period 2000-2004 for extending and broadening existing education, training and youth programmes into a new 'Youth' programme. The Commission is proposing an overall budget of Ecu 3000 million, an increase of 60% over current resources. The aim is to create a European 'educational area' through access to education and lifelong learning, with the objectives of:

- boosting employment by developing people's skills and abilities
- enhancing knowledge potential and thereby improve Europe's competitiveness
- enhancing citizenship through shared values within a common social and cultural area

Maintaining a focus on social exclusion

Although the extra funding is welcome, the focus on 'employability' tends to raise the same concerns among young people as are set out in the section on 'employment' (page 64). Whilst the growing emphasis in EU education and vocational training policy on responding to the needs of the EU economy in an increasingly global economy has some positive aspects, there is a fear that many young people from socially excluded groups may be left behind. Particular attention therefore needs to be accorded to young people who leave or withdraw from the education system with few, if any, qualifications and who represent the potential long-term unemployed of the future.

There is evidence across the EU to suggest that social exclusion (in particular inadequate housing, health and nutrition) affects directly the ability of many children to take up educational opportunities, especially those from disadvantaged groups (eg. ethnic minority children, traveller children, refugee children). In some countries, there have been increases in the numbers of young people - especially boys - truanting and/or being removed from school because of disruptive behaviour.

'Children have the right not just to an education that prepares them for work but to an education that equips them for life...children want an education that prepares them for their lives as citizens of the Member States and the enlarging European Union'.

'Children's Agenda for Europe', Euronet conference, Belfast, May 28/29 1998

* All references to page numbers throughout this document correspond to the page numbers in the print version of the publication.

The increasing attention which education and training is receiving within EU policy is to be welcomed as the development of high quality in these areas is fundamental to the future economic and social progress of the EU. However, in light of Articles 28 and 29 of the UN Convention, there must be concerns that education and training must reflect not only the needs of employers, but also of children and young people themselves.

Expanding human rights education

In line with the UN's declaration of the ten-year period from January 1995 as the 'United Nations Decade for Human Rights Education' ⁽³⁹⁾, the EU should take a lead in encouraging and co-ordinating exchange of information and the development of good practice in relation to human rights education. These activities should include: the development of effective strategies for human rights education in schools; support for the training of professional in human rights education; strengthening the awareness and role of the mass media in promoting human rights education.

Recommendations:

- *The European Commission should ensure that the emphasis within its intended 'Youth Programme' is balanced between equipping young people for work and for their lives as EU citizens.*
- *The European Commission should ensure that a portion of the proposed increase in resources for the 'Youth Programme' should be targeted at the needs of children in socially excluded groups, especially in the accession countries.*
- *The European Commission should seek to improve the quality and range of data and information comparing national education systems available through the Eurydice network.*
- *The European Commission should encourage the Member States to take further steps to tackle truancy, absenteeism, and school drop-out through the design and implementation of comprehensive early intervention and support programmes.*
- *The EU institutions should seek to ensure that children are taught about key European issues which affect them, bearing in mind that primary responsibility remains with national governments. Education on children's rights should be particularly encouraged.*

Health

The EU's role in health protection

Under Article 152 of the Amsterdam Treaty, '...a high level of health protection shall be ensured in the definition and implementation of all Community policies and activities'. Member States are responsible for the organisation and delivery of health services and EU action is limited to research, health information and education. The EU has set up a health monitoring system and health promotion activities and adopted several action programmes (eg. cancer, AIDS, drug dependence). Although some of these activities - especially in relation to health promotion and tackling drug-taking - have had some emphasis on targeting young people, the overall focus on children has been relatively narrow.

Threats to children's health in the EU

Whilst the extent to which child health is a significant problem varies between Member States, the European Commission has estimated that approximately 20 million children and adolescents are injured in accidents in the EU every year. Among younger children (up to age 5) the majority are domestic accidents, whereas among older children (5-14), a greater proportion occur outside the home. Children in families with low incomes are particularly at risk, as their parents often cannot afford to buy safety equipment or replace dangerous appliances.

Despite the efforts of Member States and the EU, the drug culture is becoming increasingly ingrained among children and young people. Alongside the established drugs such as cannabis and

amphetamines, there is an upsurge in the use of ecstasy and LSD by young people in many parts of Europe ⁽⁴⁰⁾. Tobacco and alcohol consumption among young people are also increasing.

Recent years have seen substantial increase in mental health problems among young people and it has been suggested that at least one seventh of all children in the EU suffer from a mental disorder needing treatment or support ⁽⁴¹⁾. There has also been a striking growth in the incidence of suicides and self-harm in most EU countries, especially among young men. Such increases may be associated with a range of factors, however it is widely believed that youth unemployment and social exclusion are significant contributors.

The importance of focusing on child health in the EU

The introduction of specific EU action programmes in the field of health has had some direct benefits for children. For example, the European network of health-promoting schools has highlighted the potential for health education to children; the AIDS programme has helped to educate children about the sensitive issues involved; and drug prevention weeks have reached over 10 million young people.

Nevertheless, it is still the case that insufficient attention has been accorded to the health of children in EU policy-making. At present children's interests are often invisible as little data is specifically collected on their circumstances. Under Article 24 of the 1989 UN CRC, children have the right to 'the enjoyment of the highest attainable standards of health'. The EU could do more to develop a more comprehensive information base, and to promote exchanges of experience between Member States to meet this objective.

In relation to drug policy, Member States have very different approaches to law, policy and practice and these are a considerable source of tension between countries. The EU is playing an important role in exploring action to tackle drug abuse, particularly within the framework of the Community's public health policy for the period 1996-2000. For example, in 1998, the Commission adopted a budget of 27 million ecu for the fight against drug abuse, and a priority area for action within this is drug abuse in schools and other areas frequented by young people.

Mental health problems not only damage the individual, but they also have long-term consequences for society. It is therefore vital that the mental health concerns of children are included in any EU action on 'non-discrimination' based on the new Article 13 in the Amsterdam Treaty (see section on 'equal opportunities').

The suggestion in the Commission's 1998 Communication on the development of public health policy ⁽⁴²⁾ that more emphasis should be placed on ageing disorders could further marginalise children's health, and existing structures and programmes should be strengthened to avoid this. However the question is also raised in the Communication of whether there should be more focus on specific population groups, and there is certainly a strong case for children's interests being given higher priority in EU public health policy.

Recommendations:

- *The European Commission's proposals to take forward the debate on the development of public health policy, pursue a strategy on combating tobacco consumption, and implement existing health programmes should ensure that children's needs are integral. Increased funding should be made available, with a proportion set aside for initiatives to address the particular circumstances of children.*
- *Whilst the publication by the European Commission of a five yearly report on the state of health in the EU is welcome, there is currently too little focus on the monitoring and analysis of children's health. Because of their vulnerability, children's health should be addressed in a specific publication (as has recently been the case with women's health).*
- *The EU institutions should devote increased attention to the mental health problems of children and young people, and explore further EU action in this area within the framework of Article 13 of the Amsterdam Treaty ('non-discrimination on the grounds of disability').*

- *In light of the high drug usage among young people in the Community, the European Monitoring Centre for Drugs and Drug Addiction should launch a programme of research studies on drug usage among children and young people.*

Environment

The EU's role in environmental policy

The Treaty of Amsterdam makes environment policy more visible to EU policy-makers, and under Article 3c, environmental protection requirements must be integrated into every aspect of EU policy-making. Much national legislation - from water pollution, to air quality, conservation, and waste management - now originates from EU directives, and so far over 300 have been agreed to protect the environment. However implementation and enforcement of legislation in Member States has been slow in some cases, and there are fears in several Member States that EU standards may be watered down or may reduce existing standards. In relation to transport policy, the major EU initiative has been support for the development of trans-European transport networks (TENs), however here too progress has been slower than anticipated. Yet little or no systematic attention has been accorded at EU level to children's interests within either environmental or transport policy - despite Article 24 of the UN CRC, which sets out the duty on governments to take into account the dangers and risks of environmental pollution.

Growing environmental dangers for children - the need to strengthen the EU response

'The current traditional policies for supporting the family and children...must be accompanied by, and co-ordinated with, new child-friendly policies on town planning and urban regeneration.

'The ESC would also urge policies regenerating "the city" as a civic, social and participatory cultural entity'.

Opinion of the Economic and Social Committee on the Exploitation of children and sex tourism, Brussels, 2 July 1998, CES 976/98 E/O

The protection of the environment and the well-being of children - the future custodians of the environment - are closely linked. In a recent Eurobarometer survey, young people across the EU believed that environmental protection should be the EU's second priority after tackling unemployment. Only 3 per cent of respondents thought that the environment should not be an EU priority⁽⁴³⁾.

Children suffer disproportionately from environmental degradation, due to their size, lifestyles, and ignorance of the dangers. There is evidence that pollution hazards are rising, including dietary contamination, lead and nitrate intake through tap water, inhaling cigarette smoke, contaminated land in urban areas, and air pollution from cars. Moreover, at local level the environment is increasingly inaccessible for play.

Housing estates are often bisected by busy major roads, resulting in impractical or dangerous road crossings and subways. Children's independent mobility has also declined dramatically as car use has grown and roads have become increasingly dangerous - traffic accidents are the main killers of children across the EU. The European Parliament has highlighted that many children are already suffering from environment-related diseases and has called for Community environmental standards to take account of children's greater vulnerability⁽⁴⁴⁾. In 1998, the Economic and Social Committee (ECOSOC) also proposed that a network of 'child-friendly' cities should be set up⁽⁴⁵⁾.

Recommendations:

- *Children's interests should be mainstreamed within EU environmental assessments and policy-making, in line with Article 3c, of the Amsterdam Treaty. EU transport policy should also take children's needs into account.*

- *The European Commission should ensure that the EU's new action programme on pollution address the needs of children, and the programme on the prevention of accidents should also be adopted.*
- *The European Commission should encourage information and practice exchanges between Member States on ways of improving the built environment and cutting traffic accidents, with the aim of meeting the 'best interests' of children. Children should be involved as active partners in developing and implementing such initiatives.*

Employment

Employment - at the top of the EU's Agenda

The Treaty of Amsterdam introduces a new 'chapter' on employment. Although Member States will retain control over their own policies, the new approach will lead to a more co-ordinated European strategy in this area following the adoption of the 1998 Employment Guidelines and the submission of national employment action plans. A key focus of the employment agenda is on tackling youth unemployment ('youth' is defined by the EU as those between 15 and 25 years old).

Alongside national programmes, the EU's Structural Funds (including in particular the European Social Fund) currently concentrate 156 billion euro (1994-99) on the development and structural adjustment of regions lagging behind. However the Agenda 2000 proposals for enlargement will reduce funding for some EU regions - with possible negative indirect effects on services to children. Whilst the emphasis on assisting young people both at Member State and EU level is welcome, there is a concern that the dominance of the EU employment agenda is leading to the marginalisation of other aspects of social policy. As the vast majority of children play no part in the labour market, this focus can lead to issues relevant to them being sidelined.

Reconciling work and family

Since its creation the EU has had a strong focus on ensuring equal opportunities for women and men in the labour market. Action in pursuit of this objective has included the development of legal protection (eg. in employment, training, working conditions) and four Action Programmes to promote equality in practice. Some of these activities have had a positive indirect impact on children [eg. directives on the health of pregnant women (1992) and on parental leave (1996)]. The most prominent initiative relevant to children has been the 1992 Council of Ministers 'Recommendation on Childcare' (see section on 'Employment'), intended to help women and men reconcile work and family responsibilities. However, although it has stimulated some debate in the Member States, it appears not to have had much of an impact on childcare provision⁽⁴⁶⁾. Moreover, the Commission's activities in relation to reconciling work and family have tended to prioritise the needs of women, families, and the labour market over those of children. For example, the Recommendation refers to childcare services for working parents; this focus can lead to a narrow concept of services for children.

More recently, 'reconciling work and family life' was included in the 1998 Employment Guidelines⁽⁴⁷⁾ (see box), which have to be incorporated by Member States into national employment action plans. At this stage it is unclear, however, what the impact of the guideline on reconciling work and family has been.

Reconciling work and family life - The 1998 Employment Guidelines

'Policies on career breaks, parental leave and part-time work are of particular importance to women and men. Implementation of the various Directives and social-partner agreements in this area should be accelerated and monitored regularly. There must be an adequate provision of good quality care for children and other dependants in order to support women's and men's entry and continued participation in the labour market. The Member States will:

- strive to raise levels of access to care services where some needs are not met

Extract from 'The 1998 Employment Guidelines, Council of Ministers Resolution of 15 December 1997'

Tackling youth unemployment

Prompted by increased co-ordination at EU level, Member State approaches to tackling youth unemployment currently centre on improving 'employability' and 'adaptability', so as to integrate young people into the world of work (through measures such as personal counselling, training and apprenticeship schemes, and subsidised work placements). These initiatives tend to be combined with reviews of social protection systems, aimed at moving claimants from benefits into work ('passive to active measures').

Young people welcome the increasing focus on employment, and believe that this should be the first priority for EU action ⁽⁴⁸⁾. However, many feel that the emphasis on developing 'employability' stigmatises individuals who are unemployed through no fault of their own. They also fear that benefits are becoming conditional on accepting offers on government schemes, and that compulsion is becoming a more common feature. For those who are in work, there is evidence that this is often temporary, short-term, and insecure. Rates of pay can also be significantly lower for young people than adults ⁽⁴⁹⁾.

'Despite widespread improvements in the level of participation in education and vocational training, most Member States have been unable to create jobs for the young in the quantity and quality that such improvements would warrant. Youth unemployment is still high in the EU, affecting 6% of the total population between 15 and 19, and 13.7% of the population in the 20-24 age group'.

European Commission, Analysis of the National Action Plans on Employment, Working document, D/98/5

Preventing exploitative child labour

According to the International Confederation of Free Trade Unions, although child labour is not widespread, unacceptable exploitation of children is occurring in most - if not all - EU states to some degree, mainly in the informal sector and in agriculture ⁽⁵⁰⁾. This is especially evident in poorer EU regions such as the north of Portugal (footwear, clothing and textiles) and the south of Italy (markets, sweatshops). Member States should take further steps to ensure effective monitoring and enforcement of the directive.

Under the 1994 Young Workers' Directive, governments are required to protect the health and safety of persons under 18s, and specific requirements have been introduced covering certain types of work, working hours, rest breaks and night work. The directive is in line with Article 32 of the UN CRC. In a Parliamentary reply in November 1998 to a question from Danielle Darras MEP, the Commissioner responsible indicated that very few Member States have communicated the extent to which they have implemented the directive into national law, and the Commission cannot therefore assess the application across the EU. The Commission has therefore initiated procedures against several Member States.

Recommendations:

- *The European Commission should continue to develop family-friendly employment strategies, in conjunction with the Member States, and encourage the Member States to take further steps to implement the Council of Ministers 1992 Recommendation on Childcare and 1998 Employment Guidelines. Particular emphasis should be placed on designing appropriate monitoring mechanisms in this area.*
- *The European Commission should encourage the Member States to increase the resources available within the Structural Funds to address youth unemployment.*
- *The European Commission should initiate debate between children and young people, appropriate NGOs, and the social partners on the perspectives of children and young people on tackling youth unemployment.*

- *The Member States should all implement the 1994 Young Workers directive and take further action to ensure the eradication of exploitative child labour in the EU. The views of working children should be considered in decisions which affect them.*
- *Member States which have not ratified ILO Convention No. 138 on child labour (Austria, Denmark, Portugal and the UK) should take immediate steps to do so.*

Economic and Monetary Union

Taking children's interests into account in EMU

From January 1999, eleven EU Member States (all apart from Greece, Denmark, Sweden and the UK) will form Economic and Monetary Union and introduce the 'euro', locking their national currencies together and sharing the new currency. They will also share a single interest rate, set by the European Central Bank, and a single foreign exchange rate policy.

'Economic and Monetary Union will affect all our lives, but the decisions are made by one man in the Central Bank'.

Austrian Young person, Euronet seminar, Vienna, October 2/3 1998

The key impact of EMU on children will come from EMU's impact on growth and economic management. If EMU works as planned, it will have positive effects overall: a more stable macro-economic environment; low inflation; the generation of economic growth; the creation of new jobs; exchange rate certainty; and cheaper transaction costs. For children, the beneficial impact of these factors could be to raise the level of financial support for them and their families, provide new resources for children's services and help to reduce child poverty. The lessening of the practical and psychological burden of coping with a climate of increasing economic uncertainty would also be very positive, and could result in falls in school drop-out rates, juvenile crime, and mental illness.

However, if the project fails, or works much less successfully than anticipated, its impact is likely to be damaging, with difficulties in economic management leading to: higher unemployment; cuts in public expenditure; regional imbalances; and deflationary policies. Obviously the general impact on children and families under such scenarios would be disastrous, with severe consequences for support for children's services too ⁽⁵¹⁾.

On the basis of what is known at this stage, it is not possible to have a view for or against the single currency, however it is crucial that EMU should be constructed in such a way that children's interests are taken into account, and mechanisms must be developed for assessing the impact of EMU on children.

Comparing the potential effects of EMU on children and on older people is instructive. Although the impact may vary between Member States and regions of the EU, overall the priority given to stable prices by the European Central Bank is likely to favour 'savers' (predominantly middle-aged and older people) who have already paid back most of their debts and have more to gain from high rates of interest. Conversely, emphasising price stability may disadvantage 'borrowers' (predominantly families with younger children), with high interest rates adversely affecting housing costs and employment levels ⁽⁵²⁾. It is therefore very important that the current emphasis of the EU institutions and the Member States on promoting action to boost employment (see section on 'employment') must be maintained and developed in order to balance the 'monetary' bias of EMU.

Another critical aspect is that the 'Stability Pact' which accompanies EMU will constrain the budgetary policies of participating states and impose binding restrictions on fiscal deficits (eg. government borrowing no more than 3% of GDP). This will not only impact on services for children, but will also result in pressure for the convergence of tax systems and tax rates, in turn creating pressure to harmonise social protection systems. It is vital that any convergence in the area of social protection does not lead to cuts in resources for children.

Educating children about the 'euro'

A significant issue in relation to EMU is the need to develop education strategies for children. The Commission is launching two major campaigns (the first has already started and the second is in 2001) as part of the PRINCE information programme, however the focus on educating children is very limited. An independent expert group on 'euro education' ⁽⁵³⁾ has recently recommended that the Commission takes a series of additional measures, including:

- bringing together Member State representatives responsible for education and euro matters to highlight the issues in schools, and exchange and disseminate experience and good practice
- organising a 'round-table' on 'the euro and education', bringing together young people, teachers and representatives of relevant agencies
- developing objective information material, readily usable by national authorities and teachers; such information could also be loaded on the Commission's 'Europa' server

Recommendations:

- *A study should be undertaken by the European Commission of the potential impact on children and families - especially those on low incomes - of the introduction of EMU. The results should be widely disseminated and discussed within the EU institutions.*
- *The European Commission should explore with Member States how appropriate strategies, methods and materials can be developed for teaching children and young people in all educational environments about the 'euro'. The recommendations of the Commission's expert working group on 'Euro-education' should be implemented.*

Enlargement

Background to the accession of the CEECs

The Copenhagen Council of Ministers meeting in 1993 formally committed the EU to the principle of enlargement to all ten CEE applicants. So far negotiations have commenced with, the Czech Republic, Estonia, Hungary, Poland and Slovenia, and accession for these countries is likely between 2003 and 2005.

The position of children in the CEEC

Following the collapse of communist regimes across Central and Eastern European countries (CEECs) in 1989, dramatic economic change has been brought about by restructuring, privatisation and stabilisation policies. At the same time, crucial changes have taken place in social protection systems too including the removal of guaranteed employment, subsidies and work-based services. The impact of transition on children in the CEECs has been particularly severe. For example:

- children in the region have been more affected by the increase in poverty than other vulnerable population groups, such as older people (with the exception of the Czech Republic and Slovenia),
- the legacy of environmental degradation is likely to have long-term health consequences for children
- infant mortality rates have increased (although a recovery in the figures is visible more recently for some countries)
- 'diseases of poverty' (eg. tuberculosis) have re-emerged
- the number of divorces relative to marriages has risen
- birth rates have fallen
- drug abuse has increased among young people
- teenage suicide rates have risen
- criminal activity has risen rapidly

The consequences of accession on children in the CEECs

Although the economic effects of EU enlargement are likely to be positive in the long-term, in the short to medium term existing high unemployment in the CEECs will make it difficult for people in certain sectors (eg. heavy industry) and regions (eg. rural areas) to find jobs as the adjustment process continues. Considerable numbers of children and young people will therefore grow up in families where no adult is working - with little or no effective welfare safety net. The situation will also be critical for young people seeking work, with unemployment rates among this group already very high. This could further exacerbate existing high levels of social tension and crime among young people. In relation to younger children, it appears likely that informal child labour will rise, as result of factors such as growing family poverty, the trend towards informal economic activity, and increasing exposure of children to the media.

These circumstances will serve as a strong incentive to East-West migration. Some children and young people are likely to migrate with their families, or to reunite with relatives in the West. Others - particularly those with weak family ties in the East - may decide to move to the West on their own. This may put them at risk of social isolation, homelessness and exploitation.

Particular concerns surround the impact on children of possible expansion of organised crime, drug trafficking, and sexual abuse and exploitation in an enlarged EU. These problems are referred to frequently in the Commission 'avis'.

The role of the EU funding in supporting children in the CEECs

A key aspect of the accession debate surrounds the transfer of a portion of the existing EU budget to the CEECs under the Agenda 2000 Programme. Although this funding will substantially increase in comparison with current levels of assistance, CEEC applicants will only see a very slow increase in the funds they receive, despite their very different stage of development.

The impact on children will be limited, as the Structural Funds are targeted at improving the employability of those aged 15 upwards. The effect of the CEEC moving gradually towards EMU - an aim which accession states must endorse - may also lead to a decline in children's services as a result of the convergence criteria.

Moreover, the five countries with whom the Commission has agreed to open accession negotiations (Hungary, the Czech Republic, Poland, Slovenia and Estonia) will receive substantially more than the amount allocated to the second group of applicants. This could open up even greater disparities between the future 'ins' and 'outs' - which will inevitably impact on children too.

In addition to these budgetary measures, the Commission also intends to work towards the gradual involvement of accession countries in social policy programmes and activities, however the 1998-2000 Social Action programme is unclear as to what exactly is envisaged.

Nevertheless, these first steps are to be welcomed as enlargement provides a unique opportunity to improve the conditions facing children in the CEEC. The EU, working together with NGOs, could play a crucial role in helping to rebuild child welfare and protection systems damaged by abrupt transitions to market economies. The prospects for exchanging good practice between countries with very different histories and welfare systems are also exciting.

Recommendations:

- *Enlargement negotiations should include more detailed discussion of children's rights in relation to the accession conditions, based on the framework of the 1989 UN Convention on the Rights of the Child. Particular emphasis should be placed on issues with a trans-national dimension (eg. child trafficking, sexual exploitation and child sex tourism), and issues relating to social exclusion (eg. child labour) or discrimination (eg. racism against Romany people).*

- *The European Commission's proposal to extend the Daphne programme to include EU applicant countries in the CEEC within its remit should be adopted by the Council of Ministers.*
- *The European Commission should seek to develop policy and practice exchanges in relation to children and support capacity-building between EU Member States and the CEEC, based on experience with existing EU youth programmes.*
- *The desperate health circumstances of many children in the CEEC suggest that specific EU funding should be targeted at monitoring children's health in the CEEC and developing appropriate exchange programmes. This would be in line with the suggestion in the Commission's 1998 Communication on public health policy that a future health programme would have to take into account the specific problems of accession countries.*

Information on children

The need for improved information about children in the EU

Information about children's lives in the EU is limited both within and across Member States ⁽⁵⁶⁾. The compilation of improved information on children in the EU by systematically collecting basic data, undertaking censuses or surveys, and conducting specific social research projects would have a number of advantages. It would:

- enable appropriate indicators of children's well-being to be designed
- ensure progress for children could be monitored and evaluated more effectively
- enable the planning of EU legislation, policy and services to take a children's perspective into account
- help to illuminate the needs and circumstances of children relative to other age groups within the population, especially important given the ageing of Europe's population (see Introduction).
- make it feasible to identify and compare the experiences of specific groups of children within the EU population
- provide a more rounded view of children's living conditions, different from that which is presented by adults
- highlight children's activities and productive contributions to society
- enhance public awareness of children as a deserving population group, leading to increasing pressure to improve their living conditions.

⁽⁵⁷⁾ ⁽⁵⁸⁾

'Measuring the state of the child is a brick in the wall of accepting children as a separate population group with its own rights, needs and contributions. Placing children in the focus of collecting data and information is part of the effort of putting children in the focus of social policy. Doing both is essential for knowing the living conditions of children and improving them when and where it is necessary'.

Ben-Arieh, A., (1997), 'Why Bother? The Rationale for Measuring the State of Children', in Ben-Arieh, A., Wintersberger, H., *Monitoring and Measuring the State of Children - Beyond Survival*, European Centre for Social Welfare Policy and Research, Vienna.

The impact of the ageing population on children

Given present trends, the next 30 years could see the EU population over 60 years of age grow by 50 per cent, while at the same time the number of young people (0-19 years) would fall by 11 per cent. This transition towards a much older population is already having a significant impact on children in the EU, and will continue to do so through to the middle of the next century. The shrinking number of children who will enter the labour market in coming decades will provide financial and non-material support for increasing numbers of older people outside the labour market. The increasing pressure on the state to fund social protection may also have a damaging effect on children's welfare, as limited resources are transferred to supporting older people.

Preserving inter-generational solidarity and reconciling the interests of children and other vulnerable groups within the context of the demographic ageing of European populations is a fundamental challenge. It is essential that the EU develop a realistic medium- to long-term policy in relation to this.

'The fall of 11 per cent in the child population '...will have direct impact on the organisation of services targeted specifically at the young (educational infrastructure, for example) and attention must be paid to ensuring that their quality of life and scope for fulfilment is preserved despite their decreasing number'.

European Commission, The demographic situation in the European Union - 1995

Extending Eurostat's remit

Statistics on demography within the EU are provided by Eurostat (based on data provided by the Member States) and a demographic report is drawn up annually, in line with a duty set out in the Amsterdam Treaty (Article 143). However, these analyses often fail to collect information about the specific position of children. For example, the 1997 report, for instance, pays particular attention to people over age 20, and completely ignores a child perspective. Against this background, the proposal in the recent Commission Communication on violence against children and women ⁽⁵⁹⁾ that Eurostat be mandated to collect and analyse at EU level publicly available statistics on child sexual exploitation and abuse within the Member States is very welcome. If this recommendation is accepted it will provide a basis for extending data-collection on children in future.

'Children are the invisible objects of much family policy; although measures may have the improvement of their living conditions as an explicit or implicit goal, very little research or evaluation takes the child as its unit of analysis, or focuses on the specific outcomes which result'.

European Observatory on National Family Policies, (1998), A Synthesis of National Family Policies in 1996, European Commission

Information about child and family policy

The Commission has developed more detailed research in relation to the family, based on its 1989 Communication on family policy ⁽⁶⁰⁾ which outlines the basis for Community action. The Communication envisages the 'production of regular information on demography and measures concerning families (for example household structure, female activity rates, trend in birth rates, etc.)...'

This work is largely carried out by the European Observatory on National Family Policies, which was established in 1989 by the Commission to monitor trends and developments across all Member States and to report on an annual basis. In 1998, the Austrian Institute for Family Studies was selected as the co-ordinator for the next six years. So far, the Observatory's work has concentrated on the expectations of adults, however the fact that the Vienna-based Observatory will also pay special attention to the perspectives of children is to be welcomed.

Surveying the opinions of children in the EU

EU-wide opinion surveys of particular sections of the population are carried out by Eurobarometer at the request of the Commission and are a valuable way of testing public attitudes and informing the development of EU and Member State policy. The most relevant in relation to children and young people have been the report on 'Europeans and the Family' (1994) and 'Young Europeans' (1997). But the reports only consider the point of view of young people (defined by the EU as aged 15-24) and no official EU survey has yet sought to explore the opinions of children below this age - although it is widely accepted that children's development is crucial to Europe's future. Participation initiatives with children in many Member States demonstrate the value of involving children at a young age in giving opinions and playing a role in decision-making, and there is no reason why children could not do so also on an EU-wide basis.

Recommendations:

- *The European Commission should initiate debate on the implications of changing economic, social and employment policies on children, in the context of following up the debate launched at the European Symposium on demographic change held in Vienna in 1998.*
- *The European Commission should explore the possibility of developing Eurobarometer studies to address the attitudes of children below age 15 on matters which affect them directly, parallel to the study which has already been undertaken for 15-24 year olds. A pilot study should be funded by the European Commission to explore appropriate methods for including children younger than 15 in EU-wide surveys.*
- *The European Commission should draw up a report on the particular issues facing children in the EU in relation to demographic change, as provided for under Article 143 of the Amsterdam Treaty.*
- *The European Commission should, in conjunction with the European Observatory on National Family Policies and other expert agencies in the EU, draw up an agenda for improving the existing knowledge base regarding children in the EU. EU funding should then be made available to enable current gaps to be remedied.*
- *The European Commission should ensure that information about research studies relevant to children and families is made widely available. Broadening the dissemination of research findings is particularly important in improving public awareness, helping to fill knowledge gaps, and avoiding duplication of effort.*

APPENDIX 1 – BACKGROUND TO THE REPORT

This report is the culmination of a fifteen month project 'Children are European Citizens too', which was launched by Euronet (the European Children's Network) in 1998 with financial support from Directorate General V of the European Commission.

Euronet commissioned Sandy Ruxton to prepare a report on this topic, based on information derived from a series of conferences and seminars across the EU, and interviews with key decision-makers at EU and Member State level. The project was guided by an 'Experts Group', including prominent academics and policy-makers from across the EU and the management committee of Euronet (see 'Acknowledgements' below).

To launch this project a major conference was held in Belfast in May 1998, within the framework of the UK Presidency of the EU. It was attended by over 150 children, young people and adults from 11 EU Member States and their recommendations for a 'Children's Agenda for Europe' were discussed and refined. To stimulate further debate, a series of three seminars were held in Madrid, Paris and Vienna during 1998, each bringing together NGOs and experts from 'clusters' of EU Member States to address key themes (eg. children as consumers, children as citizens, child participation and child protection).

A range of interviews were conducted with key decision-makers within the EU, including officials of the European Commission, Members of the European Parliament, NGO representatives, and national government representatives. The objective of the interviews was to explore the opportunities for, and obstacles to, the development of an EU children's policy.

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

Inevitably, not all Euronet member organisations have expertise in every subject that is dealt with in the report. Nevertheless they all believe that the 'best interests of the child' should be paramount and that the EU should undertake child impact assessments of its legislation, policy and programmes.

Acknowledgements

The Author

Sandy Ruxton is an independent social policy expert, specialising in children's rights. He worked for ten years with children and young people in education, community work and the prison system in the UK. He has written extensively on issues concerning children and families, and his 1996 book 'Children in Europe' is a comprehensive guide to legislation and policy in the EU Member States. His most recent publication is 'Implementing Children's Rights', a comparative analysis of practical approaches to implementing the 1989 UN Convention on the Rights of the Child. He lives in Oxford, 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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Eugene Verhellen is a professor in the Department of Theoretical Social, Cultural and Personal Welfare at the University of Ghent, Belgium. He directs the Centre for Children's Rights at the University and has written widely in the children's rights field.

Luisa Maria Aguilar 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.

Bill Bell is Head of Advocacy at Save the Children UK and Co-ordinator of the Save the Children - Europe Group. He is co-author of 'Towards an EU Human Rights Agenda for Children' and other articles on issues such as Economic and Monetary Union and the 1996/97 Inter-governmental conference and their impact on children. He is also a member of the Geneva-based Co-ordinating Committee of the NGO Group for the UN Convention on the Rights of the Child.

Mieke Schuurman is the Co-ordinator of Euronet and previously worked in the European Parliament for several years as Assistant to a senior Dutch MEP.

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Sean Lawless is director of Focus on Children in Ireland. He was the organiser of the Belfast Conference 'Active voices, children's choices' on 28th and 29th May 1998.

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APPENDIX 2 – PRINCIPLE LEGAL BASES

Primary Law - Articles in the EU Treaties

The following is an overview of the main community action which benefits children.

Violence to children

- New Article K.1 (Amsterdam Treaty) allows increased development between Member State police forces and judicial authorities in tackling offences against children.

Social exclusion

- New Article 137 (ex Article 118) in Amsterdam Treaty enshrines a legal base for the Community to tackle social exclusion.

Discrimination

- New Article 13 (ex Article 6A) in Amsterdam Treaty will enable the Community to take specific measures to combat discrimination on the grounds of sex, race, ethnic origin, religion or belief, disability, age and sexual orientation.

Education, Training and Youth

- EU can contribute to the development of high-quality education and of a 'European dimension' to education, and the promotion and improvement of vocational training (Articles 126 and 127 of the Maastricht Treaty).

Consumer policy

- Single European Act (1987) enshrined the legal basis for consumer protection, further strengthened by Article 153 (ex Article 129a) of the Amsterdam Treaty.

Media

- Single Market legislation on the free movement of goods and services has significant implications for children, especially in relation to new media.

Citizenship

- 'Citizenship' of the EU was enshrined in Article 8 of the Maastricht Treaty, conferring on any EU national certain transnational political rights (eg. to vote and stand for office in municipal and European elections). The Amsterdam Treaty extends citizens' rights to some extent.

Asylum

- The Amsterdam Treaty moves asylum policy from inter-governmental co-operation ('Third Pillar') to EU competence ('First Pillar') following a period of five years.

Secondary law - Joint Actions, Conclusions, Directives, Communications, Recommendations

Violence against children

- Council of Ministers Joint Action establishing a multi-annual programme (STOP) against trafficking in human beings and sexual exploitation of children (29 November 1996).
- Council of Ministers Joint Action creating a 'Centre of Excellence' (a directory of experts) specialising in various fields connected with the fight against trafficking and sexual exploitation (29 November 1996).
- Council of Ministers Joint Action on trafficking in human beings (16 December 1996). 75
- Council of Ministers Joint Action to combat trafficking in human beings and sexual exploitation of children (24 February 1997).
- Current proposal to Council of Ministers to establish a legal base under Article 235 of the EU Treaties and to convert the Daphne Programme to a five year programme.

Family policy/childcare

- Communication on family policy (1989) identified common theme of 'the impact of other Community policies on the family, notably on child protection' and envisaged the 'production of regular information on demography and measures concerning families...'
- Conclusions of the Council of Ministers on family policy (1989).
- Council of Ministers Recommendation on Childcare (1992).
- directive on Parental Leave (1996) gives working parents the right to three months unpaid leave following the birth or adoption of a child, and to time off for urgent family reasons.

Child labour

- Young Workers Directive (1994) requires Member States to generally protect the health and safety of workers under 18.

Education, Training and Youth

- Council of Ministers conclusions on safety in schools (22/9/97).

Child sex tourism

- Communication on combating child sex tourism (1996).

Media and Consumer policy

- Community Action Plan on promoting safe use of the Internet and protection against illegal and harmful contents on the Internet.
- Council of Ministers Joint Action on the fight against pornography on the Internet.
- Council of Ministers Conclusions on the fight against pornography (5/10/98).
- 1987 'Television without frontiers' directive (amended 1997) prohibits programmes capable of being seriously harmful to children's' development.
- Council of Ministers 'Recommendation on the protection of minors and human dignity' (24/9/98) for a European framework for national self-regulation in on-line audiovisual and information services.
- Various directives intended to protect children by approximating legislation and stipulating mini-mum safety requirements (eg. 1988 toy safety directive).

Human Rights

- Council of Ministers Resolution on human rights, democracy and development, 28/11/91.

Summary of EU activities and programmes in relation to children

Secretariat General (Task Force on Justice/Home Affairs)

- Daphne programme to tackle violence against children, young people and women. Current pro-posal to extend from 2000-2004.
- STOP programme against trafficking in human beings and sexual exploitation of children.

DG1 (External Relations)

- Seminars on children, focusing on issues such as mobility, children's rights and disabled children.
- Support for projects in countries in which there are particular problems, such as economic exploitation, abandonment and prostitution of children.

DGV (Employment, Industrial Relations and Social Affairs)

- 'Citizens First' information programme launched in 1996 to make European citizens aware of their rights within the EU. 'Virtual Europe' website aimed at young people.
- Structural Fund programmes (especially European Social Fund) provide assistance to less-developed EU regions by improving training and employment opportunities for those facing disad-vantage in the labour market (young people are a target group).
- Social exclusion and non-discrimination budget lines introduced in 1998, as preparatory actions pending the adoption of the Amsterdam Treaty.

- European Observatory on national family policies produces annual reports on issues and trends affecting families in the Member States. Report in 1999 will pay special attention to the perspectives of children.
- Eurobarometer opinion survey on 'Europeans and the Family' (1994).

DGVIII (Development)

- Development aid programmes.
- Budgetline on the needs of children in developing countries (1998).

DGX (Information, Communication, Culture and Audiovisual)

- PRINCE programme for information campaigns with a European dimension targeted at women and young people.

DGXIII (Telecommunications, Information Market and Exploitation of Research)

- Community Action Plan on promoting the safe use of the Internet.

DGXXII (Education, Training and Youth)

- Programmes include SOCRATES (co-operation in education), LEONARDO (vocational training policy), and Youth for Europe III (cooperation in the youth field). The actions supported include distance learning, language-learning, the mobility of students and teachers, co-operation between educational establishments, and youth exchanges. Proposals for a 'Youth' programme for the period 2000-2004, extending and broadening existing programmes.
- Action Plan 'Learning in the Information Society' (1996-99), including: a European network of schools; programmes for the training of teachers; and 'Netd@ys' to demonstrate the contribution of new media and Internet.
- 'Violence in Schools' programme supports action to prevent and tackle violence, including pilot projects and networks, in-service training, and the exchange of information and practice.
- Eurobarometer opinion survey on 'Young Europeans' (1997).

DGXXIII (Tourism)

- Eurobarometer survey on the attitudes of the European public to child sex tourism (1998).
- Specific projects to inform travellers about child sex tourism and train personnel in the tourism industry, and develop an information video on long-haul flights by European airlines.

DGXXIV (Consumer Policy)

- Young consumers competition (since 1994) to promote consumer education in schools.

ECHO (European Community Humanitarian Office)

- Emergency programmes.

APPENDIX 3 – GLOSSARY OF TERMS

EU Institutions

The Council of Ministers is the EU's principal decision-making body, and each Member State Government has a seat on the Council (although voting is weighted). In practice, unanimity tends to be the rule, but some decisions can be taken by qualified majority. **The EU Presidency** is responsible for setting the priorities for the Council of Ministers and will set particular objectives it hopes to achieve. The Presidency is held for a six-month term by every Member State in turn.

The European Commission proposes and executes Community policies. It also acts as a mediator between Member States and can take cases to the European Court of Justice for breaches of Community law (Member States can also take the Commission to the ECJ). It is composed of 24 directorates general, each headed by a Commissioner.

The European Parliament (EP) does not have legislative powers in the same way as a national parliament, as most important EU law is made by the Council of Ministers. Nevertheless, very few texts can be adopted without the Parliament's opinion having been sought. The Parliament also adopts the EU's budget every year.

The European Court of Justice (ECJ) rules on questions of EU law and whether actions of the Commission, the Council of Ministers, Member State governments and other bodies are compatible with the Treaties. Judgements are directly binding on all parties. It should not be confused with the European Court of Human Rights (see 'other' below).

The Economic and Social Committee (ECOSOC) is an advisory body (composed of employers, workers, and other interest groups) which can be consulted by the Commission and the Council of Ministers, and must be consulted where the EU Treaties so provide. It can also develop opinions on its own initiative.

EU law and action

Primary law

The EU Treaties make up the primary law of the European Union, operating as a written constitution. The original **1957 Treaty of Rome** has been amended on several occasions. The **1986 Single European Act** aimed to promote the free movement of goods, services and people and brought about significant changes to the EU institutions. **The 1991 Treaty on European Union ('The Maastricht Treaty')** expanded many of the existing responsibilities of the European Community (introducing the Social Chapter; further institutional reform; setting the goal of EMU; extension of competence in relation to several policy areas). The 'European Community' also became only one of the three pillars of 'European Union', the other two being foreign and security policy, and justice and home affairs. These latter activities would be conducted largely on an inter-governmental basis. **The 1997 Amsterdam Treaty** (to be fully ratified in early 1999) marks a number of limited further changes. For example, asylum policy moves from the 'third pillar' to the 'first pillar'; new anti-discrimination and social exclusion provisions are written into the Treaty; and a chapter on employment is added to the Treaty.

Secondary law

Regulations are immediately binding on Member States once they have been adopted (usually by the Council of Ministers). They may also bind individuals without further implementing legislation.

Directives are forms of EU law which require legislation in each Member State to give effect to them. Member States have typically two or three years to implement a directive.

Communications are advisory statements produced by the European Commission which examine the context and content of particular policy issues and explore EU policy objectives in relation to these. However they are not binding on Member States.

Recommendations and Opinions are advisory statements on policy, but have no binding legal force. They are usually aimed at encouraging good practice across the Community. Like other forms of EU legislation, national courts are bound to take them into consideration when interpreting national law.

Joint Actions are Actions adopted under the third pillar of the EU Treaty (i.e. on an inter-governmental basis). Under Joint Actions, Member States jointly agree to meet certain goals by a certain time.

Council of Ministers Conclusions are a statement of policy or intent arising from Council of Ministers meetings which have no binding force, but can be used as a limited basis for Community action.

Action Programmes have been adopted in the social policy field on several occasions, and have been used to develop policy statements and fund research studies and awareness-raising activities. The issues covered have included poverty and social exclusion; disability, and the needs of older people. However a ruling by the European Court of Justice on 12 May 1998 has tended to undermine the legal basis for Action Programmes (and other relevant social budgetlines).

Other

The Council of Europe should not be confused with the Council of Ministers of the European Union. The Council of Europe is a distinct organisation with a wider membership than the EU, which focuses on the protection and promotion of human rights and democracy.

The European Convention on Human Rights (ECHR), the most important instrument developed by the Council of Europe, enables one State to sue another for breaches of human rights, and under certain circumstances empowers citizens to sue their governments for such breaches. Complaints go to the European Court of Human Rights for final decision.

The UN Convention on the Rights of the Child (UNCRC) was formally adopted by the UN in 1989 and has been ratified by 191 states worldwide (only the USA and Somalia have failed so far to do so). The CRC provides a set of minimum standards relating to children's civil, political, economic, social and cultural rights. By ratifying, a government is under a duty to comply with the CRC provisions, and must report regularly to the UN Committee on the Rights of the Child on its progress towards implementation.

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