

# Children's rights in the EU

## Marking 30 years of the UN Convention on the Rights of the Child

### SUMMARY

Adopted in 1989, the United Nations Convention on the Rights of the Child (CRC) was the first international instrument to explicitly recognise children as human beings with innate rights. Ratified by 197 countries, including all EU Member States, it has become the landmark treaty on children's rights, outlining universal standards for the care, treatment, survival, development, protection and participation of all children.

The promotion and protection of children's rights is one of the key objectives embedded in Article 3(3) of the Treaty on European Union (TEU). Moreover, Article 24 of the Charter of Fundamental Rights of the EU recognises that children are entitled to 'protection and care as is necessary for their well-being'. The same article recognises that the child's best interests should be the primary consideration for public authorities and private institutions. Over the years, the EU has moved from a sectoral approach towards a more coherent policy approach. Whereas initially, children's rights were developed in relation to specific areas such as the free movement of persons, since 2000 the EU has taken a more coordinated line. This Briefing takes stock of the most recent EU action to address and promote children's rights and looks at the upcoming challenges.



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## Background

In 1954, the United Nations (UN) [recommended](#) that all countries establish a national day to promote children's rights and welfare, and made 20 November Universal Children's Day. It was on this date that the UN General Assembly adopted the [Declaration of the Rights of the Child](#), in 1959, and the [Convention on the Rights of the Child](#) (CRC), in 1989 – the first international treaty to recognise children as human beings with innate rights.

The CRC, which has been [ratified](#) by 197 countries including all the European Union (EU) Member States, requires governments to realise every child's rights to adequate living conditions, health and education, as well as their rights to a family life, to be protected from violence, not to be discriminated against, and to have their views heard. In 2000, two optional protocols were added, on [the Involvement of Children in Armed Conflict](#) (OPAC) and [the Sale of Children, Child Prostitution and Child Pornography](#) (OPSC), followed in 2014 by a [third](#) (OP3) allowing children to bring complaints about violations of their rights directly to the [Committee on the Rights of the Child](#), the UN body charged with overseeing the implementation of the CRC and its two optional protocols by the Member States.

The Convention, with its three optional protocols, has become the cornerstone instrument at international level for promoting children's rights, laying down social, civil, economic, and political standards for the protection of children's rights. The Convention provides a definition of 'children': 'all human beings below the age of 18 years unless under the law applicable to the child, majority is attained earlier' ([Article 1](#)). It also sets out a number of rules and principles in accordance with which its signatories are to develop a comprehensive and coherent framework reflecting child-specific rights. The four core principles underlying the rights to be achieved under the CRC are: non-discrimination, the best interests of the child, respect for the views of the child, and the right to life, survival and development.

This year marks the 30th anniversary of the CRC, the first international treaty to recognise children as humans with innate rights.<sup>1</sup> The EU is not a party to the CRC,<sup>2</sup> but it is guided by the principles and rights set out in it, meaning that all policies and actions with an impact on children must be in line with the best interests of the child. The EU has its own legal and [policy framework](#) on children's rights and child protection, as well as an overall [strategy](#) for work in this area.

## EU legal and policy framework

EU law on children's rights consists of a very complex system of primary and secondary EU law and also existing international legal frameworks, including for instance the roles played by the United Nations and the Council of Europe. Clearly, EU policy documents and other non-binding EU measures also play a significant role in defining the overall framework for action. The complexity of the system is exemplified by the fact that currently there is no single, common definition of a 'child' in either the EU Treaties or in EU secondary law. Although the CRC, in its Article 1, states that 'a child means every human being below the age of eighteen years', EU law may provide for different definitions or recognise different rights for children depending on their age.<sup>3</sup> However, the fact that all Member States are currently parties to the CRC has certainly helped to improve the coherence of policies developed to promote and protect children's rights.

Over the years, the EU has moved from a sectoral approach towards a more coherent policy line. Whereas to start with, children's rights were developed in relation to specific policy areas, such as the free movement of persons, since 2000 the EU has been coordinating its action, on the basis of three building blocks: the Charter of Fundamental Rights, the EU Treaties and the two overarching Commission communications, namely the 2006 communication, [Towards an EU Strategy on the rights of the child](#), and the 2011 [EU Agenda for the rights of the child](#). Both documents confirm the EU's strong commitment to promoting and protecting children's rights in all relevant EU policies.

## Legal framework

Although the [Treaty of Maastricht](#) introduced an obligation for the EU to respect fundamental rights in its policies and actions back in 1992, the EU's legal capacity to safeguard children's rights in particular was given a real boost by the [Treaty of Lisbon](#), which entered into force in 2009. The Treaty made respect for fundamental rights a core value of the EU ([Article 2 TEU](#)) and introduced an explicit objective to protect children's rights and promote them in EU internal and external policy ([Article 3 TEU](#)). It gave the [European Charter of Fundamental Rights](#), which also enshrines children's rights (notably in its [Article 24](#), directly inspired by CRC provisions), the same legal status as the Treaties. This means that the EU institutions as well as Member States have an obligation to promote, protect and fulfil the rights of the child in all relevant EU policies and actions. Article 24 specifically recognises children's right to express their views freely and according to their age and maturity, their right for their best interests to be considered as a key element in all actions related to them, and their right to maintain regular relations and direct contacts with both parents. In addition to that, the Charter makes several references to children's rights, namely the right to receive free compulsory education; the prohibition of discrimination on grounds of age; and the prohibition of child labour, and young people's right to protection at work (Articles [14\(2\)](#), [21](#) and [32](#) respectively).

Neither the Lisbon Treaty nor the Charter give the EU a general [competence to legislate](#) on children's rights. Since children's rights is a field that cuts across many different sectors, EU competence has to be determined on a case-by-case basis. For example, [Article 79 TFEU](#) and [Article 83 TFEU](#) provide a specific legal basis for legislation combating trafficking in human beings and the sexual exploitation of children. Articles [81](#) and [82\(2\)](#) TFEU are a basis for adopting EU legislation to address the specific needs of children in areas such as child custody and victims' rights, where there is a cross-border dimension. Other areas relevant to children's rights where the EU has legislated, meanwhile, include data and consumer protection and asylum and migration.<sup>4</sup> Lastly, [Article 216 TFEU](#) enables the EU to conclude international conventions in relation to children's rights.

Last but not least, the case law of the Court of Justice of the EU and of the European Court of Human Rights, and the decisions of the Council of Europe's European Committee of Social Rights, have also served to uphold the rights of the child.

In 2018, to clarify and provide further insight into the legal framework covering children's rights, the EU Agency for Fundamental Rights updated a [handbook](#) developed in cooperation with the Council of Europe and the European Court of Human Rights. The handbook, which is a very comprehensive guide to European law in the field, covers issues such as equality, personal identity, family life, alternative care and adoption, migration and asylum, child protection against violence and exploitation, and children's rights within criminal justice and alternative proceedings. It provides information on the EU Charter of Fundamental Rights, relevant EU secondary law, Council of Europe instruments, the UN Convention on the Rights of the Child, and also relevant case law.

## Policy framework

At policy level, the 2011 [EU agenda for the rights of the child](#) marked an important step forward towards mainstreaming children's rights in all EU policy spheres. It set as its main objective to promote a 'child rights perspective' in all relevant policies for children, identifying four priority areas as a basis for concrete EU action: 1) child-friendly justice, 2) vulnerable children, 3) children in the EU's external action, and 4) child participation and awareness raising. It also identified three main ways to achieve progress in children's rights protection through EU action: making children's rights an integral part of the EU's fundamental rights policy; building the basis for evidence-based policy-making; and cooperating with stakeholders.

Another key policy document for child rights protection is the 2013 [Commission recommendation, 'Investing in Children: Breaking the Cycle of disadvantage'](#), which sets out guidelines to help Member States address children's rights protection and well-being through multi-dimensional strategies, based on three key pillars: access to adequate resources, access to affordable quality

services and children's rights to participate. It also provides for [monitoring, information exchange and cooperation](#) in the field of family and child policies in the EU.

The [Pillar of Social Rights](#), proclaimed in 2017, has been designed to strengthen the EU's social dimension. It also pays significant attention to child wellbeing. [Principle 11](#) defines childcare and support for children as a joint responsibility of the European institutions, Member States, social partners and other stakeholders. Other principles, for example on wages and work-life balance, do not refer to children explicitly but are highly relevant to their wellbeing and welfare.

Finally, the EU and its Member States must ensure that their work on the new UN Sustainable Development Goals [aligns](#) with the Convention on the Rights of the Child. This provides an important incentive to implement children's rights in the EU's external and internal policies.

## Implementation of children's rights in the EU

### Overall measures of child wellbeing in Europe

- The CRC commits governments to providing every child with an adequate standard of living to ensure physical, mental, spiritual, moral and social development, including support for those in need (Article 27), access to education (Article 28), and health (Article 24).

Reports by [Unicef](#) and [European child rights organisations](#) find that the economic crisis that began in 2007 has had a lasting impact on child wellbeing in Europe, and that the poorest and most vulnerable children have suffered disproportionately. Unicef's [league tables](#), with indicators on poverty, education and health, show how far countries have allowed their most disadvantaged children to fall behind the 'average' child. In [How's life for children?](#) the OECD measures 10 aspects of wellbeing, highlighting divergences between boys and girls, and children of different ages and socioeconomic backgrounds.

One in four (25 million) children in the EU are growing up in poverty according to [Eurostat figures](#). Despite economic recovery, children's risk of poverty or social exclusion ([AROE](#) rate) has decreased only slightly in Europe over the past 10 years: from 28.1 % in 2012, when the economic crisis was at its peak, to 26.4 % in 2016 and 24.9 % in 2018. Meanwhile, [children's poverty rates](#) vary significantly between countries, ranging from 14.2 % in Czechia to 41.7 % in Romania in 2017, and rising in seven Member States between 2010 and 2017, with Italy (+2.6 pp), Cyprus (+3.7 pp) and Greece (+7.5 pp) recording the highest increases. Over the same period, child poverty rates decreased in all 21 other EU Member States, notably in Bulgaria (– 8.2 pp), Poland (– 12.9 pp) and Latvia (– 18.3 pp). However, this cannot conceal that child poverty rates were above 30 % in four EU Member States in 2018 (Romania (38.1 %), Bulgaria (33.7 %), Greece (33.3 %) and Italy (30.6 %)).

The EU Fundamental Rights Agency [notes](#) that children are the age group most at risk of poverty or social exclusion in over half of EU countries, while in nearly all other countries child poverty ranks second highest. In addition, certain vulnerable groups of children, such as children with [disabilities](#), [Roma children](#) and [migrant children](#), face problems accessing health services, uneven opportunities for education and higher rates of poverty, and those in the older age range are disproportionately likely not to be in education, employment or training ([NEETs](#)).

Social and economic disadvantages in early life have repercussions into adulthood and even across generations, making child wellbeing vital for individuals and society as a whole. Responsibility for fighting child poverty lies mainly with the Member States, but the EU has shown an [increasing willingness to act in this area](#), with targets and funding set out in the [Europe 2020 strategy](#) and the Pillar of Social Rights, and notably in the 2013 Commission Recommendation, 'Investing in children - breaking the cycle of disadvantage', which is part of the [social investment package](#).

In 2017, an [in-depth analysis of this recommendation](#) by the European Social Policy Network (ESPN), found that its impact overall had been 'modestly positive'. Improvements had been made in strengthening multi-dimensional approaches and in mainstreaming children's rights in policy-making. However, while countries that already had strong policies and programmes, and low levels of child poverty or social exclusion had largely maintained these, very limited progress had been

made in most areas in a large number of the countries with high or very high levels of child poverty or social exclusion. Regarding progress under each of the three pillars separately (access to resources, services, and children's participation), the picture was uneven. The greatest progress had been achieved in access to resources because nearly a third of countries had encouraged parents' participation in the labour market since 2013, notably through increased activation measures, measures to reconcile work and family life (e.g. parental leave and flexible working) and improved childcare provision. In addition, child and family income support provision had been strengthened in nearly half of the 35 countries assessed. Meanwhile, access to qualified services remained problematic, especially access to health services. The findings of the latest [study](#) from the [European Platform for Investing in Children](#) (EPIC) on changes to child and family policies with reference to the 2013 Commission recommendation also suggest that, despite the many actions taken in the respective policy fields, efforts need to be stepped up significantly to improve implementation.

The EPIC [country profiles](#), updated annually, offer a short comparative overview of the main trends and policies relevant to child wellbeing in each EU Member State. The platform also shares emerging, promising, and [best practices](#) for children and families that are being implemented across the EU.

## Protecting children from violence, abuse and exploitation

- The CRC commits governments to protect children from all forms of violence and abuse (Article 19) and sexual exploitation (Article 34).

In a [worldwide consultation of children](#) for the UN, protection from violence was one of their highest priorities. Unicef has [documented](#) widespread violence against children globally. It can take numerous forms (physical, sexual or emotional abuse, or neglect) and happens in various contexts, including at home, at school and within institutions. A 2014 [EPRS analysis](#) of violence towards children in the EU found that its extent is difficult to assess, but that existing estimates give cause for concern. It also highlighted the impact on and cost to individuals and societies. In addition to child migrants, vulnerable children include [children with disabilities](#) and girls at risk of [FGM](#). [Institutionalisation](#) can also be considered a form of violence; children in institutions are thought to be particularly vulnerable. There are also new challenges in the digital environment, which can be a [risky space](#) for children. Online child sexual abuse [continues to rise](#), according to Europol.

The EU has adopted legislation to eradicate various forms of violence to which children are subjected, including [human trafficking](#), [sexual abuse, exploitation and child pornography](#) and to improve support for [child victims of crime](#). It is also in the [process of acceding](#) to the Council of Europe's Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which highlights the importance of taking the specific needs of [children](#) into account, with provisions addressing them as direct victims of physical, sexual or psychological violence, and as witnesses of such violence. For example, it requires states parties to give child victims and child witnesses special protection at all stages of investigations and judicial proceedings.

Beyond legislation, under the long-running [Daphne programme](#), now incorporated into the Rights, Equality and Citizenship programme, the EU funds projects aimed at preventing and combating violence against children, young people and women, and these are beginning to include work to support implementation of the Istanbul Convention.

### EU funding for children's rights and combating violence against children

The European Commission has issued a [compendium](#) of EU-funded projects connected with the rights of the child and combating violence against children, under the Fundamental Rights and Citizenship programme (2007-2013), the Rights, Equality and Citizenship programme (2014-2020), and the Justice programme (2014-2020). Recent calls to tender have [included](#) funding to strengthen child-centred responses to domestic violence, taking account of the provisions in the Istanbul Convention (€2 900 000), to adapt support services to the needs of migrant children (€2 400 000), to prevent and respond to cyber-violence targeting children (€2 400 000) and to embed child-safeguarding policies across sectors such as sports and youth clubs (€2 700 000).

Source: [European Commission, October 2019](#).

A [study](#) issued in 2019 for the European Parliament's Committee on Women's Rights and Gender Equality assessed the scale and effectiveness of EU Daphne funding. It found that much of the funding has focused on children, with end beneficiaries comprising mainly girls, missing children, child victims of violence and unaccompanied migrant children. It concluded that the funding had been flexible enough to respond to emerging needs, for example establishing mobile child protection systems for migrant children at risk of violence, and that many effective actions funded under the programme were unlikely to exist in the absence of EU funds. However, one of the challenges is that, while demand for funding has increased, only a small share of funding is approved and fewer projects are being carried out over time.

Regarding violence experienced by children online, the EU has adopted a '[better internet for kids](#)' strategy aimed at protecting children and teenagers and arming them with the skills and tools they need to use the internet safely and responsibly. It also co-funds [Safer Internet Centres](#) in all EU countries (forming a pan-European network – [Insafe](#)). Each national centre operates a helpline, providing advice and assistance for children and teenagers confronted with harmful online content or conduct (cyberbullying is the main reason for contacting [helplines](#)).

Child protection systems more broadly are an area where Member States have primary responsibility. However, the EU also supports national action. Recent EU initiatives include [mapping](#) the national systems and defining [key principles](#) to strengthen them. EPRS [research](#) has found that EU action in this area has a direct impact on the relevant laws and policies introduced by the Member States.

## Protecting the rights of children on the move

- Under Article 22 of the CRC, child refugees have the right to special protection and help. Under Article 38, governments are also committed to protect and care for children who are affected by armed conflict (Article 38) and to aid their recovery (Article 39).

An estimated 250 million children across the world live in areas affected by conflict, and the UN [reports](#) that related children's rights violations are on the rise. According to Unicef's 2016 [study](#) on child migrants and refugees around the world, 28 million children have been forcibly displaced, with a further 20 million child migrants. Children now make up half the world's refugees. In Europe, around 30 % of asylum-seekers in 2015 and the first half of 2016 were children, nearly 70 % fleeing conflict in Syria, Afghanistan and Iraq. An alarming number are travelling alone. It is [reported](#) that almost 90 000 [unaccompanied children](#) applied for asylum in EU countries in 2015. The EU Fundamental Rights Agency [considers](#) that their situation raises concerns and should be a priority for national governments. Unicef [stresses](#) that urgent action is needed to protect children at all stages of their journey, including when they reach their destination, where they may face obstacles to integrating and starting new lives. It also highlights that failure to identify children at risk, and provide them with safe transit and reception facilities that meet child protection standards and legal and practical access to asylum, make those children particularly vulnerable to exploitation. Europol figures [show](#) that at least 10 000 refugee children have gone missing since arriving in Europe, with many feared to be exploited and abused for sexual or labour purposes. Children are also particularly vulnerable to both physical and psychological violence while in [migration detention](#), making it a threat to their wellbeing.

The EU, together with its Member States, has been active in this context for many years. Existing EU policies and legal instruments provide the framework for the protection of children in migration, including aspects such as reception conditions, the treatment of their applications and integration. In that context, the action plan on unaccompanied minors (2010-2014) helped to build awareness of the specific needs of unaccompanied children in migration, and promoted targeted action. The [European Agenda on migration](#) as well as the subsequent communications on progress with its implementation, have also touched upon the issue of the protection of children in migration. Nevertheless, the increase in the number of migrants and asylum-seekers arriving, including children, has put Member States under pressure and underlined some of the shortcomings of the

existing framework. For instance in 2016, the Commission organised the 10th Annual Forum on the [protection of children in migration](#), which underlined the need for specific, targeted action. Against this background, in 2017 the Commission issued a new communication on the [protection of children in migration](#) to define a set of new measures. The [key actions](#) touch, for instance, upon issues such as protecting children along the migratory routes, identifying and protecting children, and providing adequate reception conditions in the EU. The same communication acknowledged that 'there is a wealth of knowledge and good practice in the Member States on the protection of children in migration'. For this reason, today good practices are collected and shared through an [online database](#).

## Protecting children's right to be heard and to participate

- Article 12 CRC gives all children the right to participate, to be consulted in decisions that concern them, to engage, be listened to and be heard, in accordance with their age and maturity, and for their views to be taken seriously.

Research shows that when children are given the possibility to participate in decisions that affect their care, education, or treatment in the asylum and justice systems, this can have direct, positive outcomes for their wellbeing and safety. An [evaluation](#) of legislation, policy and practice in the area of child participation in the EU, published by the European Commission in 2015, also found that, when children are engaged in participatory democracy through youth councils, public debates, and participatory research, it can have very significant benefits for their confidence and self-esteem, and help to develop their leadership skills and civic and social responsibility. However, it also concluded that, although the direction of travel in Europe is positive, further action is needed to strengthen children's right to participate, by bridging the gap between national legislation and actual practice on the ground, mainstreaming children's participation in all policy areas and sectors, and by funding initiatives properly. In May 2019, children from across the EU signed the [Bucharest Declaration](#) setting out how they would like the EU to encourage children's involvement in decision-making, and consult them on issues that have a direct influence on their lives, including full implementation of the recommendations set out in the evaluation.

The EU has already taken [steps](#) in recent years to ensure that children are heard, with a particular focus on the justice system, through [child-friendly justice initiatives](#). These have included an EU [directive on special safeguards for children suspected or accused in criminal proceedings](#) and [EU-wide research](#) from the EU's Fundamental Rights Agency on how measures are working in practice.

## Position of the European Parliament

In the European Parliament, both the Civil Liberties, Justice and Home Affairs ([LIBE](#)) and Legal Affairs ([JURI](#)) Committees take a strong interest in children's rights, whilst the work of the Committee on Women's Rights and Gender Equality ([FEMM](#)) also touches on the rights of girls and children in general. In addition, Parliament's Petitions Committee ([PETI](#)), which handled a large number of petitions concerning children's rights during the 2014-2019 legislative term, has established an [informal working group](#) to deal with child-welfare-related issues.

Created in 1987, and originally named the 'Mediator for Children Victims of International Parental Abduction', the role of Parliament's [Coordinator on Children's Rights](#) has broadened over time. The Coordinator, currently Vice-President Ewa Kopacz, now has an important role in resolving cross-border family disputes and in promoting children's rights more broadly, working with Members of the European Parliament to ensure that the institution's work respects and promotes children's rights.

Parliament also has a cross-party [Child Rights Intergroup](#), which aims to promote children's rights, ensure that the best interests of the child are taken into account in EU action, and work with child-focused organisations to keep children's rights at the top of the EU agenda. The [Child Rights](#)

[Manifesto](#) drawn up by civil society is a foundation for its work, and many MEPs have pledged to become child rights champions by signing it.

Parliament speaks out regularly on children's rights. Regarding the UNCRC, Parliament's 2014 [resolution](#) marking the Convention's 25th anniversary called, not least, for better mainstreaming of children's rights in all EU legislative proposals, policies and financial decisions, and monitoring of their compliance with the EU *acquis* on children and with obligations under the Convention. It also highlighted specific issues, such as the need to build an explicit child and youth focus into the European Semester, the Annual Growth Survey and the Europe 2020 strategy, in order to implement the Commission recommendation on investing in children more effectively.

With respect to children's wellbeing, Parliament [contributed](#) to new family leave and flexible work arrangements, allowing couples to share [parental leave](#), and has called for [universal quality education](#), from [early childhood](#) onwards, as a key condition for strengthening social cohesion and improving young people's access to the labour market. It has also called for action on [child poverty](#).

On preventing and combating violence against children, Parliament has called for action on [online child sexual abuse](#) and an end to [child, early and forced marriages](#), making concrete recommendations for a [strategy](#) to put an end to such harmful traditions which violate young girls' rights to a safe and secure childhood. In the same vein, Parliament has also expressed zero tolerance for [female genital mutilation](#) (FGM), and pushed actively for the European Union's [accession](#) to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) and its [ratification](#) by EU Member States, stressing the need for measures to address the specific needs of child victims. It has [highlighted](#) shortcomings in the implementation of EU legislation on victims' rights when it comes to support services for children.

In the area of migration, Parliament has stressed the need to [protect](#) all child migrants and refugees, and specifically [unaccompanied minors](#) and [girls](#), and called for an end to migration [detention](#) for children.

It has highlighted the needs of other groups of vulnerable children as well, such as Roma children, and children with disabilities, [calling](#) for a child-sensitive approach in the post-2020 Strategic EU Framework for National Roma Integration Strategies, and [emphasising](#) the need for, inter alia, inclusive education, high quality and affordable pre-school childcare for children with a disability, and accessible and tailor-made services, in order to end violence against children with disabilities and support the victims of violence.

In the area of justice, Parliament has emphasised the safeguarding of the [best interests of the child](#) across the EU in all decisions related to childcare issues at all levels, and more specifically related to transnational abduction and child placement and adoption decisions (the subject of many petitions addressed to the European Parliament). In this context, it has [called](#) for reinforced judicial cooperation and more child-friendly hearing procedures in [transnational parental abduction cases](#). Parliament has also [called for](#) EU legislation requiring all EU countries to recognise each other's adoption certificates automatically and for the creation of an EU-wide adoption certificate, since the current situation, where adoptions carried out in one Member State are not automatically recognised in others, is causing [practical problems](#) for families and potentially harming children's rights, including the right to family life, non-discrimination, inheritance rights and the right to nationality.

### Child Guarantee Scheme

One of the key proposals put forward by Parliament during the last term was a [recommendation](#) in 2015 for an EU initiative to tackle multidimensional aspects of child poverty, ensuring that all children in the EU-28 have access to free healthcare, free education, free childcare, decent housing and adequate nutrition. In 2017, Parliament asked the European Commission to carry out preparatory work on a possible 'child guarantee scheme'. The Commission [agreed](#) to consider Parliament's proposal and conducted a [study](#) on the feasibility of a Child Guarantee in April 2019. The study focuses on four key target groups: children living in institutions, children with disabilities and other children with special needs, children of recent migrants and refugees, and children living in precarious family situations. An [online consultation](#) conducted as part of the preparations for the study showed strong support for greater EU political commitment to improving access to key social rights for vulnerable children, on the basis of the 2013 EU recommendation on investing in children and the European Pillar of Social Rights. Since its first resolution on the future MFF in [March 2018](#), Parliament has consistently [repeated](#) its strong opposition to any reduction in funding levels for EU cohesion policy, and has also [proposed](#) that Member States should allocate at least 5 % of their ESF+ resources to targeted actions aimed at implementing the European Child Guarantee.

## Future prospects

Although significant progress has been made on protecting children's rights in the EU, there is still much that needs to be done, partly as a response to recent challenges, such as migration and the increasing role of the internet in daily life. Experts at the [12th European Forum on the rights of the child](#) in April 2019 identified several priorities, challenges and opportunities for future EU action to defend children's rights.

One of them is to start work on protecting children's rights in the digital world, and to address their position under the General Data Protection Regulation. Another is to consider the accession of the EU to the United Nations Convention on the Rights of the Child, which would enable a better assessment of the situation in the EU. The issue of children with disabilities also needs to be addressed and monitored. Monitoring and data collection in general needs to be improved, especially when it concerns violence, and more progress is needed on the Sustainable Development Goals. The protection of children in migration is also one of the areas where more progress needs to be made, not least regarding long-term solutions. Moreover, children need to be more involved in the decision-making processes affecting them, and to be made more aware of their rights.

In her [political guidelines](#) for the next Commission, President-elect Ursula von der Leyen has paid special attention to the wellbeing of children, especially in the social dimension, with child poverty a particular area of concern. Concrete action to protect children's rights appears in several Commissioners' portfolios, but the main responsibility for children's rights in the new Commission will be the Vice-President-designate for Democracy and Demography, [Dubravka Šuica](#). Her task is to respond to challenges and take advantage of the opportunities afforded by demographic change, while looking at how the EU can support the different groups affected, including children. In order to do this, she will coordinate work on the future [Child Guarantee](#), to be introduced in response to Parliament's request, ensuring that children have access to the services they need and are supported through to their adult lives. She will also prepare a comprehensive strategy on the rights of the child, which should include measures to protect vulnerable children, protect their rights online, foster child-friendly justice, and prevent and fight violence. In her opening statement at her 3 October hearing in the European Parliament, the Vice-President-designate declared [investment](#) in children to be the most important investment that can be made.

The Commissioner-designate for Jobs, [Nicolas Schmit](#), has been tasked with giving children and young people the care, education and opportunities they need, by reinforcing the Youth Guarantee and leading the work on developing a European Child Guarantee as a tool to combat poverty and ensure that children have access to basic services.

The Council's [18-month programme](#), set to extend until the end of Croatia's Presidency in June 2020, also lists child poverty as an area of concern in the context of the promotion of equal opportunities and social inclusion in all EU policies, including providing support for action to combat poverty.

## Stakeholders' views

[Eurochild](#), a network of 165 organisations and individuals from 33 European countries working with and for children throughout Europe, has been very active in assessing multiple aspects of children's rights and wellbeing in Europe, and recommending action that would further those rights. For example, in its [2016 assessment](#) of the application of the EU Charter of Fundamental Rights to children's rights in the EU, it recommended, inter alia, that the Commission establish a successor to the EU Agenda on the rights of the child to ensure that the realisation of children's rights remains a top political priority. It also recommended that child rights training be delivered to all directorates-general and that the Commission coordinator on children's rights be given proper resources to ensure that children's rights commitments are mainstreamed across the Commission. It also recommended that the Commission develop a tool with child-specific indicators to monitor EU budget allocations.

Eurochild has also targeted the new Commission. In September 2019, 21 national children's rights coalitions belonging to Eurochild released a [public statement](#) in which they outlined their expectations. They evaluated the chosen direction of the next Commission as 'promising', but urged quick action. The EU should not tolerate child poverty and social exclusion, and the Child Guarantee must be given the necessary resources to fund system reform. The EU must also promote and raise awareness on children's rights, as they are the basis for open societies. The organisations also warned of the worrying trends in several EU Member States, where certain actors use fake news and disinformation to block progress in key reforms needed to protect children's rights. There is also a need for the EU to improve the way it communicates the positive impact that its measures have had on children's lives. Eurochild's [assessment](#) of the hearings of the Commissioners-designate, on their commitment to children's rights, noted that, while several of them openly committed to protecting children's rights if approved by the European Parliament, not all gave an equally strong impression.

Eurochild has also [assessed](#) the 2019 European Semester from a children's rights perspective, and found that Member States give insufficient attention to child poverty and that the participation of children in decision-making is still under-developed. The assessment also calls for no child to be left behind in Europe, and for early childhood to be made a key priority for further investment. It also points out that further support is needed for family and community-based alternative care, and further recommends that children be included in the next policy framework driving the European Semester, and that a focus on children's wellbeing be included in the EU analysis of national policy development in the country reports.

Migration is an area where several stakeholders have also expressed their views. For example, Eurochild, [Save the Children](#) and [Terre des Hommes International Federation](#) have co-produced a [position paper](#) on promoting and protecting the rights of children in migration through the 2021-2027 MFF. They recommend, in part, that the rights of all children in migration be protected, regardless of their parents' or family members' migration or residency status, and at all stages of migration. Moreover, the best interests of the child need to be a primary consideration in all actions and decisions concerning children at all times, and the response to the specific vulnerabilities and needs of children in migration needs to be child, age and gender sensitive.

Child poverty and social exclusion are also an area of concern. The [EU Alliance for Investing in Children](#) has offered input for the [post-2020 budget](#), and recommended that the ESF+ provisions on reducing child poverty be strengthened, and that the ESF+ take a rights-based and comprehensive approach, not least by supporting implementation of the European Pillar of Social Rights.

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## ENDNOTES

- <sup>1</sup> For more information see the EPRS [publication](#) 'UN Convention on children's rights: 30 years on' (November 2019).
- <sup>2</sup> This is partly because there is no legal mechanism within the CRC to allow entities other than states to accede to it. However, a study for the European Parliament has argued that the EU could declare itself bound by the UNCRC's provisions through a unilateral declaration of adhesion, as it did with respect to the UN Convention on the Rights of People with Disabilities. Otherwise, since the EU has the power to conclude international agreements, it could conclude a protocol declaring its commitment to the UNCRC and its principles. For further details see the note on the ['EU framework of law for children's rights'](#), European Parliament, 2012.
- <sup>3</sup> For a more detailed explanation, please see the [Handbook on European law relating to the rights of the child](#), 2018.
- <sup>4</sup> The European Commission publishes a regularly updated summary of all EU legislation and policy documents touching on the rights of the child, [last updated in April 2019](#).

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