

# EUROCHILD RECOMMENDATIONS FOR THE LUXEMBOURGISH PRESIDENCY OF THE COUNCIL OF THE EUROPEAN UNION

July 2015

Upon its taking office as Presidency of the Council of the European Union for July-December 2015, Eurochild calls on Luxembourg to commit to children’s rights approach and ensure that children are fully recognised as independent rights holders, and guarantee respect for the principle of the best interests of the child in all policies and actions affecting them.

## INVESTING IN CHILDREN – BREAKING THE CYCLE OF DISADVANTAGE

### Make sure Europe 2020 remains a strategy for smart, sustainable and inclusive growth

The Trio Presidency (Italy, Latvia, and Luxembourg) announced to give new impetus to Europe 2020 strategy for a smart and inclusive growth. The Trio have committed themselves to work towards the review of the Europe 2020 strategy, with the aim to better reconcile different but equally important social and economic policy objectives, and promote investing in human capital. Eurochild particularly **welcomes** Luxembourg’s commitment to place the issue **of social justice** high on the agenda.

Despite the public consultation being carried out in 2014, the mid-term review of the Europe 2020 strategy has been currently on hold. Eurochild recommends that the Luxembourgish Presidency drives forward the mid-term review and draws a particular attention to **balancing between economic and social dimension**, strengthening its social aspect and **maintaining the poverty reduction target**. To facilitate meeting the targets, Member States should be required to set a specific national (sub-) target for the reduction of child poverty and social exclusion. This should be underpinned by better monitoring and consideration of social developments, including children’s rights and well-being throughout the **European Semester process**.

### Link the Investment Plan for Europe to investing in children

As a part of **investing in human capital**, the Presidency should encourage Member States to step up their efforts in investing in developing children’s full potential from an early age. That can be done by **effectively implementing the [Recommendation ‘Investing in children: breaking the cycle of disadvantage’](#)** through integrated strategies fostering education, early years, health promotion, community development and family strengthening, social protection and welfare support. Programmes supported by the recently



created **European Fund for Strategic Investments** - the tool for rolling out the new Commission's Investment Plan - should contribute to such a children-first model.

## Monitor investments in children through the European Semester

We also suggest that the Presidency works with the Commission to **better monitor and review the implementation** of the 'Investing in Children' Recommendation. The Social Protection Committee (and its Indicators Sub-Group) should continue working on **child well-being indicators** with the aim to review and complement the portfolio of indicators annexed to the Recommendation. The development of better indicators and data will be vital to ensure better reflection on the needs of children and effective monitoring of the implementation of policies for children. The indicators should then be embedded in the European Semester. Member States should be required to report on progress on child poverty and well-being, on the basis of an agreed portfolio of indicators.

In response to the crisis, the focus has been placed on reducing fiscal deficits and adoption of austerity measures. These have often negatively impacted on children's well-being. **The Council should urge ex-ante and ex-post impact assessments to be carried out** in order to strengthen the use of evidence-based approaches, monitor the impact of policies, as well as prevent adverse effects of measures on children, especially those at greater risk of poverty and social exclusion.

## Promote ending institutional care, and strengthening of families and community-based services for children

In line with international human rights treaties there is an urgent need for the transition from a system relying on institutional care to a **system of family care and community level services for children** in Europe. A systemic change requires an integrated approach towards policy areas often addressed in a fragmented way: poverty and social inclusion, disability, ethnic minorities, children's rights and family support.

Efforts need to be focused on mobilising efforts for the collection of comparative data and research relating to children living outside traditional households - including children in institutions, children coming from vulnerable or ethnic minority backgrounds, migrant children - in order to monitor the impact of policies adopted to implement the Commission Recommendation on 'Investing in Children'.

The Council should facilitate the sharing of good practices among Member States in relation to de-institutionalisation policies and work together with Member States and NGOs towards full implementation of the UNCRC and the UNCRPD, to ensure that all children (including children with disabilities) receive sufficient support to live with their families and communities.

## Ensure better use of the European Structural and Investment Funds (ESIF)

We encourage the Presidency to look at the implementation of 2014-2020 cohesion policy making sure it sufficiently supports **tackling child poverty, fostering social inclusion** and the **transition from institutional to community-based care**. Member States should be required to report on their use of the funds for promoting the social inclusion of children in their National Reform Programmes, demonstrating that at least the agreed minimum threshold is spent effectively on social inclusion. The Presidency should also



promote closer monitoring of respect for the European Code of Conduct on the Partnership Principle to ensure that NGOs are included in the local monitoring processes on the use of ESIF funds.

## PROMOTING THE RIGHTS AND WELL- BEING OF CHILDREN IN EUROPE

### Safeguard an ambitious and comprehensive successor to the EU Agenda for the Rights of the Child in 2015

We recommend that the Presidency encourages the Commission to propose a successor to the **EU Agenda for the Rights of the Child**. The EU legislation, policy and funding have enormous impact on children's lives and enjoyment of their rights. As enshrined in the Treaty on European Union and the Charter of Fundamental Rights, the EU is bound to promote, protect and fulfil the rights of the child in all relevant EU policies and actions. In addition, all EU Member States ratified the United Nations Convention on the rights of the Child (UNCRC).

Owing to the EU Agenda on the rights of the child adopted in 2011, significant progress has been made in strengthening the EU's role in promoting and protecting children's rights. Yet, the current EU Agenda on the Rights of the Child came to an end in 2014. As also called for by the European Parliament Resolution<sup>1</sup> on the 25th anniversary of the UNCRC, a successor to the EU Agenda on the rights of the child needs to be adopted. This successor would reaffirm the strong commitment of all EU institutions and Member States to children's rights and offer a comprehensive framework to realise children's right in Europe and the world. It must also ensure that EU policies that directly or indirectly affect children are designed, implemented, and monitored in line with the principle of the best interest of the child included in the Charter of Fundamental Rights and in the UNCRC.

### Foster engagement and participation

Eurochild invites Luxembourg to continue strengthening the role of **civil dialogue** in policy processes and governance, and fostering a meaningful engagement of the civil society and children themselves. We hope that the Presidency will follow the partnership principle and call for reinforced efforts both at EU and national level in policy-making and budgetary processes, such as the European Semester and the Structural and Investment Funds.

### Encourage Member States to ratify the Third Optional Protocol to the United Nations Convention on the Rights of the Child on a Communications Procedure

Despite the fact that all EU Member States ratified the United Nations Convention on the Rights of the Child, Luxembourg is only the seventh EU Member State to ratify the **Third Optional Protocol on a Communications Procedure**. The Protocol, which was opened for signature in February 2012, aims to guarantee that every child has access to justice. The mechanism allows children or their representatives to report violations of children's rights to the UN Committee on the Rights of the Child in cases where the

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<sup>1</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+B8-2014-0285+0+DOC+XML+V0//EN>



national legal system fails to provide remedy for these violations. The Committee then investigates the complaints, and can ask governments to take action. Eurochild welcomes Luxembourg's decision to ratify the Protocol at the start of its six-month tenure and expects it to call on other Member States to follow its example.

