

# EU BUDGET 2014-2020: MAKING CHILDREN VISIBLE



CHILDREN'S RIGHTS ACTION GROUP



Position on the EU Multiannual  
Financial Framework - May 2012

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# INTRODUCTION

The Children's Rights Action Group (CRAG) is a partnership of International NGOs including the authors of this position: Eurochild, the European Juvenile Justice Observatory, Plan International, Save the Children, SOS Children's Villages, Terre des Hommes International Federation and World Vision. The CRAG aims to ensure that children's rights are protected, respected and fulfilled both in the internal and external dimensions of EU policies and legislation, in accordance with the UN Convention on the Rights of the Child (UNCRC) - the world's most ratified treaty, notably signed and ratified by all EU Member States. All CRAG members<sup>1</sup> have endorsed this position.

We strongly believe that the EU can have a positive and significant impact on the lives of children. In the past we have warmly welcomed EU commitments towards children's rights and now urge the EU to translate its commitments into action in the next Multiannual Financial Framework (MFF) for the period 2014–2020.

Over the past few years children have been increasingly recognised as right-holders by EU decision-makers. Article 3 of the Lisbon Treaty explicitly recognises the promotion of children's rights in internal and external affairs as an objective of the EU. Furthermore, Article 24 of the EU Charter of Fundamental Rights is dedicated to children, and recognises the principle of the best interest of the child and the right of all children to participation. The European Commission (EC) Communications' "Towards an EU Strategy on the Rights of the Child" (2006) and "the EU Agenda on the Rights of the Child" (2011) reaffirm the EU's commitment to fully take into account children's rights in all EU policies.

The European Union must now reflect its commitment by allocating adequate financial means for children in the next MFF.

Children need to be made visible in the EU budget by securing direct and indirect allocations, which can be traced and monitored. Without disaggregated data that shows how much of the EU's spending actually reaches children, it is impossible to assess how successful the EU has been in terms of implementing its commitments to children

This position, endorsed by CRAG, contains analysis and recommendations from a children's rights perspective on a selection of the financial instruments proposed by the EC under the following headings:

- Smart and Inclusive Growth (Heading1),
- Security and Citizenship (Heading 3),
- Global Europe (Heading 4).

CRAG remains committed to promoting children's rights in the MFF and stand ready to discuss our analysis and recommendations.

Brussels May 2012

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<sup>1</sup>CRAG members are: Eurochild; EFSC – European Federation for Street Children; the European Juvenile Justice Observatory; IFM-SEI – International Falcon Movement; PICUM – Platform for International cooperation on Undocumented Migrants; Plan International; SOSChildren's Villages; Save the Children; Terre des Hommes International Federation; World Scout Bureau; WAGGGS – World Association of Girl Guides and Girl Scouts (Europe Region); World Vision; HRW – Human Rights Watch.

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## HEADING 1: SMART AND INCLUSIVE GROWTH

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### 1. WHY CHILDREN?

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Heading 1 of the next Multiannual Financial Framework (MFF) represents the commitments made by the European Union (EU) to further two major aspects of the Europe 2020 strategy: economic growth and inclusive societies in Europe.

By linking the MFF to Europe 2020, the EU reinforces its commitment to achieve smart and inclusive growth. The Europe 2020 targets are underpinned by flagship initiatives and reporting and monitoring mechanisms that support coherence in Member States' policies.

The 'inclusive growth' elements of the Europe 2020 strategy provide an opportunity to adopt a systematic and coherent EU approach in the areas of social inclusion, social protection and poverty reduction. The flagship initiative for a European Platform against Poverty and Social Exclusion supports the EU's commitment to lift 20 million people out of poverty in the EU. Furthermore, it has identified tackling child poverty as one of its priorities to achieve the overall target throughout its Member States.

Despite the clear links with the Europe 2020 strategy, the commitment to tackling poverty and social exclusion could be stronger in the European Commission (EC) MFF proposals for Heading 1. We welcome the proposal to earmark resources under the European Social Fund for social inclusion. However, overall the emphasis on social protection and inclusion is much weaker compared to employment and labour market policies, even within the dedicated programme.

We are concerned that this approach will fail to tackle the growing inequalities and social consequences of the crisis. Child poverty and social exclusion affects 27% of all children in the EU.<sup>2</sup> The crisis and austerity measures are hitting the most vulnerable children and families particularly hard<sup>3</sup>. It is essential that policy-makers develop responses that address child well-being in a holistic way, taking a child-rights approach applying the standards and principles enshrined in the UNCRC.

Investment in children's development and well-being now is not only a necessity for our future economic stability; it is acting upon the obligation for Member States to ensure that children live in an inclusive society where their rights are fulfilled.

The EC is promoting job creation as the main element of economic recovery. However, this focus should not undermine a parallel effort to promote social inclusion, poverty alleviation, and access to quality services for all children. Structural funds must be used for investment in children, not solely regarding them as future workers but as fully fledged citizens.

Unfortunately, current efforts to overcome the fiscal and macroeconomic problems do not encourage social inclusion, and push the European social welfare state to its limits. The draft regulation on the common provisions for the structural funds introduces the possibility to punish Member States who do not comply with the fiscal consolidation measures proposed by the EC by curtailing their structural fund allocations (macroeconomic conditionalities), putting at risk the development of necessary responses to social crises.

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<sup>2</sup>Eurostat, Population and social conditions, Statistics in focus - 9/2012.

<sup>3</sup>Frazer, H., Marlier, R., 2011 Assessment of Social Inclusion Policy Developments in the EU, January 2012, European Commission

## OVERALL RECOMMENDATIONS

In an inclusive European society children are seen as people in their own right, as full members of society and not merely as the next adult generation. In order to promote such an inclusive society in the EU, CRAG believes that Heading 1<sup>4</sup> must ensure the following:

**The inclusive element of the Europe 2020 strategy has to be more visible**, and as a consequence, more resources and targeted actions are needed to tackle poverty and social exclusion in the EU. The role of mechanisms put in place to promote it has to be strengthened, such as the European Platform against Poverty and Social Exclusion, and the Social Open Method of Coordination (OMC).

**Economic growth should not prevail over the other priorities of the EU.** Policies that improve child well-being cannot be solely labour market oriented. Investment in education, social inclusion, health and youth policies must consider the best interest of the child.

Specifically on the structural funds:

**Promote social inclusion and combating poverty, in particular child poverty, through all structural funds.** The financial instruments should be in line with the EC Recommendation to be launched in 2012, which is expected to promote a human rights-based approach to tackle child poverty and promote child well-being, reflecting the commitment made by the Council.<sup>5</sup>

Use the opportunity of a new budgetary framework to better involve civil society at national level in the allocation of EU funding. The partnership principle is vital for the accessibility of funding for civil society organisations, as well as for their meaningful involvement in the allocation of EU funding at national level, including for smaller NGOs. The Partnership Contracts which will be established between the EC and the Member States on the use of structural funds have to include meaningful involvement of civil society organisations.

**Macroeconomic conditionalities should not prevent European structural funds from reaching those most in need** - which could be a risk if the structural funds are cut when Member States cannot comply with fiscal consolidation.

## 2. ESF – SEIZE THE OPPORTUNITY TO TACKLE CHILD POVERTY IN THE EU

Taking into consideration the current economic situation and the increased focus on European growth priorities, the EC proposal for a regulation on the European Social Fund (ESF) has a number of encouraging signs for promoting social inclusion in Europe. There is a specific earmarking of 20% for the thematic objective to promote social inclusion and combat poverty. The EC proposal also prioritises promoting equal access to good quality early-childhood education and care services, primary and secondary education; and makes reference to the involvement of social partners and other stakeholders, in particular non-governmental organisations in the implementation of operational programmes.

The ESF should play a vital role in lifting people out of poverty and social exclusion by supporting the development of national strategies to tackle child poverty and promote child well-being.

Specific recommendations for the ESF:

- Retain the 20% earmarking to social inclusion in the text of the ESF regulation.
- Complement the overall objectives with specific action to break the poverty cycle, giving strategic priority to tackling child poverty and promoting child well-being.

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<sup>4</sup> Under Heading 1 we are particularly looking at the following strands: ESF, ERDF, EU Programme for Social Change and Innovation, Erasmus for all Programme, Horizon 2020.

<sup>5</sup> Council conclusions on Tackling child poverty and promoting child well-being, Luxembourg, 17 June 2011.

### **3. ERDF – PROVIDE THE INFRASTRUCTURE TO PROMOTE SOCIAL INCLUSION AND COMBATING POVERTY**

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The European Regional Development Fund (ERDF) is another essential structural fund, supporting Member States' investments in infrastructure and cohesion. Therefore, efficient coordination is crucial between the different structural funds to complement and reinforce each other's goals. The ERDF has an essential role in promoting social inclusion and combating poverty, in complementarity with the ESF, by giving strategic priority to tackling child poverty and promoting child well-being. Investment in health and social infrastructure that support transition from institutional to community-based services is very much welcomed.

Specific recommendations for the ERDF:

- Support additional investment priorities aimed at breaking the poverty cycle, along with more emphasis on social inclusion aspects among its overall and specific objectives.
- Strengthen the aspect of stakeholder involvement and the participation of non-governmental organisations in actions supported by the ERDF.

### **4. EPSCI – MAINTAIN THE ACHIEVEMENTS OF THE PROGRESS PROGRAMME**

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The EU Programme for Social Change and Innovation (EPSCI) was launched along with the cohesion policy proposals, but will be directly managed by the EC, as are the current programmes that it brings together.<sup>6</sup> It will be the instrument to promote exchange of good practices between Member States, monitoring and evaluation of EU social inclusion and social protection policies, along with employment and working conditions.

As a successor to PROGRESS, the new Programme must recognise the role of civil society and support the activities of child rights networks. Building on past achievements of the OMC on social inclusion, activities to combat child poverty and promote child well-being must be upheld as a priority. It is therefore worrying that the current focus of the overall Programme points in the direction of employment and labour market policy, whilst social protection and inclusion would clearly need more emphasis.

Specific recommendations for the EPSCI:

- Strengthen the wording and reflect a clearer focus on social inclusion and social protection, so as to achieve a better balance with employment enhancing measures which are more dominant elements.
- Highlight children's rights and well-being as one of the areas where the Programme should complement other Union action, in particular under the ESF.

### **5. ERASMUS FOR ALL – PROVE DEDICATION TO GOOD QUALITY EARLY CHILDHOOD EDUCATION AND CARE & SAFE AND MEANINGFUL CHILD AND YOUTH PARTICIPATION IN EUROPE**

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The proposed programme merges all education-related programmes (Youth In Action, Lifelong Learning, and Erasmus Mundus), and includes the aspects of sport. It will be the key instrument for implementing action on the Europe 2020 education targets to reduce early school leaving and increase the number of students completing tertiary education. These targets are complemented by the updated strategic framework for European cooperation in education and training proposes (ET2020) which set the benchmark of at least 90% of young children participating in pre-primary education (4 years of age).

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<sup>6</sup>PROGRESS programme, EURES and the Microfinance Facility.



CRAG highlights the need to focus resources on the youngest children and emphasise the continued relevance of the Barcelona targets which are still unmet in many EU countries.<sup>7</sup> It is therefore helpful that Council conclusions from October 2011<sup>8</sup> foresee monitoring the implementation of the Barcelona targets through the "Strategy for equality between women and men 2010-2015".

CRAG welcomes that recently adopted Council conclusions stipulate that high quality early childhood education and care "is beneficial for all children, but particularly for those with a socioeconomically disadvantaged ... background" and that "it can help to break the cycle of disadvantage".<sup>9</sup> The Council recommends that efficient investment is made in ECEC as a long-term growth-enhancing measure, and that all relevant EU instruments are used to promote it.

As education is also an important Europe 2020 priority, it is vital to keep the labour market approach balanced with the need to keep the personal development and the best interest of the child at the heart of policy-making. The 'Erasmus for all' programme has an important role in helping to implement the broad approach to early childhood development required by the abovementioned targets and benchmarks. Mainstreaming children's rights in this programme would also imply guaranteeing equal opportunities for all children in and out of formal education systems, promoting universal good quality early childhood education and care, as well as promoting well-being in formal, non-formal and informal education.

Child and youth-led organisations play a key role in ensuring children and young people have a safe space to participate, volunteer and develop as European citizens. In addition, they promote social inclusion through non-formal educational programmes focusing on inter-cultural learning and mutual understanding. A separate and independent programme for child and youth-led organisations (such as Youth in Action) is vital to ensure children and young people can continue to play an important role in tackling social exclusion and contributing to the democratic life of Europe. Millions of children and young people throughout Europe are active in child and youth-led organisations and ensuring consistently high quality programmes should be a priority. Through the organisation of group exchanges, volunteer programmes and training opportunities for children and young people as well as the possibility for youth workers to exchange and develop their competencies, a separate youth programme will help to deliver high quality youth work in Europe.

Specific recommendations for the Erasmus for all programme:

- Provide more clarity on how the future programme incorporates the transnational and external dimensions of current programmes and how it is linked to the other headings.
- Maintain the operational grant for child and youth-led organisations in order to achieve consistently high quality youth work in Europe and ensure that young people can organise themselves on a trans-European level.

## **6. HORIZON 2020 – LINK RESEARCH AND SOCIAL INCLUSION INITIATIVES**

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The new research and innovation framework broadens up the scope of action and priorities. For instance, funding is foreseen to respond to a number of challenges such as health, demographic change and wellbeing; or inclusive, innovative and secure societies. There will be strengthened interactions with the structural funds, which should involve civil society organisations more in research, innovation and capacity-building. Furthermore, research is closely linked to education, youth and up-skilling policies, which should enforce the mainstreaming of children's rights throughout this spectrum.

Specific recommendations for the Horizon 2020:

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<sup>7</sup>The 2002 Barcelona summit set targets to provide childcare to at least 33% of children under three years of age and to at least 90% of children between three years of age and the mandatory school age by 2010.

<sup>8</sup>Conclusions of the Council of the European Union on managing demographic challenges through better reconciliation of work and family life, Luxembourg, 3 October 2011.

<sup>9</sup>Council conclusions on early childhood education and care: providing all our children with the best start for the world of tomorrow, Brussels, 6 May 2011.

- Safeguard sufficient funding for the specific objective of inclusive societies, and foster links between the various policy areas and contribute to the development and sharing of innovative practices to address social inclusion, while ensuring that children's rights are mainstreamed in the different initiatives.



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## HEADING 3: SECURITY AND CITIZENSHIP

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### 1. WHY CHILDREN?

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This statement presents CRAG's position, concerns and recommendations on the Justice and Home Affairs Programmes, including the Rights and Citizenship and the Justice Programme, as well as, the Internal Security Fund and the Asylum and Migration Fund<sup>10</sup>.

The Lisbon Treaty article 3 states that the EU "shall promote... the protection of the rights of the child". The EU Stockholm Programme sets out a clear role for the EU's Justice and Home Affairs in relation to children's rights in particular, children's right to protection against violence, exploitation and abuse.<sup>11</sup> The EU Agenda on the Rights of the Child reinforces these commitments, including its strong focus on child-friendly justice. Heading 3 specifically provides important opportunities to allocate funds to meet these commitments on children's rights, child protection and child-friendly justice.

We believe that the EU has enormous potential to contribute to the respect, protection, promotion and fulfilment of children's rights. Moreover, the EU can play an important role in supporting national child protection systems<sup>12</sup> and promoting child-friendly justice. We welcome the EU's commitments to children, and urge the EU to ensure that policy and commitments are matched with adequate funding and efficient instruments under Heading 3.

### OVERALL RECOMMENDATIONS

1. We recognise the importance the merging of the existing funding programmes will have in terms of providing greater operational flexibility and more efficient expenditure under Heading 3. However, achieving children's rights and child protection is an incremental process that demands sustainable and long-term action. Heading 3 must therefore secure continuous funding and predictability of funds, rather than shifting expenditure on a yearly basis between different objectives, and:
  - Ensure that the child rights and child protection specific objectives of the merged programmes are visible and central to the programmes and secure funding for long-term specific action;
  - Make children's rights and child protection cross-cutting issues in Heading 3, and promote human rights based approaches to programming;
  - Establish a set of criteria, which serve as a transparent basis on which the annual work programmes, including funding allocations, are established. Monitor and evaluate criteria and funding allocations regularly.

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<sup>10</sup> 1. Proposal for a Regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Rights and Citizenship Programme, COM (2011) 758; 2. Proposal for a Regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Justice Programme, COM (2011) 759; 3. Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, COM (2011) 753 final; 4. Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund, COM (2011) 751 final.

<sup>11</sup> „The European Council calls upon the Commission to: — identify measures, to which the Union can bring added value, in order to protect and promote the rights of the child. Children in particularly vulnerable situations should receive special attention, notably children that are victims of sexual exploitation and abuse as well as children that are victims of trafficking and unaccompanied minors in the context of Union migration policy.“, Stockholm Programme, 2010/C 115/01, p. 9, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:en:PDF>.

<sup>12</sup> Child protection systems are made up of a set of components that, when properly coordinated, work together to strengthen the protective environment around each child. This includes, for example, multi-sectoral coordination, child-friendly preventive and responsive services, a child protection workforce and oversight and regulation.

2. In order to achieve the general and specific objectives of the Heading 3 instruments, it is imperative to introduce monitoring and evaluation mechanisms which secure effective expenditure. Otherwise, it will be impossible for the EU to assess whether it is acting successfully on its commitments to fulfilling children's rights, child protection and child-friendly justice.
  - Monitor funded activities and spending for children through disaggregated data;
  - Establish qualitative and quantitative indicators to measure the Programmes' impact and the achievement of its objectives.
3. Civil society organisations (CSOs) play a fundamental role in promoting and supporting the fulfilment of children's rights, child protection and child-friendly justice.
  - Secure action grants and operational grants to child rights organisations and children's networks that pursue objectives of the respective instruments under Heading 3 and help implement the EU's commitment to children;
  - Establish effective partnership principles for CSOs, securing CSOs' involvement in preparation, planning, monitoring, implementation and evaluation. Such principles should be mandatory;
  - Include mechanisms to secure CSO accountability and reporting mechanisms.

## 2. RIGHTS AND CITIZENSHIP PROGRAMME 2014-2020

CRAG recognises the specific role of the Rights and Citizenship Programme in supporting the realisation of the EU's commitment to protect children's rights, as stipulated in article 3 of the Lisbon Treaty and article 24 of the EU Charter of Fundamental Rights and the Stockholm Programme.

We therefore welcome the programme's specific objective to promote the respect of the rights of the child in the Rights and Citizenship Programme, hoping that it will secure a basis for consistent and long-term funding for children's rights. The Rights and Citizenship Programme provides the EU with an important opportunity to secure financial allocations for the implementation of the commitments and actions set out in "Towards an EU Strategy on the Rights of the Child"<sup>13</sup> and the "EU agenda on the Rights of the Child"<sup>14</sup>. This includes ensuring adequate resources for the Children's Rights Unit in DG Justice.

The Rights and Citizenship Programme can play an important role in protecting children against violence and abuse. It is reported that 26 % of children and young people face physical violence in childhood.<sup>15</sup> Children have identified violence as a key priority issue for the EU. Research suggests that violence against children rises especially in times of economic stress.<sup>16</sup> Considering the direct and indirect financial impact that violence against children and women has on the judiciary and on health and social services, it *also* makes economic sense to secure and increase consistent and long-term funding in this area.

<sup>13</sup>Communication from the Commission "Towards an EU Strategy on the Rights of the Child", COM (2006) 367 final.

<sup>14</sup>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "An EU Agenda for the Rights of the Child", COM (2011) 60 final.

<sup>15</sup>See NSPCC, Exploring potential interventions to reduce harmful effects of domestic abuse on children, [http://fra.europa.eu/fraWebsite/attachments/FRC10-WG-Julie\\_Taylor.pdf](http://fra.europa.eu/fraWebsite/attachments/FRC10-WG-Julie_Taylor.pdf)

<sup>16</sup>See UNICEF's State of the World 2012 – page 40-42: "Studies of previous economic downturns suggest that this generation of young people could end up detached and disillusioned, with long-term repercussions for their personal and collective well-being. (...) Crime and violence affect hundreds of millions of children in urban areas. Some are targets and others participate in or witness such acts (...). In addition to the obvious direct harm they cause, crime and violence can undermine children's faith in adults and the social order. Chronic exposure can impede children's development and has been related to poor academic performance and higher school dropout rates, anxiety, depression, aggression and problems with self-control. (...) Violence is serious in poor communities; it creates a cycle that keeps people in poverty."

The Daphne Programme is successful and unique in its aim to combating violence against children, young people and women. However, we are concerned that the merger of existing programmes has resulted in that combating violence against women and children no longer is mentioned as an objective in the text of the proposed regulation. This risks undermining the visibility of the Daphne programme's objective and jeopardises the consistency in funding for action to combat violence against children and women.

CRAG welcomes the EC's proposal to set up a framework to monitor mainstreaming of anti-discrimination and the achievement of the Programme's specific objectives more broadly. This is crucial to ensure that specific child related objectives of the Rights and Citizenship Programme are implemented. We believe that such a framework should apply the core principles of a human rights based approach, i.e. empowerment, participation, non-discrimination, accountability and human rights law framework as standards. Moreover, indicators must be introduced to ensure regular monitoring of the impact of the Programme on children's rights, child well-being and child protection.

Civil Society Organisations play a fundamental role in promoting and supporting the fulfilment of children's rights and protecting children against violence, exploitation and abuse. CRAG promotes an inclusive process involving CSOs in the preparation, planning, monitoring and evaluation of the programme and would like to see specific reference to CSOs as beneficiaries of the Programme.

Specific recommendations for the Rights and Citizenship Programme:

- Increase the budget for the Rights and Citizenship Programme 2014-2020 to 530 million - an amount that reflects the current level of funding in the Programmes that will be merged to the Rights and Citizenship Programme;
- Reinstate a clear commitment for further action on the objectives of the Daphne III programme by including a specific objective on combating violence against children, young people and women in the Rights and Citizenship Programme.

### **3. JUSTICE PROGRAMME 2014-2020**

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CRAG acknowledges the Justice Programme's role in contributing to the EU's commitment to protect children against violence and abuse, complementing EU Member States' national child protection measures/systems. CRAG welcomes the increase of funding in this area, hoping that it will respond to EU commitments to protect children, including protecting and supporting children in contact with the law (child victims, child offenders and child witnesses of a crime).

Protection of victims' rights should be an essential part of the Justice Programme relating to trafficking in human beings, sexual abuse and sexual exploitation of children and violence against children. The EU can play an important role in supporting a restorative justice model and child-friendly justice systems to the highest possible standard throughout the EU<sup>17</sup>.

We strongly believe that the Justice Programme can play a key role in supporting action to strengthen components of national child protection systems and foster coordination and inter-agency collaboration. Such action can include the training of professionals involved in the administration of juvenile justice and justice systems including those pertaining to migration and asylum matters. Other examples include research and systematic data collection on children involved in judicial proceedings, and supporting coordination mechanisms, such as Children's Houses<sup>18</sup> and children's ombudsmen.

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<sup>17</sup> E.g. action to promote and implement the Council of Europe Guidelines on child-friendly justice systems; the UN Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines); the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); the UN rules for the protection of juvenile deprived of their liberty (The Havana Rules); the UN Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules).

<sup>18</sup> Coordination mechanisms like Children's Houses bring together social services, police, prosecutor, forensic medical experts and paediatric psychiatry services, collaborating primarily in the initial stages of the police and social services investigations and can guarantee a child-friendly environment at the beginning of investigations. An evaluation of operations indicated a clear improvement in the coordination of the response to child abuse and crisis support in general.

Specific recommendations for Justice Programme:

- Secure funding to strengthen components of national child protection systems, including national and transnational inter-agency collaboration and cooperation;
- Secure funding for child-friendly justice and victim protection;
- Introduce indicators such as the level of increased child protection and access to child protection systems, access to child-friendly justice, the level of effective re-socialisation of offenders, in particular of juvenile offenders and the number of cases of cross-border cooperation in relation to child sexual exploitation and child trafficking cases.

#### **4. THE INTERNAL SECURITY FUND 2014-2020**

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CRAG recognises and supports the role of the Internal Security Fund in implementing the EU's commitments towards protecting children against violence, abuse and exploitation. Thus, the Internal Security Fund can play an important role in complementing Member State legislation and action under the Directive on combating the sexual abuse, sexual exploitation and child pornography and under the Directive on preventing and combating trafficking in human beings.

CRAG welcomes the Internal Security Fund's objectives to prevent and combat cross-border, serious and organised crime through actions improving police cooperation and coordination between law enforcement authorities. CRAG recommends specific reference to combating child sexual exploitation, distribution of child abuse images ('child pornography') and trafficking in human beings in relation to these objectives. The Internal Security Fund can, for instance, support cross-border police cooperation and investigative units to identify and protect victims, establish mechanisms for early identification, secure training for professionals, and foster national and transnational inter-agency collaboration to combat trafficking in human beings, child sexual exploitation and distribution of child abuse images ('child pornography').

Specific recommendations for the Internal Security Fund:

- Include specific reference to actions for combating child sexual abuse, exploitation, child abuse images and trafficking in human beings in the Internal Security Fund;
- Ensure measures, mechanisms and best practices for the early identification, protection and support of witnesses and victims of crime.

#### **5. THE ASYLUM AND MIGRATION FUND 2014-2020**

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The Stockholm Programme includes strong commitments on children's rights to protection in the field of asylum and migration that need to be translated into concrete financial commitments. CRAG believes that the Asylum and Migration Fund can play a crucial role in ensuring the protection of asylum-seeking and migrating children. CRAG welcomes the explicit references in the draft Regulation to specific assistance to vulnerable persons including minors, unaccompanied minors, pregnant women, and single parents with minor children.

However, we also underline that child protection is not a dimension that can simply be bolted on to fragmented asylum and migration procedures. Rather, it requires that the protection of children is taken as the starting point of actions involving them. This implies that the EU designs funding orientations which focus specifically on child protection safeguards horizontally across asylum, migration and trafficking policies and across the internal and external policy divide. Examples include: support for better guardianship for all unaccompanied and separated children; training of social workers, interpreters, judges and other legal professionals in child-friendly procedures and assessments; capacity building to improve and harmonise the standards and reception conditions for children, and support for bolstering child protection systems in third countries to reduce the needs and risks of unsafe migration.

CRAG welcomes the merging of the three current funds to one Fund, which could facilitate a horizontal approach based on bolstering the necessary child protection safeguards that should be available to all children in migration. We strongly recommend that the Regulation set out a cross-cutting indicator for all objectives relating to "the level of increased child protection safeguards, respect for family life, access to essential services for all children and special protection and assistance of unaccompanied children".

CRAG recognises the need to address with, and in, third countries issues concerning third country nationals who may be in the EU or returning from the EU. In the area of child protection, key concerns include proper family tracing and assessment measures and projects, bolstering child protection support to third countries to ensure reintegration support and monitoring when return is in the best interests of the child, and development of appropriate procedures and support for the transfer between countries of care and custodial responsibilities. We suggest that the external dimension be redefined to ensure that the pursuit of Union objectives (in particular migration control) is not the exclusive concern of EU actions with an external dimension. EU actions must also specifically aim to ensure respect for the rights of third country nationals.

We also note the general provision relating to the need for coherence between actions under this fund and development aid. We believe that in this crucial – and politically sensitive – area, the Regulation should already specify some key steps by which coherence should be secured. For example, reintegration measures and plans concerning returning children need to link to development and cooperation measures that sustain the creation of support and opportunities locally on broader basis. CRAG believes that the Regulation must anticipate that EU measures in both policy fields rely on some common planning, assessment and monitoring tools. More broadly we would also ask that the EU carefully determines the proportion of monies which should be set aside for actions to address the external dimension of EU asylum and migration policies and that set aside for general development cooperation measures. We would submit that the latter calls for greater resources.

Specific recommendations for the Asylum and Migration Fund:

- Secure funding towards the promotion and protection of children's rights at the highest possible level in the Asylum and Migration Fund;
- Establish indicators on the level of increased child protection safeguards, promoting respect for family life, access to essential services and special protection and assistance of unaccompanied children;
- Joint initiatives shall aim at finding durable solutions for unaccompanied minors, including restoring family links and reintegration in their countries of origin where this is in their best interests.

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## HEADING 4: GLOBAL EUROPE

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### 1. WHY CHILDREN?

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This paper outlines opportunities, strengths as well as our concerns relating to the most important instruments under Heading 4 of the Multiannual Financial Framework 2014-2020 with regards to development aid for children: the Development Cooperation Instrument (DCI) and European Instrument for Human Rights and Democracy (EIDHR). This paper also provides general insights on the European Neighbourhood Policy Instrument (ENPI) and Instrument for Pre-accession Assistance (IPA) from a children's rights perspective.

We, the Members of the Child Rights Action Group (CRAG), welcome:

- The European Commission (EC) proposal to increase development aid funding towards meeting the global 0.7% ODA target in the Multiannual Financial Framework 2014-2020; and
- The EC's renewed commitment to poverty eradication as the primary overarching principle of EU development cooperation, in line with the Lisbon Treaty.

Children represent half of the population in developing countries. The EU has confirmed its commitment to ensure that the rights of children are respected and promoted in EU external action through a number of legislative and policy documents. In Article 3 of the *Lisbon Treaty*, it is stated that, "(i)n its relations with the wider world, the Union shall... contribute to... eradication of poverty and the protection of human rights, in particular the rights of the child...". The *European Consensus on Development (2005)* identifies children's rights as a cross-cutting issue which requires a mainstreaming approach. Protecting children in third countries is a specific focus of the Communication *A special place for children in EU external action* (2008), which acknowledges the key role of children in development aid and emphasizes that the protection and promotion of children's rights must be considered as part of all external relation' policies<sup>19</sup>. Finally, the *Agenda for Change* acknowledges that it is "critical to societies to offer a future to young people."

The EU Member States contribute on average 20% of their development budgets to the European Institutions, making the EC the second largest donor in the world. The impact of this assistance on children is immense – 9 million children enrolled in primary school, 5 million vaccinated against measles. We believe that the support of the EU Member States to the EC proposal for Heading 4 is critical to meeting commitments to the MDGs and to poverty eradication. European citizens support these actions: according to the Eurobarometer poll, 85% of European citizens agree that development assistance is important to pull people from developing countries out of poverty.

Neglecting investment in children has negative long-term consequences. Child poverty is on the rise all over the world. There is clear evidence of a correlation between austerity measures and the realisation of children's rights, mainly due to cuts in education, health and social protection programmes. Moreover, it is estimated that maternal and newborn deaths lead to global productivity losses of USD 15 billion each year<sup>20</sup>. Adults who were malnourished as children earn at least 20% less on average than those who weren't malnourished. Investing in overcoming malnutrition and stunting can raise the GDP by 2 to 3 % per year<sup>21</sup>, depicting a clear correlation between malnutrition caused by poverty and future economic growth prospects. The eradication of poverty, including child poverty, requires an enhanced commitment towards commonly agreed financial and policy goals.

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<sup>19</sup>"Progress in the condition of children is essential if we are to prevent state fragility and ensure long-term sustainable development, social cohesion, stability and human security."

<sup>20</sup>Save the Children (2011) *An Equal Start. Why gender equality matters for child survival and maternal health*

<sup>21</sup>World Vision (2011) *The Best Start: Saving Children's Lives in their First Thousand Days*

## OVERALL RECOMMENDATIONS

Therefore, we urge the European Commission, the European Parliament and Member States to:

- Recognise that children's rights, which include economic and social rights, are indivisible and inalienable. Investing in children and social development is a key to the achievement of MDGs, poverty eradication and fostering sustainable economic, social and environmental development;
- Show true commitment to promoting children's rights and the full implementation of the UNCRC which provides a comprehensive framework for children's social and economic well-being;
- Make clear and significant funding allocations for children in a variety of policy areas, and ensure that these commitments are traceable through disaggregated data collection;
- Acknowledge the importance of children and young people, who make up the majority of the population in most developing countries, as dynamic development actors in their own right who should be consulted, directly involved in decision making on issues that affect them and supported as members of civil society.

## 2. CHILDREN IN THE DCI

Under the current DCI (2007-2013), different programmes, in particular the thematic programme Investing in People (IIP), have played a major role in supporting actions in areas which directly affect people's living standards and well-being, ensuring a focus on the poorest and least developed countries and the most disadvantaged population groups. Among the aspects of human and social development under the IIP, a special focus was put on Children and Youth as key actors in increasing a country's human and economic capital.

Despite the EC's stated commitments to prioritise children and youth in external action and to include children's rights in relevant instruments, children's rights have been removed from the new EC proposal<sup>22</sup>. In particular, we are concerned about the removal of the specific reference to the UN Convention on the Rights of the Child (UNCRC) in the proposed regulation, risking a further weakening of the protection of children's rights within EU actions. Moreover, despite mentioning children's rights as a cross-cutting issue<sup>23</sup>, the proposal lacks clear definition of how children's rights will be mainstreamed in the DCI, thus risking the marginalisation of children's issues rather than mainstreaming them. Of particular concern is the lack of focus on children's rights in **Annexes IV and V**, which list the areas of activity per region and thematic programme. We are also disappointed that health is no longer considered a priority for **Latin America**, where disparities between the poorest and the richest households are often higher than in other poor countries<sup>24</sup>, and where child and maternal mortality and chronic malnutrition remain high. Secondly, education is no longer a priority for **Asia**, despite the fact that 40 million children in Asia are not enrolled in schools and 40% do not complete primary education.

Furthermore, while we welcome the EC's commitment to cross-cutting issues, we are concerned about the broad definition of social inclusion and human development in the Global Public Goods & Challenges Programme, which puts growth, jobs and private sector engagement as its first priority and merges social inclusion and protection with employment and skills. Access to basic services, employment and respect of the rights of specific groups, including children and youth, are all placed in the same basket.

We would like to emphasise the need for specific support for children in both post-crisis situations and in efforts to increase crisis preparedness and response in the areas affecting children. These are not included in the proposed DCI regulation. Disasters threaten the lives, the rights and the needs of millions of children around the world. In emergency

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<sup>22</sup>The Global Public Goods and Challenges programme now includes: environment and climate change ; sustainable energy ; human development ; food security and sustainable agriculture ; migration and asylum.

<sup>23</sup>Article 3 on General Principles of the proposed DCI Regulation 2014-2020

<sup>24</sup>In Indonesia, 50.2% of the population (121.3 millions) lives with less than 2 USD per day whereas in Peru, while the number of people living in poverty only represent 14.7% (4.27 million), the inequality index (GINI) is higher than in Indonesia (source: Aprovech).



situations, children are one of the most vulnerable groups. Their health and well-being is jeopardized as they are exposed to malnutrition and epidemics such as cholera; their education is often interrupted and many children lose their parents; or their parents lose the means of livelihood, thereby leading to increased poverty. Furthermore, children's risk of being exploited, neglected or abused increases during or after crisis situations. It is therefore imperative to build resilience in children, reduce their vulnerability to disasters and during emergencies, combined with support to build child protection systems.

As MDG 2 is on a fast track towards 2015, more children are spending significant amounts of time in schools in high-risk locations, threatened by landslides, earthquakes, floods, and other hazards. All children living in hazard-prone locations must have the knowledge and skills to be better prepared for disasters affecting their schools and communities. Disaster Preparedness and being able to contribute to prevention and mitigation of the impacts of disasters can help children to better protect themselves and thus will help to prevent large scale disasters today and in the future. Helping children to understand the risks they are exposed to as well as the root causes of risks and vulnerabilities will foster sustainable development and poverty reduction more broadly and for the longer term. Children and young people have also proven to be an important and influential force for advocating change and raising public awareness. It is therefore essential that children are empowered from being passive victims of disasters to becoming agents of change for disaster risks reduction.

#### Specific recommendations for DCI:

- Children's rights must be identified as a cross-cutting theme across the EU development cooperation. In addition, children's well-being must be recognised as a priority focus for both the geographic and thematic programmes of the DCI.
- Children, as well as their right to protection and access to services, must be clearly featured in Annexes IV and V, considering that these annexes constitute the only available space to explicitly describe the types of actions and sectors of EU assistance.
- At least 20% of EU aid should support universal access to basic health services, child protection and quality basic education. These should be recognised as one component of human development and the 20% target should be applied across all aid instruments, thematic and geographic programmes alike, as well as in the EDF.
- In anticipation of the forthcoming Communication on Social Protection in EU Development Cooperation, we propose that the EC clarifies the definition of social inclusion and human development. A clear distinction should be made between the sectors of health, malnutrition, education, and additional support to social sectors, and ensuring equal access and rights to participate in economic and social life through efficient, tailor-made social protection programmes. Each of these issues must be separately, clearly and sufficiently funded to reach impact, with their funding traced and their results monitored.
- Children and young people play an important role in transition to and consolidation of democracy. In addition to specific support to children (i.e., under 18 years of age, as stipulated in the UNCRC), the financing of the socio-economic empowerment of youth should be an essential part of the Global Public Goods Instrument. Initiatives to support youth employment should be complemented by initiatives that support youth and their direct participation in decision-making at all levels. The initiatives for youth employment must be clearly differentiated from general economic support to employment and the private sector.
- The DCI must focus on and contribute to more resilient development interventions including flexible and effective transition from relief to recovery and development phases (LRRD). There is a need for reliable, sufficient and flexible funding for LRRD, in order to ensure that aid is more sustainable and adapted to local needs, particularly to the specific needs of children. The development funding in the next MFF should explicitly integrate Disaster Risk Reduction (DRR), which is currently placed under the humanitarian aid funding. Given the increase in the frequency and intensity of disasters, there should be greater support for preparedness of disaster-prone countries. This support should also cover building up their institutional capacity, to ensure the ability to effectively respond to disasters and address the individual needs of the most vulnerable groups, particularly girls and boys of different age groups. Moreover, there is a need for specific support toward

increasing children's capacity in disaster risk reduction and climate change adaptation, in order to ensure that a larger number of girls and boys are able to respond to future risks. The DCI is ideal for DRR action due to its ability to provide earlier, preventative and longer-term support compared to ECHO funding.

- Close coordination between humanitarian and development funding instruments is essential to ensure that the DRR expertise of the humanitarian community benefits development actors. This includes promoting greater cross-sectorial interventions including health, education, livelihoods, DRR, LRRD and climate change. Furthermore, funding to support the joint work of Civil Society Organisations and Governments is required in order to ensure the transfer of knowledge, skills and accountability mechanisms from national to local levels.

### 3. CHILDREN IN THE EIDHR

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Due to severe discrimination and rights violations especially in poorest countries and in fragile states, children, and more specifically girls, remain in high need of special protection measures and rights promotion. We therefore value the EU's commitment to promote children's rights through the EIDHR, and consider the instrument a great opportunity to promote and apply the UNCRC.

We are satisfied that the added value of the EIDHR as a specific instrument has been confirmed. Its independence from government consent, its flexibility and its strategy of relying primarily on working with and through civil society organizations have been rightly preserved. We support the stronger strategic focus put in the new EIDHR on 'difficult countries or emergency situations where human rights and fundamental freedoms are most at risk', and the flexibility foreseen to allow the EU to react quickly to emergency situations. Furthermore, we welcome the explicit and legally accurate statement that human rights encompass economic, social and cultural rights and not just civil and political rights. We encourage the EC to ensure that Country Strategy Papers and future development policies follow this clarity.

We furthermore welcome the inclusion of the key principles of human rights based approach (HRBA) for development in the proposed EIDHR regulation (i.e. empowerment, participation, non-discrimination of vulnerable groups and accountability).<sup>25</sup> We consider this a very positive development which is in line with the conclusions of the Structured Dialogue, which specifically called on the EU to "*acknowledge and endorse a HRBA to development*, ensuring policy coherence (with other internal and external policies) and mainstreaming human rights, democratisation and governance questions in the political dialogue"<sup>26</sup>.

Nevertheless, we are concerned about the emphasis on ad hoc action and election monitoring missions throughout the proposed EIDHR. Promoting human rights, fundamental freedoms and equal rights of all individuals is challenging work, and visible and tangible outcomes are a result of long-term efforts. Successful realisation of these values requires consistent and constant long-term interventions and investments. More specifically, there is a prevailing need to promote democratic practices including child and youth participation in the decision-making processes, which requires both the infrastructure and political willingness to do so. Strengthening the government's accountability towards its citizens must include supporting civil society participation in decision-making with attention to include marginalized or excluded groups, such as women and youth organisations, in all levels of the dialogue.

The EIDHR provides unique opportunities to strengthen the international courts of justice and rights of the individuals, including children, to seek and access justice. We welcome the renewed commitment under the EIDHR instrument to continue doing so<sup>27</sup>. In this respect, we consider that the individual complaints' mechanism for children proposed under the UNCRC should receive specific support.

Finally, we are apprehensive about the proposed set of indicators to measure success of the EIDHR in the future, which focus more on activities rather than results, risking overlooking the substantive or qualitative change that any action may

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<sup>25</sup>Article 2.2 of the proposed EIDHR Regulation 2014-2020

<sup>26</sup>Structure Dialogue: Final concluding paper (May 2011), p.22

<sup>27</sup>Article 2, Scope, of the proposed Regulation, specifically outlines the support to International Criminal Court.

bring. Indicators<sup>28</sup> should aim at monitoring effectively the results of the project/initiative. In line with HRBA principles mentioned in the regulation, we consider that applicable international law standards should be the reference point for all cooperation under the EIDHR and for the assessment of its impact.

Specific recommendations for EIDHR:

- The UNCRC must be placed at the centre of the EIDHR regulation together with the United Nations Charter, capturing the international law obligations of the EU and its Member States and the relevance of the UNCRC as the international legal framework for children.
- There must be a balance between action towards sustainable change and issue- based ad hoc action responding to specific needs of limited scope. The EC must 1) clearly define the scope, the need and the eligibility criteria of ad hoc action; and 2) define the maximum limit for the funding of ad hoc action under the EIDHR, in order to ensure that the EIDHR does not lose its value in supporting the promotion of equality, equity and fundamental freedoms in the world.
- The future ad hoc action under the EIDHR must be strategic and ensure that children, whose rights and also whose personal safety has been jeopardized, will be supported in such a way as to clearly address the violations of their rights and make progress in eliminating them.
- The EIDHR should be used to champion efforts to monitor the implementation of the UNCRC and its Optional Protocols, and the proposed regulation should clearly feature these objectives. More specifically, we propose the inclusion of specific support targeted to the ratification of the Third Optional Protocol and to setting up individual complaints mechanism for children whose rights have been violated by a State.
- Effective monitoring and identifying outcomes and impact of the EIDHR requires a comprehensive mix of quantitative and qualitative indicators. The framework for assessment should be based on applicable international law standards. We urge the EC to seek ways to assess the impact of the action. CSOs stand ready to support the EC in doing so.

#### **4. OTHER INSTRUMENTS: EUROPEAN NEIGHBOURHOOD POLICY INSTRUMENT (ENPI) AND INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA)**

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The ENPI's current legal basis highlighted the privileged relationship between the EU and its neighboring countries that should build on values including the respect for human rights, sustainable development and poverty reduction. It also clearly identified promotion and protection of children's rights together with women's rights as a separate area for EU assistance. As repeatedly highlighted in the EU Progress reports, neighborhood partner countries face substantial child protection challenges and needs. The EU assistance has had an important impact in responding to some of these needs such as, for instance, in reforming partner countries' child protection systems. Therefore, it is deeply regrettable that the suggested ENPI regulation omits the promotion and protection of children's rights as a distinct objective for EU's support.

A 2011 EU Communication *A new approach to a changing Neighborhood* outlined an ambitious agenda for cooperation based on shared commitment to human rights and democracy. These objectives deserve an adequate instrument to support sustainable actions toward fulfilling children's rights in partner countries of the Neighborhood.

The responsibility to protect and respect children's rights within broader human rights spectrum is a part of the Copenhagen Criteria for EU membership. The *Enlargement process* is a critical tool in promoting the rights of the child in countries desiring to join the EU. During accession negotiations the rights of the child are covered under the fundamental rights 'chapter' as well as under social policy 'chapter' when negotiating, for instance, on issues of child protection and welfare. The IPA supports the EU Candidate and Potential Candidate Countries in their efforts to align with and/or adopt and implement the *acquis communautaire* with a view to membership.

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<sup>28</sup>Section 1.4.4. of the proposed EIDHR Regulation

We welcome the general objective of the promotion and protection of human rights and fundamental freedoms, enhanced respect for minority rights and gender equality, in the proposed IPA regulation. Moreover, we support the specific objectives to support social and economic inclusion, in particular of minorities and vulnerable groups. However, a specific reference to promotion and protection of the rights of the child in the proposal is lacking.

Thus, to cater for multiple EU policy commitments about the promotion of child' rights in external action, and specifically, commitments to monitor progress in advancing the rights of the child and supporting reform of child protection throughout its enlargement process<sup>29</sup>, the proposed regulations for both ENPI and IPA should indicate promotion of children's rights and their protection as a priority area for action in its own right.

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<sup>29</sup>See "An EU Agenda for the Rights of the Child", p. 13.

# CHILDREN'S RIGHTS ACTION GROUP



EFSC  
EUROPEAN FEDERATION  
FOR STREET CHILDREN



World Vision



Save the Children



IFM-SEI



Europe Region  
World Association  
of Girl Guides  
and Girl Scouts

Terre des Hommes  
International Federation



EUROPEAN  
JUVENILE JUSTICE  
OBSERVATORY

eurochild



Plan



SOS  
KINDERDORF  
INTERNATIONAL

*The Children's Rights Action Group (CRAG) is a partnership of International NGOs including the authors of this position: Eurochild, the European Juvenile Justice Observatory, Plan International, Save the Children, SOS Children's Villages, Terre des Hommes International Federation and World Vision. The CRAG aims to ensure that children's rights are protected, respected and fulfilled both in the internal and external dimensions of EU policies and legislation, in accordance with the UN Convention on the Rights of the Child (UNCRC) - the world's most ratified treaty, notably signed and ratified by all EU Member States.*