Prevention Child Protection in E.U. Internal and External Affairs-Guide to Advocacy Actions
WEBINAR SUMMARY
6 Oct 2016

I. Experts:
Rebecca O’Donnell is an Irish lawyer, who has been working on EU law matters for over 20 years in Brussels. She is the co-founder of Child Circle, a Brussels based NGO focussing on child protection in EU law and policy (www.childcircle.eu).

Olivia Lind Haldorsson is a human rights advocate who has been working in the field of children’s rights and child protection for 20 years in Brussels. She is the co-founder of Child Circle.

II. Content:

Mrs. Haldorsson commenced by presenting the agenda, divided into three different sessions:

1. Session 1: Brief introduction to advocacy: What is advocacy? What are its key elements
2. Session 2: The role of the E.U., child protection and internal policies
3. Session 3: The E.U. external policies, child protection and enlargement

She then proceeded to explaining that crucial in defining advocacy is influencing stakeholders, using evidence and knowledge to create a change in policy, legislation, practice and structure for children’s rights.

The expert emphasized that, in order to have a successful campaign, one must have a strategic plan, in order to be prepared to seize opportunities, build alliances and find key actors, as the advocacy process is not linear and ordered.

When planning, it is important to consider the follow questions:

1. What change do you want to see?
2. Who can make it happen?
3. What can make it happen?
4. Is it working?

Mrs. Haldorsson stressed it is important to start with a problem analysis to be clear about what you want to see, by trying to find strong evidence on practical problems, interpreting what the evidence says, discovering underlying problems and legislation gaps.

Then, it is key to determine if these problems are determined by structural and institutional deficiencies, such as lack of collaboration and lack of resources. Once the issue is understood, then it is important for the plan to put forth the actions that need to be done and be constructive: what are the alternatives?

Once key goals are specified, the advocates must figure out who can help make the change, by looking at institutions’ role, mandate and resources. It is key to identify the institutions that are neutral and undecided, in order to interact with them and persuade them to join the cause.

When approaching the E.U., it is important to ask whether the Union has a role and mandate in one’s field of interest, which is the policy actor or area and can alliances be build.
Once this mapping is achieved, the starting action must be determined. It can range from an information campaign to generate support and diplomatic and bilateral meetings to public consultations and launching a report to key stakeholders.

The expert suggested always ensuring that the work is relevant to the legislation and decision-making process. She further emphasized it is important to monitor existing opportunities and careful consider the resources your organization and partners have, while remaining targeted and limiting action.

Evaluation must be conducted throughout the process, in order to build and address gaps and improve constantly the advocacy strategy. Finally, knowledge management and handover is highly important to the team and process, since this is a field that sees a lot of turnover.

Mrs. O’Donnell then proceeded to exploring two questions regarding the E.U. internal affairs:

a. How does the EU work and what does it do for children?
b. What are the key entry points for advocacy, in terms of actors to engage, at the EU level, Member States and other?

Child rights advocates have worked hard to make the EU protect children’s rights and bring new resources to the forefront. In 2009, the Treaty of Lisbon’s article 3 enshrined the protection of children’s rights inside the E.U. and the world as a whole. The role of the E.U. in child protection is still new, which is a challenge and opportunity.

The E.U. can only act when the Member States (MS) have conferred it competences and power through treaties. It has different levels of power, ranging from exclusive, from instance when setting border tariffs, and shared competences with members states, on asylum and migration, to only complementing what the Member States do in terms of education and youth.

When advocating, it is important to consider the following two principles, in order to ensure that the E.U. can actually do what we are asking:

1. subsidiarity: the Union acts where MS cannot act by themselves;
2. proportionality: should only do what it needs to ensure the needed changes.

There are several cornerstones of the E.U. relevant to children’s lives:

a. Free movement (e.g. families move together to another MS)
b. Internal market (e.g. product regulation and children’s safety)
c. Justice (e.g. laws concerning victims of crime)
d. Migration/Asylum
e. Health, Education, and Youth

The key roles that the EU can play internally include:

1. enacting law, by building a common legal framework in the Union;
2. setting strategic policy orientation: the E.U.’s Agenda for Children’s Rights;
3. practical guidance and exchange of experience: MS states learn from their experiences, by identifying common problems and borrowing innovations;
4. creating EU operational agencies: EASO (Asylum support); FRONTEX (border management);
5. producing research: building knowledge about issues across the region;
6. funding practical projects regionally.

Mrs. O’Donnell continued by providing examples of key issues in internal policies affecting children’s protection:
● Internet safety: the E.U. has developed a digital strategy to open opportunities online for everyone, including children;
● Crossborder Parental Disputes: the E.U. governs which court will manage the custody case for separated parents moving to different countries and how different courts enforce judgements from another state;
● Trafficking and abuse: E.U. laws and anti-trafficking strategy have brought a focus on the child protection system, which led to the creation of a reflection paper on integration and child protection systems, which set out set principles to follow with a focus on multidisciplinary process and interagency collaboration;
● Sexual abuse: E.U. directive creating obligation on MS to ensure child-sensitive strategies in court and avoid revictimization;
● Child poverty: recommendation in investing in children, especially in reference to the labor market;
● Asylum and migration: the existing Common Asylum System is under review, given the refugee influx Europe is currently facing, but there are nevertheless existing laws, which also reference children;
● Hotlines for children: nationally and across borders.

There are several key EU actions, relevant for advocacy:

a. Data and research: E.U. studies often reveal common challenges and comparisons (e.g. study on child begging with links to trafficking and general setting);

b. Legislation
   i. Uniform rules (Dublin Regulation);
   ii. Common framework of general rules to be implemented nationally (e.g. rules on guardianship),
   iii. Transnational rules: Brussels 2 bis (mentioned above regarding cross-border parental disputes)

c. Policy areas mid- to long-term framework: 4-year or 10-year strategies (e.g. Internet strategy), recommendations and strategies.

d. Practical measures of support: FRA guidance on guardians for trafficked children; EASO training for interviewing children;

e. Funding: capacity-building for legal and social professionals, sometimes joint, which facilitates multidisciplinary work.

The expert proceeded to explaining the key institutions to whose activities advocates should seek to contribute to:

1. The European Commission: initiator of policy and law; regulates public consultations in policy fields;
2. The Council and European Council: these bodies are governmental representatives coming together: it would be best to seek support at the national level
3. European Parliament: target national Members of the Parliament (MPs)
4. European Court in Luxemburg: gives interpretations to national courts; involved in strategic litigation; there are many legal networks that advocates can approach for information about certain cases;
5. Agencies: expertise can be brought directly to them.

Mrs. Haldorsson finished the presentation by discussing the E.U.’s external child protection-related policies and practices, by stressing that the E.U. has a mandate to contribute to peace and security, by facilitating dialogue,
and a strong mandate to protect human rights. Across these mandates, child protection is a major E.U. commitment.

The Union has several tools and instruments providing a framework for advocacy, in particular the E.U. Action Plan on Human Rights and Democracy.

According to the expert, some of the key external affairs’ related opportunities for advocacy include:

a. Specific guidelines (e.g. children in conflict)
b. Country Human Rights Strategies: set out country specific human rights priorities and action;
c. Human Rights Dialogues with third countries concerning human rights violations and ratification of human rights instruments;
d. EU funding: action at this level is determined by policy priorities.

Regarding the latter point, certain instruments allocate funding to children’s rights and child protection:

- European Initiative for Democracy and Human Rights
- European Neighborhood Instrument, which facilitates funding not just for child labor, even though that is its specific purpose
- Pre-accession funding determined by country priorities and country strategies.

Regarding the key actors, Mrs. Haldorsson mentioned:

1. EU Parliament: reports on human rights and opinions on policy directions, which advocacy bodies can contribute to;
2. EU External Action Services: diplomacy services, which manage political relation with third countries and make statements or issue public consultations;
3. EU Delegations representing the Union in various countries: they are crucial in writing country reports and generating actions from the EU;
4. The Commission: an ally in introducing policy priorities; manages and distributes funding in the Union.