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**COMMUNICATION FROM THE COMMISSION**

**Towards an EU Strategy on the Rights of the Child**

**{COM(2006) 367 final}**

**IMPACT ASSESSMENT**

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## Executive Summary

This impact assessment synthesises the results of an analysis of the situation of the rights of the child as a cross-cutting topic within the European Commission. It confirms that despite significant achievements in many areas of competences of the Union, children's rights are still not sufficiently respected within and outside the European Union. Various specific problems have been identified, such as the scattering of actions touching upon children's rights, between various international arena (EU, Council of Europe, United Nations, etc.) as well as within the EU institutions; the various degrees of implementation of the European and international instruments ensuring children's rights; the insufficient coordination of the Commission services when elaborating policies, strategies or programmes related to children's rights; the absence of a comprehensive vision on what has been achieved so far by lack of data and analysis; the absence of commonly agreed good practice to ensure children's rights, and the weak visibility of EU actions in favour of children's rights.

This impact assessment analyses those problems and challenges and presents four possible policy options. The first one is the "Status quo" option, however, carrying on along the same track as before does not improve the situation and does not solve the problems identified. A second option consists in improving co-ordination within the European Commission by, for example setting up a formal inter-services group involving all relevant EC services. However, in absence of any clear children strategy, the inter-services group could probably compare the various actions taken that tackle children's rights and could possibly avoid any duplication or overlaps, but not much more. A third option would be to delay actions until a full, in-depth analysis of achievements, gaps and needs of all relevant policies vis-à-vis children's rights is carried out. This option would include collaboration with the competent international organisations. It would eventually propose priorities and orientations for a long-term strategy. Although more advanced, this option fails addressing co-ordination problems and leaves the situation unchanged for another couple of years. Finally, a fourth option would be to develop a comprehensive and long-term strategy to actively promote, safeguard and fulfil children's rights in the internal and external policies of the European Union. This option is broken down into three sets of actions tackling the short-, medium- and long-term.

A comparison of advantages and weaknesses of the four options leads to the choice of option 4, which enables the Commission to answer all problems identified. It is also the best option to respond to stakeholders' expectations and where a European added value can be identified.

### 1. PROCEDURAL ISSUES AND CONSULTATION OF INTERESTED PARTIES

**Lead Directorate General:** DG Justice, Freedom and Security

**Work Programme Reference:** 2006/JLS/009

The proposed *Communication "Towards an EU strategy on the Rights of the Child"* is part of the Commission's Legislative and Work Programme for 2006.

The horizontal nature of the subject implied to closely associate all the relevant services of the Commission. Therefore, several inter-services consultations and meetings were organised between September 2005 and May 2006. The inter-services group involved around 40 people

from 15 Directorates-General<sup>1</sup> The Group of Commissioners on *Fundamental Rights, fight against discrimination and gender equality* was also consulted during the preparation of the communication.

Consultations were also held with representatives of United Nations agencies<sup>2</sup>, the Council of Europe and around 35 NGOs active in children's rights<sup>3</sup>. This meeting launched the process and offered a first synthesis on situation and needs. It was clear from this meeting that the Communication should include the following characteristics :

- Be based on the *United Nations Convention on the Rights of the Child*<sup>4</sup> (UNCRC) and on the Council of Europe *European Convention on Human Rights*<sup>5</sup> (ECHR) ;
- Go beyond a simple audit of existing instruments ;
- Be an Action Plan including measurable objectives and monitoring mechanisms ;
- Be built around sustainable concrete proposals (amongst which the set up of proper data collection within the EU).

In addition, several bilateral meetings took place between the Commission and United Nations Agencies and the Council of Europe, to ensure full coordination, mutual understanding and avoid duplication at European level.

Finally, many documents and studies available were used to feed the reflexion during the preparatory work, amongst which the main ones were : the WHO *World report on violence and health*<sup>6</sup>, the Innocenti *Study on violence against children*<sup>7</sup>, the Innocenti summary report on *Study on the impact of the implementation of the convention on the rights of the child*<sup>8</sup>, the ILO report *A global alliance against forced labour*<sup>9</sup>, the *Report of the expert group on trafficking in human beings*<sup>10</sup>, the Council of Europe *Programme of action "Children and Violence"*<sup>11</sup>, the International Federation Terre des Hommes report *Kids as commodities?*

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<sup>1</sup> SANCO, INFSO, RELEX, DEV, AIDCO, ECHO, ELARG, EMPL, TRADE, ENTR, EAC, COMM, SJ, SG and JLS.

<sup>2</sup> UNICEF, ILO, WHO, UNHCR

<sup>3</sup> EU offices of European Federation for Missing and Sexually Exploited Children, International Save the Children Alliance, Bureau International Catholique de l'Enfance, Coalition to stop Child Soldiers, European Association for Children in Hospital, European Foundation for Street Children Worldwide, Eurochild, International Federation Terre des Hommes, Human Rights Watch, Stop AIDS Alliance, World Organisation for early Childhood Education, HelpAge International, Plan International, World Vision International, SOS-Kinderdorf International and Child Helpline International. Amnesty International Belgium (BE), Die Kinderfreunde (AT), Kind and Samenleving (BE), Our Child Foundation (CZ), Red Barnet (DK), Pelastakaa Lapset (FI), COFRADE (FR), Deutscher Kinderschutzbund (DE), Institute for Child Health (GR), Irish Society for the Prevention of Cruelty to Children (IE), Save the Children Italia (IT), FICE (LU), Defence for Children International (NL), Nobody's child Foundation (PL), Our House (PL), Polish Forum for Child Rights (PL), Instituto de Apoio à Criança (PT), Plataforma de Organizaciones de Infancia (ES), Rädda Barnen (SW), Save the Children Fund (UK), National Society for the Prevention of Cruelty to Children (UK).

<sup>4</sup> Convention on the Rights of the Child of 20 November 1989. The full text of the Convention and its Optional Protocols are available at: <http://www.unicef.org/crc/crc.htm>.

<sup>5</sup> Full text available at: <http://www.echr.coe.int/ECHR/EN/Header/Basic+Texts>

<sup>6</sup> World Health Organisation (WHO), 2002

<sup>7</sup> UNICEF Innocenti Research Centre, June 2005

<sup>8</sup> UNICEF Innocenti Research Centre, 2004

<sup>9</sup> International Labour Office (ILO), 2005

<sup>10</sup> European Commission, DG Justice, Freedom and Security, 2005

<sup>11</sup> Council of Europe (CoE), 2005

*Child trafficking and what to do about it*<sup>12</sup>, the ENSCW proceedings *Words from the street*<sup>13</sup>, the EURONET report *Children's Rights in the European Union. What about us? Next steps*<sup>14</sup>, and the *Brussels call for action*<sup>15</sup>.

## 2. INTRODUCTION

### 2.1. The Rights of the Child

Children, understood here as in the United Nations *Convention on the Rights of the Child (1989) (UNCRC)*, as persons below the age of 18, are vested with the full range of human rights, and their realisation takes into account children's specific needs and evolving capacities. Additionally, however, children have specific rights to protection as a consequence of their status of children, so it is important that children's rights are envisaged as a distinct concern and safeguarded through the adoption of specific child-sensitive measures rather than be subsumed into wider efforts to mainstream human rights. Certain rights have an exclusive or particular relevance to children, for example the right to be registered immediately after birth, the right to education and leisure, the right to specific health care, the right to be protected against any kind of abuse and the right to maintain personal relations and direct contact with both biological parents.

### 2.2. International instruments on Children's Rights

A children's rights policy is one that is rooted in the values and principles of the UNCRC, which is considered as inseparable of the realisation of the objectives of the Union and its own values and which was ratified universally by the EU Member States, who are all under an international duty to ensure its effective implementation. The UNCRC provides a coherent and comprehensive framework against which to evaluate legislation, policy, structures and actions. It clearly enshrines in international law children's right to protection, provision and participation. It does not prescribe which specific structures and policies are the most appropriate to ensure full implementation of its provisions, leaving this to the discretion of individual states according to their own national specificities. However it is an extremely useful and dynamic tool for protecting and promoting children's rights at all levels and is a coherent guide to policy makers on key elements of an overall children's rights policy.

The United Nations General Assembly adopted the *Millennium Declaration*<sup>16</sup> in 2000, which called on the full implementation of the Convention on the Rights of the Child and its Optional Protocols, and agreed upon time-bound and quantified targets (the *Millennium Development Goals [MDGs]*), in particular to eradicate extreme poverty and hunger; achieve universal primary education; promote gender equality and empower women; reduce child mortality; improve maternal health; combat HIV/AIDS, malaria and other diseases; ensure environmental sustainability; and develop a global partnership for development. Attaining

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<sup>12</sup> International Federation Terre des Hommes, Mike Dottridge, 2004

<sup>13</sup> Proceedings of the International Forum for stakeholders on street children and street work, 25-28 November 2002 by Dynamo International and the European Network on Street Children Worldwide

<sup>14</sup> The European Children's Network (EURONET), Sandy Ruxton, 2005

<sup>15</sup> Fourth regional meeting of NGO coalitions for the rights of the child in Europe, available at <http://www.dgroups.org/groups/eurocoalitions/docs>

<sup>16</sup> UN General Assembly, *United Nations Millennium Declaration*, Fifty-fifth session, 18 September 2000

these goals is essential if children's health and education are to prosper, and if child poverty is to be eradicated. However, achieving the MDGs remains a huge challenge for nations around the world; in 2005, the United Nations Secretary General's Report on Progress towards the MDGs suggested that unless efforts are doubled or tripled, the MDGs will not be achieved in most countries.

It is also important to bear in mind other international and regional treaties relating to issues which have a specific impact on children's rights. At the international level it is worth mentioning the ILO Conventions 182 and 138 on the elimination of the worst forms of child labour and the minimum age for admission to employment as well as the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children<sup>17</sup>. At the European level reference is made to the European Convention of Human Rights, the European Social Charter and the Convention on the prevention of torture which have been ratified by all EU member states and all candidate states. Other Council of Europe instruments regarding the protection of children include the European Convention on Adoption of Children (ETS 058), the European Convention on the Exercise of Children's Rights (ETS 160), the European Convention on Nationality (ETS 166), the Convention on Cybercrime (ETS 185), the Convention on Contact concerning Children (ETS 192) and the Council of Europe Convention on Action against Trafficking in Human Beings (CETS 197). The Council of Europe is currently preparing European Rules for juvenile offenders deprived of their liberty or subject to community sanctions.

In May 2002, governments reinforced their global commitment to children's rights at the landmark Special Session of the United Nations General Assembly on Children, the first UNGASS devoted exclusively to children. The outcome document, "*A World Fit for Children*"<sup>18</sup>, was agreed by the international community. The EU also signed this agenda<sup>19</sup>. The EU Development Consensus reinforces the need to scale up efforts and commitments towards the MDGs.

### 2.3. WHAT IS A CHILDREN'S RIGHTS POLICY?

A Children's Rights policy focuses on children as a specific and distinct group in society and seeks to make children's interests visible. Any action should consider children's rights globally in terms of access and respect of these rights taken into account the environment in which children are living, in order to avoid creating a kind of closed children's right market in which this environment is not taken into account. Attempts to explore and define the aims, components and boundaries of a EU children's rights policy have increased in recent decades. A number of factors have influenced this development, including: the profound economic and

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<sup>17</sup> Also : the UN Standards on the administration of juvenile justice; the UN Guidelines on the Prevention of Juvenile Delinquency and the UN Rules for the Protection of Juveniles deprived of their liberty

<sup>18</sup> UN General Assembly, *A World Fit for Children*, Twenty-seventh Special session, 11 October 2002

<sup>19</sup> The EU Presidency Statement on the rights of the child, at the 59th session of the UN General Assembly, on 18 October 2004 reads "*We all committed ourselves to implementing the Outcome Document 'A World fit for Children'. The European Union believes that we need to accelerate our efforts and to develop initiatives, which truly have an impact on the lives of children. We need to ensure that no children are left out and to make particular efforts to reach those who are already marginalised and disadvantaged by their poverty, disability, ethnic origin, gender and social status. Participation of children is vital. [...]. Because of our commitment to the Millenium Development Goals, 'business as usual' is not an option and there is no choice than to step up initiatives to reach agreed goals and targets*"



social challenges affecting children in the EU and worldwide, the development of a post-war 'human rights' project, growing emphasis on and commitment to children's rights globally and changing perspectives on children within a new sociology of childhood.

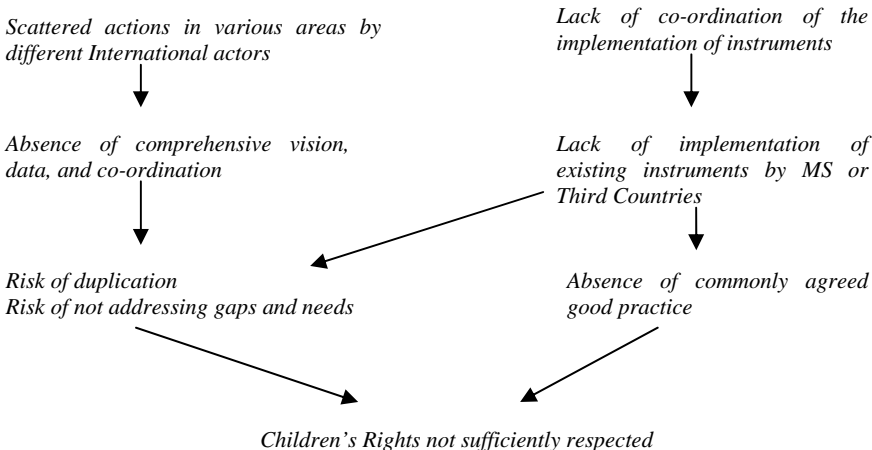
**3. WHAT ISSUE/PROBLEM IS THE COMMUNICATION EXPECTED TO TACKLE?**

The overall problem is that Children's Rights are not sufficiently respected within and outside the European Union.

In other words, the following specific problems should be tackled :

- Scattering of actions touching upon children's rights a) between various international arena (EU, Council of Europe, United Nations, etc.) and b) within the European Commission;
- Insufficient mainstreaming of children's rights within the European Commission when elaborating policies, strategies or programmes. This is due partially to the recent political importance given to this subject as a whole and no more as part of sectorial matters;
- Various degrees of implementation by Member States of the European and International instruments ensuring children's rights;
- No comprehensive analysis of the achievements and the effectiveness of EU actions so far;
- Absence of commonly agreed good practice to ensure children's rights;
- Expectations from civil society regarding EU actions are weakly met;
- Weak visibility of EU actions in favour of children's rights, which implies a low awareness by stakeholders of some of the existing measures or funding possibilities and therefore results in absence of benefits for children.

**Problem tree**



**3.1. The Rights of the Child are still not sufficiently respected**

The UN Convention on the Rights of the Child is ratified by 192 States. However, despite the political consensus, many children are deprived of their basic rights under the UNCRC within and outside the borders of the European Union, as detailed here below.

From birth to adult citizenship, children develop through age periods of their lives with very different needs and challenges, yet with obvious overlaps. The respect for children rights and their access to conditions or services which cover their basic needs varies also greatly. Almost half of the world's children, 1 billion children, live in poverty. Their social exclusion cannot be disconnected from that of their families, hence the links with the development of policies and programmes to fight poverty, the EU Consensus on Development, and to confront social exclusion and promote decent work and social protection.

### **3.1.1. Mothers and children.**

The struggle of children in the world today, starts in their parents' sexual and reproductive health and rights.

- Almost one in three of all pregnancies is not planned or desired and is caused by the women's lack of choice or access to family planning methods. As a consequence, half of them (over 40 million) result in induced abortions and over 70,000 maternal deaths<sup>20</sup>.
- One third of all pregnant mothers lack access to adequate antenatal care and only half of all deliveries are assisted with basic hygiene and adequate health care. Even among those, only 5% are protected from HIV mother-to-child transmission. As a consequence 32 million children are born dead every year, over 3 million die soon after from delivery complications, some 500,000 are born with HIV infection and over 300,000 mothers die during or soon after complicated deliveries<sup>21</sup>.

### **The first five years : the struggle to survive.**

After birth, children in the world today, face during their first five years the major risks of premature death in their lifetime :

- Less than half of the world's children under 5 are registered. This low coverage often hinders the protection of their rights and access to basic services.
- One in six newborns in the world has a low birth weight. During the first five years of life, one third of all children have some degree of malnutrition. This affects not only their health and chances to survive, but also their capacities to learn and develop.
- Besides the above mentioned lack of adequate care during pregnancy and delivery; and inadequate nutrition, many children live in conditions with limited access to safe water, poor sanitation and in-door pollution. The majority of children in the world are also exposed to endemic infections such as malaria and vaccine-preventable diseases.
- One in six children has no access to health care and, among those who are in reach of health services, those often cannot provide the basic prevention and treatment services. One in four is not immunized against the major vaccine-preventable diseases, less than 5% sleep under a treated net protecting them from malaria and less than half are adequately treated when having diarrhoea, respiratory infections or malaria. As a result, over ten million children under 5 die every year from diseases easy to prevent or treat, and one

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<sup>20</sup> The world health report 2005: make every mother and child count

<sup>21</sup> Ibidem

billion children suffer impaired physical, intellectual and/or psychological development, often irreversible.

### **3.1.2. From five to twelve : the challenges**

After the challenges to survive in the first five years of life, children start facing their education needs and their development and opportunities for their future role and contribution to society.

- One sixth of all children in this age group is not enrolled in primary school and one in five primary school pupils do not reach the last grade<sup>22</sup>. There is still a bias against girls in many countries, with lower attendance rates than boys. As a result, 115 million in this age group<sup>23</sup> are out-of-school (57% are girls) and will lack opportunities to learn, develop and integrate in society.
- One third of all children do not reach secondary school and half of those enrolled do not complete upper secondary school education.
- Many of the out-of-school children will be doing some work at home or in the informal economy sectors. Worldwide, some 211 million children aged 5-14 (one fifth of this age group) can be found at work<sup>24</sup>. Of those, almost three-quarters (171 million) work in hazardous situations or conditions. But many more children work. Millions of girls work as domestic servants and unpaid household help and are especially vulnerable to exploitation and abuse.
- Concerning violence against children, some 40 million children below the age of 12 suffer from abuse and neglect, and require health and social care. In some countries, up to 40% of children report being beaten by their parents, and in some up to a quarter suffer. The UNCRC rules for the protection of children against all forms of physical or mental violence.

### **3.1.3. Teenagers : rights of participation and responsibilities**

Psychosocial, emotional and biological changes that characterize this stage of life are widely shared across cultures. During this critical period, personality and self-identity become more defined. Adolescence is also a time for expanding relationships outside the family circle and establishing greater autonomy. In many countries, the minimum age of work is 14 years. Many adolescents start having sexual relations around that age as well. Their legal adult citizen rights lag behind their responsibilities in the labour market or in their sexual relations. In some countries this mismatch also includes the judiciary levels. Adolescents in the world have started organising themselves and claim a voice in the matters of society that affect their lives.

Sexual and reproductive rights and health mean a lot to adolescents in the world, as recognised in the principles and Action Plan of the International Conference on Population and Development.

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<sup>22</sup> Education For All Global Monitoring Report 2006

<sup>23</sup> joint UNESCO Institute for Statistics (UIS)/UNICEF global estimate

<sup>24</sup> International Programme on the Elimination of Child Labour (IPEC), Statistical Information and Monitoring Programme on Child Labour (SIMPOC), Every Child Counts New Global Estimates on Child Labour, International Labour Office 2002

- An estimated 130 million girls and women worldwide have undergone Female Genital Mutilation, with another two million girls being affected each year, often through initiation rites at the break of adolescence. One third of all girls are subject to coercive sexual relations, one fifth is victim of forced marriages<sup>25</sup>.
- Some 14 million women and girls between ages 15 and 19 give birth each year. For both physiological and social reasons, girls under 18 are twice as likely to die in childbirth as those in their twenties.
- Over one million adolescents became infected in 2005 with HIV. Two thirds of them were girls under 18. The HIV/AIDS epidemic has added consequences on children and adolescents with a prospect of 25 million orphans by 2010, especially in sub-Saharan Africa where they will represent half of all orphans and 15% of all children. Many of them are adolescents caring for younger brothers and sisters.
- Over 5.7 million of children (some even not yet adolescents) work under especially horrific circumstances, including virtual slavery of bonded labour, and an estimated 1.2 million children are victims of trafficking in human beings<sup>26</sup>. At any given time, some 300,000<sup>27</sup> are fighting as child soldiers in more than 30 armed conflicts all over the world.
- Global estimates of street children (some even not yet adolescents) vary from 100 million (half of them in Latin America) to 250 million, and their numbers are rapidly increasing.
- More than 1 million children worldwide live in detention as a result of coming into conflict with the law and a large proportion lack the special attention and protection they need in these circumstances as agreed internationally<sup>28</sup> and in the article 37 of the UNCRC.
- Adolescents suffer not only poverty and lack of protection of basic rights (including sexual rights) and attention to basic needs, they also undergo a time of stress when lack of affection, communication and even sight of opportunities in society, lead to severe mental distress. As an end result, approximately 4 million suicide attempts take the lives of more than 90,000 adolescents each year.
- Adolescents need to express their views in the political dialogue and decisions which affect their lives. This is recognised in Article 12 of the UNCRC and there are some initiatives which prove that their networking, democratic representation and inputs in local, national and global policies is not only possible but can also bring new ideas, visions and encourage children, adolescents and youth to reflect and strive for a better world.

#### **3.1.4. Children with special needs**

- Over 140 million children in the world are orphans. The number is growing due to the HIV/AIDS epidemic: by 2010, the proportion of children orphaned in sub-Saharan Africa will be over 15%, twice the proportion in the rest of developing regions. Orphans need special protection of their rights. And in this context, grand-parents have a greater burden and responsibility which also deserves support and protection as guardians of their orphaned grandchildren.
- An estimated 170 million of the world's children are malnourished, often at a cost of developmental disabilities and 1 out of 10 children has serious disabilities. They need

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<sup>25</sup> source : UNIFEM

<sup>26</sup> source : UNICEF

<sup>27</sup> Ibidem

<sup>28</sup> The United Nations Standard Minimum Rules for the Administration of Juvenile Justice

special protection of their rights and attention to their development and disability-specific needs.

- Emergency situations pose a serious threat to the rights of the child, especially to the right to life, to health, to education and to protection from exploitation and abuse, including forced recruitment, abduction, trafficking or sexual exploitation. Some 20 million children are displaced by armed conflict or human rights violations, often separated from their parents and families, and are subject to violence, disease, malnutrition and death. These children need to be given priority attention in all EU actions in emergencies and fragile states.

### **3.2. Steps already taken by the European Union**

It is interesting to explore the extent to which a political will is developing for further action, at global as well as European level, and to highlight key policy and structural aspects underpinning a potential European Union Children's Policy.

#### **3.2.1. At EU level**

Over the past few years, the European Union institutions, working with the Member States, have made significant progress in the area of children's rights. The Amsterdam Treaty provided the first significant impetus to the development of a European Union children's policy<sup>29</sup>. For example:

- Article 6(2) of the Treaty on European Union (TEU) reaffirmed the EU's commitment to fundamental rights in Community law;
- Article 29 TEU provides a basis for intergovernmental co-operation to tackle 'offences against children' – the first ever mention of children in the European Union Treaties;
- Article 13 of the Treaty establishing the European Community (TEC) introduced a 'non-discrimination' clause, enabling the European Union to take action on various equality grounds, including 'age'<sup>30</sup>;
- Article 137 TEC provided a legal basis for combating social exclusion, and tackling child poverty has become a key objective for European Union action<sup>31</sup>;
- Article 152 TEC provided a legal basis for ensuring a high level of protection of health in the definition and implementation of all Community policies and activities<sup>32</sup>.

In addition, the Amsterdam Treaty transferred matters such as immigration, asylum and judicial cooperation in civil matters to Community competence, prompting subsequent

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<sup>29</sup> Prior to the Amsterdam Treaty, there was no specific reference to children within the EU Treaties, and children's status in EU law was largely dependent on that of their parents. See Ackers L. and Stalford H. (2004) *A Community for Children?: Children, Citizenship and Migration in the European Union*, Aldershot: Ashgate, for an analysis of the development of children's rights under EU law

<sup>30</sup> Article 13 did not, however, have 'direct effect', and therefore could not be used by an individual in a court of law or in the European Court of Justice. All measures all required unanimous agreement by Member States.

<sup>31</sup> Article 137 enabled proposals to be agreed by Qualified Majority Voting in the Council of Ministers, enabling swifter progress.

<sup>32</sup> Although children's health is not specifically addressed, it is part of the Community measures to be undertaken in order to protect human health.

legislation affecting asylum seeking, refugee and migrant children, children international divorce cases, etc.

Nevertheless, the adoption of the Charter of Fundamental Rights shows that the European Union is recognising children as independent citizens with their own interests and needs. In contrast to the existing Treaties, the Charter of Fundamental Rights, adopted on 7 December 2000, provides a more coherent statement of children's basic rights<sup>33</sup>. Most importantly, Article 24 is dedicated to children's rights. The text includes references to 'the best interests of the child', and to the child's right to participate, incorporating key principles of the UNCRC (Articles 3 and 12, respectively). It represents a notable advance towards seeing children not just as in need of protection, but also as independent and autonomous rights holders. Furthermore, it suggests that children's interests should be considered across all policy areas relevant to children. If fully implemented, this represents a significant step towards 'child-proofing' of European Union legislation and policy.

Although it has no direct effect within a national context, the Charter is increasingly regarded within the European Union as an important guideline for action, particularly in relation to children's rights – indeed, it provides the foundation, together with existing legal bases for a consistent EU approach.

The existing legal bases have allowed the European Union to take action to develop various policies and programmes, notably in relation to child protection, child poverty, social exclusion, and discrimination against children. The large number of actions taken at EU level covering a broad range of issues, from toy safety to child trafficking and related forms of exploitation, shows that the EU is taking a proactive approach. A preliminary list of such actions and programmes is presented in the Annex of the Communication.

### ***3.2.2. At the level of acceding and candidate countries***

Children's rights form part of the human right issues which have to be respected by candidate countries as integral element of the common European values referred to in Article 6 of the EU Treaty. Efforts to change the situation of child protection in the Eastern European countries started immediately after 1989, although with different speed and success. Over the years, the Commission has played a key role in encouraging reform and in funding the childcare sector in Romania where the progress achieved has been widely acknowledged, and also supported the reform of childcare in Bulgaria. As regards pre-accession assistance, the Commission has always given high importance to projects that aim at improving the situation and rights of children in candidate countries, particularly by improving the legal framework and by strengthening the administrative capacity in the area of childcare, education or specific assistance to disadvantaged groups. The Commission has, for example, consistently emphasised the need to combat discrimination of Roma children and urged governments to address the problem of their excessive presence in special schools through appropriate policies and adequate resources. It should be noted that the European Union remains the largest donor for Roma.

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<sup>33</sup> Out of the 50 or so Articles overall, 19 are relevant for children and young people. However Articles 20 (equality before the law) and 21 (prohibition of discrimination) suggest that **all** Charter rights should be interpreted to include children, and not just those specifically targeted at them.

### 3.2.3. *At global level*

The new EU Development Policy, “the European consensus” includes children needs and rights through its reference to the main international frameworks on the *Millennium Development Goals* and human rights. The EC guidelines to implement this policy include human and social development, where children, and specifically child labour, are mentioned as a priority theme area. The EU Strategy for Africa also stresses the priority children deserve and specifies the priority areas of their rights, child labour, education, health and basic services and the special attention to orphaned, disabled children and those affected by conflicts.

The thematic strategy on human and social development also makes reference to children as a priority area and the attention to child labour, trafficking and violence against children. The policy framework on social and human development pays a clear attention to children : the Communication “Education and training in the context of poverty reduction in developing countries”<sup>34</sup> (March 2002) and the subsequent Council Resolution on “Education and poverty” (May 2002), the EC Communication on "Health and Poverty"<sup>35</sup> (May 2002), the EC Communication on poverty diseases<sup>36</sup>, and the new Programme for Action (April 2005) all have a focus on children, including the endorsement of the Framework for the protection of orphans and vulnerable children.

The EC Programme of Action for the mainstreaming of gender equality in Community Development Co-operation<sup>37</sup> commits the Commission to integrating gender issues, including children. The Communication on Trafficking of Human beings<sup>38</sup> also focuses on children and the global dimension of trafficking. EU Guidelines on children and armed conflict set the framework to addressing the short, medium and long term impact of armed conflict on children. The EC partnership with ILO includes child labour as one of the priority areas of collaboration. Another important instrument in the sphere of external actions, the European Neighbourhood Policy (ENP), includes children’s rights in its country-specific Action Plans, fundamental documents defining the joint agenda for relations with the EU for the following three to five years.

### 3.2.4. *Other initiatives*

In addition, the EU Member States agreed in 2000 that it was increasingly important that they should begin to explore and compare the circumstances of children’s lives and of relevant policies initiatives at national level. under the French Presidency, the Member States therefore established a Permanent Childhood and Adolescence Intergovernmental Group, *L'Europe de l'Enfance*, with the aim of mainstreaming children's rights in all EU policies<sup>39</sup>. Membership is comprised of the Ministers of the EU countries and/or high-level government officials with responsibility for childhood policies, and meetings take place on the invitation of the country holding the EU Presidency on an informal basis. More specifically, the initiative was set out to:

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<sup>34</sup> COM(2002)116 – C5-0333/2002 – 2002/21775COS

<sup>35</sup> COM(2002) 129 final

<sup>36</sup> Regulation (EC) No 1568/2003 of the European Parliament and of the Council of 15 July 2003, OJ L 224 , 06/09/2003 P. 0007 - 0012

<sup>37</sup> COM (2001) 295

<sup>38</sup> COM(2005) 514 final

<sup>39</sup> See [www.childoneurope.org/about/history.htm](http://www.childoneurope.org/about/history.htm) for further details

- better understand the living conditions of children in Europe, the policies and the best practices followed;
- develop comparative studies; and
- develop common investigating and operational methods of approach in order to fight a growing number of transnational phenomena with a negative impact on children (children trafficking and exploitation, paedophilia, sex tourism, illegal and dangerous information on the Internet ...).

*L'Europe de l'Enfance* has prompted conclusions that, although non-binding, have been significant in underpinning Member States commitment to developing EU children's policy. However, as the meetings are informal in nature, there is no obligation on Member States to attend.

In order to support *L'Europe de l'Enfance*, it was agreed among Ministers that a scientific body should be established to develop studies, exchange and comparison on childhood and adolescence. Such a body was officially launched in Florence, in January 2003, under the acronym *ChildONEurope*<sup>40</sup>. The aims are to exchange knowledge and information on laws, policies, programmes, statistics, studies, research, best practices regarding childhood and adolescence, on methodology and indicators in order to obtain comparability of information and to make comparative analysis on specific subjects.

### **3.3. The need for a coherent and comprehensive Community strategy on the Rights of the Child**

Looking at the major issues facing the European Union from a children's perspective suggests that action – both to protect children from the risks they face and to promote their full participation in society – is imperative. Although the primary responsibility for addressing many of these issues rests at national level, they have also a European dimension. The existing EU legislation, policy and programmes tackle partially the wide range of challenges. However, the need for a specific EU strategy on the rights of the child is becoming more urgent. It should be based on the principle that children's rights and needs are tackled within the framework of the various Community policies, complemented by an overarching coordination. A strategy on children's rights would strengthen consistency, effectiveness and visibility and improve the setting of priorities.

#### **3.3.1. At European Union level**

In addition to the problems described above, it is necessary to also figure out the overarching legal context at European Union level in relation to children's rights.

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<sup>40</sup> The funding of *ChildONEurope* Secretariat activities for the year 2004 was provided firstly by the Italian Ministry of Labour and Social Affairs (which entirely financed the first year of activities in 2003) and secondly by voluntary contribution from relevant Ministries of Belgium, Denmark, France, Ireland and Luxembourg. At the Assembly of 3 December 2004 *ChildONEurope* was composed of 9 members (Belgium, Cyprus, Denmark, France, Ireland, Italy, Luxembourg, Portugal and Spain) and 12 observers (Austria, Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Poland, Slovak Republic, Sweden, The Netherlands and UK). The latter may decide to form part of the Network at any given time by nominating a national institution able to furnish official public data on the condition of children and adolescents. Since May 2004 the new EU Member States are invited to participate in the Network Assemblies and join the Network as members or observers.



Although in theory, children are acknowledged as European Union citizens, European Union **citizenship** has so far remained a relatively hollow concept for them. Unlike the UNCRC, which recognises children as the holders of civil, cultural, political, social and economic rights, the predominant focus within the European Union Treaties has so far been on the ‘citizen-as-worker’. As a result, children’s interests have not always been properly considered in a number of policy areas.

It is worth to highlight that the European integration has been proven to be a success story in addressing rights and needs of children, if compared to the dramatic situation in many other parts of the world. However the situation within the Union is still not satisfactory. The new challenges linked to globalisation and the demography risk undermining the European way of life if not decisively addressed. These could have significant repercussions on the situation of children in Europe. Therefore the idea of creating children friendly societies within the EU can not be separated from the need to further deepen and consolidate European integration.

Furthermore, following the multiple cases of children abductions, rapes and murders reported in Europe for the last ten years, children are considered primarily as ‘victims’ in need of protection from violence. Important as this perspective may be, it ignores the importance of children’s active participation in shaping their futures.

In addition, the Action Plan implementing the Hague Programme on strengthening freedom, security and justice in the European Union<sup>41</sup>, adopted in June 2005, identified the protection of the Rights of the Child as one of the key areas. So does the Commission’s Communication on Strategic Objectives 2005-2009, “A particular priority must be effective protection of the rights of children, both against economic exploitation and all forms of abuse, with the Union acting as a beacon to the rest of the world”<sup>42</sup>.

More recently, the *Group of Commissioners on Fundamental Rights*, chaired by President Barroso, decided in April 2005 to work towards a “Children Strategy” to advance the promotion of children’s rights in internal and external European Union policies.

Despite these progresses, the EU’s approach has, to date, lacked a clear coordination and overriding objectives. There is therefore a clear need for a comprehensive and coherent Community strategy linked to existing international instruments and to the findings of the United Nations Committee on the Rights of the Child. Also, there is a need for greater consistency between EU internal and external policies. For example, there is a clear and recognised link between migration and development, since development is the most effective long term response to forced migration and destabilising migratory flows, affecting children globally. In this respect, the Commission is already striving to coordinate efficiently the two policies involved, whenever possible in close cooperation with the countries of origin of migrants, as clearly requested already in the Conclusions of the European Council of Tampere of November 1999. Such coordination must of course be further strengthened to ensure a coherent approach from the EU side.

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<sup>41</sup> Council 9778/2/05 JAI 207 of 10 June 2005

<sup>42</sup> Strategic objectives 2005-2009. Europe 2010 : A partnership for European renewal, Prosperity, Solidarity and Security., COM (2005) 12 final of 26.1.2005

### **3.3.2. At global level**

At the global level, the European Union together with its Member States is a major actor whose policies and programmes have a significant potential impact on the world's children. However, the various areas of work where the EU is active and which are relevant to children's rights are often disconnected and the approach lacks coherence. Children's rights are not sufficiently accounted for in the elaboration of new policies and programmes.

To improve pertinence, consistency and effectiveness of the EC actions related to children in development cooperation, the EC will develop during 2006, under the present umbrella communication on the rights of the child, a strategy on children and development with operational tools to better assess and address children needs in developing countries through the EC external instruments. A range of other initiatives will be developed to mainstream children's rights, including the update of programming and evaluation guidelines, regular dedicated training and guidance notes and regular co-ordination through the Inter-Institutional Group on Children's Rights.

Concerning trade related interventions, the Commission will investigate the legal and practical aspects of labelling schemes, including the feasibility of such schemes with respect to WTO international trade rules. In bilateral agreements, the Commission will continue to pursue the promotion of core labour standards including the abolition of child labour, and continue to implement GSP and GSP+ schemes. The European Union's development cooperation policies and programmes, particularly in the field of human and social development, will include the link between trade and labour standards including child labour.

Looking at the major issues facing the European Union from a children's perspective therefore raises new questions, and suggests that political action - both to protect children from the risks they face and to promote their full participation in society - is imperative. Although the primary responsibility for addressing many of these issues rests at national level, they have also a European Union dimension. The existing approach of European Union's legislation, policy and structures tackles partially the wide range of challenges set out above. However, the need for a specific European Union 'children's strategy' is becoming more urgent. It will be based on the principle that children's rights and needs are tackled within the framework of the various Community policies, complemented by an overarching coordination. A policy on children's rights will strengthen consistency, effectiveness and visibility and improve the setting of priorities.

## **4. WHAT ARE THE MAIN POLITICAL ORIENTATIONS AND OBJECTIVES?**

The general objective is twofold, first, to ensure the effective implementation of the rights of the child in the context of EU internal and external policies. The point of reference should be the United Nations Convention on the Rights of the Child (UNCRC), the European Convention on Human Rights (ECHR) and the European Social Charter<sup>43</sup> (ESC) which all Member States have ratified and are bound to implement. Second, the aim is also to assist Member States and Third Countries implementing the obligations resulting from the above

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<sup>43</sup> Full text available at: [http://www.coe.int/t/e/human\\_rights/esc/](http://www.coe.int/t/e/human_rights/esc/)

mentioned international instruments. This should lead to a more coordinated and efficient EU policy in this area.

This global objective can be broken down into specific objectives :

- To capitalize on existing activities while addressing urgent needs;
- To identify priorities for future action, an in-depth analysis of the relevant EU actions, legislative as well as non-legislative should be carried out, together with an assessment of their impact on children's rights. This analysis should include the magnitude and the distribution of the problems;
- To mainstream the rights of the child in EU policies and programmes in view of reaching a consistent and comprehensive approach
- To improve coordination within the European Commission;
- To increase the cooperation with all stakeholders, be it civil society or international organisations in view, in particular to exchange good practice;
- To communicate more effectively on children's rights.

## **5. WHAT ARE THE MAIN POLICY OPTIONS AVAILABLE TO REACH THE OBJECTIVES?**

On the basis of the problem analysis, the political orientations and the objectives set out above, four policy options were defined and assessed.

### **5.1. Option 1: "Status Quo"**

The "Status quo" option is not a "no action" option. As appears from the above analysis, the European Commission is active in the field of children's rights. However, carrying on along the same track as before does not improve the situation and does not solve the problems identified.

### **5.2. Option 2: Increased coordination within the European Commission**

Another option would consist of improving co-ordination within the European Commission by, for example setting up a formal inter-services group involving all relevant EC services and to appoint an EC coordinator for children's rights. The latter would improve the visibility of EC actions in favour of children's rights vis-à-vis the outside world. In absence of any clear children strategy, the inter-services group would not be a "coordination" group but more probably a group that would compare the various actions taken that tackle children's rights and would avoid any duplication or overlaps.

### **5.3. Option 3: Analysis of achievements, gaps and needs**

A more advanced option would be to launch a process of in-depth analysis of the achievements of all relevant EU policies, strategies and programmes vis-à-vis children's rights.

All relevant EU action, legislative as well as non-legislative, should be examined to review their impact on children. The assessment would be made on the basis of a set of appropriate indicators. The indicators would be both qualitative and quantitative and would cover the internal as well as the external dimension. They would include, amongst others, the effect on children's health, economic situation, education, participation, living conditions and the enjoyment of civil rights. This study on these effects would be updated every five years in order to check for progress. To remain realistic, the study would gradually tackle some critical areas, rather than attempting to cover all areas of relevance from the start.

In parallel and as a complement to the above action, an inventory of the Member States' actions, both internally and in development cooperation and external relations, would be drawn up. This inventory would be made on the basis of common indicators and be the subject of a biannual report to be presented by the Commission. The report would emphasise progress and changes achieved. The aim of such collaboration would be to favour awareness and exchange of good practice, once identified, between Member States.

To this end, collaboration should be set up between the Commission and the competent instances that already have experience in this kind of analysis, such as the Council of Europe, UNICEF, the World Health Organisation, the International Labour Organisation, the ChildONEurope observatory and the forthcoming Fundamental Rights Agency.

#### **5.4. Option 4: Comprehensive and long-term strategy to effectively ensure children's rights**

This option consists in launching a long-term strategy to actively promote and safeguard children's rights in the internal and external policies of the European Union. This can be broken down into six sets of actions :

##### **1. To capitalize on existing activities while addressing urgent needs (2006)**

The Commission will maximise the use of its existing policies and instruments (as in option 1), in particular the follow-up to the Communication on fighting trafficking in human beings<sup>44</sup> and the relevant Action Plan<sup>45</sup>, the Open Method of Coordination on Social Protection and Social Inclusion, the strategic partnership with the International Labour Organisation to fight child labour and the EU Guidelines on children in armed conflicts<sup>46</sup>. The Commission will continue to fund specific projects promoting children's rights.

In external affairs, including in the pre-accession process and in the accession negotiations, the Commission will keep promoting the ratification and implementation of the UNCRC and its Optional Protocols, the ILO conventions on the elimination of the worst forms of child labour and the minimum age for admission to work, and other relevant international human rights instruments. It will address children's rights in political dialogue with third countries, including civil society and social partners, and use its other policy instruments and cooperation programmes to promote and address children's rights worldwide.

##### **2. To identify priorities for future EU action (2007-2008)**

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<sup>44</sup> COM (2005) 514 final.

<sup>45</sup> OJ C 311 of 09.12.2005.

<sup>46</sup> Council of the European Union document No 15634/03.

An independent and comprehensive overview of the legal and factual situation of children's rights and an inventory of actions taken at Community, national and international level would allow the European Union to have a clear vision of the current situation and needs (as in option 3). This requires an inventory of children's rights within and outside the European Union including a thorough analysis of the current situation to correctly analyse the magnitude of the problems and their underlying causes. This exercise should start as soon as possible with the collaboration of Member States, international organisations and civil society and could be finalised by 2008. The inventory will allow the European Union to identify priority areas for future action and can be used as a basis for a Green Paper. At the same time, a "European Forum for the Rights of the Child" will be set up to draw from the existing expertise in this area, to assist the Commission in carrying out this analysis and, subsequently, to allow for an exchange of good practices and assisting the implementation of the priorities identified.

On the basis of the Green Paper, the European Commission could launch a public consultation to identify the priorities for medium and long-term Community action. This consultation process would also enable the EU institutions and the Member States to adopt concrete measures to actively promote children's rights in internal and external policies and to increase collaboration with international organisations. This requires the allocation of the necessary resources.

### **3. To mainstream children's rights in EU policies and programmes (2007 onwards)**

It is important to ensure that all internal and external EU policies respect children's rights in accordance with the principles of EU law, and that they are fully compatible with the principles and provisions of the UNCRC and other international instruments. This process, commonly referred to as "mainstreaming", has already been pursued in a number of Community policies, e.g. gender equality and fundamental rights. The process will take into account work carried out under the Council of Europe Programme "Building a Europe for and with Children (2006-2008)" to effectively promote respect for children's rights and protect children against all forms of violence.

### **4. To establish efficient coordination and consultation mechanisms (2006 onwards)**

Mechanisms would be set up to ensure a coherent and consistent Community approach on children's rights (as in option 2), such as setting up a formal inter-services group involving all relevant EC services and to appoint an EC coordinator for children's rights. These actions should be implemented as of 2006-2007 and continue to apply as part of a continuous process. In addition, the visibility of children's rights would be increased through a communication strategy.

Cooperation amongst main stakeholders should be improved in order to ensure appropriate synergies and complementarities. Clearly, initiatives taken by the EU, the Council of Europe and by the UN agencies should converge in their effects and impact on children's rights.

Optimal use of existing networks and international organisations or bodies involved in children's rights should be made. A *European Forum for the Rights of the Child* would be set up as a consultative body to assist the Commission in implementing and monitoring actions but also as an arena for exchange of good practice.

In order to better involve stakeholders and improve governance, the Commission would set up a web-based communication platform on the Commission's SINAPSE e-Network<sup>47</sup>. This platform would be a tool to promote and encourage the effective exchange of information between all stakeholders concerned by the use of available expertise in a given area.

**5. To enhance capacity and expertise on children's rights (2007 onwards)**

All actors involved in implementing and mainstreaming children's rights in internal and external Community policies should acquire the necessary knowledge and skills. To this end, training should be made available. In addition, practical tools such as guidance notes and instructions should be drafted, distributed and used as training material.

**6. To communicate more effectively on children's rights (2007 onwards)**

Children are able to exercise their rights only when they are properly aware of them and in a position to use them. It is therefore important to raise awareness of how policies undertaken by the Commission at internal and external level promote and protect children's rights, an issue which remains largely unknown to the general public, in particular to children and their parents. It is therefore proposed to design and to implement a communication and awareness-raising strategy on children's rights targeted both at children and at the general public. Other targets are national, regional and local administrations, international organisations and civil society with whom cooperation should be developed. It will help children to acquire better knowledge of their rights and contribute to the dissemination of relevant experience and good practice between the interested parties.

To this end, it is proposed to develop a child-friendly website, dedicated to children's rights. The website could be developed with the Council of Europe, whose intentions are comparable, and could be linked to similar initiatives taken by e.g. Member States, the United Nations or civil society.

**6. WHAT ARE THE IMPACTS – POSITIVE AND NEGATIVE - EXPECTED FROM THEM?**

The analysis of the implications of the above identified options is based on criteria that are derived from the objectives :

<b>Problems identified</b>	<b>Objectives selected</b>	<b>Assessment Criteria</b>
Scattering of actions touching upon children's rights a) between various international arenas (EU, Council of Europe, United Nations, etc.) and b) within the EU institutions	To mainstream the rights of the child in EU policies and programmes in view of reaching a consistent and comprehensive approach, notably by an improved coordination within the European Commission	Improved coordination ?
Insufficient mainstreaming of children's rights in policies, strategies and programmes		Short & Medium & Long-term actions included ?

<sup>47</sup> Scientific Information for Policy Support in Europe, <http://europa.eu.int/sinapse/sinapse>

Various degrees of implementation of the European and International instruments ensuring children's rights	To draw up a comprehensive overview of the legal and factual situation of children's rights as well as an inventory of actions taken at Community, national and international level to have a clear vision of the current situation and needs	UNCRC and ECHR obligations better implemented ?
No comprehensive vision (nor data) on what was achieved so far by lack of analysis		Priorities identified ?
Absence of commonly agreed good practice to ensure children's rights	To actively promote, safeguard and fulfil children's rights in the internal and external EU policies, notably by presenting a Green Paper with a list of concrete actions and conducting a public consultation	Concrete measures adopted ?
		Increased exchange of good practice between MS ?
Expectations from civil society regarding EU actions in favour of children's rights are weakly met		Stakeholders views / issues better addressed ?
Weak visibility of EU actions in favour of children's rights	To enhance visibility of EU actions in favour of children's rights, notably by a communication strategy	Higher visibility of Commission and children's rights ?

In addition to these specific assessment criteria, the cost and the European added value will be analysed as well. Furthermore, these criteria are to be considered in the following decreasing order of importance :

- UNCRC and ECHR obligations better implemented
- Identification of priorities
- Adoption of concrete measures
- Improved coordination
- Increased exchange of good practice between MS
- Short – Medium – Long – term actions
- Stakeholders views / issues better addressed
- Higher visibility of Commission and children's rights
- EU added value
- Costs

### 6.1. Advantages and drawbacks of Option 1: “Status Quo”

The “Status quo” option does obviously not match any of the assessment criteria, as it does not tackle any of the problems identified.

Of course, the cost of such an option is virtually zero for the European Commission and the European added value is at the same low level as today. However, concerning cost, it should be borne in mind that a status quo will continue to cost society, on the one hand, human impoverishment (rate of child mortality, non-adequately educated children, etc.) and, on the other hand, will continue to cost national budgets with reparative measures (child residential care, impact of violence, etc.).

## **6.2. Advantages and drawbacks of Option 2: Increased coordination within the EU Institutions**

This option brings solutions to some of the identified problems and fulfils some objectives.

- Improved coordination

Yes, obviously, the setting up of a formal inter-services group involving all relevant EC services and the appointment of an EC coordinator for children's rights will improve coordination.

- Identification of priorities and Adoption of concrete measures

However, the increased coordination would only apply to already adopted EC instruments and risk to "run in neutral" if no new priorities are identified and if no new concrete actions are developed.

- Short & Medium & Long-term actions included

Obviously, only short-term measures are taking place and the long-term period does not benefit from this option.

- Higher visibility of Commission and children's rights

The visibility of the Commission past and current actions would be increased but this may fireback if nothing else happens. It may create expectations from civil society or from international organisations that cannot be met in absence of a full strategy.

Concerning the other assessment criteria (UNCRC and ECHR obligations better implemented, Increased exchange of good practice between MS and Stakeholders views / issues better addressed), no improvement is reached with this option.

The European added value is slightly increased because it does only improve the functioning of the Institution but it does not bring any additional help to Member States, Third Countries or civil society.

The cost of this option would consist exclusively in administrative costs as it implies only Commission's services. These administrative costs will be low however, since it adds coordination tasks to already in-place staff.

## **6.3. Advantages and drawbacks of Option 3: Analysis of achievements, gaps and needs**

This option brings solutions to some others of the identified problems and fulfils some other objectives.

- Identification of priorities and Adoption of concrete measures

The analysis foreseen in this option will clearly enable all stakeholders to get a better picture of achievements, impacts, needs and gaps related to children's rights, be it at European, national or global level.



- Short & Medium & Long-term actions included

The result of the analysis can certainly enable the selection of actions covering the short- to long-term period.

- Increased exchange of good practice between MS

The identification of priorities and of new actions will help the identification of good practice and the biannual reporting may assist Member States and Third Countries to exchange and try them.

- UNCRC and ECHR obligations better implemented

This option may slightly improve the implementation of the obligations resulting from the UNCRC and ECHR because the analysis of achievements, impacts, needs and gaps will shed light on strength and weaknesses of the work undergone. As a consequence, the stakeholders, be it the European Commission, the Member States or the Third Countries, may wish to launch improved measures.

However, in absence of a framework of comprehensive and consistent action, the above may still go un-coordinated and without a common approach shared by a majority of the stakeholders.

Concerning the other assessment criteria (Improved coordination, Stakeholders views / issues better addressed, Higher visibility of Commission and children's rights), no improvement is reached with this option.

In addition, concerning the timing, this option, which may take between 18 and 24 months, leaves thus the next two years without any improvements vis-à-vis the identified problems.

With regard to the European added value, once achieved, it is clear that this analysis will benefit all stakeholders and will give a clear picture of the situation and needs about children's rights.

Regarding the cost of such a study, it may be evaluated at not less than 1,000,000 € corresponding to a workforce of around 2000 working days (identification of data sources, comparison of data from different sources, development of a reporting model, aggregation of data, collect of missing data, interpretation of data, identification of needs and gaps and then of priorities, recommendations).

#### **6.4. Advantages and drawbacks of Option 4: Comprehensive and long-term strategy to effectively ensure children's rights**

This option should be able to address all identified problems and to achieve the selected objectives.

- Improved coordination

The setting up of a formal inter-services group involving all relevant EC services and to appoint an EC coordinator for children's rights (1<sup>st</sup> set of actions) will improve coordination.

- Identification of priorities and adoption of concrete measures

The analysis foreseen in this option (2<sup>nd</sup> set of actions) will clearly enable all stakeholders to get a better picture of achievements, impacts, needs and gaps related to children's rights, be it at European, national or global level. The outcome of this study should, in addition to stock-taking and its analysis, be an identification of priorities for the selection of concrete actions in view of a long-term comprehensive strategy.

- Short & Medium & Long-term actions included

The three sets of actions cater for covering short-, medium- and long-term activities. Sets 1 and 2 will cover the next two to three years and the 3<sup>rd</sup> set will follow on for a longer period.

- Increased exchange of good practice between MS

The identification of priorities and of new actions will help the identification of good practice and the biannual reporting may assist Member States and Third Countries to exchange and try them.

- UNCRC and ECHR obligations better implemented

This option (in particular 2<sup>nd</sup> set of actions) should result in improving the implementation of the obligations resulting from the UNCRC and ECHR because the analysis of achievements, impacts, needs and gaps will shed light on strengths and weaknesses of the work undergone. As a consequence, the stakeholders, be it the European Commission, the Member States or the Third Countries, may detect areas for improvement. The effectiveness of which would be framed (3<sup>rd</sup> set of actions) by a comprehensive, more consistent and better focused strategy involving all stakeholders.

- Stakeholders views / issues better addressed

International organisations, such as UNICEF, World Health Organisation, the Council of Europe, and a large set of NGOs defending or promoting children's rights have expressed, during the consultation process, their wish to see the European Institutions involved more deeply, more thoroughly, more visibly and in a more coordinated manner in all areas concerning children's rights. Option 4 should match a large part of these expectations, not only in terms of coordination (1<sup>st</sup> set of actions) but also vis-à-vis the identification of priorities (2<sup>nd</sup> set of actions) and the subsequent strategy (3<sup>rd</sup> set of actions).

- Higher visibility of Commission and children's rights

The increased coordination, on the one hand, and the design of an adequate communication strategy including a website dedicated to children's rights (1<sup>st</sup> set of actions), on the other hand, should highly increase the visibility of the European Commission actions in that area.

The European added value of option 4 is evidenced by the expected impacts : on the one hand, the reinforced coordination both for existing instruments and for those to be designed, will increase pertinence and effectiveness of the EU instruments and, on the other hand, the identification of priorities and concrete actions, based on a thorough analysis of the current situation, will enable to design, with Member States and Third Countries, adequate strategies based on relevant data and findings.

The cost of option 4 is difficult to be precisely evaluated, due to the open-end represented by the 3<sup>rd</sup> set of actions that, at this stage, cannot be detailed nor quantified. Costs of option 4

should add various elements of which, at least, the human resources cost of the necessary coordination structure internal to the Commission; the estimated 1M€ for the analysis, the communication strategy, including a website (up to 1M€/year, possibly to be shared with other international institutions), running the European Forum on Children’s Rights (0.2-0.3M€/year corresponding to the travels of 80 persons 3 times a year, interpretation, meeting rooms and catering).

## 7. COMPARISON OF THE OPTIONS AND ASSESSMENT OF THE PREFERRED POLICY OPTION

The following tables will show the Advantages and drawbacks of the different policy options:

	<b>Status quo</b>	<b>Increased coordination within EU Inst.</b>	<b>Analysis of achievements, gaps</b>	<b>Comprehensive long-term strategy</b>
UNCRC and ECHR obligations better implemented	No	No	No	Yes as a consequence of the 3 <sup>rd</sup> set of actions
Identification of priorities	No	No	No	Yes (2 <sup>nd</sup> set of actions)
Adoption of concrete measures	No	No	No	Yes (2 <sup>nd</sup> set of actions)
Improved coordination	No	High	No	High (1 <sup>st</sup> set of actions)
Increased exchange of good practice between MS	No	No	No	High (2 <sup>nd</sup> set of actions)
Short – Medium – Long – term actions	Short-term	Short-term	Short-term	Short and Long-term
Stakeholders views / issues better addressed	Low (Current consultation)	Low (Current consultation)	Medium (Current consultation and participation to the analysis)	High (Current consultation and consultation in the 3 <sup>rd</sup> set of actions)
Higher visibility of Commission and children’s rights	No	Medium	Low	High
EU added value	Low	Medium	Low	High
Costs	0 €	Very low	1 M€/year	3-4 M€/year for sets 1 and 2

The preferred option is option 4, a Communication from the Commission to the European Parliament and the Council paving the way for a long-term comprehensive strategy while reinforcing coordination, implementation and communication on the short-term.

The structure of the Communication follows the structure of option 4, i.e. presenting 6 sets of a total of 15 actions.

## 8. MONITORING AND EVALUATION

The preferred option includes various monitoring and evaluation mechanisms. Several actions are, per se, monitoring or evaluation tasks.

First, the overall monitoring of this strategy will be ensured by the Group of Commissioners on Fundamental Rights, Non-Discrimination and Equal Opportunities.

The following indicators or deliverables will allow to check whether the objectives are achieved by this strategy :

<b>Start dates</b>	<b>Actions</b>
2006	Set up of a Inter-service group on children's rights
	Appointment of a European coordinator for children's rights
	Set up of a European Forum for children's rights & first meeting
	Continued implementation, adoption and monitoring of Community measures in favour of children's rights
2007	Allocation of necessary financial resources
	Systematic assessment of EC policy and legislation against children's rights (mainstreaming)
	Assessment of the impact of EU policies on children's rights
	Definition of indicators for a European data collection on children's rights
	Design of a communication strategy, including a website, on children's rights
	Training of stakeholders
2008	First 5-year report on the impact of EU policies on children's rights : baseline
	Green Paper for public consultation
	Public debate
2009	Identification of priorities following the public consultation