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The EU and Children's Rights – What consequences for our work at national level in Europe?

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Save the Children

The EU and Children's Rights – What consequences for our work at national level in Europe?


- The EU and children's rights – what role does the EU have?
- The EU Strategy on the Rights of the Child
- How does the EU affect our work at national level – and how can we affect the EU?

EU Impact as a donor, a political actor and a policy-making and legislating body

- There are 94 million children living in Europe – EU action has an impact on the rights and situation of these children
- FUNDS: The EU spends a lot of money in the region, through structural funds but also through specific funding instruments such as Daphne III. It also concentrates on accession states and the EU' s near neighbourhood
- LEGISLATION: EU legislation is future national legislation, for instance the current draft Directive to combat child sexual abuse, sexual exploitation of children and child pornography
- POLICY: EU policy affects action taken by the Commission and Member States, e.g. Action Plan on Unaccompanied Minors
- MONITORING: The Commission and Parliament plays an important role in monitoring Member States implementation of Fundamental Rights
- ENFORCING EU LAW: European Court of Justice takes children' s rights into account
- COLLABORATOON: Collaboration with other actors such as Council of Europe

The Role of the EU and Children's Rights – Some thoughts...

- *It is essential always to determine how EU policy in a particular area may have an impact on children's rights.* In some areas, such as agriculture and transport, the impact of EU policies on child rights is not always obvious, but cannot be ignored. In other areas, including the area of justice, freedom and security, children's rights are clearly of direct and immediate relevance, in particular, as regards measures concerning asylum, immigration, trafficking and sexual exploitation.
- *It is critical to consider what processes will best ensure the development of EU measures which fully respect and promote child rights.* Promoting and respecting child rights is a key and necessary element of EU action. It is not a discretionary task of the EU, nor should it involve tokenistic efforts.
- *Insofar as its actions affect the situation of vulnerable children, the EU must always consider how its actions should secure the protection of children.* EU action cannot solely focus on other obligations which the EU must discharge in that policy area, for example, crime control or migration control.
- *It is important to identify when action concerning internal policies will be more effective at EU level than action at national level.* Where the EU and Member States share powers, the EU should adopt measures where the scale and effect of the action requires EU measures rather than measures at Member State level. Clearly, where a regional response to a situation affecting children brings added value, the EU should act.
- *The EU can and must consider a whole host of means to achieve children's rights.* This may include guidelines, practical measures of support and funding. They may also include legally binding instruments (regulations, directives and decisions). In relation to third countries, the EU range from political declarations of support to funding regional or third country action.

A woman wearing a grey headscarf is shown in profile, pointing her right index finger towards a chalkboard. The chalkboard is dark and has faint, scattered white letters and symbols drawn on it, including 'H', 'I', 'J', 'K', 'L', 'M', 'N', 'O', 'P', 'Q', 'R', 'S', 'T', 'U', 'V', 'W', 'X', 'Y', 'Z', and some numbers. The overall scene is dimly lit, with the woman's face and hand being the primary light source.

**From “there is no legal base”
and fragmented Children’s
Rights initiatives...**

**towards a general recognition
of EU’s Role in relation to
Children’s Rights...**

٢٠ حرف البراد

European Commission

“Children’ s rights form part of the human rights that the EU and the Member States are bound to respect under international and European treaties, in particular the UNCRC and its Optional Protocols, including also the Millennium Development Goals; and the European Convention on Human Rights (ECHR). The EU explicitly recognised children’ s rights in the European Charter of Fundamental Rights, specifically in Article 24.” (Towards and EU Strategy on the Rights of the Child, 2006)

Court of Justice 2006 and 2008

- In *Family Unification Directive*, the Court stressed that it takes into account the Convention on the Rights of Child when applying the general principles of Community law, especially since it "binds each of the Member States". Case C-540/03 Judgment of 27 June 2006, *European Parliament v. Council of the European Union*
- In *Dynamic v. Avides*, the ECJ repeated its position regarding the international instruments of protection of human rights, including the Convention on the rights of the Child. The Court admitted taking them "into account in applying the general principles of Community law". Case C-244/06 Judgment of 14 February 2008, *Dynamic Medien Vertriebs GmbH v. Avides Media AG*.

Lisbon Treaty article 3

3. ... It [The Union] shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and **protection of the rights of the child.**

5. In its relations with the wider world, the Union shall ... contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and **the protection of human rights, in particular the rights of the child,** as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.

Charter of Fundamental Rights article 24

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.
2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.
2. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

EC and the UNCRC (FRA 2009)

- Article 2. Non-discrimination
- Article 3. Best Interest of the Child
- Article 9. Separation from parents
- Article 10. Family reunification
- Article 11. Kidnapping
- Article 12. Respect for the views of the child
- Article 18. Parental responsibilities; state assistance
- Article 19. Protection from all forms of violence
- Article 20. Children deprived of family environment
- Article 21. Adoption
- Article 22. Refugee Children
- Article 23. Children with disabilities
- Article 25. Review of treatment in care
- Article 30. Children of minorities/indigenous groups
- Article 32. Child labour
- Article 34. Sexual Exploitation
- Article 35. Abduction, sale and trafficking
- Article 37. Detention and punishment
- Article 39. Rehabilitation of child victims
- Article 40. Juvenile Justice

The EU and Children's Rights – What consequences for our work at national level in Europe?

- Opportunities: EU as a donor, a policy-maker, a legislator and promoter of children's rights
- Challenges: How can we ensure that EU action does not have a negative consequences for children?
How can we be part of shaping what the EU does to promote and protect children's rights so that it addresses key problems for children in Europe today?

How can our work play a part in shaping EU action?

REGIONAL AND NATIONAL ADVOCACY:

- Strength in numbers
- Waste expertise - evidence based input
 - Geographical spread
- Make your voices heard - it matters and can change the direction and focus of EU action

NETWORKING AND EXCHANGE OF GOOD PRACTICE:

- Share good practice and engage in joint advocacy activities

MONITORING IMPLEMENTATION:

- Monitor implementation at national level

EU Strategy on the Rights of the Child

- “Towards an EU Strategy on the Rights of the Child” EC Communication, 2006
- EU Strategy on the Rights of the Child 2011–2014

Save the Children and the EU

Europe Group	Reference Groups	Brussels Office
13 European Save the Children	Staff from all Europe Group Members One for each policy area covered	6 Staff Members 1 HO, 3 PAO, 1 Admin, 1 Trainee
<ul style="list-style-type: none"> •Adopts annual work plan, sets priorities and funds office •Oversees implementation of work plan and budget •Acts as advisory group •Strategic Direction 	<ul style="list-style-type: none"> •Supports implementation and formulation of work plan •Helps define and formulate objectives, policy, provides expertise •Advocacy in MS and PCs 	<ul style="list-style-type: none"> •Proposes and implements work plan •Advocacy with Brussels institutions •EU Advice/information/strategic direction •Relations with reference groups, Alliance groups, NGO Coalitions etc

Case Study: the Stockholm Programme (EU 5 year plan for Justice, Freedom and SEcurity 2010-2014): Process and Advocacy

