



# Social Protection Committee

*Brussels, 27<sup>th</sup> of June 2012*

**ANNEX TO THE SPC AD-HOC GROUP ADVISORY REPORT "TACKLING AND PREVENTING CHILD POVERTY, PROMOTING CHILD WELL-BEING", ADOPTED ON JUNE 7, 2012**

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## **ANNEX 1: MANDATE OF THE SPC AD HOC GROUP**

### **1. Background**

The European Commission intends to adopt a Recommendation on Child Poverty in 2012, which will build in particular on the work developed under the social OMC's "Light year" and the Trio EU Presidency (ES, BE, HU).

The principle of initiative was endorsed by Member States through the June EPSCO Council conclusion on "Tackling Child Poverty and promoting child well-being", which called on the Social Protection Committee to "actively contribute to the preparation of the Recommendation". This goes in line with the European Commission's intention to ensure ownership of the Recommendation among Member States as well as key stakeholders.

On the basis of a proposal from the European Commission, the SPC agreed on 9 June 2011 to set up a specific ad hoc group on Child Poverty and Well Being: the present note outlines the group's mandate and working methods.

### **2. Objectives of the group and key deliverables**

The ad hoc group will advise the Commission in developing the main strands of the Recommendation, building on pre-existing points of agreement and developing further consensus regarding the:

- Overall objectives of the Recommendation;
- Scope and content of common principles;
- Proposal for a portfolio of child specific indicators;
- Most adequate framework for implementing and monitoring the Recommendation in the context of Europe 2020.

### **3. Composition**

The ad hoc group shall be composed of a relatively small number of members (ideally no more than 10, including two delegates of the SPC Indicators' Sub-Group), to be designated by the SPC Chair following the expression of interest by SPC delegates. A chair will be appointed. The group's composition will reflect the diversity of Member States' profiles and challenges related to child poverty and well-being, whilst building on the expertise of individual SPC/ISG members (including their involvement in previous EU developments on the issue).

#### **4. Key deliverables and working procedures**

The ad hoc group will provide a report to the Social Protection Committee, which will entail: 1) a set of Common Principles; 2) a portfolio of child specific indicators; 3) recommendations to the Commission and Member States regarding monitoring and implementation of the Recommendation.

The European Commission (DG EMPL, Units D1 and D2) will act as Secretariat of the ad hoc group, drawing upon the expertise of other relevant units. Drafts and background documents will be provided by the Secretariat on the basis of pre-existing materials. Deliverables will be presented to the SPC and the ISG for comments and agreement.

The working group can consult stakeholders, building on existing structures and planned events: thematic stakeholder dialogue on child poverty within the Poverty Platform and planned presidency event.

## ANNEX 2: MEMBERSHIP OF THE SPC AD HOC GROUP

Cyprus	Toula Kouloumou (chairperson)	SPC member, Director of the Social Welfare Services, Ministry of Labour and Social Insurance
Belgium	Rudi Van Dam <i>to alternate with</i>  Julien Van Geertsom	ISG member, Coordinator Social Indicators, DG Strategy and Research, Federal Public Service Social Security,  Former member of SPC Task-Force on Child Poverty and Child Well-Being  President, Federal Public Planning Service for Social Integration
Czech Republic	Lydie Keprova	Expert from the Family and benefit systems Department
Denmark	Josefine Kruse	ISG member, Senior adviser, Ministry of Social Affairs
France	Olivier Bontout	ISG member  DREES - Direction de la Recherche, des Etudes, de l'Evaluation et des Statistiques Adjoint à la Sous-direction des Synthèses des Etudes Economiques et de l'Evaluation Ministère du travail, de l'emploi et de la santé Ministère des solidarités et de la cohésion sociale Ministère du budget, des comptes publics, de la fonction publique et de la réforme de l'Etat
Ireland	Kasey Treadwell Shine	Research and Policy Analysis, Social Inclusion Division, Department of Social Protection
Italy	Adriana Ciampa	Head of unit on child policies, Director General for Social Inclusion, Social Rights and CSR, Ministry of Labour and Social Policies  Former member of SPC Task-Force on Child Poverty and Child Well-Being
Lithuania	Gražina Jalinskiene	ISG member and SPC substitute member, Head of Strategic Analysis Division, Department of Strategic Planning and Analysis, Ministry of Social Security and Labour
Luxemburg	Eric Marlier	ISG member  Former chair of SPC Task-Force on Child Poverty and Child Well-Being  International Scientific Coordinator of the CEPS/INSTEAD Research Institute (Luxembourg)
Malta	Maja Miljanic Brinkworth	ISG member  Research Consultant (Research Unit), Policy Development and EU Affairs Directorate, Ministry of Education, Employment and the Family
Poland	Olga Baczkowska	Expert at the Department of Economic Analyses and Forecasts,

	Cezary Gawel – substitute member	Ministry of Labour and Social Policy  Expert at the Department of Economic Analyses and Forecasts, Ministry of Labour and Social Policy
Spain	María Asunción Pérez Uría	Head of Analysis and Technical Reports – Subdirector General for Social Programmes, Directorate General of Services for Family and Children, Ministry of Health,, Social Services and Equality
Sweden	Maria Lidström	Head of section for issues on financial family policies, division for family and social services
UK	Saranna Fordyce	Economic Analysis Team Leader, Child Poverty Unit
Secretariat,  support team	Elodie Fazi,  Kornelia Kozovska  Andrea Mészáros  Céline Thévenot	EC/EMPL D2  EC/EMPL D1  EC/EMPL D2  EC/EMPL A2

## ANNEX 3: OUTCOMES FROM STAKEHOLDER CONSULTATION AND QUESTIONNAIRE

### 1. Introduction

The main objective of the stakeholder consultation was to receive inputs on the added value possible common principles, implementation and monitoring mechanisms of the planned Recommendation on Child Poverty. Stakeholders - organizations active in the field of combating child poverty and social exclusion - could present their views orally at the 14 December 2011 meeting of the Social Protection Committee Ad Hoc Group on Child Poverty and were invited to send written contributions (see questionnaire in Annex)<sup>1</sup>.

### 2. Main contributions from stakeholders

#### 2.1 Comments regarding the added value of the Recommendation

Stakeholders clearly expressed the urgency of having a specific Recommendation on child poverty as a way of raising awareness and mainstream child poverty issues into EU policies, placing them high on the political agenda. The Recommendation should be based on the previous work of the Social Open Method of Coordination (Social OMC), the Council and the international commitments of the European Union related to child rights and protection<sup>2</sup>. The society gains of combating child poverty were widely referred to. Children are the future but they are exposed to the intergenerational transmission of disadvantages and more vulnerable to poverty than the general population. Specific attention should be devoted to support the most vulnerable groups, including children with a Roma or migrant background, asylum-seekers, undocumented children, children from big or lone-parent families, street children, institutionalised children, children leaving alternative care or having special needs, drug addicts, children in conflicts with the law or at transition from study to work.

There was a consensus that the Recommendation would contribute to the Europe2020 Strategies' poverty and education targets and the general vision of a greater social cohesion, balanced, long-lasting growth and stability in the EU. At the same time, concrete child-specific poverty targets are so far missing from both the Europe2020 Strategy and the bulk of National Reform Programmes.

It was noted that most Member States are affected by child poverty and face similar problems therefore taking European-level action is justified. The Recommendation will

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1 Contributions arrived from ATD Fourth World/Quart Monde, the Belgian Department of Family Welfare, Public Health and Welfare and Society division, Caritas Europa, Church & Society Commission of the Conference of European Churches, Confederation of Family Organisations in the European Union (COFACE), Dynamo International- Réseau international des travailleurs sociaux de rue, Committee of Regions ECOS Commission Secretariat, Eurochild, Eurodiaconia, EuroHealthNet, European Anti-Poverty Network (EAPN), European Foundation for the Improvement of Living and Working Conditions (Eurofound), European Juvenile Justice Observatory (EJJO), European Social Network (ESN), European Women's Lobby (EWL), European Youth Forum, European Federation of National Organisations Working with the Homeless (Feantsa), Kind en Gezin, Platform for International Cooperation on Undocumented Migrants (PICUM), Union Nationale des Associations de Parrainage de Proximité (UNAPP), UNICEF, Vlaams Agentschap voor Personen met een Handicap (VAPH), Vlaams-Europees verbindingagentschap (VLEVA) and the World Bank

2 Stakeholders notably mentioned the "Call for an EU Recommendation on Child Poverty and Child Well-Being" background paper to the EU Presidency conference on Child Poverty and Child Well-being on 2-3 September, the thematic workshop "Breaking the cycle of poverty through integrated family and child centered policies" of the Annual Convention on 17 October 2011; the UN International Convention on the Rights of the Child, the European Convention on Human Rights and the Council of Europe's European Charter about shared social responsibility (to be adopted) and other relevant initiatives.

encourage Member States to adopt comprehensive national child poverty strategies with the involvement of the EU, national authorities, services, and stakeholders who work in child poverty and social exclusion.

Stakeholders agreed that the Recommendation should link relevant policy areas (family, work, education, health, sports, transport, culture, environment etc.) to tackle the multidimensional, structural causes of child poverty. The Recommendation should move beyond child protection and also promote non-material, general child well-being and prevention, which are especially important in times of crisis. It should reinforce children's rights and access to justice.

***2.2. Comments on 'What essential principles should feature in the Recommendation within the three pillars (Support to families, access to key services, children's participation)? Should specific elements be added to the policy suggestions developed over the last years and in particular in the framework of the OMC?'***

***2.2.1. Support to families***

Stakeholders stressed the need for endorsing both a child and family centred approach, recognising that family is the basic space for child development and that child poverty is most often coupled with family poverty as well. They urged Member States to launch long-term social programmes, restructure social mechanisms and schemes for family support. Active inclusion measures, the improvement of minimum income schemes, fair remuneration, adequate income support and social benefits are required to reduce family and child poverty. They highlighted the need to provide both universal and targeted benefits, for those most in need, without stigmatising beneficiaries. The Recommendation should pay special attention to groups which are particularly vulnerable.

To preserve the material basis of families and avoid welfare assistance, the labour market access of parents at risk of poverty should be facilitated. Solidarity shall also appear at the design of tax systems. For example, at the calculation of the income tax basis, income could be split between parents and children or even all family members. VAT could be reduced on essential items for children, and stakeholders also advocated for progressive taxation on basic goods and consumer products, which are often disproportionately expensive for the poor, compared to their income.

Reconciliation measures highlighted to widely support parental needs and thus balanced family environment include offering quality work arrangements, flexible working hours and other working conditions, sufficiently paid parental leave available for both parents, career breaks, without shifting negative effects on those who use these measures, for example at the calculation of pensions rights. Parents should be involved into child policy planning.

***2.2.2. Early childcare education and care (ECEC)***

Stakeholders agreed that the use of ECEC services is especially efficient for children at a disadvantage since they have a great compensatory effect. ECEC can contribute to the balanced development, better school performance, better health of children but it also fills in socialisation and integration functions. To help parents optimising their opportunities, appropriate, affordable and available childcare places should be provided, flexibly covering working hours. Family-centred services should be offered, not overtaking the role of parents but supporting and orienting them. As alternatives to ECEC, complementary volunteer and

neighbourhood services or the closer involvement of the elderly people into childcare can be considered.

Stakeholders emphasised that many Member States have not yet reached the so-called Barcelona target, that is, the 95% participation in ECEC of children between 4 and compulsory school start age. Beyond quantity, quality and equity standards of ECEC services should be ensured, they should be prepared to host all children including those with special needs.

### *2.2.3. Education*

Some stakeholders pointed out that the current education systems repeat inequalities and increase the risk of school drop-outs of the most vulnerable. Early school-leaving should be prevented, among others through early recognition of special learning or other needs and timely intervention to protect the most disadvantaged children crucial, just as their involvement into after-school services and extra-curricular activities. Labour market needs and school curricula should be brought in line and internship possibilities shall be offered. The potential and chances of pupils should be maximised with the assistance of professional counsellors and teachers.

The education inequalities between urban and rural areas must be reduced. Education should be made fully accessible, grants and funds sufficient to cover the maintenance and transportation study equipments and catering costs of the most vulnerable children. School diversity should be promoted, labelling, stigmatising be avoided. The quality of education shall be improved. To this end, adequate teacher trainings and regular consultation with parents should take place to overcome barriers faced by disadvantaged children. Comprehensive education indicators shall be developed.

### *2.2.4. Housing and living environment*

Stakeholders confirmed that homelessness and inadequate housing conditions have particularly serious impact on children, whose balanced development requires a healthy, safe, supportive environment. Subsidised social housing and housing support should be made available for disadvantaged families with children. Prolonged shelter stays, family separations due to poor housing conditions and evictions should be avoided.

Children's interests should be taken into consideration in territorial planning. Regional disparities, inequalities between rural and urban areas should be reduced, sport and cultural facilities should be created in impoverished urban neighbourhoods, slums need to be eradicated. Efficient land use, market regulation to make rental or buying prices affordable shall be at the forefront of actions.

### *2.2.5. Health*

Stakeholders brought up evidence that growing up in disadvantageous socio-economic environment can trigger long-lasting negative impact on health, which cannot be perfectly counterbalanced by positive changes in social status at a later age. Smooth access to healthcare and supporting services must be granted to children and their families, including preventative care, regular health checks, free maternity and child clinics, school health consultants. A holistic healthcare approach shall be followed, integrating health, education and social action, the social gradient of health should be reduced.

### *2.2.6. Child protection services*

As it was apparent from stakeholder replies, special attention should be paid to the protection of vulnerable children, preventing them to be institutionalised as result of poverty. The separation of children from their families should be avoided, for which families at risk should receive adequate support. Emphasis should be given to the quality assurance of child protection services. Social workers should be well-trained since child protection services should act as an efficient early warning system. The transition risks for children leaving the institutions should be reduced.

### *2.2.7. Participation*

The goals of child participation are two-folded, as can be summarised from stakeholder contributions. First, to involve children in decision-making on issues affecting their lives, respecting their rights to be heard. Second, participation enables children becoming integrated, equal members of society who share the cultural, sports and other social activities of the peers. Children at a disadvantage are often threatened with marginalisation and isolation, therefore they should be supported to get involved in their wider community and social networks. Useful inclusion concepts like befriending or bringing mobile libraries to the homes of vulnerable children are worth to be noted.

Stakeholders highlighted that empowering children can lead to the development of their life skills, sense of active citizenship, autonomy, mobility and can foster overcoming the (i.e. gender-based) stereotypes. Children shall have a say in youth policies and should be able to express their opinions in their daily environment, both directly and through student bodies and youth organisations. Apart from being involved in shaping decisions, children should be part of the implementation, evaluation and monitoring of decisions as well as data collection. Raising awareness on children's right may reduce child abuse or domestic violence. Access to justice of children should also be facilitated.

## ***3. Comments on suggestions on mechanisms that could be put in place to implement and monitor the Recommendation?***

The majority of stakeholders suggested that under the general poverty headline target, a special child-poverty sub-target should appear in the Europe 2020 Strategy. Member States should introduce a specific section on child poverty in their National Reform Programmes. Rights-based, multi-dimensional national child poverty strategies should be formed and mainstreamed across the policy spectrum. A multiannual child poverty work programme should be developed in the context of EU cooperation in the social field (in particular in the context of the Social OMC) and provide the framework for regular reporting, by means of (bi-)annual reports and peer reviews, seminars, studies on child poverty. An effective set of indicators, with special regard to quality targets, shall be put into place. All Member States should have an ombudsman for children who will report directly to the European Commission.

Part of the Structural Funds should be dedicated to combating child poverty and the economic sector and business should also be mobilised as partners. Besides, stakeholders underlined the importance of civil society networks dealing with child poverty on ground and emphasised that the European Commission as well as national, local and regional authorities should continue supporting the networks.

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## QUESTIONNAIRE FOR STAKEHOLDER CONSULTATION

**Name of the organisation:**

**Contact (e mail, telephone):**

**Indicative list of questions:**

1) What is in your view the added value of developing a specific EU initiative addressing the situation of children at risk of poverty and social exclusion (in addition to existing EU initiatives, in particular in the framework of Europe 2020 and the Social OMC)?

2) Within the areas highlighted below, what essential principles should feature in the Recommendation? Should specific elements be added to the policy suggestions developed over the last years and in particular in the framework of the OMC (see ANNEX)?

- Support to families (in particular access to labour market for parents, income support);
- Access to key services (childcare, education, healthcare, housing, social services);
- Children's participation (for instance in social, recreational, cultural and other activities).

3) Do you have suggestions on mechanisms that could be put in place to implement and monitor the Recommendation (in particular in the context of Europe 2020 and the Social OMC)?

## **ANNEX 4 - LIST OF RELEVANT ARTICLES WITHIN EU TREATY, EU CHARTER OF FUNDAMENTAL RIGHTS, AND UN CONVENTION ON THE RIGHTS OF THE CHILD**

### **1. Treaty on the European Union and the Treaty on the Functioning of the European Union**

#### **Article 3<sup>3</sup>**

1. The Union's aim is to promote peace, its values and the well-being of its peoples.
2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.
3. The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance. It 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.

It shall promote economic, social and territorial cohesion, and solidarity among Member States. It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.

#### **Article 9<sup>4</sup>**

In defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health.

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<sup>3</sup> Treaty on European Union,  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0013:0046:EN:PDF>

<sup>4</sup> Treaty on the Functioning of the European Union,  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0047:0200:en:PDF>

## **2. Charter of Fundamental Rights of the European Union <sup>5</sup>**

### **Article 14 - Right to education**

1. Everyone has the right to education and to have access to vocational and continuing training.
2. This right includes the possibility to receive free compulsory education.
3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

### **Article 24 - The rights of the child**

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.
3. 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.

### **Article 32 - Prohibition of child labour and protection of young people at work**

The employment of children is prohibited. The minimum age of admission to employment may not be lower than the minimum school-leaving age, without prejudice to such rules as may be more favourable to young people and except for limited derogations.

Young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely to be harmful to the child's health or physical, mental, spiritual, moral or social development.

### **Article 33 - Family and professional life**

1. The family shall enjoy legal, economic and social protection.
2. To reconcile family and professional life, everyone shall have the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child.

### **Article 34 - Social security and social assistance**

1. The Union recognises and respects the entitlement to social security benefits and social services providing protection in cases such as maternity, illness, industrial accidents, dependency or old age, and in the case of loss of employment, in accordance with the rules laid down by Community law and national laws and practices.

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<sup>5</sup> Charter of Fundamental Rights of the European Union, [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf)

2. Everyone residing and moving legally within the European Union is entitled to social security benefits and social advantages in accordance with Community law and national laws and practices.

3. In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Community law and national laws and practices.

### **Article 36 - Access to services of general economic interest**

The Union recognises and respects access to services of general economic interest as provided for in national laws and practices, in accordance with the Treaty establishing the European Community, in order to promote the social and territorial cohesion of the Union.

### **3. United Nations Convention on the Rights of the Child<sup>6</sup>**

*The States Parties to the present Convention,*

*(...) Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,*

*Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,*

*Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,*

*Have agreed as follows:*

#### **General principles**

##### **Article 2**

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

##### **Article 3**

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

##### **Article 6**

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

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<sup>6</sup> United Nations Convention on the Rights of the Child, <http://www2.ohchr.org/english/law/crc.htm>

## **Article 12**

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

### **Specific principles**

## **Article 4 - Implementation of the rights**

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

## **Article 5 – Parental guidance**

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

## **Article 14 – Freedom of thought**

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

## **Article 17 – Right to information**

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

### **Article 18 – Parents responsibility, assistance by State**

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

### **Article 19 – Right to protection**

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

### **Article 20 – Children deprived of family environment**

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering

solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

### **Article 23 – Children with disabilities**

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

### **Article 24 – Right to health service**

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

#### **Article 25 – Right to periodic review of treatment**

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

#### **Article 26 - Benefit from social security**

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

#### **Article 27 – Right to adequate standard of living**

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

## **Article 28 – Right to Education**

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

## **Article 29 – Aims of education**

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and

to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

### **Article 30 -Minorities**

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

### **Article 31 – Children's right to leisure**

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

### **Article 32 – Child labour**

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

### **Article 36 – Protection from other forms of exploitation**

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.



**ANNEX 5 – 2008 SPC REPORT ON “CHILD POVERTY AND WELL-BEING IN THE EU:  
CURRENT STATUS AND WAY FORWARD”: RECOMMENDATIONS ENDORSED BY THE SPC AND  
THE EUROPEAN COMMISSION IN JANUARY 2008<sup>7</sup>**

## **II.1 Setting quantified objectives**

**Recommendation 1:** National overall quantified objectives for the reduction of child poverty and social exclusion need to be based on a diagnosis of the causes of poverty and social exclusion in each country and have to be supplemented by specific objectives relating to the key factors identified by the diagnosis (e.g. jobless households, in-work poverty, social benefits...). In making their diagnosis, Member States should use the analysis and recommendations of the report prepared by the EU Task-Force on “Child poverty and child well-being” as part of their overall framework.

## **II.2 Assessing the impact of policies on child poverty and social exclusion**

**Recommendation 2:** Member States and the Commission are encouraged to invest *inter alia* in micro-simulation models to support the assessment of the impact of policy measures on the situation of children and their families at the appropriate policy level. To develop the EU capacity to use these models, the Social Protection Committee (SPC) invites the Commission to support training as well as exchanges of know-how and good practices in this field.

## **II.3 Monitoring child poverty and well-being**

**Recommendation 3:** Future reporting in the framework of the Open Method of Coordination (OMC) should help identify more clearly the areas in which individual countries need to improve their performance in tackling child poverty and social exclusion. It should be multi-dimensional and it should provide comparative analysis (see also Recommendations 4-5).

**Recommendation 4:** Reporting on child poverty and child well-being should include:

- (1) a comparative EU analysis of child poverty risk following the analytical framework proposed by the Task-Force. Progress made by individual countries should be assessed against the *base line* provided by the Task- Force report;
- (2) an analysis of other dimensions of child well-being identified in the Task-Force report, namely: material deprivation, housing, health, exposure to risk and risk behaviour, social participation and family environment, education, and local environment.
- (3) The indicators to be used include:
  - a) all relevant indicators that have already been agreed upon at EU level (age breakdowns of poverty risk EU indicators, children living in jobless households and indicators in the area of education);
  - b) the yet-to-be developed indicators in the areas of material deprivation, housing and child well-being, as identified by the 2006 SPC report on indicators (see Recommendation 5);

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<sup>7</sup> Report to be found on: <http://ec.europa.eu/social/main.jsp?catId=751&langId=en&pubId=74&type=2&furtherPubs=yes>

c) relevant child well-being indicators available at country level.

**Recommendation 5:** When improving the measurement of child well-being the following needs to be taken into account:

- a) reflect on how to complement the existing EU indicators with derived indicators and statistics that better reflect the situation of households with children (e.g., labour market participation of parents and amended version of the “work intensity” variable for analysing poverty risk);
- b) take account of the child dimension when developing indicators of material deprivation and housing;
- c) develop one or several child well-being indicators to cover the important dimensions of child well-being that are still missing or not satisfactorily covered in the EU framework (health, exposure to risk and risk behaviour, education, social participation and family environment, and local environment);
- d) suggest how to best monitor the living conditions of children in vulnerable situations (e.g., children in institutions, children in foster care, children with chronic health problems or disabilities, abused children, streets children, children from a migrant or minority background...). (See also Recommendations 10 and 13.)

## **II.4 A common framework for analysing and monitoring child poverty and social exclusion**

**Recommendation 6:** In setting-up or enhancing their monitoring of child poverty and social exclusion, Member States are encouraged to ensure that the systems they develop at country level can feed into a common EU framework. In particular, countries’ monitoring systems should allow better links to be made between policy measures and expected social outcomes, as well as between EU and national indicators.

## **II.5 Reinforcing statistical capacity**

**Recommendation 7:** An evaluation needs to be carried out to assess the extent to which EU-SILC and the Labour Force Survey (LFS) provide the “minimum database” required for an internationally comparable assessment of the situation of children and their families. This assessment needs to involve data producers and all data users, and should lead to the identification of possible gaps and recommendations as to how to best fill them. In particular, the SPC and its Indicators Sub-Group should continue to take an active part in the discussions on the content and future development of EU-SILC. (See also Recommendations 11 and 12.)

**Recommendation 8:** Full use should be made of the data available from both statistical surveys and administrative/register sources in monitoring child poverty and well-being. Ways of effectively combining both types of sources, as far as feasible given the domestic administrative and legal constraints, should be further explored by countries. Exchange of know-how and good practices in this field should be supported.

**Recommendation 9:** Full use should also be made of all existing data and consideration should be given to reinforcing statistical capacity, if needed, at subnational level, in order to monitor the role of policies implemented at regional and/or local levels in fighting child

poverty and social exclusion. This should be done, as far as feasible, in a way that contributes to an overall statistical capacity building strategy balanced across all levels of government.

**Recommendation 10:** Better monitoring of the situation of the most vulnerable children is needed. Member States are therefore encouraged to review the different sources of data available from statistical surveys and administrative/register sources to monitor their situation. They should make full use of these data to identify the groups of vulnerable children that need to be specifically monitored. Exchange of know-how and good practices in this field should be supported. (See also Recommendation 13.)

**Recommendation 11:** An in-depth analysis of the EU-SILC longitudinal data is needed to assess the extent to which these data provide a reliable and comprehensive picture of the dynamics of child poverty and social exclusion (in particular in the field of persistent child poverty). The conclusions of this analysis need to be available in time for the planned revision of EU-SILC (in 2011/2012). This assessment should also allow Member States and the Commission to decide whether or not special longitudinal surveys on children (or cohort studies) should be regarded as a priority in their statistical programmes.

**Recommendation 12:** An in-depth evaluation of the available international data sources covering important aspects of child well-being is also needed in order to assess whether these sources can supplement existing national and/or transnational sources. It would be highly valuable if this evaluation could lead to:

- a) methodological recommendations for the use of such sources in the regular EU reporting on child poverty and well-being (see above, Recommendations 3-5);
- b) the identification of possible gaps as well as suggestions on how to best fill them.

**Recommendation 13:** There is increasing realisation of the potential interest of interviewing directly children on their own experience and perceptions of poverty and well-being. However, a number of methodological, legal and ethical issues need to be addressed to ensure that such information can indeed be collected throughout the EU. National know-how and good practices in this area should be gathered on the basis of which Member States could then best explore the possibility of implementing these surveys among children at (sub-)national level.

## **II.6 Improving governance and monitoring arrangements at all relevant policy levels**

**Recommendation 14:** When reflecting on ways to improve their governance and monitoring systems, Member States are encouraged to address *inter alia* the following issues:

- a) improving the coordination of the policy actions that involve different ministries and/or different policy levels (national, regional and/or local);
- b) ensuring that in making their diagnosis of the causes of child poverty and social exclusion in their country (see Recommendation 1), they involve a wide range of stakeholders, and build on international benchmarking and on independent research;
- c) investing in long-term research programmes to build an in-depth

understanding of the nature, determinants and dynamics of child poverty and social exclusion;

- d) investing in analytical tools, which can be at the frontier between research efforts, statistical information and governmental action (see also Recommendation 2 above).

**Recommendation 15:** Access to EU micro-data- sets for the scientific community needs to be improved, in order to enhance in-depth comparative research on the causes of child poverty and social exclusion. Independent policy assessment should be encouraged and their results should feed into policy making.