

EQUALITY



Combating child poverty: an issue of fundamental rights



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Foreword

Can we truly speak of a ‘social Europe’ when, across the Union, we are leaving children behind in unacceptable numbers? Almost 25 million children under 18 live in households with low incomes, low employment rates or with material deprivation. In the worst cases, they experience all three. Children from such groups as those with migrant backgrounds or the Roma community face even greater risks.

Child poverty can have devastating effects that last long into adulthood. It deprives children of educational opportunities, childcare, access to health care, adequate food and housing, family support and even protection from violence. Play, sports, recreational activities and cultural events are in short supply, too.

These realities can undermine children’s physical, intellectual and social development, setting them on a trajectory of low educational attainment and reduced participation in economic and social life. Plainly put: children living in poverty are more likely to become impoverished adults whose own children will live in poverty. The implications extend far beyond the individuals directly affected.

Breaking this cycle of disadvantage presents a serious challenge, as the European Commission already underscored in its 2013 Recommendation on investing in children. It is also very much a matter of enforcing human rights. Article 24 of the EU Charter of Fundamental Rights guarantees children the right to the protection and care necessary for their well-being. Moreover, the various rights protected by the UN Convention on the Rights of the Child can only be fulfilled if child poverty is tackled at its core.

Encouragingly, new efforts to eradicate child poverty and improve child well-being are creating a sense of momentum. These include the European Pillar of Social Rights, which introduces a right for children to protection from poverty; the call for the European Child Guarantee; and the suggestion to explicitly include children among the beneficiaries of new EU funding aiming to promote the social integration of people at risk of poverty or social exclusion.

Let’s seize the opportunity provided by that momentum. In addition to outlining data and survey findings that highlight the magnitude of the problem, this report presents tools available to counter child poverty and keep track of progress made. We hope it inspires actors at both EU and Member State level to help make tomorrow’s Europe truly social by investing in our future – Europe’s children – today.

Michael O’Flaherty

Director

Abbreviations and acronyms

AROPE	At risk of poverty or social exclusion
CRC	United Nations Convention on the Rights of the Child
CRPD	United Nations Convention on the Rights of Persons with Disabilities
CSR	Country-specific recommendation
ECEC	Early childhood education and care
ECHR	European Convention on Human Rights
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
ERDF	European Regional Development Fund
ESF	European Social Fund
ESF+	European Social Fund Plus
EU-MIDIS II	FRA's Second European Union Minorities and Discrimination Survey
EU-SILC	European Union Statistics on Income and Living Conditions
FEAD	Fund for European Aid to the Most Deprived
ICESCR	United Nations Covenant on Economic, Social and Cultural Rights
MPF	European Union Multiannual Financial Framework
NGO	Non-governmental organisation
NRP	National reform programme
SDG	United Nations Sustainable Development Goal
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UN	United Nations



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Introduction



CHILDREN'S VOICES

The opposite of poverty is not wealth. The opposite of poverty is justice.

Child participant in FRA symposium 'Is Europe doing enough to protect fundamental rights?', Brussels, 28 June 2017



Almost 25 million children below the age of 18 years are at risk of poverty or social exclusion in the 28 EU Member States (EU-28), according to the latest available Eurostat data (2016). This means that these children live in households with low income, low participation in the labour market or material deprivation, or, in the worst cases, in households experiencing all of these different aspects of poverty and social exclusion. This figure corresponds to 26.4 % of all children living in the EU-28 and has decreased only slightly since the peak of the economic crisis (in 2012, when the figure was 28.1 %). It also hides significant disparities between Member States: 13.8 % of children are at risk of poverty or social exclusion in Denmark, whereas this figure is 49.2 % in Romania.

The risk of poverty or social exclusion is higher for certain groups, such as Roma children or children with a migration background, according to the findings of FRA's Second European Union Minorities and Discrimination Survey (EU-MIDIS II). Roma children are a minority group living in the most vulnerable conditions in Europe and are probably the most deprived. More than 90 % of Roma children were found to live at risk of poverty in the nine EU Member States in which the FRA survey including Roma children was carried out. FRA's data also show that between 16 % (Spain) and 48 % (Greece) of Roma children live in households where at least one person went to bed hungry at least once in the month before the data were collected.

Poverty is a multidimensional phenomenon that affects children and their rights in different ways. Children growing up in poverty are often deprived of equal educational opportunities and childcare, access to healthcare, adequate food and housing, family support and protection from violence. The same applies to their opportunities to participate in play, sports, and recreational and cultural events. Poverty also frequently undermines children's rights to be heard and to have their views taken into account on all matters affecting them. More generally, poverty can be both a cause and the result of disrespect for and violations of human rights. Living in poverty may lead to human rights violations, while human rights violations may result in social exclusion and poverty.

Many children in the EU Member States live in households that have difficulties paying for the goods

and services that most of their peers enjoy, such as televisions, computers, phones, cars or holidays. That is worrying from the perspective of children's rights. That some children though, are deprived of decent housing with electricity and sanitation facilities, or are even deprived of healthy and adequate food, constitutes a striking violation of human rights.

Child poverty has long-term consequences for children, affecting them into adulthood, as shown by the findings of previous research.¹ Poverty in childhood leads to stressful everyday living conditions for children and may have devastating effects, often affecting physical, intellectual and social development. Poverty can set children on a lifelong trajectory of low educational attainment and reduced participation in economic and social life. Therefore, children living in poverty are more likely to become impoverished adults whose own children will also live in poverty. This creates and sustains intergenerational cycles of poverty.² It reaffirms the need to invest in children to break the cycle of disadvantage and to promote a more coherent and better performing society as a whole that makes the most of its human capital.³

"In the light of the International Bill of Rights poverty may be defined as a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights."

United Nations, Committee on Economic, Social and Cultural Rights, 'Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights: Poverty and the International Covenant on Economic, Social and Cultural Rights', Statement adopted on May 2001, E/C.12.2001/10

Why this report?

This report draws on the promise of the European Pillar of Social Rights to protect Europe's children from poverty and respect their right to equal opportunities. The report aims to contribute, from a rights of the child perspective, to efforts to create a more 'social

1 See for example: Engle, P., Black, M. (2008); García, J. L., Heckman, J. J., Ermini Leaf, D. and Prados, M. (2016).
2 Gibbons, S. and Blanden, J. (2006).
3 European Commission (2013).



Europe'.⁴ These efforts include the promotion and effective implementation of social and economic rights in response also to the social impact of the recent economic crisis and the austerity policies adopted. Policies which have hit European societies hard and have contributed to a rise in populism and scepticism towards the European project as a whole.

This report argues that combating child poverty is not only a matter of policy choices and priorities. Taking into account the EU legal framework, in particular the Charter of Fundamental Rights of the European Union (EU Charter), as well as international human rights standards, especially those enshrined in the Convention on the Rights of the Child (CRC), the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the European Social Charter (ESC),⁵ it argues that child poverty is also an issue of fundamental rights and legally binding obligations, both for EU Member States and EU institutions.

The adoption of the 2013 Recommendation of the European Commission 'Investing in children: breaking the cycle of disadvantage', the proclamation of the European Pillar of Social Rights in November 2017, and the call for the European Child Guarantee signal an increased willingness to tackle child poverty and improve child well-being from a rights of the child perspective. The European Pillar of Social Rights, in particular, opens up new opportunities for more comprehensive policies to ensure better enactment and implementation of social and economic rights. These rights are, to a certain extent, already present in the EU Charter of Fundamental Rights.

In this context, the challenge of fighting child poverty is among the priorities of a social Europe, as explicitly reflected in point 11 (b) of the Pillar, which refers to the right of children to be protected from poverty. Although the Pillar is not legally binding, references to fighting child poverty and protecting children from poverty constitute a clear political commitment to acting in this area.

Using EU funding is one of the tools for the EU and its Member States to achieve the objectives of the European Pillar of Social Rights. The multiannual financial framework (MFF) proposals released by the European Commission in May 2018 suggest including among the general policy objectives of the EU Funds for the period

2021–2027 a more 'social Europe' that implements the Pillar. This report reflects on the content of these proposals and their potential contribution to protecting the rights of children and the fight against child poverty.

Charter of Fundamental Rights of the European Union

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.

European Pillar of Social Rights

Principle 11

a. Children have the right to affordable early childhood education and care of good quality.

b. Children have the right to protection from poverty. Children from disadvantaged backgrounds have the right to specific measures to enhance equal opportunities.

Structure of the report

To show the magnitude of the problem, Chapter 1 paints a broad picture of the extent of child poverty in the EU today on the basis of available statistical data and FRA surveys. These data show that severe poverty still affects a considerable number of children in the EU. This is the case particularly for those who belong to groups with a higher risk of marginalisation and exclusion, such as Roma children, children of migrants, children with disabilities and children of single-parent or large families.

Chapter 2 presents a brief overview of the main legal provisions, in particular those enshrined in the EU Charter of Fundamental Rights and international human rights instruments, which shape the framework for the EU and individual Member States to combat child poverty.

4 Declaration of the leaders of 27 member states and of the European Council, the European Parliament and the European Commission, Rome, 25 March 2017 (Rome Declaration).

5 This report uses 'European Social Charter' to designate the 1996 revised version of the first European Social Charter adopted in 1961. When the report refers to the original first version of the European Social Charter, it uses '1961 European Social Charter'.

EU competences to support and complement Member States in the fight against child poverty

Fighting child poverty is primarily the responsibility of the Member States. The EU, however, is competent to support and complement Member States in their efforts.

Fighting poverty, including child poverty, is one of the general objectives and commitments of the EU. Among other objectives the EU also aims to promote the well-being of the European peoples, to combat social exclusion and promote social justice, and to protect the rights of the child, as established in Article 3 of the Treaty on European Union (TEU).

This is also reflected in the Treaty on the Functioning of the European Union (TFEU), which sets out, in greater detail, the overall policy areas and competences of the EU. The promotion of improved living conditions, employment, proper social protection and combating exclusion are objectives for both the EU and the Member States, as set out in Article 151 of the TFEU in line with Article 3 of the TEU. In addition, the so-called 'horizontal social clause' is enshrined in EU primary law by Article 9 of the TFEU. This clause provides that, 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.

Regarding EU specific competences the TFEU (Articles 4 and 153) makes it clear that the EU has shared competence to act in certain social policy areas, including to combat social exclusion, by supporting and complementing the activities of Member States.

The fight against social exclusion and child poverty, however, is not among the social policy fields, defined in Article 153 (2), in which the EU may adopt directives that lay down minimum requirements for gradual implementation. Nevertheless, such measures can be adopted in relation to fields such as working conditions, social security and the social protection of workers, or equality between men and women with regard to labour market opportunities and treatment at work. These may all have an impact on the well-being of children and the fight against child poverty.

The EU can provide support and complement the actions of Member States by, for instance, carrying out studies, delivering opinions, arranging consultations and taking initiative to establish guidelines and indicators to exchange best practices and to foster the monitoring and evaluation of social policies and actions. In this way, the EU can encourage cooperation between Member States and facilitate the coordination of their actions in all these social policy fields (Article 156 TFEU).

Articles 6, 165 and 168 of the TFEU stipulate that the EU shall have competence to support, coordinate or supplement the actions of Member States, while also encouraging their cooperation, in other areas related to child wellbeing, such as education and health.

However, the supportive role of the EU is also quite important in terms of the funding of policies in the social area. The TFEU provides for the establishment of a European Social Fund (Articles 162–164) with the aim of raising the standard of living in the EU, and a European Regional Development Fund (Articles 174–178) to strengthen economic, social and territorial cohesion.

In addition, Article 5 of the TFEU provides that the EU may take initiatives to ensure the coordination of Member States' social policies. The scope of the European Semester process of coordination, although focusing on economic policies, has been expanded to include social policy fields, given that social cohesion, material well-being and health are important dimensions of EU Member States' economic and social models. This is also reflected in the recent proclamation by the European Parliament, the Council of the European Union and the European Commission of the European Pillar of Social Rights.

Finally, all EU institutions – when exercising their competences – and EU Member States – when implementing actions within the scope of EU law – are also bound to comply with the EU Charter of Fundamental Rights, as provided for in Article 51 therein.

Chapter 3 examines how the EU responded to these obligations in 2013 by providing guidance to its Member States in the European Commission Recommendation 'Investing in children: breaking the cycle of disadvantage'. This EU soft law instrument contains guidelines and standards for EU institutions and Member States in relation to addressing child poverty and social exclusion.

Chapter 4 examines the policy tools available to the EU and its Member States to implement and monitor the standards and guidelines explored in previous chapters. The European Semester, which is the monitoring and implementing mechanism of the Europe 2020 Strategy, EU funding opportunities and the impact of the Sustainable Development Goals (SDGs) are given special attention.

Chapter 5 looks at the potential of the European Pillar of Social Rights to trigger the development of a range of actions to tackle child poverty and improve the well-being of children across the EU.

The report is based on desk research and refers to statistical data of Eurostat and FRA's EU-MIDIS II Survey.

It also presents a selection of promising practices in different areas. In addition, the report includes quotes to reflect the voices of children in the area of child poverty and social exclusion. Child poverty was one of the main topics of the symposium '2007–2017: Is Europe doing enough to protect fundamental rights? – the children perspective' organised by FRA in cooperation with the Maltese Presidency of the Council of the European Union and Eurochild in June 2017.

At a glance: EU policy tools and funding to fight child poverty

Europe 2020 Strategy: the EU's policy agenda for growth and jobs adopted in 2010. It includes targets related to employment, research and development, climate change and energy, education, and poverty and social exclusion. The poverty target is to have 20 million fewer people in or at risk of poverty or social exclusion by 2020 than in 2008. However, this strategy does not include a specific target for reducing child poverty. In contrast, the 2030 Agenda for Sustainable Development, adopted by the UN in 2015 and endorsed by the EU, includes the target to reduce by at least half the proportion of "men, women and children" of all ages living in poverty in all its dimensions according to national definitions. This target is more ambitious than that of the Europe 2020 strategy. The 2030 Agenda for Sustainable Development target requires to lift around 60 million men, women and children out of poverty by 2030, while the Europe 2020 Strategy target is to lift 20 million people out of poverty by 2020.

European Semester: a mechanism that allows EU Member States to coordinate their economic policies and monitor progress throughout the year. It is based on an analysis by the European Commission of Member States' plans for budget, macroeconomic and structural reforms. The European Commission proposes, and the Council of the EU endorses, country-specific recommendations calling on each Member State to adjust its policies accordingly. The European Semester is also the mechanism used to monitor EU Member States' efforts to accomplish the Europe 2020 Strategy targets. Although the European Semester is a coordination and monitoring mechanism that focuses mainly on economic and employment policies, the European Commission highlights that social cohesion, material well-being and health are important dimensions of EU countries' economic and social models.

EU financial framework 2014–2020: the framework under which the EU provides funding to Member States through various financial instruments that help them to fight child poverty. Some relevant instruments include:

- European Social Fund (ESF): aims to improve employment and education opportunities and to support social inclusion and combating poverty.

- European Regional Development Fund (ERDF): aims to invest in basic infrastructures such as social, housing, health and education infrastructures.
- Fund for European Aid to the Most Deprived (FEAD): aims to alleviate the problems faced by people living in severe poverty mainly by supporting the distribution of food and/or other material assistance, and by providing social inclusion services.

Ex ante conditionalities: a set of (i) general/horizontal and (ii) thematic/targeted preconditions that Member States must fulfil in order to have access to EU funding. They aim to ensure that funds are used efficiently and effectively, and in accordance with policy priorities. The non-fulfilment of an ex ante conditionality constitutes a ground for the European Commission to suspend interim payments.

- General/horizontal ex ante conditionalities: these are to "be taken into account throughout the preparation and implementation of programmes" by both the European Commission and the Member States. Those related to fundamental rights are mainly the principles of anti-discrimination, equality between men and women and the rights of people with disabilities.
- Thematic/targeted ex ante conditionalities: these are preconditions linked to the thematic objectives and specific investment priorities of programmes. Regarding thematic objectives related to child poverty, ex ante conditionalities for the ESF and ERDF programmes require that Member States have and implement national strategic policy frameworks for poverty reduction that aim to actively include people excluded from the labour market and Roma people, or that reduce early school leaving. However, they do not contain any explicit references to the fight against child poverty.

According to the proposal for the draft regulation on the European Social Fund Plus (ESF+) for the new programming period, children are explicitly included in the groups targeted by actions that aim to promote the social integration of people at risk of poverty or social exclusion.

In the new programming period, the FEAD will be merged with the ESF+, which will serve also to achieve the objective of alleviating the problems faced by people living in severe poverty.

The ex ante conditionalities will be reinforced and will be known as 'enabling conditions', in particular in relation to the ESF+ and ERDF programmes. Most importantly, child poverty considerations will, for the first time, be included in the criteria that national social inclusion and poverty reduction strategic policy frameworks have to fulfil.

Key findings and FRA opinions

Strengthening the legal framework

EU primary law provides a legal framework for EU institutions to support and supplement the actions of Member States to fight child poverty, in particular Article 3 of the TEU and Articles 4 and 153 of the TFEU. Article 24 of the EU Charter of Fundamental Rights also calls on EU institutions, as well as Member States, when implementing EU law, to respect the right of children to protection and care as is necessary for their well-being. Moreover, all EU Member States are bound by the CRC, which guarantees certain social and economic rights, including the right of children to an adequate standard of living (Article 27). In addition, both the Member States and the EU are bound by the CRPD, which provides in Article 7 that children with disabilities fully enjoy all human rights on an equal basis with other children.

All EU Member States have also ratified the 1961 European Social Charter, and 20 of them are bound by the revised version of 1996. The 1996 European Social Charter broadens the set of commitments of States Parties and is the first international human rights instrument to include a specific provision on the right to be protected against poverty (Article 30). Only 13 Member States have agreed to be bound by Article 30, while only 12 have ratified the Collective Complaints Procedure, under the 1995 Optional Protocol to the European Social Charter. This results in a complex and potentially fragmented legal framework, with applicable rights standards varying from Member State to Member State.

FRA opinion 1

EU institutions should consider drawing more effectively on the legal standards enshrined in the Convention on the Rights of the Child and the European Social Charter when designing and implementing EU policies to fight child poverty. The EU could also consider the feasibility and the terms of a possible accession to the European Social Charter.

EU Member States should consider ratifying the European Social Charter and agree to be bound by Article 30 of that charter. They should also consider ratifying the Collective Complaints Procedure Protocol.

Focusing on the most vulnerable

In 2016, about 2.6 million children in the EU were suffering from severe poverty because they were living in households with low income, low work intensity and severe material deprivation, according to Eurostat data. Moreover, more than 10 million children were facing severe material deprivation, meaning they were living in households that could not afford to pay for at least four out of a list of nine goods or services, including rent, mortgage or utility bills. FRA's EU-MIDIS II data show that certain groups of children, such as Roma and migrant children, are at higher risk of poverty and severe poverty than children in the general population. In five EU Member States, more than 90 % of Roma children covered by the survey were at risk of poverty.

The European Parliament suggested in 2015 the establishment of a Child Guarantee Scheme to ensure that every child living in poverty, in particular children in vulnerable situations, has access to adequate nutrition and decent housing, and to free healthcare, education and childcare. The European Commission is currently carrying out preparatory action to assess the feasibility, potential and added value of, and to define an implementation framework for, a possible Child Guarantee Scheme.

The EU set up the FEAD in 2014, and € 3.8 billion was allocated to the programming period 2014–2020. The objective of the FEAD is to alleviate the problems faced by people in severe poverty by distributing food and/or other material assistance and by providing social inclusion services. Children are often beneficiaries of FEAD-funded activities. FEAD-funded activities are complementary to national efforts, as well to activities carried out using other EU funding, notably the ESF and the ERDF, which aim to promote structural reforms to combat poverty in a sustainable way.

The European Commission proposes merging the FEAD and the new ESF+ for the 2021–2027 programming period, and calls on Member States to allocate at least 2 % of their ESF+ resources to providing material assistance to the most deprived.



FRA opinion 2

EU institutions and Member States should establish, as soon as possible, a Child Guarantee Scheme for children in vulnerable situations suffering from severe poverty. Such a scheme should include different measures that ensure access to basic goods and services required for the well-being of children – for example, a healthy diet, decent housing, health and care services and education. The Child Guarantee Scheme should set specific indicators and targets to reduce the number of children deprived of access to basic goods and services and implementation plans to achieve these targets. The scheme should receive adequate funding from both national and EU funds.

FRA opinion 3

EU institutions and Member States should prioritise protecting the rights of children in particularly vulnerable situations who experience severe material deprivation and poverty. This should be reflected in EU tools for policy coordination and monitoring, such as the European Semester, as well as in financial frameworks and instruments suited to fighting child poverty.

EU Member States should allocate as much as possible of their European Social Fund Plus resources to protecting children against severe material deprivation and fighting the poverty of children in particularly vulnerable situations.

At the global level, the United Nations 2030 Agenda for Sustainable Development, adopted by the UN in 2015 and endorsed by the EU, includes, as part of SDG 1, the target to reduce by at least half the proportion of “men, women and children” of all ages living in poverty in all its dimensions according to national definitions. The lack of attention paid to the most vulnerable was one of the main criticisms of the previous UN global goals (Millennium Development Goals). Monitoring mechanisms and data collection lacked sufficient disaggregation to ensure that vulnerable groups, such as Roma and migrant children or children with disabilities, would benefit on equal terms. Moreover, Eurostat data also lack the disaggregation needed to assess the situation of families and children in the most vulnerable situations.

FRA opinion 4

EU institutions and Member States should identify appropriate ways to collect data and monitor the impact of anti-poverty measures on children in vulnerable situations – for example, by ensuring that household surveys include adequate samples of households with children in vulnerable situations, such as children with disabilities or children with minority ethnic backgrounds.

Using European policy mechanisms to protect children from poverty

One of the targets of the Europe 2020 Strategy, adopted in 2010, is to lift 20 million people out of poverty. In line with this strategy, the European Commission adopted in 2013 the Recommendation ‘Investing in children: breaking the cycle of disadvantage’. This Recommendation, reflecting international standards in relation to the rights of the child and fighting child poverty, is based on the very broad consensus of social actors. It not only covers issues related to resources and income, but also puts a strong emphasis on equality, equal access to services and the right of children to participate.

However, this 2013 Recommendation has not been systematically considered and used in the context of the European Semester. Nor is it considered a major policy tool by Member States. The child participation dimension of the Recommendation has received the least attention.

In contrast, fiscal policies suggested under the European Semester have often resulted in austerity measures that cut social services, as often criticised by the European Parliament and civil society. The number of child poverty-related country-specific recommendations (CSRs) has gradually decreased. In 2017, for instance, none of the CSRs addressed the issue of child poverty. In 2018, one CSR pointed out the need to improve family support and to address coverage gaps in income guarantee schemes. Another contained a recital referring to child poverty, although the actual CSR addressed poverty in only general terms. At the same time, Member States make very limited use of the 2013 Recommendation in their national reform programmes (NRPs), which are part of the European Semester’s yearly cycle.

With the launch of the European Pillar of Social Rights, the EU has an opportunity to give new impetus to the social aspects of the European Semester, including child poverty.



At the same time, the leverage of the European Semester, in particular of the CSRs, is expected to increase. This is because the proposals of the European Commission for the programming period 2021–2027 suggest establishing a close link between EU funding and CSR implementation by Member States, by calling on Member States to use EU resources to deliver on these CSRs. Therefore, the failure to consider issues related to child poverty and the rights of the child within the context of the European Semester and the CSRs could result in limited EU resources being allocated to the fight against child poverty.

FRA opinion 5

EU institutions and Member States could place more emphasis on comprehensively addressing child poverty and social exclusion in the European Semester by making better and more systematic use of the 2013 European Commission Recommendation on investing in children. For example, considerations related to child poverty should be clearly reflected and visible in all phases of the European Semester, including in Member States' country-specific recommendations. These could include recommendations to strengthen support for parents' access to the labour market; to improve the real impact of child benefits; or to develop policies on decent housing and living conditions, and on early childhood education and care, and more generally ensure equal access to affordable quality services, including health and education services, for everyone.

FRA opinion 6

EU Member States could align their yearly national reform programmes for the European Semester with the priorities of the 2013 European Commission Recommendation on investing in children. EU Member States could also address the Recommendation's pillar on child participation in play, recreation, sport and cultural activities, as well as child participation in decision making in areas that affect their lives. The latter element, which includes participation in public dialogue, relates particularly to budget allocation for child-related policies.

FRA opinion 7

The proposal of the European Commission to link EU funding with the European Semester process should take into consideration the fact that linking EU funding to the implementation of country-specific recommendations will positively affect the fight against child poverty only if these recommendations acknowledge and consider the rights of the child and child poverty.

Taking action to implement the European Pillar of Social Rights

The European Pillar of Social Rights and the accompanying proposals adopt a rights of the child approach as regards the fight against child poverty. This includes the need to support parents in order to protect children's rights. The European Commission has proposed a directive to support the work-life balance of working parents and carers. It aims to address the under-representation of women in employment and support women's careers through more gender-balanced parental leave, the use of paternity leave and more flexible working arrangements. Thus, it touches and reflects upon the well-being of children, especially those living in families with low income and low work intensity (affected by unemployment and low participation in the labour market).

The European Pillar of Social Rights has established a social scoreboard with a number of indicators that should support its monitoring and help assess the performance of Member States. However, the indicators selected for the social scoreboard are not disaggregated by different age groups, even though such disaggregation is partly available in Eurostat data. With the exception of indicators on early childhood education, children remain invisible in the current list of indicators.

FRA opinion 8

The European Parliament and the Council of the European Union should ensure the rapid adoption of the proposal on a Work-Life Balance Directive.

When further developing the social scoreboard of the European Pillar of Social Rights, the European Commission and Member States should ensure that certain critical indicators are disaggregated by age in a way that reflects the situation for children. For example, and as a minimum, the indicators selected under 'living conditions and poverty' – such as 'at risk of poverty or social exclusion' or 'severe material deprivation' – should be appropriately disaggregated by age using already existing Eurostat data.

Effectively funding the fight against child poverty

For the programming period 2014–2020, the EU provides funding to Member States via various financial instruments, in particular the ESF and the ERDF, to help them address structural challenges that affect

the fight against poverty, including child poverty. However, child poverty is not specifically targeted by any funding objective or investment priority in the current framework.

The existing ex ante conditionalities related to fighting poverty stipulate the requirement for national strategic frameworks for poverty reduction or Roma inclusion, but do not include a component referring explicitly to children and child poverty. At the same time, the ex ante conditionality related to investing in education focuses on reducing early school leaving, but does not refer to equal access to education for all children or early childhood education and care (ECEC).

The proposal of the European Commission and the draft regulations for the EU programming period 2021–2027 do, however, address to a certain extent the lack of explicit references to children and child poverty in the previous framework. This is particularly the case for the ESF+, which identifies children explicitly among the groups targeted by the specific funding objective related to the promotion of the social integration of people at risk of poverty or social exclusion. On the other hand, although the ERDF proposal establishes specific objectives linked to issues affecting child poverty, such as the development of appropriate infrastructure in the areas of housing, education, health or other social services, the relevant provision of Article 2 of the draft ERDF Regulation, which sets out the specific objectives of the Fund, does not include the child aspect.

In addition, the European Commission's proposals not only reaffirm and reinforce the system of ex ante conditionalities, renamed 'enabling conditions', required for access to EU funding in the context of both the ESF+ and the ERDF, but call, for the first time, for child-poverty-related considerations to be included in national strategic frameworks to reduce poverty. Other thematic enabling conditions also call for national strategic frameworks to consider equal access to education and improvements in access to ECEC. Moreover, the effective application and implementation of the EU Charter of Fundamental Rights, which encompasses the rights of the child, becomes one of the 'horizontal enabling conditions'.

FRA opinion 9

In line with the European Commission's proposals, EU institutions and Member States, when adopting the regulations for the programming period 2021–2027 under the EU's budget, should confirm that children living at risk of poverty or social exclusion are a priority. This should also be more visible in the context of the European Regional Development Fund (ERDF) by complementing the relevant provisions of the draft ERDF Regulation with a reference to children and child poverty.

EU institutions and Member States should also approve the European Commission's proposal to introduce enabling conditions that call on Member States to include child-related considerations in their national strategic policy frameworks on social inclusion and the reduction of poverty, on gender equality and on education.

FRA opinion 10

Member States, when designing their strategic frameworks to reduce poverty, should focus on child poverty, in particular severe forms of poverty affecting children in vulnerable situations. Such frameworks should consider not only monetary income, but also other aspects linked to fundamental rights – such as the right to equal access to health services, housing and early childhood, primary and secondary education.



1

Child poverty in EU Member States: a brief overview



CHILDREN'S VOICES

How are you planning to stop discrimination based on socio-economic status?

Child participant in FRA symposium 'Is Europe doing enough to protect fundamental rights?', Brussels, 28 June 2017



EU Member States are considered high- and middle-income economies in a global context. Nevertheless, a large proportion of children and their families live at risk of poverty and social exclusion, while some even face severe material deprivation, in a number of Member States. This particularly affects children and families in vulnerable situations – for example, those with a minority ethnic background, such as Roma; those with a migrant background; or children living in single-parent or large families. For child poverty levels by EU Member State see Figure 1 below.

1.1. How is child poverty measured in the EU?

In the EU, a specific indicator is used to assess the overall risk of poverty or social exclusion (AROPE) in a comparative way across Member States and different population groups. The AROPE indicator combines three sub-indicators on the household level: at risk of poverty, severe material deprivation and very low household work intensity, as shown in Figure 2. Children are therefore considered to be at risk of poverty or social exclusion if they live in a household that either is at risk of poverty or experiences severe material deprivation or has very low work intensity.

The average percentage of children at risk of poverty or social exclusion in Europe has changed little over the last 10 years, since before the economic crisis and the launch of the Europe 2020 Strategy, which includes the reduction of poverty and social exclusion as one of its

headline targets. In 2008, the reference year for the Europe 2020 Strategy, an estimated 26.5 % of children (persons under 18 years old) were at risk of poverty or social exclusion in the EU-27. During the economic crisis, this percentage increased, with the highest level being 28.1 % in 2012.⁶ In 2016, 26.4 % of children were still at risk of poverty or social exclusion, according to the latest available Eurostat statistics, a rate similar to that 10 years ago. Moreover, this rate remained higher than the 23.5 % of people at risk of poverty or social exclusion in the general population in 2016. In absolute numbers, almost 25 million children are at risk of poverty or social exclusion, boys and girls being equally affected.⁷

The EU average, however, does not reflect important national disparities. These disparities mirror the different impacts of the economic crisis on each country and of the policy responses implemented in each case by the authorities. In Romania (49.2 %) and Bulgaria (45.6 %), almost half of all children were at risk of poverty or social exclusion in 2016. More than 30 % of children were at risk of poverty or social exclusion in countries such as Greece (37.5 %), Hungary (33.6 %), Italy (33.2 %), Spain (32.9 %) and Lithuania (32.4 %). The lowest percentages of children at risk of poverty or social exclusion in 2016 were registered in Denmark (13.8 %), Finland (14.7 %) and Slovenia (14.9 %).⁸

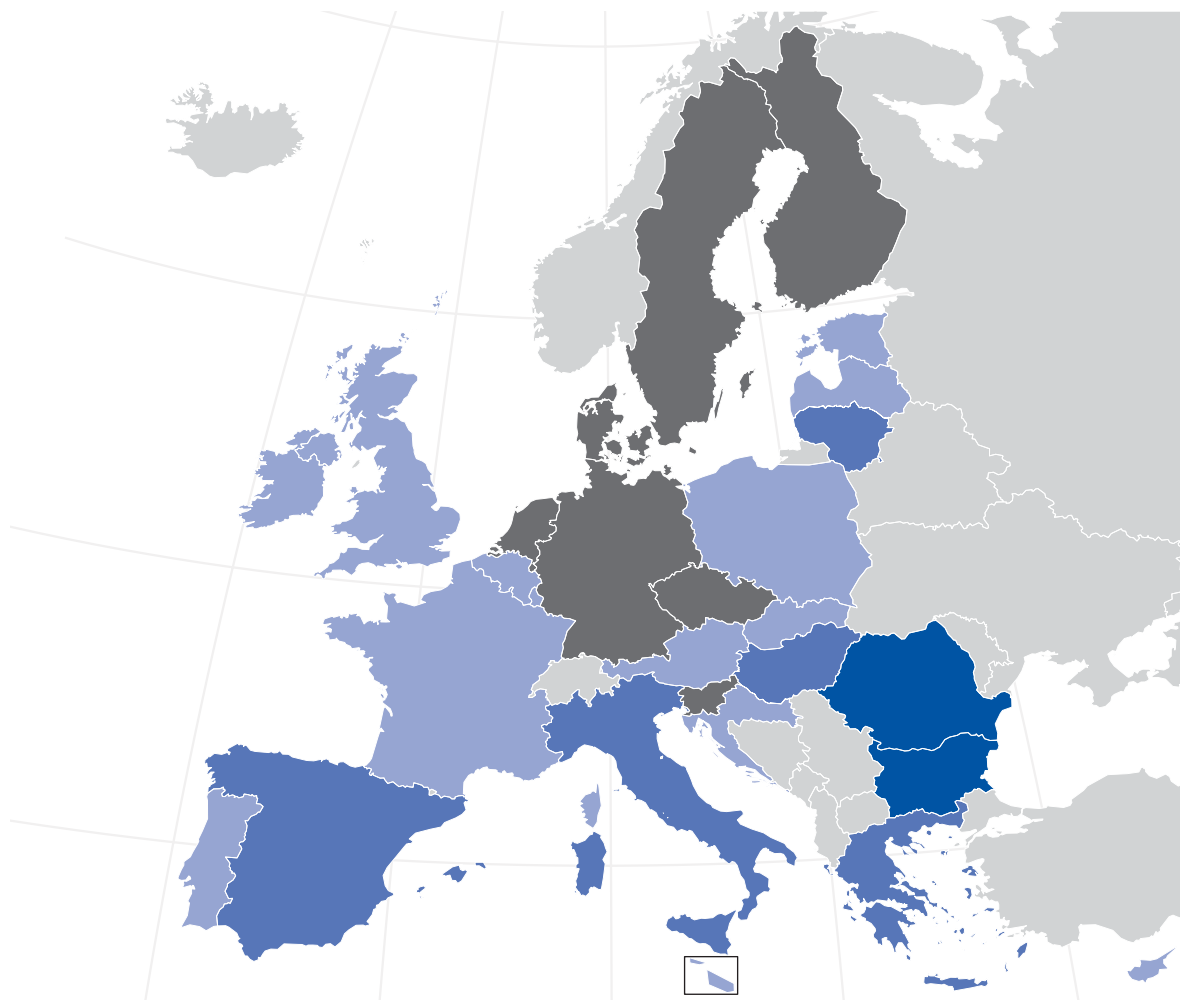
⁶ For more information on the impact of the economic crisis, see FRA (2015a) and UNICEF Office of Research (2014).

⁷ Eurostat, *European Union Statistics on Income and Living Conditions (EU-SILC)*, Indicator 'People at risk of poverty or social exclusion by age and sex' [ilc_pepso1], accessed on 16 May 2018.

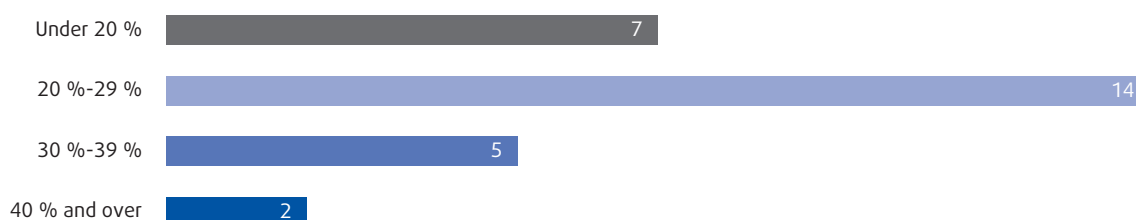
⁸ *Ibid.*



Figure 1: Children at risk of poverty or social exclusion (AROPE) in 2016, by EU Member State (%)



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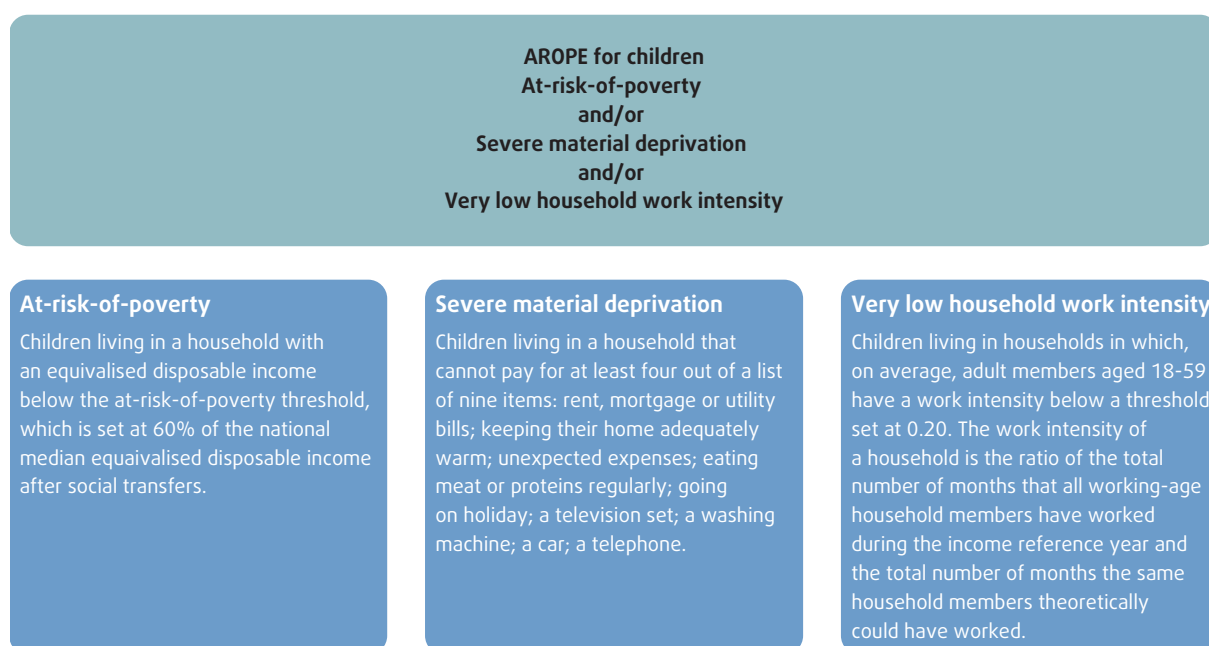
Source: FRA, 2018; Eurostat, *European Union Statistics on Income and Living Conditions (EU-SILC) 2016* [ilc_peps01], accessed on 8 February 2018

Furthermore, the prevalence of poverty varies across the EU, between and within Member States, as some EU countries provide higher levels of social protection through social transfers. These include for example family benefits, social assistance, unemployment benefits, education benefits, housing allowances or sickness benefits (see Chapter 3 on the impact of social transfers).

The EU Charter of Fundamental Rights and the CRC establish the right of children to express their views, which should be taken into consideration on matters that affect them.⁹ Child poverty data are however rarely provided by children themselves, but usually by adults,

⁹ EU Charter of Fundamental Rights, Art. 24; UN, [Convention on the Rights of the Child \(CRC\)](#), 20 November 1989, Art. 12. See also UN, Committee on the Rights of the Child (2016).

Figure 2: At risk of poverty or social exclusion (AROPE): composition and definitions



Source: FRA, 2018, based on Eurostat, *Glossary: At risk of poverty or social exclusion (AROPE)*

as most of the results are based on household surveys. Surveys that collect information directly from children rarely cover all EU Member States or all age groups. For the European Union Statistics on Income and Living Conditions (EU-SILC) survey, all household members are surveyed, but only persons above 16 years of age are interviewed. Some surveys target children directly, such as PISA (Programme for International Student Assessment) and HBSC (Health Behaviour in School-aged Children). However, most of these surveys do not cover all EU Member States or all age groups and have only a few indirect links – if any – to child poverty that mainly relate to health and education.

1.2. Most severe forms of poverty

There is a small group of children that requires special attention among the 25 million children at risk of poverty and social exclusion. The children in this group suffer from more severe forms of poverty, such as severe material deprivation or housing deprivation, or fall under all three sub-indicators of AROPE.

Around 8 million children in the EU-28 (8.5 %) experience severe material deprivation, the second AROPE indicator. However, regional differences come into play again, as, in Bulgaria, Romania and Greece,¹⁰

more than 25 % of children live in households with severe material deprivation.¹¹

The most severe form of poverty or social exclusion occurs when all three conditions or sub-indicators of AROPE apply, as shown in Figure 3. In total, 2.6 million children live in households considered at risk of poverty (with low income), with very low work intensity and severe material deprivation. This means that their household income is low; family members face unemployment and low participation in the labour market; and they cannot afford basic goods and services, such as decent housing with adequate sanitation, electricity, heating or communication services, washing machines, televisions or cars, or even adequate and healthy diets. Children are again more likely to fall within this multiple indicator category (2.5 %) than those in the general population (1.7 %), as is the case for the general AROPE indicator.

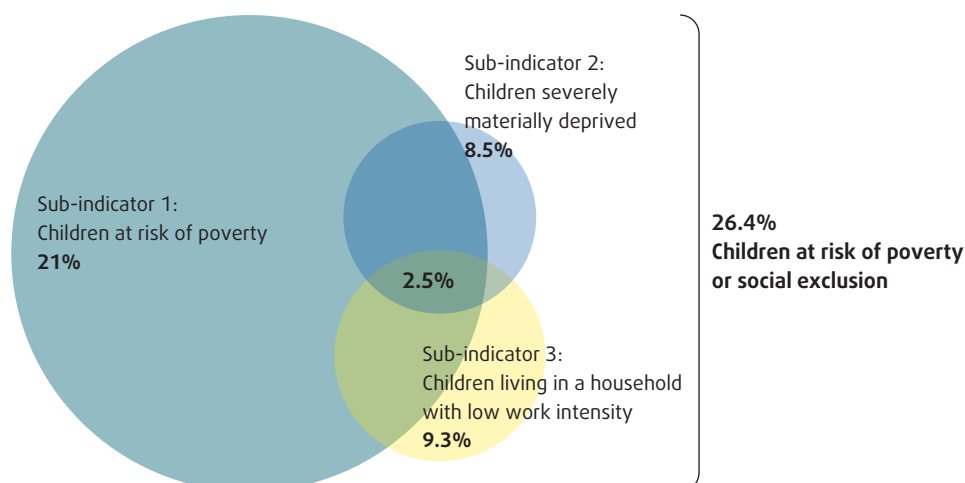
Housing deprivation constitutes a significant barrier to accessing education, school attendance, educational attainment, good health and overall well-being.¹² However, in 2016, almost 7 % of families with dependent children experienced severe housing deprivation. Severe housing deprivation is defined as living in an overcrowded household with a leaking roof, no bath/shower or no indoor toilet, or in a dwelling considered

¹⁰ Eurostat, *European Union Statistics on Income and Living Conditions (EU-SILC)*, Indicator 'Severe material deprivation rate by age and sex' [ilc_mddd11] 2016, accessed on 2 February 2018.

¹¹ The second AROPE sub-indicator measures 'severe material deprivation' and is a direct observation of differences in living standards captured through nine items considered as relevant. If a household cannot afford four out of nine items, its members are considered to live in severe material deprivation.

¹² European Commission (2017h), p.13.

Figure 3: Children falling under the three AROPE sub-indicators in 2016 (%)



Source: FRA, 2018; Eurostat, *European Union Statistics on Income and Living Conditions (EU-SILC) 2016* [ilc_peeso1], accessed on 15 April 2018

too dark.¹³ In households without children, the EU average of severe housing deprivation is only 3 %. Again, the differences between Member States are quite prominent: Romania (29 %), Hungary (24 %) and Latvia (21 %) have the highest number of families with children living in severe housing deprivation.

Children at risk of poverty or social exclusion: household composition and parents' background as risk factors

There are several factors that clearly increase the risk that children will experience poverty or social exclusion; key components of risk relate to household composition and parents' background.

The composition of the household: on average, across the EU, almost half of people living in single-parent households with dependent children¹⁴ (48 %) and 31.1 % of people living in households with two adults and three or more dependent children were at risk of poverty or social exclusion in 2016.¹⁵

Parents' educational attainment: on average, across the EU, 63.7 % of children whose parents have completed at most lower secondary education¹⁶ were

at risk of poverty or social exclusion in 2016. This rate is reduced to 10.3 % of children whose parents have completed tertiary education.¹⁷

Migration background of parents: this increases the risk that children will experience poverty. In 2016, 31.5 % of children whose parents were not born in the reporting country were estimated to be at risk of poverty, versus only 18.4 % of children whose parents were born in the reporting country.¹⁸

1.3. Focusing on the invisible: ethnic minority background as a risk factor for children

The risk of poverty affects certain minority groups disproportionately. The Roma group is the most vulnerable ethnic minority group in Europe. Roma are however invisible in most national surveys, and in the main European surveys that cover the general population, such as the Labour Force Survey (LFS) or EU-SILC, since ethnic origin data are not collected. FRA collects data on minority ethnic groups in successive surveys to bridge this gap.

13 Eurostat (2017), *Severe housing deprivation rate by household type: EU-SILC survey*, Indicator 'Severe housing deprivation rate by household typ' [ilc_mdhoo6b], accessed on 19 December 2017.
 14 For this indicator, dependent children are defined as individuals aged 0-17 or aged 18-24 if inactive and living with at least one parent.
 15 Eurostat, *European Union Statistics on Income and Living Conditions (EU-SILC)*, Indicator 'People at risk of poverty or social exclusion by income quintile and household type' [ilc_peps03], accessed on 6 February 2018.
 16 Level 2 of the *International Standard Classification of Education* (ISCED).

17 Eurostat, *European Union Statistics on Income and Living Conditions (EU-SILC)*, Indicator 'Children at risk of poverty or social exclusion by educational attainment level of their parents (population aged 0 to 17 years)' [ilc_peps60], accessed on 6 February 2018.
 18 Eurostat, *European Union Statistics on Income and Living Conditions (EU-SILC)*, Indicator 'At-risk-of poverty rate for children by country of birth of their parents (population aged 0 to 17 years)' [ilc_li34], accessed on 6 February 2018.

FRA ACTIVITY

EU-wide survey on minorities' and migrants' experiences (EU-MIDIS)

FRA has already conducted two major EU surveys on minorities' and migrants' experiences of discrimination and criminal victimisation. The second survey was conducted in 2015 and 2016 in all 28 EU Member States.

EU-MIDIS II collected household information from 25,515 respondents with different ethnic minority and immigrant backgrounds across all 28 EU Member States.

The EU-MIDIS II sample is representative of the selected population groups that were surveyed. The sample includes groups of people belonging to ethnic or national minorities, such as Roma, as well as people born outside the EU (first-generation respondents) and individuals with at least one parent born outside the EU (second-generation

respondents). All respondents were aged 16 years or over, and had lived in private households for at least 12 months before the survey. People living in institutional settings – for example in hospitals or prisons – were not surveyed.

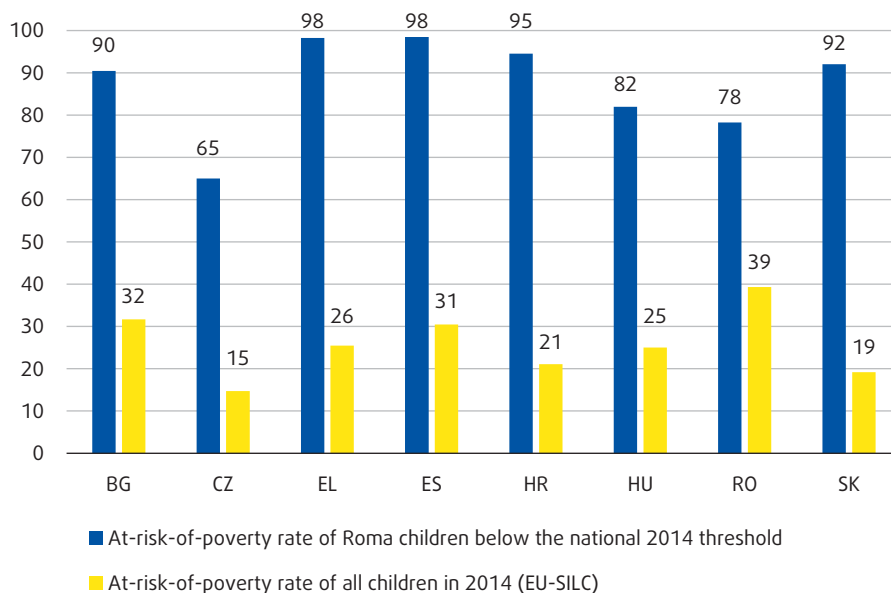
The survey included questions on experiences of perceived discrimination in different settings, such as in relation to (access to) employment, education, housing and health, and when using public or private services; on experiences of police stops and criminal victimisation (including hate crime); on awareness of rights and redress mechanisms; and on societal participation and integration, including trust in public institutions and level of attachment to the country of residence. Respondents also provided information about basic socio-demographic characteristics for all household members.

For more information, see the FRA website.

EU-MIDIS II is the third FRA survey to collect data on Roma, covering almost 34,000 people living in Roma households in nine EU Member States.¹⁹ The results in Figure 4 show that Roma children are significantly more

often at risk of poverty than children in the general population. In five EU Member States, more than 90 % of Roma children covered by the household survey were at risk of poverty.

Figure 4: At-risk-of-poverty rate of Roma children compared with the rate for all children in 2014, by EU Member State (%)^{a,b,c}



Notes: ^a Out of all children in Roma households (n = 10,774); weighted results.
^b Value for Portugal cannot be published because of high number of missing values (> 50 %).
^c Those at risk of poverty, based on the EU-MIDIS II survey, are all persons with an equivalised current monthly disposable household income below the twelfth of the national at-risk-of-poverty threshold for 2014 (published by Eurostat). The equivalised disposable income is the total income of a household, after tax and other deductions, divided by the number of household members converted into equalised adults; using the so-called modified OECD equivalence scale (1-0.5-0.3); Eurostat [ilc_lio2] (downloaded on 14 September 2016).

Source: FRA, EU-MIDIS II 2016, Roma; Eurostat, EU-SILC 2014

The at-risk-of-poverty rate for children of immigrants, or children of descendants of immigrants, is also higher than for children among the general population, according to EU-MIDIS results. Figure 5 shows the 'at-risk-of-poverty rate' for different Member States and for children of different migrant origins.

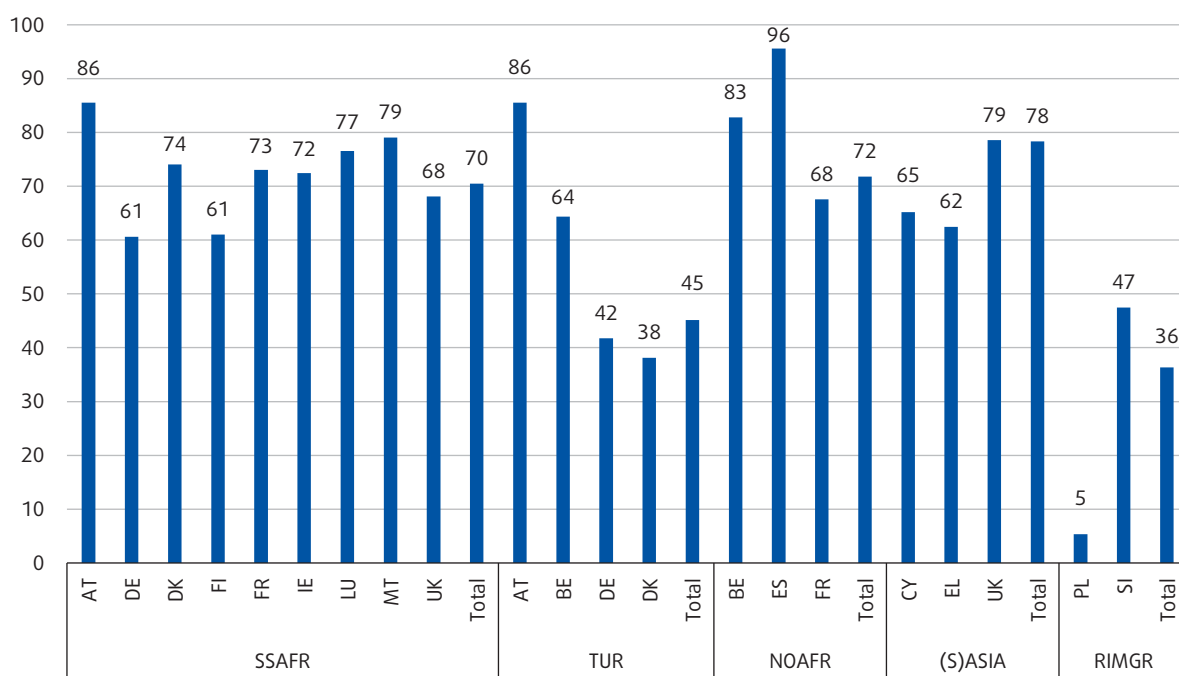
The figure shows that rates vary substantially among the various migrant backgrounds and Member States. For example, 38 % of children of Turkish origin (immigrants or children of descendants of immigrants) living in Denmark are at risk of poverty, compared with 14.5 % of children of the general population.²⁰ However,

the risk for the same population is 86 % in Austria, compared with 23.3 % among the general population.²¹

The differences between Member States are not as great for children of Sub-Saharan African origin (immigrants or children of descendants of immigrants): they range from 61 % at risk of poverty in Germany and Finland, to 86 % in Austria.

In general terms, however, immigrant children or children of immigrants, despite their very high rates of being at risk of poverty, are still living less often in poverty conditions than Roma children.

Figure 5: At-risk-of-poverty rates of children of immigrants, or children of descendants of immigrants, below the age of 18 years, in certain EU Member States by geographical area of origin (%)^{a,b,c,d,e}



- ^a Out of all households with persons aged younger than 18 years (n = 21,820); weighted results.
- ^b Those at risk of poverty, based on the EU-MIDIS II survey, are all persons with an equivalised current monthly disposable household income below the twelfth of the national at-risk-of-poverty threshold for 2014 (published by Eurostat). The equivalised disposable income is the total income of a household, after tax and other deductions, divided by the number of household members converted into equalised adults; using the so-called modified OECD equivalence scale (1-0.5-0.3).
- ^c Results based on a small number of responses are statistically less reliable. Thus, results based on 20 to 49 unweighted observations in a group total or based on cells with fewer than 20 unweighted observations are noted in parentheses. Results based on fewer than 20 unweighted observations in a group total are not published.
- ^d Values for Portugal, Italy, Sweden and the Netherlands cannot be published because of the high numbers of missing values (> 25 %).
- ^e Acronyms for target groups refer to immigrants from [country/region] and their descendants: SSAFR = Sub-Saharan Africa, TUR = Turkey, NOAFR = North Africa, (S)ASIA = South Asia and Asia, RIMGR = recent immigrants from non-EU countries.

Source: FRA, EU-MIDIS II 2016

²⁰ Eurostat, [European Union Statistics on Income and Living Conditions \(EU-SILC\)](#), Indicator 'People at risk of poverty or social exclusion by age and sex' [ilc_peps01], for 2014, accessed on 7th June 2018.

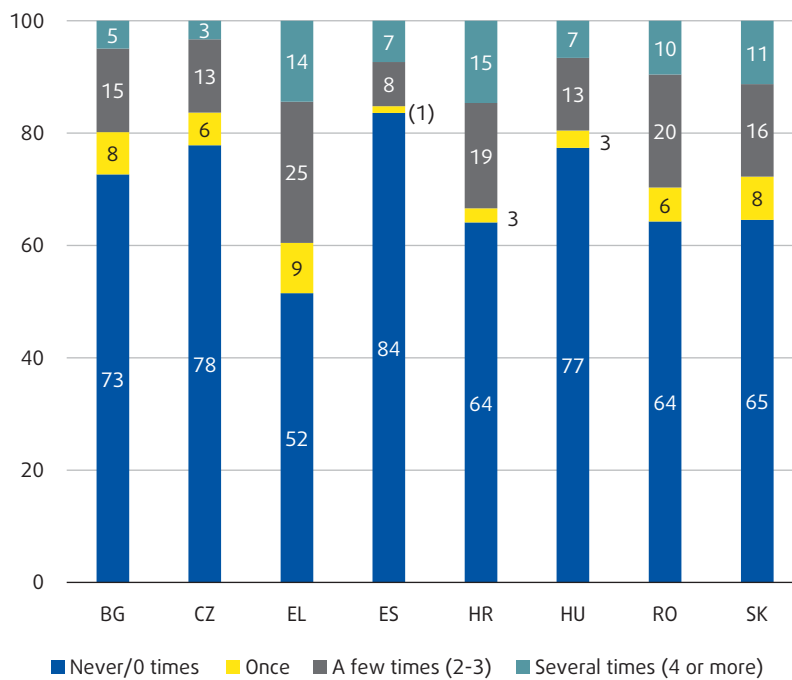
²¹ *Ibid.*

Food deprivation is an important indicator related to severe material deprivation. The EU-MIDIS II data in Figure 6 show that between 16 % (Spain) and 48 % (Greece) of Roma children were living in households where at least one person went to bed hungry at least once in the month preceding data collection. This happened four times or more during the time period for at least 10 % of Roma children in Romania, Slovakia, Greece and Croatia. Notably, in Greece, it seems that Roma households struggle to cover even basic needs, such as food, even though this country has the highest rate of Roma in paid work.²²

The Roma data collected for EU-MIDIS I allowed a comparison of hunger experiences of Roma and non-Roma children living near each other. This comparison shows that, in the 11 surveyed Member States, 41 % of Roma children were living in a household where at least one person in the household went to bed hungry at least once in the month preceding the survey, in contrast to 8 % of non-Roma children living in the vicinity.²³

Migrant children are again less affected than Roma children by household food deprivation. According to the EU-MIDIS results, 90 % of migrant children live in households where no one went to bed hungry in the previous month.

Figure 6: Roma children living in households where, in the previous month, at least one person went to bed hungry once, a few times, or four or more times, by EU Member State (%)^{a,b,c,d}



- Notes: ^a Out of all children aged 0–17 years in Roma households (n = 11,833); weighted results.
- ^b Results based on a small number of responses are statistically less reliable. Thus, results based on cells with fewer than 20 unweighted observations are noted in parentheses.
- ^c Value for Portugal cannot be published because of high number of missing values (> 25 %).
- ^d Survey question: “In the past month, have you or anyone in the household ever gone to bed hungry because there was not enough money for food? If yes, how often did this happen in the past month?”

Source: FRA, EU-MIDIS II 2016, Roma

22 FRA (2016).

23 FRA (2014).

2

Fighting child poverty: a legal obligation under European and international frameworks



CHILDREN'S VOICES

There should be no difference between rich and poor children when it comes to fundamental rights.

Child participant in FRA symposium 'Is Europe doing enough to protect fundamental rights?', Brussels, 28 June 2017



The data presented in Chapter 1 show that child poverty in the EU remains a hard reality, especially for certain parts of the population, requiring appropriate policy responses at both EU and national levels. The EU, within its competences, is not merely guided by ethical imperatives and political and economic goals, but is also bound by legal human rights standards concerning the rights of the child. This must be taken into consideration when developing policies to tackle child poverty. Likewise, EU Member States also have specific legal obligations related to child poverty at the international level, especially in relation to the CRC, which is ratified by all of them, as well as the treaty system of the ESC of the Council of Europe.

2.1. Child poverty in the context of the EU Charter of Fundamental Rights

As shown above (see box on 'EU competences to support and complement Member States' actions in the fight against child poverty'), fighting poverty, in particular child poverty, draws upon the objectives of the EU, including the objectives of promoting the well-being of European peoples, combating social exclusion and promoting social justice, and protecting the rights of the child. To deliver in this area, EU competences relate mainly to supporting and supplementing the actions of Member States.

In exercising their competences regarding the fight against child poverty, EU institutions, as well as Member States, when acting in the scope of and implementing relevant EU law, are bound by the EU Charter of Fundamental Rights. The EU Charter lays down a number of rights that must be respected and principles that must be observed. Article 34 (3) of the EU Charter explicitly links the principle of fighting social exclusion and poverty to specific fundamental rights, such as the right to social and housing assistance in view of ensuring "a decent existence for all those who lack sufficient resources". Article 34 also draws upon the relevant provisions of the ESC, such as Article 30 on the right to protection against poverty and social exclusion, and Article 31 on the right to housing.²⁴

Article 24 of the EU Charter is exclusively dedicated to the rights of the child. This provision is closely linked to the fight against child poverty and the protection of children from poverty: "Children shall have the right to such protection and care as is necessary for their well-being", and the best interests of the child must be a primary consideration "in all actions relating to children, whether taken by public authorities or private institutions". There is no commonly agreed definition of 'child well-being'; however, UNICEF links this term to material well-being, health and safety, education, family and peer relationships, and behaviour and risks, whereas child participation is also an important element.²⁵

²⁴ Explanations relating to the Charter of Fundamental Rights, OJ 2017 C 303.

²⁵ UNICEF Office of Research (2007).



Article 33 (1) of the EU Charter states that “the family shall enjoy legal, economic and social protection”. This provision is based on Article 16 of both the ESC and its original 1961 version, which obliges States Parties to promote this right by means such as “social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means”.²⁶

The provisions of Articles 24 and 33, however, are not the only provisions relevant to child poverty in the context of the EU Charter. In addition, and apart from the explicit reference to poverty in Article 34 (3), the EU Charter contains references to a number of fundamental rights crucial to the development of children and the fight to protect them against poverty, such as the right to education (Article 14) and the right to healthcare (Article 35). Adverse conditions and child poverty can have a negative effect on the enjoyment of other fundamental rights, too, including the right not to be discriminated against, and the right to express views and be heard.

In summary, the explicit mention of the fight against social exclusion and the protection of the rights of the child among the aims of the EU, together with the provisions of the EU Charter reflecting the rights of the child, in particular Article 24, constitute a binding primary legal framework that calls for a rights-based approach to tackling child poverty in the EU. This approach is reinforced by relevant standards at international level.

2.2. Child poverty in the context of international human rights law

EU primary law reflects Member States’ commitments to international legal standards of human rights. In respect of child poverty, these are mainly the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the CRC at the United Nations level, and the treaty system of the ESC at the level of the Council of Europe. The CRPD, which is legally binding both for Member States and for the EU, is also of particular importance.²⁷

2.2.1. United Nations conventions

At the international level, all EU Member States have ratified and are bound by the United Nations ICESCR, adopted in 1966, and CRC, adopted in 1989.

The ICESCR is the most influential international human rights convention in relation to social and economic rights. It does not explicitly refer to poverty, but it recognises human rights such as the right to education, the equal rights of men and women, the right to work, the right to enjoy the highest attainable standard of physical and mental health, and the right to an adequate standard of living (including adequate food, clothing and housing). It also provides for the right to protection and assistance for families with children (Article 10.1), including special measures for the assistance and protection of children and young people (Article 10.3).²⁸

The CRC also enshrines certain child-specific economic and social rights that are closely linked to child poverty. Article 6, for instance, refers to the obligation of States Parties to ensure the survival and development of the child to the maximum extent possible. Moreover, Article 27 enshrines the overarching right of every child to a standard of living adequate for their physical, mental, spiritual, moral and social development, encompassing the rights to food, clothing and housing.²⁹ According to the CRC, the primary responsibility to provide an adequate standard of living lies with the parents, within their abilities and financial capacities. Nevertheless, the CRC requires States Parties to support parents to ensure that the child is provided with an adequate standard of living.³⁰

United Nations Convention on the Rights of the Child

Article 27

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.

As underlined by the UN Committee on the Rights of the Child, the development of a child is a “holistic

26 Explanations relating to the Charter of Fundamental Rights, OJ 2017 C 303.

27 UN, List of confirmation, accession and ratification of the CRPD.

28 UN, International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966.

29 CRC, Art. 27 (1); ICESCR, Art. 11; Universal Declaration of Human Rights, Art. 25.

30 CRC, Art. 27 (3).

concept”, whereas “implementation measures should be aimed at achieving the optimal development for all children”.³¹ Other rights enshrined in the CRC are also relevant to achieving this objective. These range from the right to education and health, to the right to be heard³² or the right not to be discriminated against.³³ All of these are among the wide range of civil, political, cultural, economic and social rights that can be affected by poverty.³⁴ These rights can serve as the basis of, or a framework for, an approach to combating child poverty that is based on the rights of the child and that encompasses the multidimensional nature of that phenomenon.³⁵ Such an approach reflects a shift from charity to rights and the perception of children as having rights on their own.³⁶

In addition to the CRC, which applies to all children irrespective of any differentiating ground, Article 7 of the CRPD also obliges States Parties, including the EU, to take all the necessary measures to ensure that children with disabilities fully enjoy all their rights on an equal basis with other children.³⁷ Other provisions of the CRPD also enshrine a series of specific social rights relevant to the protection of children with disabilities against poverty and to the promotion of their well-being, such as rights to education (Article 24), to health (Article 25) and to participate in cultural life, recreation, leisure and sport (Article 30). Given their vulnerable situation, the special protection provided for children with disabilities is crucial in the fight against child poverty.

2.2.2. Council of Europe provisions related to child poverty

The 1996 ESC and the original version adopted in 1961 are the key instruments of the Council of Europe that guarantee social and economic rights, while the European Convention on Human Rights (ECHR)³⁸ covers mainly political and civil rights. However, the European Court of Human Rights (ECtHR) considers certain issues related to economic and social rights from the perspective of the civil and political rights covered by the ECHR.³⁹ This applies, for instance, to access to social services or living in conditions of extreme poverty, which may fall under the prohibition of torture, and inhuman and degrading treatment and

punishment (Article 3 of the ECHR).⁴⁰ It also applies in the case of equal access to education, which may be covered by Article 14 of the ECHR on the prohibition of discrimination, in conjunction with Article 2 of Protocol No. 1 on the right to education.⁴¹

In addition to the rights established in the ESC, such as the rights to education, health, housing, social welfare and childcare services, Article 30 thereof is unique in terms of international human rights by introducing, in a binding instrument, a right to protection against poverty. This right calls for States Parties to adopt a comprehensive and coordinated approach and entails concrete obligations for States Parties to ensure its effective implementation by linking protection against poverty to employment, housing, training, education, culture, and social and medical assistance.

European Social Charter

Article 30 – The right to protection against poverty and social exclusion

With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

- a. to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;
- b. to review these measures with a view to their adaptation if necessary.

The European Committee of Social Rights (ECSR) underlines the human rights approach to combating poverty provided for in Article 30 of the ESC. In particular, the ECSR emphasises “the very close link between the effectiveness of the right recognized by Article 30 of the Charter and the enjoyment of the rights recognized by other provisions” of the ESC, such as the right to the protection of health (Article 11), the right to social security (Article 12), the right to social and medical assistance (Article 13), the right to equal opportunities and equal treatment in matters of employment without sex discrimination (Article 20), and more generally the principle of non-discrimination (Article E) or the right to housing (Article 31). In respect of child poverty in particular, the ECSR explicitly links Article 30 to the provisions enshrining the right to the social, legal and

31 UN, Committee on the Rights of the Child (2003), para. 12.

32 CRC, Art. 12.

33 *Ibid.*

34 UN OHCHR, [Human rights dimension of poverty](#).

35 Nolan, A. (2010).

36 Vandenhole, W. (2014), pp. 609-636.

37 UN, [Convention on the Rights of Persons with Disabilities \(CRPD\)](#), 13 December 2006.

38 [Convention for the Protection of Human Rights and Fundamental Freedoms \(European Convention on Human Right\)](#), European Treaty Series No. 5, Rome, 4 November 1950.

39 ECtHR (First Section), *Budina v. Russia*, No. 45603/05, 18 June 2009, para.3.

40 ECtHR (Grand Chamber), *Z and others v. The United Kingdom*, No. 29392/95, 10 May 2001, paras. 69-75; ECtHR (Grand Chamber), *M.S.S. v. Belgium and Greece*, No. 30696/09, 21 January 2011, paras. 247-264.

41 ECtHR (Grand Chamber), *D.H. and others v. The Czech Republic*, No. 57325/00, 13 November 2007, paras. 175-210.

Table 1: Ratification of the 1996 ESC, acceptance of Article 30 of the 1996 ESC, and ratification of the Collective Complaints Procedure Protocol by EU Member States

Country	Ratification of 1961 ESC	Ratification of Collective Complaints Procedure Protocol	Ratification of 1996 ESC	Acceptance of Article 30 of 1996 ESC
Austria	✓	✗	✓	✗
Belgium	✓	✓	✓	✓
Bulgaria	✓	✗	✓	✗
Croatia	✓	✓	Signed in 2009 but not ratified	n.a.
Cyprus	✓	✓	✓	✗
Czech Republic	✓	✓	Signed in 2000 but not ratified	n.a.
Denmark	✓	✗	Signed in 1996 but not ratified	n.a.
Estonia	✓	✗	✓	✓
Finland	✓	✓	✓	✓
France	✓	✓	✓	✓
Germany	✓	✗	Signed in 2007 but not ratified	n.a.
Greece	✓	✓	✓	✓
Hungary	✓	✗	✓	✗
Ireland	✓	✓	✓	✓
Italy	✓	✓	✓	✓
Latvia	✓	✗	✓	✓
Lithuania	✓	✗	✓	✗
Luxembourg	✓	✗	Signed in 1998 but not ratified	n.a.
Malta	✓	✗	✓	✗
Netherlands	✓	✓	✓	✓
Poland	✓	✗	Signed in 2005 but not ratified	n.a.
Portugal	✓	✓	✓	✓
Romania	✓	✗	✓	✗
Slovakia	✓	✗	✓	✓
Slovenia	✓	✗	✓	✓
Spain	✓	✗	Signed in 2000 but not ratified	n.a.
Sweden	✓	✓	✓	✓
United Kingdom	✓	✗	Signed in 2007 but not ratified	n.a.
Total	28	12	20	13

Note: ✓ = yes, ✗ = no, n.a. = not applicable

Source: FRA, 2018 and Council of Europe



economic protection of the family (Article 16), as well as of children (Article 17).⁴²

Unlike the first, 1961, version of the ESC, not all EU Member States have ratified the 1996 ESC or opted to implement Article 30, as shown in Table 1. Of the 28 EU Member States, 20 are bound by the 1996 ESC, whereas only 13 have agreed to be bound by Article 30. Moreover, only 12 EU Member States have ratified the protocol establishing a system of collective complaints. This Collective Complaints Procedure Protocol allows entitled social partners and non-governmental organisations (NGOs) to bring complaints before the ECSR concerning the non-compliance of a Member State's law or practice with one of the provisions of the ESC.⁴³ The selective adoption of legal obligations by EU Member States concerning the treaty system of the ESC, as described above, creates a fragmented and complex legal landscape as regards the respect of social and economic rights.

However, given the very close link between the right recognised by Article 30 of the ESC and the rights recognised by other provisions of the ESC, if an EU Member State has not yet accepted Article 30 of the ESC, the situation of children and aspects of child poverty could be examined by the ECSR when monitoring the implementation of other provisions already accepted by the particular Member State, such as the right of children and young persons to protection (Article 7), the right to protection of health (Article 11), the right to social security (Article 12), the right to social and medical assistance (Article 13), and the right to social, legal and economic protection of the family (Article 16), as well as of children (Article 17). The protection of the rights of the child constitutes a transversal matter within the ESC's provisions and the ECSR also monitors the condition and well-being of children in line with the international standards in the field, such as the CRC.

In 2014, the Secretary General of the Council of Europe launched the so-called Turin process to strengthen the treaty system of the ESC within the Council of Europe and its relationship with EU law.⁴⁴ In this context, the ECSR called on the EU to encourage its Member States to "harmonise their commitments, in particular by all ratifying the revised Charter and all accepting all the provisions in the ESC which are most directly related in terms of substance to the provisions of EU law and the competences of the EU".⁴⁵ Moreover, the European Commission, in the context of the European Pillar of

Social Rights, acknowledges that its implementation could be reinforced by the ratification of the 1996 ESC and the Collective Complaints Procedure Protocol.⁴⁶

It is important to enhance cooperation between the European Union and the Council of Europe in terms of the interaction between the European Pillar of Social Rights and the ESC. This would allow the principles of the Pillar to be realised in harmony with the rights covered by the ESC. The ESC, as a legally binding instrument, could serve as a legal 'support' mechanism for the implementation of the Pillar by EU Member States.

The ECSR has also called for the EU to accede to the ESC,⁴⁷ a process that has been supported by the European Parliament⁴⁸ and civil society.⁴⁹ This proposal has been on the table for several years, but it is now more likely to appear as possible given the recent signature by the EU of the Istanbul Convention.⁵⁰ Accession by the EU to the ESC could provide a powerful signal towards the European public opinion on the increasing awareness of the EU in relation to economic and social rights,⁵¹ and could enhance the EU's role and Member States' actions in combating child poverty. As for the legal modalities for such an accession, it has been suggested that it would not require the Union to become a member of the Council of Europe, but that the conclusion of a new legal instrument in the form of an additional protocol to the ESC, ratified by all Member States of the Council of Europe, could be sufficient.⁵²

However, the accession of the EU to the ESC is only one of the options for aligning EU legislation and policies with ESC standards. Other options call for all EU institutions, including the Court of Justice of the European Union, to use these standards when exercising their competences – for example by interpreting the relevant provisions of the EU Charter according to the corresponding provisions of the ESC, as interpreted by the ECSR; or by referring to the ESC's provisions in impact assessments of legislative proposals prepared by the European Commission.⁵³ Regardless of any developments concerning the future accession of the EU to the ESC, the issue of tackling

42 Council of Europe, European Committee of Social Rights (2013).

43 [Additional Protocol to the European Social Charter Providing for a System of Collective Complaints](#).

44 [The Turin process for the European Social Charter](#).

45 Council of Europe, European Committee of Social Rights (2014).

46 European Commission (2018b), pp. 4, 60; and European Commission (2017b), pp. 4, 50.

47 Council of Europe, European Committee of Social Rights (2014).

48 European Parliament (2014), [Resolution on the situation of fundamental rights in the European Union \(2012\)](#), 2013/2078(INI), para. 8a, Brussels, 27 February 2014; and European Parliament (2015), [Resolution on the situation of fundamental rights in the European Union \(2013-2014\)](#), 2014/2254(INI), para. 13, Brussels, 8 September 2015.

49 Council of Europe, Conference of INGOs (2018).

50 Council of Europe, [Chart of signatures and ratifications of the Istanbul Convention](#).

51 European Parliament, Directorate General for Internal Affairs, Policy Department Citizens' rights and constitutional affairs (2016).

52 *Ibid*, p. 45.

53 *Ibid*.

child poverty is already covered by those standards, as well as by the provisions of the CRC and the CRPD, which provide a comprehensive framework for the development of a child rights approach to combating child poverty. In this respect, it is not a coincidence that the explanations document of the EU Charter of Fundamental Rights refers explicitly to the CRC and to the ESC as sources of inspiration for the interpretation of Articles 24 and 34 of the EU Charter, providing to all authorities implementing the EU Charter appropriate and legally accurate guidance.

Council of Europe policy and soft law framework for combating child poverty

The Council of Europe identifies poverty, inequality and exclusion as being among the main challenges for children's rights. Its [Strategy for the Rights of the Child for the period 2016–2021](#) states that "Child poverty and social exclusion can most effectively be addressed through child protection systems that carefully integrate preventive measures, family support, early childhood education and care, social services, education and housing policies". At the same time, countering discrimination and promoting equal opportunities is particularly crucial for children belonging to groups at higher risk of discrimination, such as children with disabilities, children in alternative care, children on the move or affected otherwise by migration, or Roma children.

In addition, the Council of Europe [Recommendation on children's rights and social services friendly to children and families](#), the [Guidelines on child-friendly healthcare](#) and the [Recommendation on policy to support positive parenting](#) provide a soft law and policy framework for concrete action in various fields relevant to combating child poverty and exclusion.



3

‘Investing in children’: towards a comprehensive rights- based approach to child poverty



CHILDREN’S VOICES

Poverty is not only about money, [it] is about injustice. It means having less also in terms of services.

Child participant in FRA symposium ‘Is Europe doing enough to protect fundamental rights?’, Brussels, 28 June 2017



Policy responses to child poverty in the EU are required at both the EU level and the Member State level. These responses should respect the legally binding framework established by the EU treaties and the EU Charter of Fundamental Rights, as well as the legal obligations undertaken by Member States by ratifying binding international human rights instruments.

In 2013, the European Commission adopted, and the European Council endorsed,⁵⁴ the Recommendation ‘Investing in children: breaking the cycle of disadvantage’ as part of the Social Investment Package, which provides Member States with policy guidance on their social investments.⁵⁵ This 2013 European Commission’s Recommendation contains guidelines for Member States on addressing child poverty and social exclusion from a rights of the child perspective. In this way, the Recommendation builds upon the EU and international human rights law framework on the rights of the child.

The Recommendation, as a soft law EU instrument, provides an ambitious framework that considers child poverty not solely from the perspective of family income or parents’ employment, but from a more comprehensive, rights of the child perspective. This encompasses issues related to access to quality services as well as the right of children to participate. In accordance with the EU Charter of Fundamental Rights, as well as the relevant provisions of the CRC, the Recommendation adopts a rights-orientated holistic

and integrated approach to child poverty, reinforcing the interdependency of the rights of the child established in the CRC and their connection with an adequate standard of living.⁵⁶ All of those aspects are reflected in the Recommendation through the three pillars presented in Figure 7: (i) access to adequate resources, (ii) access to affordable quality services and (iii) the right of children to participate.

“The overall finding of the ESPN analysis is that the modest progress made in the direction outlined in the Recommendation is insufficient to the scale of the problem in many countries. Four countries in particular (EE, FR, IE, MT) have taken initiatives to strengthen their policies/approaches and programmes in a significant number of areas. Another eight countries (BG, IS, LT, LV, NL, PT, SI, SK) have also made improvements that are in line with the Recommendation in several areas. The countries that already had strong policies and programmes and low levels of child poverty or social exclusion have largely maintained these. However, it is clear that very limited progress has been made in most areas in too many of the countries with high or very high levels of child poverty or social exclusion (CY, EL, ES, HR, HU, IT, MK, RO, RS, TR, UK) and indeed some of these have actually weakened their approach in several areas. This is particularly concerning given the persistently high levels of children at risk of poverty or social exclusion in the EU.”

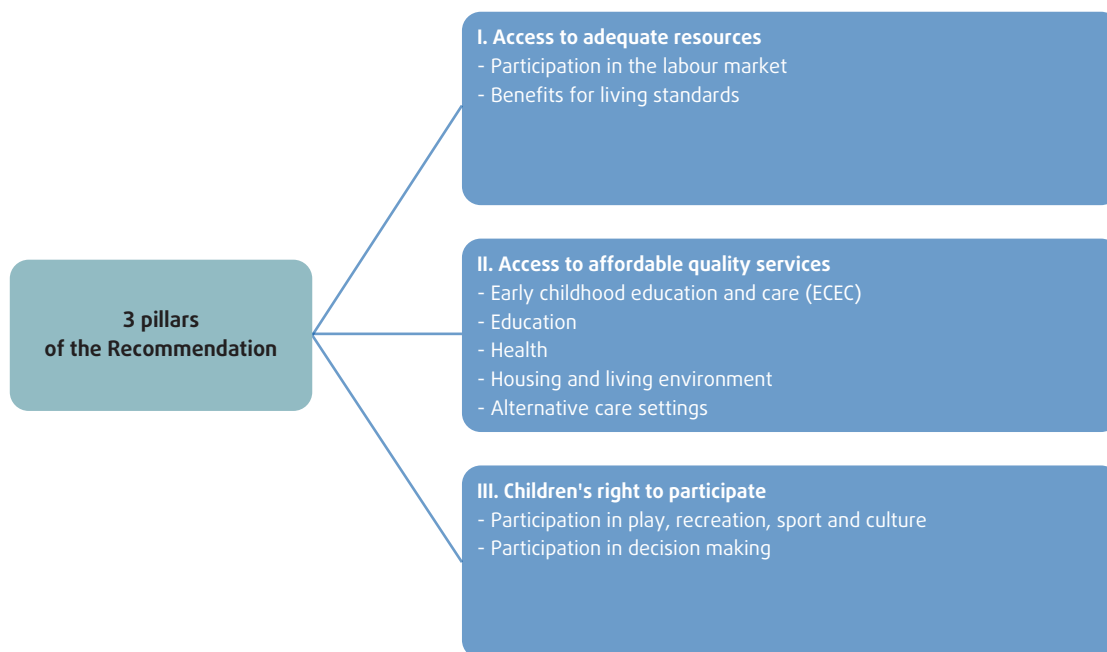
European Social Policy Network (ESPN) (2017), *Progress across Europe in the implementation of the 2013 EU Recommendation on ‘Investing in children: Breaking the cycle of disadvantage’ – A study of national policies*, European Commission

54 Council Employment, Social Policy, Health and Consumer Affairs, informal meeting, Vilnius, 11-12 July 2013.

55 European Commission (2013).

56 European Commission (2017h), p. 3.

Figure 7: Three pillars of the European Commission’s 2013 Recommendation ‘Investing in children’



Source: FRA, 2018, based on European Commission’s 2013 Recommendation

3.1. Access to adequate resources: supporting parents to protect children’s rights

The first pillar of the 2013 Recommendation focuses on how to ensure that parents have access to resources, through employment and through child and family benefits. The right to access these resources is covered by international and European human rights instruments, as shown in Table 2.

Although access to adequate resources is not covered by the ECHR, ECtHR case law emphasises the importance of adequate resources and the consequences that a lack

of resources may have on family unity and the respect of the right to family life, as protected under Article 8 of the ECHR.⁵⁷

Monitoring bodies also reiterate the importance of adequate resources. The Concluding observations of the UN Committee on the Rights of the Child (2014–2018)⁵⁸ related to access to resources, as shown in Table 3, highlight the need for a rights of the child approach to budgeting, in accordance with General Comment No. 19. These observations relate particularly to vulnerable children, such as Roma children, asylum-seeking and refugee children, children with disabilities or children of single parents, and recommend that Member States increase their budget allocations to those children.

Table 2: International and European human rights provisions on access to resources, as reflected in the first pillar of the European Commission’s 2013 Recommendation on investing in children

Pillar 1: access to resources	Human rights provisions
Support parents’ participation in the labour market	Articles 6, 7 and 10 ICESCR; Articles 18 and 27 CRC; Articles 1, 2, 3, 4, 16 and 22 ESC; Articles 29, 31 and 33 EU Charter
Social protection systems and social benefits	Articles 9 and 10 ICESCR; Article 26 CRC; Articles 13, 14, 16 and 17 ESC; Article 34 EU Charter

Source: FRA, 2018

57 ECtHR (Fourth Section), *Soares de Melo v. Portugal*, No. 72850/14, 16 February 2016.

58 UN, Office of the High Commissioner (2018), *Concluding observations*.

Table 3: Selected examples of Concluding observations of the UN Committee on the Rights of the Child on access to resources (2014-2018)

The Committee . . .	EU Member States
recommends establishing a child rights perspective in national budgeting processes and specifying clear allocations for children in the relevant sectors, as well as introducing specific indicators and monitoring and tracking systems	Spain (2018), Denmark (2017), Estonia (2017), Romania (2017), Bulgaria (2016), France (2016), Ireland (2016), Slovakia (2016), United Kingdom (2016), Poland (2015), Sweden (2015), Croatia (2014), Hungary (2014), Portugal (2014).
recommends increasing the budget allocated to children in vulnerable situations, such as Roma children, asylum seeking and refugee children	Spain (2018), Denmark (2017), Estonia (2017), Romania (2017), , Bulgaria (2016), France (2016), Ireland (2016), Slovakia (2016), United Kingdom (2016), Poland (2015), Sweden (2015), Croatia (2014), Germany (2014), Hungary (2014), Portugal (2014).
urges to increase financial support to families , especially with children with disabilities or single- parent families	Spain (2018), Denmark (2017), Romania (2017), Sweden (2015), Hungary (2014), Portugal (2014).
recommends to provide employment support; amend the legislation making the rates of payment of child benefit , parental care allowance and child birth allowance conditional on compliance with preventive measures	Slovakia (2016), Poland (2015).

Source: FRA, 2018, based on UN Committee on the Rights of the Child’s Concluding observations published between February 2014 and March 2018

3.1.1. Supporting parents’ participation in the labour market

There is a strong link between parents’ participation in the labour market and children’s living conditions, as acknowledged in the 2013 Recommendation. The Recommendation calls on Member States to take all possible measures to support parents’ participation in the labour market, in particular in relation to single parents and second earners, and parents “in households at particular risk”. One of the targets of the Europe 2020 Strategy is to reach an employment rate of at least 75 % for the population aged 20–64. The employment rate in the EU-28 was 71.1 % in 2016, with significant differences among Member States (from 81.2 % in Sweden to 56.2 % in Greece), according to the latest data. The employment rate is the highest in the last 10 years (2006-2016).⁵⁹

Work-life balance initiatives can support parents with their responsibilities in relation to raising children. The difficulties that parents, more often women, face when re-entering employment after parental leave, and the availability of flexible arrangements that allow a balance between family and work responsibilities, are linked to working conditions and affect the extent to which some disadvantaged children enjoy their rights. Moreover, the lack of equal distribution in family households or in responsibilities related to raising children has a major impact on women’s access to the labour market. One of the main legislative proposals in the context of the European Pillar of Social Rights is the Directive to support the work-life balance of working parents and carers.⁶⁰

The 2013 Recommendation addresses this and calls for Member States to promote quality, inclusive employment and working environments that enable parents to balance their work and parenting roles.⁶¹ Progress in this regard is monitored in EU Member States. This shows that in many countries there are financial disincentives that make it unattractive for second earners to enter the labour market. It also shows that, while flexible arrangements and part-time work are common in some Member States (Austria, Belgium, Germany, the Netherlands, the United Kingdom and Sweden), these arrangements are still associated with lower pay, fewer promotion opportunities and reduced pension entitlements, resulting in a higher risk of poverty and fewer unemployment entitlements. In addition, women are more likely than men to opt for flexible arrangements to take care of children.⁶²

FRA ACTIVITY

EU-MIDIS data on the employment of women from minority groups

The EU-MIDIS II survey also looked into the employment of women from minority groups. On average, 61 % of household members of working age indicate that they were employed or had done some work in the four weeks preceding the survey. This is below the average EU-28 employment rate of 71 % in 2016. There is a large gender gap: women are less often engaged in paid work, across most target groups and countries. The gender gap among the various target groups is, on average, almost twice as high as among the general population.

For more information, see FRA’s website.

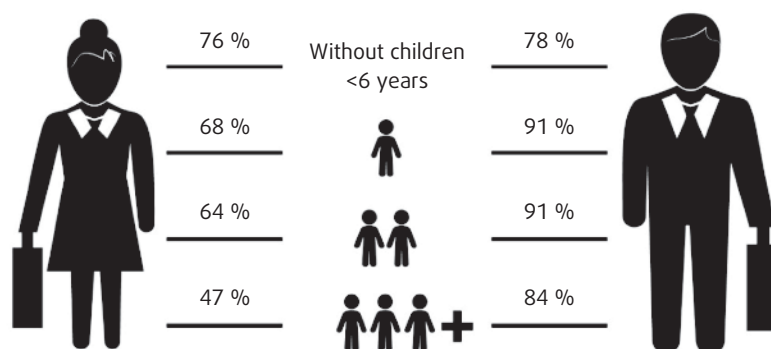
59 Eurostat, Indicator [Total employment rate](#) [tsdec410], accessed on 6 February 2018.

60 European Commission (2017f).

61 European Commission (2017h), Section 2.1.

62 *Ibid*, p. 15.

Figure 8: Employment rates of men and women aged 20–49 with no child or at least one child aged 0 to 5 years in the household in the EU in 2016, by number of children (%)



Source: FRA, 2018, based on Eurostat [lfst_hheredch], accessed on 6 February 2018

While countries with a larger proportion of mothers in paid work often have lower poverty rates among children,⁶³ evidence shows that there is a long way to go in this regard. Figure 8 shows employment rates at the EU level, separately for men and women, as a function of the number of children, of whom at least one is below

the age of six. The gender gap in employment starts with the first child and remains with the arrival of the second. In the EU, 64 % to 68 % of mothers with one or two children are in employment, compared with around 91 % of fathers.

Promising practice

Family-friendly companies

Charter for a Family-Friendly Company

This charter, established by the **Belgian** League of Families (*Gezinsbond*), a civil society organisation, aims to create a forum for the promotion of a family-friendly business culture and to allow companies to advertise themselves as family-friendly employers. The charter comprises an agreement to be signed by both employer and staff representatives, recognising the values and principles at the core of reconciliation between work and family, respecting the employee's role in their family, equal opportunities for both genders within the company and openness to dialogue.

More information is available on the website of the European Platform for Investing in Children.

Family-Friendly Workplace Programme

This programme was established by the Family Federation of **Finland**, a not-for-profit family welfare organisation. It aims to promote family-friendly practices in the workplace with

a certification system in either the private or public sector. Employees benefit from a more flexible working environment, which reduces sick leave and improves work efficiency and productivity. Sixteen companies and organisations have already joined the programme.

More information is available on the COFACE website.

Awards for Family-Friendly Workplaces

The Ministry of Labour and Social Affairs of **Hungary** holds an annual competition for family-friendly workplaces, to recognise companies and institutions that have introduced measures to promote a better work-life balance for employees. The award is broken down into five categories according to the size and type of enterprises. Applications are submitted and then evaluated by a jury, which is made up of representatives from the employment ministry, the family ministry, the employment office, trade unions, employers' associations and civil society organisations.

More information is available on the website of the European Platform for Investing in Children.

63 European Parliament, European Parliamentary Research Service (2016).

3.1.2. Social benefits for an adequate standard of living

Social protection systems, including social benefits, are a means through which authorities can improve access to adequate resources, which contributes to ensuring that children enjoy their right to an adequate standard of living and therefore to protection against poverty.

In order for social benefits to guarantee an adequate standard of living for children, the 2013 Recommendation calls on Member States to combine different cash and in-kind benefits. It suggests cash benefits such as fiscal incentives, family and child benefits, housing benefits and minimum income schemes. It suggests in-kind benefits related to nutrition, childcare, education, health, housing, transport, and access to sports or socio-cultural activities.⁶⁴

Social transfers are one of the ways in which Member States can provide social security in the form of additional income to those in need. Eurostat defines social transfers as benefits that range from unemployment benefits to sickness benefits or pensions.⁶⁵ Family-related benefits, housing allowances and education-related benefits are of particular importance for children. The overall provision of child and family benefits has been very mixed since the adoption of the 2013 Recommendation: 14 countries are considered to have generally strengthened such benefits, but eight countries are considered to have weakened them.⁶⁶

The impact of social transfers can be measured by calculating the difference between the at-risk-of-poverty rates (first sub-indicator of AROPE) before and after social transfers. If the system is efficient in the protection of children, the percentage of children at risk of poverty will decline significantly after social transfers. On average, in the EU-28 social transfers decreased the at-risk-of-poverty rate in households of two or more adults with dependent children by about 14 %.⁶⁷ The redistribution of income through social transfers is, in all countries, a tool for reducing the relative income-related poverty rate; however, this is more efficient in some countries than in others.

Social transfers are particularly important for children living in single-parent households. Such children are at high risk of poverty, since only one person in the household, most often the mother, provides income through labour. On average, the at-risk-of-poverty rate of persons living in single-parent households with dependent children in the EU is reduced through social transfers by 26 %. However, the at-risk-of-poverty rate of persons living in single-parent households is still 34 %, compared with 17.6 % for persons living in households with at least two adults and dependent children.⁶⁸

Family-related benefits are crucial, as they ensure that families have sufficient income for children to grow up in a safe and healthy environment with their basic needs covered. Some Member States have not increased benefits in line with living costs in recent years.⁶⁹ As a consequence, the impact of family benefits in terms of reducing the harmful effects of the recession on child poverty has varied widely across the EU.⁷⁰

3.2. Access to affordable quality services: equal opportunities for all children

The second pillar of the 2013 Recommendation focuses on how to ensure parents and children have access to affordable quality services, in particular in relation to ECEC; education systems; health systems; housing; and alternative care for children deprived of parental care. The Recommendation focuses on the potential for investment in these areas to promote equal access to services and hence equal opportunities for all children, especially those in a vulnerable situation, and to reduce inequality through early intervention. Table 4 lists the main legal provisions in this regard at the European and international levels, and the various corresponding aspects of accessing quality services included in the 2013 Recommendation.

In addition to the international anti-discrimination framework, EU law prohibits discrimination in Article 21 of the EU Charter on various grounds, including ethnic or social origin, race, religion and membership of a national

64 European Commission (2013), Section 2.1.

65 Eurostat defines Social transfers as including: old-age and survivors' pensions, unemployment benefits, family-related benefits, sickness and invalidity benefits, education-related benefits, housing allowances, social allowances, social assistance, other benefits.

66 European Commission, Directorate-General for Employment, Social Affairs and Inclusion (2017).

67 Eurostat, [European Union Statistics on Income and Living Conditions \(EU-SILC\)](#), Indicators 'At-risk-of-poverty rate by poverty threshold, age and sex' [ilc_li02] and 'At-risk-of-poverty rate before social transfers (pensions included in social transfers) by poverty threshold, age and sex' [ilc_li09] 2016, accessed on 6 February 2018.

68 Eurostat, [European Union Statistics on Income and Living Conditions \(EU-SILC\)](#), Indicators 'At-risk-of-poverty rate by poverty threshold and household type' [ilc_li03] and 'At-risk-of-poverty rate before social transfers (pensions included in social transfers) by household type' [ilc_li09b] 2016, accessed on 6 February 2018. Information only available on household level in percentage of the total population.

69 Namely Croatia, the Czech Republic, Finland, Greece, Hungary, Ireland, Latvia, Portugal, Romania, Slovenia and Spain. See European Commission (2017h).

70 *Ibid.*, pp. 16-17.

Table 4: International and European human rights provisions on access to quality services, as reflected in the second pillar of the European Commission’s 2013 Recommendation on investing in children

Access to quality services	Human rights provisions
General: equality and non-discrimination	Article 2 ICESCR, Article 2 CRC, Article 1 Protocol No. 12 to the ECHR, Article E ESC, Article 21 EU Charter
Reduce inequality at a young age by investing in early childhood education and care (ECEC)	Article 10 ICESCR, Articles 3 and 18 CRC, Article 27 ESC, Article 24 EU Charter
Improve education systems’ impact on equal opportunities	Article 13 ICESCR, Article 28 CRC, Article 2 Protocol No. 1 to the ECHR, Article 17 ESC, , Article 14 EU Charter
Improve the responsiveness of health systems to address the needs of disadvantaged children	Article 12 ICESCR, Article 24 CRC, Articles 11 and 13 ESC, Article 35 EU Charter
Provide children with a safe, adequate housing and living environment	Article 11 ICESCR, Article 27 CRC, Article 31 ESC, Article 34 EU Charter
Enhance family support and the quality of alternative care settings	Article 10 ICESCR, Article 20 CRC, Articles 16 and 17 ESC, Articles 7 and 24 EU Charter

Source: FRA, 2018

Table 5: Selected examples of Concluding observations of the UN Committee on the Rights of the Child on access to services, by theme (2014–2018)

Issue covered	The Committee . . .
Early childhood education and care (ECEC)	<ul style="list-style-type: none"> recommends increasing affordability and availability of preschool education, especially for children in vulnerable situations, with disability or from rural areas – Estonia (2017), Bulgaria (2016), Ireland (2016), Slovakia (2016), United Kingdom (2016), Croatia (2014), Germany (2014), Hungary (2014), Portugal (2014).
Education system	<ul style="list-style-type: none"> recommends strengthening measures to monitor and address drop-out rates – Estonia (2017), Bulgaria (2016), Ireland (2016). urges ensuring access to inclusive and quality education to all children, especially children belonging to cultural or linguistic minorities, children with disabilities and children with migrant background – Estonia (2017), Bulgaria (2016), Ireland (2016), Slovakia (2016), United Kingdom (2016), Poland (2015), Sweden (2015), Croatia (2014), Germany (2014), Hungary (2014), Portugal (2014).
Health system	<ul style="list-style-type: none"> urges taking immediate measures to ensure that all children have access to quality and affordable healthcare, especially children in vulnerable situations and with disabilities – Estonia (2017), Bulgaria (2016), France (2016), Ireland (2016), Slovakia (2016), Poland (2015), Sweden (2015), Croatia (2014), Germany (2014), Hungary (2014), Portugal (2014). recommends ensuring that parental care is provided to all mothers, even uninsured ones – Bulgaria (2016), France (2016), Slovakia (2016), Germany (2014). urges allocating resources to monitoring mechanisms aimed at eliminating inequalities in access to health care – Ireland (2016), Slovakia (2016), United Kingdom (2016).
Housing	<ul style="list-style-type: none"> recommends strengthening support to children living below the poverty line, in particular single-parent families, families with three or more children and families with children with disabilities, and ensuring that social protection measures provide for the real costs of a decent living for the children, including expenses relating to adequate housing and water and sanitation – Bulgaria (2016), Ireland (2016), United Kingdom (2016), Sweden (2015), Hungary (2014). urges taking measures to reduce homelessness, especially for minority groups – Slovakia (2016), United Kingdom (2016).
Alternative care for children deprived of parental care	<ul style="list-style-type: none"> recommends supporting family-based care for children, wherever possible, and strengthening the alternative care system, including foster care, kinship and custody arrangements for children who cannot stay with their families, with a view to further reducing the institutionalisation of children – Estonia (2017), Bulgaria (2016), France (2016), Ireland (2016), Slovakia (2016), United Kingdom (2016), Poland (2015), Croatia (2014), Germany (2014), Hungary (2014), Portugal (2014). recommends supporting quality alternative care and monitoring systems – Estonia (2017), France (2016), Slovakia (2016), Sweden (2015), Croatia (2014). requests ensuring that children with disabilities and Roma children are not discriminated against in the adoption process – Bulgaria (2016), Ireland (2016), Hungary (2014).

Source: FRA, 2018, based on the UN Committee on the Rights of the Child’s Concluding observations published between February 2014 and March 2018



minority. Article 19 of the TFEU also explicitly refers to possible EU actions against discrimination on some of those grounds. Moreover, EU secondary law specifically prohibits discrimination in relation to access to services and to the welfare system, through the Racial Equality Directive.⁷¹ Other anti-discrimination Directives that focus on other areas can affect the protection of equal access to services for children.

The 2013 Recommendation provides guidance on how to promote equality and non-discrimination in relation to access to affordable quality services by all children. It calls for a reduction in inequality by investing in ECEC, incentivising the participation of children from disadvantaged backgrounds. It also calls for a fostering of desegregation policies and the addressing of barriers that stop or seriously hinder children from attending or completing school. It highlights the importance of strengthening equality legislation and guaranteeing that the most marginalised learners receive at least a minimum qualification of quality. In relation to housing, local planning should involve consideration of the best interests of children, to prevent ghettoisation and segregation, according to the 2013 Recommendation. Moreover, families and children at risk of homelessness should be supported by preventing evictions, unnecessary moves and the separation of families. The Recommendation points out that it is important to ensure that poverty is never the only reason for removing a child from parental care. A family's material deprivation should be tackled to enable children to remain in or return to the care of their parents.

This is also in line with the Concluding observations of the UN Committee on the Rights of the Child on access to quality services, for the years 2014-2017, as shown in Table 5, which call for an increase in the affordability and availability of preschool education, especially for children in vulnerable situations or from rural areas, and urge States Parties to ensure that all children have access to inclusive, quality education and to healthcare. They also recommend strengthening support for children living below the poverty line, as well as ensuring that children with disabilities and Roma children are not discriminated against.

Accessing services remains a challenge for certain groups of children in especially vulnerable situations, despite the strong legal provisions on equality and non-discrimination. The lack of disaggregated data on such groups of children prevents a comprehensive assessment of progress towards improving equal access

to services; however, scattered research on the data available shows that many challenges persist.

Promising practice

Extending childcare beyond the 'normal service'

The crèche Beavers in **France** is for families in difficulty. It offers childcare for atypical schedules and socio-professional support to parents. It was created in 2011 by ANAF (Association of Nantes Family Support) and is partly financed by EU funds. The target group is made up of single-parent families, families receiving social benefits and families with parents on part-time contracts. Individual home care for children can be set up if the time slots of Monday to Friday from 07.30 to 20.00 are not suitable. The crèche also provides additional services for parents, such as help with job searches and training.

More information can be found on the website of the European Platform for Investing in Children.

Children with migrant backgrounds are also often in particularly vulnerable situations. The FRA report *Together in the EU – Promoting the participation of migrants and their descendants* shows that about half of the EU Member States have de facto segregation of migrant children at school.⁷² The 2017 European Commission's Communication on the protection of children in migration acknowledges the need to develop measures that tackle child poverty as key to the integration of these children.⁷³

Children with disabilities also encounter particular barriers that hinder the fulfilment of their rights and their access to the services that could help them to overcome these barriers. There is a severe lack of data on children with disabilities in relation to many areas, including poverty. Research suggests however that children with disabilities are more likely to live in poverty.⁷⁴ Access to inclusive education is a primary means by which such children can be lifted out of poverty.⁷⁵ The lack of access to mainstream education for children with disabilities, though, is still a major concern in Europe.⁷⁶

Roma children do not access services to the same extent as their non-Roma peers. Only 53 % of Roma children living in the nine Member States covered by FRA EU-MIDIS II, aged between four years and the starting age of compulsory education, were in early childhood

⁷¹ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ 2000 L 180.

⁷² FRA (2017b).

⁷³ European Commission (2017i).

⁷⁴ Frazer, H. and Marlier, E. (2017), p.16.

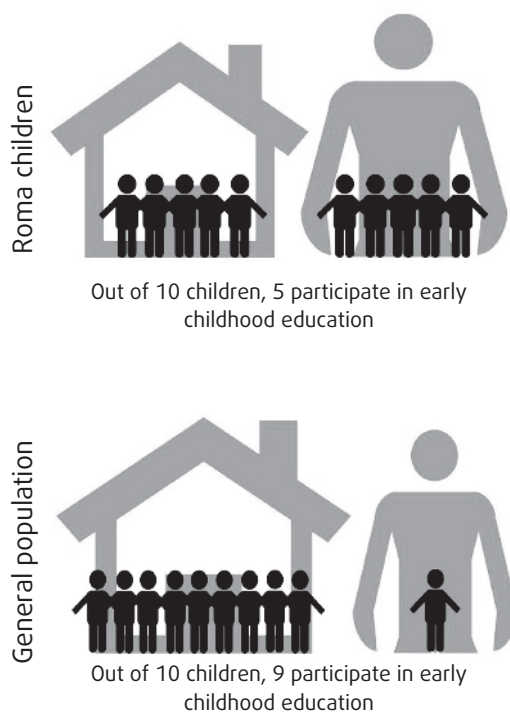
⁷⁵ UN, Committee on the Rights of Persons with Disabilities (2016).

⁷⁶ FRA (2015b).

education, as shown in Figure 9. This is still far behind the EU's Barcelona targets, which set the objective of providing childcare to at least 90 % of children between

three years old and the mandatory school age.⁷⁷ In contrast, 90 % of children from the general population in the EU-28 were in early childhood education.

Figure 9: Rate of participation in ECEC of children aged four years to age of starting compulsory education in 2014 for all children in the EU-28 and for Roma children in nine select countries ^{a,b,c,d}



Notes: ^a The nine selected countries are Bulgaria, Croatia, the Czech Republic, Greece, Hungary, Portugal, Slovakia, Spain and Romania.

^b Out of all persons aged between 4 years and the country-specific starting age of compulsory primary education in Roma households (n = 1,776); weighted results.

^c Survey question filled in by respondent for all children if they regularly attend public or private childcare (nursery, preschool, etc.).

^d Different age groups for participation in early childhood education in countries: 4–6 years in Bulgaria and Croatia; 4–5 years in the remaining countries. Age is calculated on an annual basis; hence, the figures do not consider an earlier or delayed start in primary education of individual children.

Sources: FRA, EU-MIDIS II 2016, Roma; Eurostat 2014, General population, Education and Training 2020 target – educ_uoe_enra10 (downloaded on 23 May 2016), EU average estimate 2014

⁷⁷ European Council, [Presidency Conclusions](#), Barcelona, 15–16 March 2002.



Promising practice

Providing Roma children with a 'good start'

The project 'A Good Start' implemented in the former Yugoslav Republic of Macedonia, **Hungary**, **Romania** and **Slovakia** sought to increase young Roma children's access to quality early childhood education and care (ECEC). This was achieved by increasing parental awareness of the benefits of ECEC, providing additional (financial) support, making preschools more inclusive for Roma children and parents, and supporting home parenting. The survey information collected after the project showed that the number of three- to five-year-old children enrolled in preschools substantially increased over the project period in the four countries.

The project was implemented by the Roma Education Fund and the European Commission's Directorate-General for Regional Policy (DG REGIO) in collaboration with other local partner organisations.

More information is available on the website of the European Platform for Investing in Children.

Promising practice

Introducing a legal entitlement to early childhood education and care (ECEC)

Providing children with a legal right to a place in ECEC in a publicly subsidised system can help to ensure that all children, regardless of background or circumstances, attend formal ECEC.

In **Sweden**, from the age of one year, all children are legally entitled to ECEC. The municipality should be able to offer a child a place, within four months of a request, close to the child's home. Since 1995, the Swedish Schools Inspectorate has had the power to take action against a municipality that does not meet this obligation. Supply meets demand in most municipalities (98 %), as reported by the government in 2013.*

Germany recently introduced a legal entitlement to ECEC, and has increased public investment in ECEC services. The 2017–2020 ECEC investment programme plans to provide € 1.126 billion to address the parental demand that has not yet been met.**

* *European Commission (2014), Eurydice Policy Brief, Early Childhood Education and Care.*

** *Bundesministerium für Familie, Senioren, Frauen und Jugend, 24 March 2017.*

For more information, see OECD (2016), Who uses childcare? Background brief on inequalities in the use of formal early childhood education and care (ECEC) among very young children.

3.3. Children's right to participate: empowering the child as a rights holder



CHILDREN'S VOICES

I hope one day adults will realise how amazing and aware children are if you only let them express their ideas.

Child participant in FRA symposium 'Is Europe doing enough to protect fundamental rights?', Brussels, 28 June 2017



Children have the right to express their views, which should be taken into consideration on matters that affect them, as established by the EU Charter and the CRC.⁷⁸ The importance of the right of children to be heard is also reflected in the 2013 Recommendation, which includes child participation as one of its three pillars. This pillar focuses on children's rights to participate in play, recreation, sport and cultural activities, but also to be heard in all decisions that affect their lives.

The UN Special Rapporteur on extreme poverty and human rights believes that poverty can affect the right to participate, whereas a lack of participation may also

increase the risk of poverty and marginalisation, creating a vicious circle.⁷⁹ The right of children to express their views has been identified by the UN Committee on the Rights of the Child as one of the four general principles of the CRC. As a general principle, it is not only a right in itself, but needs to be considered when interpreting and implementing all other rights established in the CRC.⁸⁰

The UN Committee on the Rights of the Child, in General Comment 12,⁸¹ as well as in different Concluding

79 UN, Special Rapporteur Magdalena Sepúlveda Carmona (2013).

80 UN, Committee on the Rights of the Child (2009).

81 *Ibid*, para. 135.

78 EU Charter of Fundamental Rights, Art. 24; CRC, Art. 12.

Table 6: Selected examples of Concluding observations of the UN Committee on the Rights of the Child on child participation (2014–2018)

The Committee . . .	EU Member State
recommends ensuring transparent and participatory budgeting through public dialogue, especially with children	Estonia (2017), Bulgaria (2016), Slovakia (2016), United Kingdom (2016), Poland (2015)
urges conducting programmes and awareness-raising activities to promote the meaningful participation of all children within the family, community and schools, including within student council bodies, with particular attention to children in vulnerable situations	Estonia (2017), Slovakia (2016), Poland (2015)
recommends that the views of the child are taken into account in cases of medical interventions and that health policies are developed involving children, especially children in vulnerable situations, such as children with disabilities	United Kingdom (2016), Croatia (2014)
recommends the involvement of children, in order to formulate a comprehensive strategy for preventing and combating child abuse, including bullying	Estonia (2017), Bulgaria (2016)
recommends ensuring that the right of the child to be heard applies to all judicial, including civil and penal matters, and administrative proceedings affecting children	Estonia (2017), Bulgaria (2016), France (2016), Ireland (2016), Slovakia (2016), United Kingdom (2016), Poland (2015), Croatia (2014), Germany (2014), Hungary (2014), Portugal (2014)

Source: FRA, 2018, based on UN Committee on the Rights of the Child’s Concluding observations published between February 2014 and March 2018

observations (see Table 6), has stressed that States Parties must take adequate measures to ensure that every child has the right to freely express his or her views and to have those views duly taken into account. It has also stated that States Parties must address discrimination, including against vulnerable or marginalised groups of children, to ensure that all

children are assured of their right to be heard and are enabled to participate in all matters affecting them on an equal basis with all other children. Moreover, the UN Committee on the Rights of the Child considers that the right to participate is a clear and legal obligation of States Parties, and requires commitment to resources and training.

Promising practice

Children’s messages for designing state budgets

The UN Committee on the Rights of the Child consulted more than 2,000 children through regional consultations, online surveys and focus groups when preparing its General Comment on public budgeting for the realisation of children’s rights. Below are some examples of children’s comments that illustrate the most common messages to governments:*

- (a) Plan well. There should be enough money in the budget to provide for all rights of children.
- (b) It is impossible for you to invest in us if you do not ask us what to invest in! We know; you should ask.
- (c) Do not forget to include children with special needs in your budgets.
- (d) Spend money fairly and wisely. Don’t spend our money on something that is useless – be efficient, save money.

- (e) Investing in children is a long-term investment, and it generates a lot, so remember to think of it.
- (f) Investment in our families is also an important way of securing our rights.
- (g) Make sure there is no corruption.
- (h) Recognise the rights of all citizens, both young and old, by listening to people’s opinions on matters of governance.
- (i) The Government should be more accountable and transparent.
- (j) Publish records of how the money is spent.
- (k) Provide budget information to all children in ways that are easily understood and in media that are popular with children, like social media.

* UN, Committee on the Rights of the Child (2016), General Comment No. 19 on public budgeting for the realization of children’s rights (art. 4), CRC/C/GC/19, 20 July 2016.



At the policy level, both the EU and the Council of Europe encourage child participation. The Council of Europe drew up a list of principles and guidelines for its Recommendation on the participation of children and young people under the age of 18. These relate to, for instance, protecting children and young people's right to participate, promoting and informing children and young people about participation, and creating spaces for participation.⁸² Particular efforts should be made to enable the participation of children and young people with fewer opportunities, as established by this Recommendation.⁸³ The Council of Europe has also developed a Child Participation Assessment Tool that provides specific and measurable indicators to measure progress in implementing the Recommendation.⁸⁴ This tool has already been used by several EU Member States, such as Bulgaria, Estonia, Ireland, Italy, Latvia and Romania, to explore to what extent children in their countries can exercise their rights to be heard, to be taken seriously and to participate in decision making in all matters affecting them.

At the EU level, the EU Agenda for the Rights of the Child refers to child participation and rights awareness. This agenda also details plans to continue working with relevant stakeholders to improve ways of consulting and listening to children, to enable their greater participation in the development and implementation of actions and policies that affect them.⁸⁵ The European Commission's 2015 report on child participation provides an overview of all EU Member States and a collection of good practices in this regard.⁸⁶

However, Member States have in relative terms neglected the third pillar of the 2013 Recommendation concerning child participation, paying it less attention despite the fact "that child participation is a right and has proven benefits in terms of improved decision-making, for individual children, children as a group and for society in general".⁸⁷ The European Commission's reference to child participation in the context of the European Pillar of Social rights – that is, calling on Member States to establish child participation strategies – is a positive development.⁸⁸

FRA ACTIVITY

Maltese Presidency of the Council of the EU and FRA invite to children to discuss poverty and social exclusion

FRA learns about children's views not only through its qualitative and quantitative research, but also through children's involvement in policy discussions. In June 2017, more than 20 children from nine EU Member States participated in a symposium organised by FRA in Brussels, under the framework of the Maltese Presidency of the Council of the EU. Adult and child participants suggested a number of measures to combat poverty and social exclusion.

Several videos of children expressing their views at this symposium are available on FRA's website.

Additional related information is also available on FRA's website.

82 Those principles highlight the need to provide children and young people with all relevant information, and stress the role of parents and carers in affirming and nurturing the child's right to participate from birth onwards.

83 Council of Europe, Committee of Ministers (2012).

84 Council of Europe, [Child Participation Assessment Tool](#).

85 European Commission (2011).

86 European Commission (2015a).

87 European Commission (2017h), p. 23 and p. 29.

88 European Commission (2017c), p. 46; European Commission (2018b), p. 55.

4

Instruments to combat child poverty: their practical use



CHILDREN'S VOICES

Adults are afraid of children's views, because they might need to change all the laws.

Child participant in FRA symposium 'Is Europe doing enough to protect fundamental rights?', Brussels, 28 June 2017



A number of instruments and policy frameworks provide a structure for Member States, with the support of the EU, to develop and finance measures to address child poverty. Figure 10 shows some of the main instruments in chronological order.

Figure 10: Overview of the EU's multiannual financial frameworks and key EU and UN policy developments



Source: FRA, 2018

4.1. Europe 2020 Strategy and its monitoring mechanism: the European Semester

One of the headline targets of the Europe 2020 Strategy to promote inclusive growth is to reduce the number of people living in poverty by 20 million compared with 2008.⁸⁹ However, the European Commission and other actors fear that this target might not be reached by 2020, despite efforts and initiatives at the European and national levels.⁹⁰

The outcome of the 2015 consultation on the Europe 2020 Strategy⁹¹ suggests that the headline targets remain valid, and that the contribution of the European Semester has been positive.⁹² However, the consultation also highlighted that more effective implementation is needed and that existing coordination mechanisms must be better used.⁹³

In the context of the European Semester, the European Commission highlights that social cohesion, material well-being and health are important dimensions of EU countries' economic and social models.⁹⁴ The European Commission also notes that children are at greater risk

89 European Commission, [Europe 2020 Strategy](#).

90 European Commission (2015c); European Economic and Social Committee (2016).

91 European Commission (2015b).

92 European Commission, [The European Semester](#).

93 Council of the European Union (2015); European Commission, Social Protection Committee (2016), p. 28.

94 European Commission, [Social protection and cohesion](#).

of poverty or social exclusion than adults, emphasising that the vulnerability of children is largely driven by the employment status of their parents, especially if combined with limited access to social services and low income support.⁹⁵

The European Semester, however, gives little consideration to the rights of the child and more specifically child poverty, despite the fact that the 2013 Recommendation underlines in its preamble that “the current governance under the European Semester serves to ensure implementation of the relevant Country-Specific Recommendations to combat child poverty and improve children’s well-being”. The 2013 Recommendation calls for child poverty and social exclusion to be firmly placed as key issues in the Europe 2020 Strategy and in the NRPs submitted yearly by Member States.⁹⁶

Some of the instruments used to prepare the European Semester fail to make specific references to fundamental rights, even though EU institutions have a duty to comply with fundamental rights in the framework of the European Semester, and the methodology used to produce its key instruments remains obscure.⁹⁷ The European Parliament,⁹⁸ as well as civil society,⁹⁹ has been very critical of the attention paid to macroeconomic and fiscal policies to the detriment of social and labour rights, and of the lack of attention paid to the rights of children and child poverty. Once again, the 2017 resolution of the European Parliament on the European Semester “highlights that the European Semester cycle still lacks a child-centred approach, which would include commitment to children’s rights, mainstreaming of combating child poverty, and wellbeing objectives across all relevant policy areas of policymaking”. Focusing on fiscal discipline, while overlooking social issues such as child poverty, however, can only have negative social effects that undermine the aim of preventing the transmission of disadvantage across generations defined in the 2013 Recommendation as a “crucial investment in Europe’s future”.¹⁰⁰

The European Semester cycle includes some references or calls for action in areas of ‘poverty’ or ‘child poverty’

in the Annual Growth Survey, and some of the alert mechanism reports, country reports and CSRs.¹⁰¹

The country reports, prepared by the European Commission, provide a very comprehensive overview of not only financial or economic policies, but also a broader range of issues, such as employment rates for women, children’s access to education and health services, and even the de-institutionalisation of children.¹⁰² These reports are prepared on the basis of Regulation (EU) No. 1176/2011 on the prevention and correction of macroeconomic imbalances and a set of indicators defined in a scoreboard.¹⁰³ Issues related to social exclusion, poverty and children remain rather invisible in this regulatory framework.

However, overall these reports have progressively incorporated references to child poverty – despite a small decrease between 2017 and 2018. Eleven reports published in 2017 mention child poverty, while in 2018 the number of those reports was nine.

4.1.1. Country-specific recommendations and national reform programmes

The number of CSRs relating to children was higher in 2018 than in 2016 or 2017, rising to 25, as shown in Figure 11. These 25 CSRs refer mainly to childcare services, education or inclusive education and are addressed to 16 Member States. However, the number of CSRs referring explicitly to child poverty is still very low. One CSR related to child poverty is addressed to Spain and underlines the need to improve family support and coverage gaps in income guarantee schemes;¹⁰⁴ another, addressed to Lithuania, contains a recital referring to child poverty, although the actual CSR addresses poverty in only general terms.¹⁰⁵ Similarly, in 2017, none of the CSRs referred to child poverty explicitly, and in 2016 only one CSR made such a reference.

As FRA has previously highlighted,¹⁰⁶ it is difficult to identify the rationale behind the recommendations adopted for each country in this area. The link between national child poverty rates and the CSRs is not always clear and does not follow a consistent pattern. The European Commission explains that the number of

95 European Commission (2017e).

96 European Commission (2017h).

97 De Schutter, O. and Dermine, P. (2016), p. 9 onwards.

98 European Parliament (2017), [Resolution of 15 February 2017 on the European Semester for economic policy coordination: Employment and Social Aspects in the Annual Growth Survey 2017](#), 2016/2307(INI).

99 See for example: European Trade Union Confederation (2016); Eurochild (2017b).

100 European Parliament (2017), [Resolution of 15 February 2017 on the European Semester for economic policy coordination: Employment and Social Aspects in the Annual Growth Survey 2017](#), 2016/2307(INI).

101 Eurochild (2017a); Vanheuverzwijn, P. (2014); Vandenbroucke, F., Vanhercke, B. (2014); Costamagna, F. (2013).

102 See the example of Latvia: European Commission (2018g), p. 31.

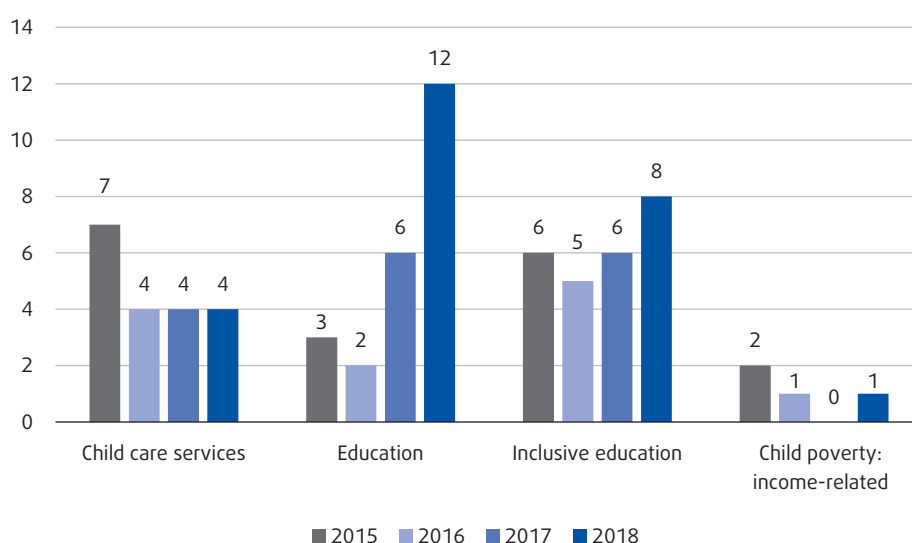
103 Regulation (EU) No. 1176/2011 of the European Parliament and of the Council of 16 November 2011 on the [prevention and correction of macroeconomic imbalances](#).

104 European Commission (2018f).

105 European Commission (2018e).

106 FRA (2017a).



Figure 11: Child-related country-specific recommendations for the years 2015, 2016, 2017 and 2018


Source: FRA, 2018, based on *European Semester – Country Specific Recommendations for 2015, 2016, 2017 and 2018*

CSRs related to child poverty has decreased because of the need to focus on areas more in need of attention, even though child poverty levels remain high, and because of improved policy reforms in some Member States.¹⁰⁷ Table 7 shows some examples of the 2017 and 2018 CSRs related to children in the area of childcare, inclusive education and education in general.

At the same time, only very few NRPs touch upon the 2013 Recommendation. For example, in 2016, the NRPs of Croatia,¹⁰⁸ Germany¹⁰⁹ and Italy¹¹⁰ were the only NRPs to contain an explicit reference to the 2013 Recommendation; in 2017, only Ireland's NRP¹¹¹ did; and in 2018, none of the NRPs referred to it. This demonstrates that the Recommendation has limited leverage in terms of national policy developments and the European Semester process.

Table 7: Selected examples of 2017 and 2018 country-specific recommendations on early childhood education and care (ECEC), inclusive education and education systems

Issue covered	The Council of the European Union recommends . . .
Childcare	<ul style="list-style-type: none"> Improving labour market outcomes for women, including through the provision of full-time care services – Austria, Italy, Poland and Slovakia Enhancing social infrastructures and family support – Ireland and Spain
Inclusive education	<ul style="list-style-type: none"> Promoting inclusive education especially for children with migrant background – Austria, Belgium and France Promoting inclusive education especially for Roma children – Bulgaria, Hungary, Romania (together with children in rural areas) and Slovakia
Education system	<ul style="list-style-type: none"> Increasing public investments in education and accelerating education reforms – Croatia, Cyprus and Germany Improving access to quality education – Bulgaria, Romania and Slovakia Improving educational outcomes, including teachers' evaluation/training/rewards – Cyprus, Germany, Hungary, Lithuania, Spain and United Kingdom Improving the labour market relevance of education and training – Croatia, France, Latvia and Lithuania

Source: FRA, 2018, based on *country-specific recommendations of 2017 and 2018*

¹⁰⁷ European Commission (2017h), p. 12.

¹⁰⁸ Croatia (2016), *National reform programme*, April 2016.

¹⁰⁹ Germany (2016), *National reform programme*, April 2016.

¹¹⁰ Italy (2016), *Economic and financial document – national reform programme*, April 2016.

¹¹¹ Ireland (2017), *National reform programme*, April 2017, p. 26.

Promising practice

Toolkit for civil society to engage with the European Semester

The European Anti-Poverty Network designed a toolkit to help its civil society members engage with the European Semester and provide input to the competent authorities, particularly in view of preparing country reports, CSRs, NRPs and national social reports.

The toolkit provides brief, to-the-point information about the processes of the European Semester and opportunities for engagement, by clarifying the key elements, the timeline and the strategic actors of the European Semester, as well as by providing links to further information and suggesting different ways of getting involved.

More information is available on the EAPN website

The European Semester cycle offers many opportunities to address child poverty in a highly complex and multifaceted process. All steps of the European Semester would benefit from a stronger focus on the rights of the child and on actions to address child poverty issues. The European Semester process is expected to gain in importance in the context of the new programming period, 2021–2027, since EU funding opportunities will be linked to the implementation of the European Semester’s outputs, in particular the CSRs (see Section 4.2.2 and Section 4.2.3). This is another reason for the European Semester process to include considerations related to the rights of the child and the protection of children from poverty.

4.2. Financing the protection of children from poverty

The EU’s financial instruments are also key tools in effectively tackling child poverty. To improve the protection of children and their interests, a consideration of the rights of the child should be visible and should be demonstrated throughout all procedures related to receiving EU funds and assessing their use. In this respect, the 2013 Recommendation calls for the opportunities provided by the ESIF to support children and families to be exploited when drawing up the ESF and the ERDF operational programmes for 2014–2020.

However, no specific priority investment targets child poverty within the framework of the 2014–2020 ESIF period; this is a missed opportunity for Member States

to benefit from EU funding.¹¹² That said, EU funding is “a driver for European added value” and cannot replace the role of national budgets in funding public services and social security systems and policies.¹¹³ Nevertheless, investing in comprehensive and innovative approaches to combating child poverty or promoting structural reforms to address issues related to child poverty through EU funding mechanisms would undoubtedly result in ‘European added value’ in this field .

Promising practice

Promoting education among Roma communities

‘Promociona’ is a programme established by the Fundación Secretariado Gitano to break the cycle of poverty among the Roma community in Spain and to achieve social inclusion through education. The project aims to ensure that young Roma complete compulsory studies and continue studying. The project, financed by the European Social Fund, targets people aged 12 to 16 years. Personalised insertion itineraries were developed to link training with employment. The increase in the overall number of people within the Roma community that hold a medium or higher certified level of education, as well as qualified jobs, is likely to have cumulative effects. The Promociona programme is currently being used in 47 cities of 13 Autonomous Communities of Spain.

For more information, see the project website.

The system of ex ante conditionalities is important for the good use of EU funds, as explained in the box ‘At a glance: EU policy tools and funding to fight child poverty’ in the Introduction of this report.

The implementation by Member States of specific thematic ex ante conditionalities related to poverty is linked to thematic objective 9 of the ESF and ERDF programmes, aimed at “promoting social inclusion, combating poverty and any discrimination”, and thematic objective 10, which aims to promote investments in education, training and vocational training for skills and lifelong learning, under the 2013 Common Provisions Regulation for the ESIF. Those ex

¹¹² Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006, OJ 2013 L 347 (Common Provisions Regulation).

¹¹³ European Commission (2018a).



ante conditionalities stipulate the requirement for the existence and implementation of national strategic policy frameworks for poverty reduction that aim to achieve the active inclusion of people excluded from the labour market or Roma inclusion, or a reduction in early school leaving.

However, existing ex ante conditionalities, in various policy areas, do not refer explicitly to child poverty or do not include criteria specific to child poverty within their scope. As regards the area of social inclusion, ex ante conditionalities do not consider, for instance, the potential impact of employment policies on families at risk of poverty or social exclusion, or the impact of accompanying measures to support children (e.g. childcare services). Similarly, in the area of education, the equal access of all children to ECEC is not part of the relevant ex ante conditionality.

The European Commission considers that there has been significant progress in the development of plans in certain areas that have an impact on child poverty, such as Roma inclusion and early school leaving.¹¹⁴ Nevertheless, civil society claims that more efforts are needed to ensure that anti-poverty strategies are developed and properly implemented by Member States to meet the requirements of ex ante conditionalities.¹¹⁵

4.2.1. Monitoring ESIF implementation and its compliance with fundamental rights

Ex ante conditionalities are important to shape the approach to and the content of partnership agreements between the European Commission and the Member States that set out national strategies on how to use funding in the context of the ESIF. The same is also true of operational programmes, which are detailed plans that break down partnership agreements into specific objectives and priorities. However, the leverage of ex ante conditionalities is limited in terms of monitoring compliance with the EU Charter of Fundamental Rights during the implementation of ESIF-funded operations. In this respect, in 2014 the European Ombudsman opened an own-initiative inquiry into how the European Commission ensures that ESIF monies are spent in compliance with the EU Charter. The Ombudsman published eight guidelines to support the European Commission in its supervisory role in relation to the implementation of the ESIF.¹¹⁶

Exploring options for monitoring possible violations of the EU Charter, including violations of the rights of children, draws on the obligations of EU institutions

and Member States to respect EU law when carrying out operations supported by the ESIF.¹¹⁷ At the same time, the Common Provisions Regulation¹¹⁸ urges the European Commission and Member States to ensure that support from the ESIF is used in accordance with relevant EU policies and horizontal principles, which take the form of general/horizontal ex ante conditionalities such as the promotion of non-discrimination, equality between men and women and the rights of people with disabilities (see Section 4.2).¹¹⁹ In addition, the use of this support should be consistent with thematic ex ante conditionalities closely linked to fundamental rights, including the rights of the child, such as those related to the fight against poverty or the reduction of early school leaving.

In 2016, the European Commission published a guide for Member States and all national authorities responsible for the efficient implementation of ESIF programmes, as a follow-up to the European Ombudsman's intervention. This guide explains the importance of ensuring that any implementation of the ESIF respects the EU Charter and provides a practical tool, the 'Fundamental Rights check-list', to "screen ESIF implementing measures against the Charter". The European Commission also underlines its competence to "make use of the means it has at its disposal to ensure that EU funds are used in compliance with the Charter, in those cases where it is applicable, including interruptions of payment deadlines, suspensions of payments and financial corrections, as well as infringement proceedings under Article 258 TFEU".¹²⁰

However, there is still a lack of sufficiently consistent monitoring of whether or not ESIF operations comply with the EU Charter and, more generally, with fundamental rights beyond the Charter. In addition, the impact of implementing the relevant ex ante conditionalities on the ground must be assessed more concretely.¹²¹ This has also been pointed out, for instance, by the UN Committee on the Rights of Persons with Disabilities in relation to the rights to live independently and to be included in the community, as enshrined in Article 19 of the UN CRPD, ratified by the EU in 2010.¹²²

¹¹⁴ European Commission (2017h), p.11.

¹¹⁵ Eurochild (2016).

¹¹⁶ European Ombudsman (2015).

¹¹⁷ EU Charter of Fundamental Rights, Art. 51 (1) and [Common Provisions Regulation](#), Art. 6.

¹¹⁸ [Common Provisions Regulation](#), Art. 4 (2).

¹¹⁹ *Ibid.*, Art. 7.

¹²⁰ European Commission (2016a).

¹²¹ European Commission (2018c), p.36.

¹²² UN, Committee on the Rights of Persons with Disabilities (2015), paras. 50-51.

FRA ACTIVITY

Promoting respect for fundamental rights in ESIF-programme implementation

In 2017, FRA, in collaboration with the European Commission, participated in joint Annual Review Meetings in relation to all Greek and Polish programmes supported by the ESIF. The meetings gathered together the managing authorities of the programmes, the national authorities responsible for the ESIF planning, coordination, implementation and control interventions, as well as European Commission services. FRA underlined that all relevant authorities and actors are legally bound to respect and comply with the EU Charter of Fundamental Rights when implementing ESIF programmes and activities, and also focused on the consequences of non-compliance.

For more information, see FRA's website.

4.2.2. The 2021–2027 financial framework

European Union's proposal on the new multiannual financial framework

In May 2018, the European Commission published its proposals for the new MFF.¹²³ The new MFF constitutes the overall budget for the EU for the period 2021–2027, reaching, according to the European Commission's proposal, a total amount of € 1,279 billion in current prices. This reflects the priorities of the EU for the coming years and is part of a broader discussion about the political goals set for the future of Europe and its 27 Member States after the withdrawal of the United Kingdom. As stated by the European Commission, "this is a pivotal moment for our Union" and the proposals supported by the Commission aim to help the EU to deliver a "positive agenda". This positive agenda is in line with the 2017 Rome Declaration,¹²⁴ which adopted the 'Rome Agenda', which pledged to work, among other things, towards "a Union that fights unemployment, discrimination, social exclusion and poverty".

In this context, the European Commission suggested strengthening the social dimension of the EU, including through the full implementation of the European Pillar of Social Rights. In practical terms, this means the establishment of an enhanced ESF (i.e. the ESF+) with a budget amounting to around € 101 billion in current prices. The ESF+ will pool, under a single funding

¹²³ European Commission (2018d).

¹²⁴ Declaration of the leaders of 27 member states and of the European Council, the European Parliament and the European Commission, Rome, 25 March 2017 (Rome Declaration).

instrument, the resources of the current ESF, the Youth Employment Initiative, the FEAD, the Employment and Social Innovation Programme and the Health Programme. Moreover, achieving "a more social Europe" is also among the objectives of the ERDF. The total funding for the new programming period, 2021–2027, allocated to the ERDF appears lower than for the current programming period and amounts in total to around € 226 billion in current prices.

The European Commission's proposals also highlight the need to strengthen the link between the ESF+ and ERDF programmes and the European Semester in terms of design and implementation. Funds should promote and support the implementation of reforms suggested to Member States through CSRs¹²⁵ and thus increase the added value of EU funding and its political leverage.¹²⁶ The European Semester process would therefore become a practical and influential mechanism not only for monitoring the economic and social policies of Member States, but also for targeting EU funding more effectively. At the same time, the European Commission suggests maintaining and reinforcing the system of ex ante conditionalities, renamed 'enabling conditions'.¹²⁷

Draft Regulations on the new EU funding instruments

In a positive development, under the draft Common Provisions Regulation proposed by the European Commission, "a more social Europe implementing the European Pillar of Social Rights" is designated among the general policy objectives for both ESF+ and ERDF funding.¹²⁸ In addition, the effective application and implementation of the EU Charter of Fundamental Rights is included among the "horizontal enabling conditions" that must be met to have access to EU funding.¹²⁹ Moreover, national programme-monitoring committees will comprise representatives of bodies that promote social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination.¹³⁰

¹²⁵ European Commission (2018d), p.9; see, for example, Articles 8(1), 9(1), 15, 17(3)(a)(iii), 18(1), 35(1)(c) of the Proposal for a Regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument (Common Provisions Regulation), COM/2018/375 final - 2018/0196 (COD).

¹²⁶ European Commission (2018c), p.36.

¹²⁷ Article 11(1) of the Proposal for a Common Provisions Regulation.

¹²⁸ *Ibid.*, Art. 4(1)(d).

¹²⁹ *Ibid.*, Art. 11(1) and Annex III.

¹³⁰ *Ibid.*, Art. 6(1)(c).

In relation to child poverty in particular, the new regulatory framework proposed by the European Commission suggests a more focused and comprehensive approach. More specifically, the specific objectives of ESF+ funding refer explicitly to children, namely as potential beneficiaries of actions that aim to promote the social integration of people at risk of poverty or social exclusion.¹³¹ The draft Regulation also provides that Member States must allocate at least 25 % of their ESF+ resources to the objectives identified under the inclusion policy area.¹³²

The specific objectives of the ESF+ draft Regulation also include also (i) promoting access to childcare as part of a better work-life balance,¹³³ and (ii) promoting equal access to quality and inclusive education and training, in particular for disadvantaged groups, from early childhood to tertiary-level education, and preventing early school leaving.¹³⁴

The specific objectives of the ERDF draft Regulation, without referring explicitly to children, include (i) improving access to inclusive and quality services in education through developing infrastructure; (ii) increasing the socio-economic integration of marginalised communities, migrants and disadvantaged groups, through integrated measures including housing and social services; and (iii) ensuring equal access to healthcare through developing infrastructure, including primary care.¹³⁵

As regards thematic ‘enabling conditions’ (i.e. ex ante conditionalities under the current legal framework), the draft Common Provisions Regulation suggests that child poverty considerations should be included among the criteria that national strategic policy frameworks for social inclusion and poverty reduction must fulfil.¹³⁶ Other thematic enabling conditions in the social area require the adoption of (i) national Roma integration strategies that include measures to prevent and eliminate segregation, in particular taking into account the gender dimension and the situation of young Roma;

(ii) national strategic frameworks for gender equality, including measures that improve access to ECEC as a means to address gender gaps in employment, pay and pensions, and to promote a work-life balance; and (iii) national strategic policy frameworks for the education and training system that include measures to ensure equal access, participation and the completion of quality and inclusive education and training.¹³⁷ Enabling conditions to access EU funding to implement actions in the social area are applicable to both the ESF+ and ERDF programmes.

4.2.3. EU funding to assist people suffering from severe material deprivation

Under the current programming period, EU funding to fight against child poverty and protect children from poverty is not limited to the ESF and the ERDF, which are mostly orientated towards promoting structural reforms, but is complemented by the FEAD.¹³⁸ The objective is to promote social cohesion, enhance social inclusion and contribute to eradicating poverty, especially by alleviating the worst forms of poverty by providing food and/or basic material assistance (non-financial assistance), as well as social inclusion activities to the most deprived.

Many national operational programmes identify children among the target groups for food distribution, and children make up 30 % of the total number of people receiving food support.¹³⁹ Children also appear to be one of the main target groups of FEAD activities,¹⁴⁰ and benefit from the largest proportion of EU funding for material assistance, including through the provision of babywear, school bags and stationery. More than 300,000 children in the EU have received the materials distributed over the last years.¹⁴¹

The FEAD is “overall an effective fund” and “makes a difference”, according to the *FEAD mid-term evaluation interim report*. It is considered coherent, and complementary to the national systems and to other EU funds, especially the ESF. It is also considered useful for alleviating poverty and social exclusion.¹⁴² However, “FEAD is a small fund whose effectiveness can hardly be measured against the overall objective of reducing poverty and social exclusion”,¹⁴³ and it is also considered “administratively burdensome”, though

¹³¹ Article 4(1)(X) of the [Proposal for a Regulation of the European Parliament and of the Council on the European Social Fund Plus \(ESF+\)](#), COM/2018/382 final - 2018/0206 (COD).

¹³² *Ibid.*, Art. 7(3).

¹³³ *Ibid.*, Art. 4(1)(iii).

¹³⁴ *Ibid.*, Art. 4(1)(v).

¹³⁵ Article 2(1)(d) of the [Proposal for a Regulation of the European Parliament and of the Council on the European Regional Development Fund and on the Cohesion Fund](#), COM/2018/372 final - 2018/0197 (COD).

¹³⁶ Article 11(1) and Annex IV of the [Proposal for a Regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument](#), COM/2018/375 final - 2018/0196 (COD).

¹³⁷ *Ibid.*

¹³⁸ [Regulation \(EU\) No 223/2014 of the European Parliament and of the Council of 11 March 2014 on the Fund for European Aid to the Most Deprived](#), OJ L 72, 2014.

¹³⁹ European Commission (2018h), pp. 38, 56 and 90.

¹⁴⁰ *Ibid.*, p. 36.

¹⁴¹ *Ibid.*, pp. 12, 38-39 and 61.

¹⁴² *Ibid.*, p. 127.

¹⁴³ *Ibid.*, p. 124.

this is mostly a “self-imposed burden stemming from national regulations and requirements”.¹⁴⁴

The European Commission proposes merging the FEAD with the ESF+ for the new programming period, 2021–2027.¹⁴⁵ The aim is to enhance coherence and prevent overlap among different EU funding instruments, increase flexibility, be more responsive to challenges and simplify fund programming and management to make it less administratively burdensome.

Special rules, though, will apply as regards principles, indicators and reporting, eligibility and audit to ensure that assistance effectively and efficiently reaches the most deprived through the least burdensome administrative procedures.¹⁴⁶ Moreover, the draft Regulation provides that Member States shall allocate at least 2 % of their ESF+ resources to fighting material deprivation (food, basic material assistance and accompanying measures).¹⁴⁷ As stated in the preamble of the draft Regulation, the target is that at least 4 % of ESF+ resources will be used at the EU level to support the most deprived. Moreover, child poverty is identified, together with homelessness and food deprivation, as one of “the forms of extreme poverty with the greatest social exclusion impact”.¹⁴⁸

4.3. Role of the Sustainable Development Goals

Global efforts in the fight against child poverty are coordinated under the UN 2030 Agenda for Sustainable Development,¹⁴⁹ adopted in 2015 and applicable to all EU Member States. The SDGs are not legally binding per se; however, they create another layer of policy commitments, beyond the EU, which the EU “is fully committed to be a frontrunner in implementing”.¹⁵⁰ The EU was instrumental in shaping the 2030 Agenda, “which is fully consistent with Europe’s vision”.¹⁵¹

The 2030 Agenda is to be implemented in a manner consistent with international law. Member States’ obligations relating to the rights of the child must be protected and promoted through the implementation of the 2030 Agenda. The SDGs have a more comprehensive human rights and child rights approach than the previous goals (the Millennium Development Goals) and have

been better received by human rights actors. Some critics fear, however, that the weak implementation mechanisms of the SDGs, and the narrow indicators, weaken the child rights’ aspect of the SDGs.¹⁵²

Promising practice

Producing guidance on achieving the SDGs

The Global Coalition to End Child Poverty, a coalition of international organisations, has created a guide to support national processes to achieve SDG 1 on ending poverty, which refers to children explicitly, and, in doing so, support the implementation of all of the SDGs, which are so crucial to the realisation of children’s rights. The guide covers issues such as building national alliances, measuring and advocating on child poverty, and changing policies and programmes.

For more information, see the UNICEF website

Most of the 17 SDGs and their 169 targets are relevant to children; however, some goals have a specific focus on children, particularly with regard to poverty, violence, gender equality and education.¹⁵³ Under SDG 1 – ‘End poverty in all its forms everywhere’ – the 2030 Agenda aims to reduce by at least half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions (Target 1.2). It also aims to eradicate extreme poverty for all people everywhere (Target 1.1). Other SDGs are also relevant for combating child poverty and refer to, for instance, health, education, access to food and housing.¹⁵⁴

SDG 1 (Target 1.2) is more ambitious than the objectives that were set in 2010 under the Europe 2020 Strategy. The realisation of SDG 1 in the EU would mean halving the proportion of men, women and children who live below the nationally defined poverty line. This would mean a reduction from 23.7 % of the EU population affected by poverty or social exclusion in the year 2008 (about 116 million people for the EU-28) to 11.8 % by 2030. This corresponds to a reduction of around 60 million people.¹⁵⁵ This would require a far more significant emphasis on poverty reduction than is currently the case based on the goal of reducing the number of people living in poverty by around 20 million set in the Europe 2020 Strategy.

¹⁴⁴ *Ibid.*, p. 128.

¹⁴⁵ Proposal for a Regulation of the European Parliament and of the Council on the European Social Fund Plus (ESF+), COM/2018/382 final - 2018/0206 (COD), Art. 4(1)(xi) and Recital 9.

¹⁴⁶ *Ibid.*, Articles 16–22.

¹⁴⁷ *Ibid.*, Art. 7(4).

¹⁴⁸ *Ibid.*, Recital 19.

¹⁴⁹ UN (2015).

¹⁵⁰ European Commission (2016b), p. 3.

¹⁵¹ *Ibid.*

¹⁵² Nolan A., McGrath S. (2016).

¹⁵³ UN, UNICEF, Mapping the Global Goals for Sustainable Development and the Convention on the Rights of the Child.

¹⁵⁴ SDG 3, SDG 4, SDG 2 and SDG 11.

¹⁵⁵ Eurostat, European Union Statistics on Income and Living Conditions (EU-SILC), Indicator ‘People at risk of poverty or social exclusion by age and sex’ [ilc_peps01] 2016, accessed on 8 February 2018.

The EU has linked the implementation of the SDGs to the international development and external action sphere.¹⁵⁶ It has also linked it to broad debates regarding the EU, such as the *White Paper on the future of Europe*.¹⁵⁷ Eurostat published its first report on the SDGs in November 2017.¹⁵⁸ In January 2018, the European Commission launched the first meeting of a platform of stakeholders to follow up on the SDGs in the EU.¹⁵⁹ The platform is formed of academia, NGOs, businesses, civil society, the European Economic and Social Committee and the European Committee of the Regions. During 2018, the European Commission, with the support of this platform, will adopt a reflection paper 'Towards a sustainable Europe by 2030', which should address how to mainstream the SDGs in the context of the MFF, how to generate both inclusive and sustainable growth, and how to monitor and report on progress.¹⁶⁰

Leaving no one behind: reaching the most vulnerable

One of the greatest shortcomings of the Millennium Development Goals was the lack of adequate disaggregation in data and monitoring. This resulted in highly uneven progress, with services and rights continuing to be denied to children from marginalised groups and those living in the worst forms of poverty and deprivation.¹⁶¹ This lack of data disaggregation is also a challenge within the EU. Eurostat data have only limited disaggregation, excluding those on people who would be at risk of marginalisation, such as Roma and Roma children, who continue to be invisible. FRA has surveyed members of different ethnic minorities in relation to their social and economic conditions, as well as experiences of discrimination. For more information, see the data presented in Chapter 1.

Similarly, the Europe 2020 target of having 20 million fewer people in or at risk of poverty or social exclusion can be assessed only on the basis of general population data. This will hide the situation of those most in need, such as Roma children, children with migrant origins or other children in vulnerable situations, such as children with disabilities. However, the European Pillar of Social Rights and the mainstreaming of the SDGs in the post-Europe 2020 era provide a new opportunity to address different levels of child poverty and to help those most in need.

¹⁵⁶ European Commission, Directorate-General for International Cooperation and Development, [About International Cooperation and Development](#).

¹⁵⁷ European Commission (2017j).

¹⁵⁸ Eurostat (2017).

¹⁵⁹ European Commission, [Multi-stakeholder platform on SDGs](#).

¹⁶⁰ European Commission (2018k).

¹⁶¹ UN, General Assembly (2016).

5

European Pillar of Social Rights: an opportunity to implement a rights- based approach to tackling child poverty



CHILDREN'S VOICES

Take Action! The world is not perfect yet!

Child participant in FRA symposium 'Is Europe doing enough to protect fundamental rights?', Brussels, 28 June 2017



5.1. Nature and content of the European Pillar of Social Rights

Protecting children from poverty is not an isolated issue but part of wider efforts to move towards a more 'social Europe'. These efforts gained new momentum with the proclamation of the European Pillar of Social Rights in November 2017 by the Council of the European Union, the European Parliament and the European Commission,¹⁶² after a proposal presented by the Commission in April 2017.¹⁶³

This Pillar builds on existing international law, including the ESC of 1996.¹⁶⁴ Explicit reference, in particular, to the ESC is made in the Pillar's preamble, and detailed references are made to it in European Commission staff working documents of April 2017 and March 2018.¹⁶⁵

Nevertheless, the Pillar is not a legally binding text of rights and principles. On the contrary, as clearly pointed out in the preamble, the rights and principles enshrined in the text "first require dedicated measures or legislation to be adopted at the appropriate level" for them to be legally enforceable. Moreover, the

Pillar states that it is a proclamation that should be implemented at both European Union and Member States' levels "within their respective competences" and "in accordance with the principles of subsidiarity and proportionality". Consequently, the Pillar "does not entail an extension of the Union's powers and tasks as conferred by the Treaties", and it "does not affect the right of Member States to define the fundamental principles of their social security systems and manage their public finances".

The proclamation of the European Pillar of Social Rights is, however, of crucial importance, since it reflects a strong political will and commitment by EU institutions to develop more comprehensive social policies. At the same time, some of the rights and principles enshrined in the Pillar do have a normative force, since they are already present in the Union *acquis*. This is the case of the rights of the child, in particular the right of children "to such protection and care as is necessary for their well-being" enshrined in Article 24 of the EU Charter of Fundamental Rights; and the right to education enshrined in Article 14, providing that "everyone has the right to education and to have access to vocational and continuing training", including "the possibility to receive free compulsory education". In addition, the principles and rights contained in the Pillar correspond largely to legally binding rights already enshrined in the ESC.

¹⁶² European Pillar of Social Rights.

¹⁶³ European Commission (2017c).

¹⁶⁴ European Commission (2018b), p. 2.

¹⁶⁵ European Commission (2018b); European Commission (2017c).



The Pillar contains a set of 20 principles and rights divided into three categories: equal opportunities and access to the labour market, fair working conditions, and social protection and inclusion. They touch upon a large range of issues, from inclusive education (Principle 1), to adequate minimum income for everyone lacking resources in order to live a life in dignity (Principle 14), and social housing and housing assistance (Principle 19). Many of these rights and principles are of particular and direct relevance to children, and their rights and well-being, especially to those at risk of poverty.

All these rights and principles establish a comprehensive and concrete framework that shapes the design and implementation by the EU and Member States of policies and actions concerning the fight against poverty and ensures a life of dignity and well-being for all and at all ages. In addition, the European Pillar of Social Rights contains a specific provision in Principle 11 that focuses in particular on children and their social rights and introduces, for the first time, children's "right to protection from poverty", while also referring to the "right to specific measures to enhance equal opportunities for children from disadvantaged backgrounds".¹⁶⁶

The inclusion of an explicit reference to child poverty and to the rights of the child in the Pillar was also a result of the involvement of social and human rights actors in the consultation process, which the European Commission launched in March 2016. The results of this consultation provided a good insight into the weaknesses of the first draft outline of the Pillar (of March 2016) with regard to child poverty, and highlighted weaknesses from the child rights perspective.¹⁶⁷ Taking into account both its general provisions, which relate to the well-being of children, as well as the targeted provision of Principle 11, the European Pillar of Social Rights reinforces the holistic rights approach outlined in the 2013 Recommendation. The Pillar emphasises, first, the critical importance of supporting parents to access the labour market under fair conditions, including through work-life balance arrangements, without overlooking income concerns related to adequate wages and child and family benefits. Second, it focuses on affordable quality services for all children and in particular for those in need, ranging from ECEC to health services, education and housing. The participatory dimension of the Recommendation, however, is less evident in the Pillar, since it does not explicitly refer to the right of children to be heard and participate in processes leading to decisions that will affect their lives. Nevertheless, this right is stipulated in Article 12 of the CRC and is also covered under Article 24 (1) of the EU Charter.

¹⁶⁶ European Commission (2017c), pp. 44-47.

¹⁶⁷ European Commission (2017g).

The staff working document¹⁶⁸ accompanying the proposal of the European Commission for the European Pillar of Social Rights, as well as its 2018 update,¹⁶⁹ suggests certain measures to tackle child poverty. These measures range from a combination of cash and in-kind benefits that should allow children to enjoy adequate living standards and access affordable quality services in the areas of education, health and housing, to providing family support, promoting family-based and community care, as well as ensuring legal protection and support for children to participate in decision making in areas that affect their lives. Reinforced and more targeted measures should be provided for Roma children, migrant or ethnic minority children, children with special needs or disabilities, children in alternative care and street children, children of imprisoned parents, as well as children within households at particular risk of poverty.

5.2. Bringing the European Pillar of Social Rights to life

Proposal for a Work-Life Balance Directive

Appropriate and specific legislative and non-legislative measures must be implemented at the EU and Member State levels to fulfil the aspirations of the European Pillar of Social Rights. With regard to children's well-being, the most relevant among the legislative measures presented by the European Commission is the proposal for a Directive¹⁷⁰ to support the work-life balance of working parents and carers.¹⁷¹

The proposal is for a Directive that aims to address the under-representation of women in employment and support women's careers. Its specific objectives are to improve access to work-life balance arrangements and to increase the number of men using family-related leave and flexible working arrangements. It introduces a more gender-balanced approach to parental leave through non-transferability; the payment level and the flexible uptake of leave, for instance a 10-working-day paternity leave when a child is born; and more flexible working arrangements, such as remote working arrangements, flexible working schedules or a reduction in working hours. In this way, the proposal is expected to contribute to encouraging second earners, often women, to enter the labour market and foster their career progression. It is thus expected to have a positive impact on not only women themselves, but also their families and the well-being of their children.¹⁷²

¹⁶⁸ European Commission (2017c), pp. 46-47.

¹⁶⁹ European Commission (2018b), pp. 55-56.

¹⁷⁰ European Commission (2017f).

¹⁷¹ European Commission (2017a).

¹⁷² Ghailani, D. (2018).



The European Commission has also proposed certain non-legislative measures to promote the employment of second earners, such as guidance, monitoring and funding to enable EU Member States to provide more and better childcare facilities and to address economic disincentives for parents to work.¹⁷³

The European Pillar of Social Rights also underlines the significance of equal opportunities in terms of accessing ECEC, education, healthcare and housing, and pays particular attention to children living in vulnerable situations. In this respect, the European Commission reaffirms its work for the adoption of the proposed Equal Treatment Directive. Negotiations on this Directive have been stalled for years. The proposed Directive extends protection against discrimination on the grounds of religion or belief, disability, age and sexual orientation to social protection, social security, healthcare, education, social advantages and access to goods and services that are available to the public, including housing.¹⁷⁴

Social scoreboard

The European Commission has also developed a social scoreboard as a second concrete action accompanying the European Pillar of Social Rights. This scoreboard measures progress in the implementation of the principles and rights enshrined in the Pillar.¹⁷⁵ The intention is to use the scoreboard within the framework of the European Semester and to incorporate it into the annual joint employment report published each autumn alongside the annual growth survey.¹⁷⁶ The social scoreboard findings were included in the 2018 joint employment report.¹⁷⁷ The scoreboard will be used to screen the performance of Member States and to deepen the analysis of the country reports of the European Semester.¹⁷⁸

The social scoreboard provides headline and secondary indicators for 12 areas related to the labour market, working conditions and social protection.¹⁷⁹ Although the only child-focused indicator is the one measuring the number of children of less than three years of age in formal childcare, a number of other indicators are also relevant to children's well-being and to assessing progress in combating child poverty. These include indicators related to those leaving education and training early, income inequality, those at risk of poverty or social exclusion, young people neither in education nor in employment or training, the youth

unemployment rate, the adjusted gross disposable income of households in real terms, and the impact of social transfers on poverty reduction. However, the indicators of the social scoreboard do not disaggregate data by different age groups, even though such disaggregation is partly available in Eurostat data. The only disaggregation provided is by sex, thus overlooking the perspective of children who have the highest rate of poverty when compared to the population as a whole.

Child Guarantee Scheme

The European Commission is undertaking a preparatory action for a Child Guarantee Scheme, following a proposal of the European Parliament in 2015.¹⁸⁰ The objective of this preparatory action is to assess the feasibility and potential of a possible Child Guarantee Scheme, as well as to define an implementation framework for it. This is in line with the 2013 Recommendation on investing in children and the principles and rights of the European Pillar of Social Rights, in particular those set out in Principle 11.¹⁸¹ According to the European Parliament, a Child Guarantee Scheme should include components such as adequate nutrition, decent and safe housing, healthcare, childcare and education.

“The European Parliament [. . .] calls on the Commission and the Member States, in view of the weakening of public services, to introduce a child guarantee so that every child in poverty can have access to free healthcare, free education, free childcare, decent housing and adequate nutrition, as part of a European integrated plan to combat child poverty including both the Child Guarantee and programmes offering support and opportunities for the parents to come out of social exclusion situations and to integrate to the labour market.”

European Parliament, Resolution of 24 November 2015 on reducing inequalities with a special focus on child poverty (2014/2237(INI))

The preparatory action, carried out through a study on a possible Child Guarantee Scheme and thematic workshops and conferences, will focus on four specific groups of vulnerable children, in particular (i) children in precarious family situations, (ii) children residing in institutions, (iii) children of recent migrants and refugees, and (iv) disabled children and other children with special needs.¹⁸² According to the Commission, the focus on these groups is justified “because they present the most urgent acute needs and, consequently, they are those for which the idea of a child guarantee has the higher potential in improving their current situation”. Although focused on specific target groups of children

173 European Commission (2017a).

174 European Commission (2017c), p.16; also European Commission (2018b), p.19.

175 European Commission, *A Social Scoreboard for the European Pillar of Social Rights*.

176 Under Article 148 of the TFEU.

177 European Commission (2017d).

178 European Commission (2018i).

179 European Commission (2017c).

180 European Parliament (2015), *Resolution of 24 November 2015 on reducing inequalities with a special focus on child poverty*, 2014/2237(INI).

181 European Commission (2017h), p. 28. See European Commission (2017a).

182 European Commission (2017b).

at higher risk of living in poverty, the preparatory action is also expected to contribute to identifying possible ways of applying a Child Guarantee Scheme to all children living in the EU.

Implementing the European Pillar of Social Rights through EU funding

A possible future Child Guarantee Scheme could also benefit from EU funding instruments. It is notable that the Common Provisions draft Regulation establishes that implementing the European Pillar of Social Rights is one of the general objectives of EU funding, in particular through the ESF+ and the ERDF, for the programming period 2021–2027. At the same time, the ESF+ draft Regulation provides that the Fund aims to achieve its objectives “in line with the principles set out in the European Pillar of Social Rights”.¹⁸³ Furthermore, the European Commission states that “the overarching policy objective of the ESF+ Regulation is to contribute to a better performing and more resilient ‘Social Europe’”.¹⁸⁴

Taking the above measures to bring the European Pillar of Social Rights to life, in particular the linking of EU funding to the implementation of the Pillar, would be ground-breaking. It has the potential to substantially contribute towards achieving a more social Europe by encouraging “a more fundamental re-weighting of the economic and the social constitutions” of the EU.¹⁸⁵ Such a Europe, however, should prioritise the protection of children from poverty and the promotion of their well-being. A social Europe is not possible in the current reality in which one out of every four children is at risk of poverty or social exclusion, and an alarming number of children even face difficulties in accessing basics such as food, appropriate housing and essential services. This calls for concrete action that specifically targets the fight against child poverty. Protecting children from poverty is not only an issue of political choice to promote a more social Europe and invest in the future. It is also an issue of legal obligations at the very core of children’s fundamental rights.

¹⁸³ European Commission (2018j), Art. 3.

¹⁸⁴ European Commission (2018j), Explanatory Memorandum, p. 2.

¹⁸⁵ De Schutter, O. and Dermine, P. (2016), p. 17.



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HELPING TO MAKE FUNDAMENTAL RIGHTS A REALITY FOR EVERYONE IN THE EUROPEAN UNION

Almost 25 million children under 18 are at risk of poverty or social exclusion in the European Union. Poverty deprives children of educational opportunities, childcare, access to health care, adequate food and housing, family support and even protection from violence. As a result, children living in poverty are more likely to become impoverished adults whose own children will live in poverty. Breaking this cycle of disadvantage presents a serious challenge, but efforts to do so are gaining momentum.

This report outlines data and survey findings that highlight the magnitude of child poverty in the EU, but also presents tools available to counter this phenomenon and keep track of progress made. In so doing, it aims to foster action to help make tomorrow's Europe truly social by investing in our future – Europe's children – today.



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