



**SOC/682**  
**European Child Guarantee**

## **OPINION**

European Economic and Social Committee

**Proposal for a Council Recommendation Establishing a  
European Child Guarantee**  
[COM(2021) 137 final]

**Communication from the Commission to the European  
Parliament, the Council, the European Economic and Social Committee and the  
Committee of the Regions - EU strategy on the rights of the child**  
[COM(2021) 142 final]

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## 1. **Conclusions and recommendations**

- 1.1 The unacceptable figure of one in four children across the EU growing up at risk of poverty and social exclusion requires a coordinated European approach based on strong policy and legal frameworks in order to reverse this trend and break the intergenerational cycle of disadvantage. There must be an ambitious target aiming to lift all children out of poverty by 2030 and not only five million children.
- 1.2 Mainstreaming children's rights into policy-making is essential. Practically every policy area affects children, hence a whole-society approach is needed to ensure that different policies (relating to the family, education, the economy, the digital world, the environment, housing) have empowering and long-lasting positive effects on children's health and well-being. An integrated approach and horizontal measures need to be adopted urgently at EU, national, regional and local level, in order to encompass all important areas that can have an impact on children's lives, both today and in the future.
- 1.3 The EESC recommends that the national action plans on the Child Guarantee include a set of two- and multi-generation measures to develop supports for both children and their parents as the vulnerability of a child cannot be addressed without addressing that of their family. Parents and carers must be supported through a mix of actions: adequate income, work-life balance, the take-up of adequately paid maternity, paternity and parental leave, carer's leave, flexible work arrangements and family-friendly workplaces.
- 1.4 Human and children's rights are binding for all Member States as stated in Article 2 TEU. A stronger Europe-wide policy framework on children's rights is needed and has been called for by many stakeholders. Organised civil society, especially social services, children's organisations, family organisations, and formal and non-formal education providers, must be consulted and duly involved in drafting national action plans and in their monitoring mechanisms. Targeted actions can best support the effective implementation of these two EU frameworks to end poverty and promote children's health and well-being.
- 1.5 Only 11 countries had earmarked specific ESF+ funding for lifting children out of poverty, while a number of other Member States were very close to the EU average with their data on poverty risks among children. The EESC recommends that all Member States earmark ESF+ funding for lifting children out of poverty, taking the designated 5% as a minimum. There is also a need to improve the collection of quality disaggregated data in order to help monitor progress towards ending child poverty and social exclusion.
- 1.6 The EESC recommends that Member States grant free access to early childhood education and care, education and school-based activities and healthcare or grant these services free of charge. Alternatively, they can ensure, through appropriate cash benefits, that children obtain these key services without causing an extra financial burden for families.
- 1.7 While drawing up their National Plans under the Child Guarantee, the EESC recommends that Member States specify the target age group when appropriate, while noting that children's rights apply to every person under 18 years of age. This is especially important for ensuring the

complementarity of frameworks such as the Child Guarantee and the Youth Guarantee, in the best interest of the beneficiaries.

- 1.8 The EESC urges the Commission to put the Strategy on the Rights of the Child at a horizontal coordination level with other recently approved European strategies, such as the strategies for gender equality, for LGBTIQ equality, for Roma, and for disability rights.

## 2. Introduction

- 2.1 Children's rights are the human rights of all those below the age of 18. The protection of the rights of the child is an objective of the European Union as stated in Article 3(3) TEU and Article 24 of the Charter of Fundamental Rights of the EU. The Council of Europe promotes and protects the human rights of children based on the European Convention on Human Rights and the Strategy for the Rights of the Child (2016-2021) and other relevant legal standards. According to the United Nations Convention on the Rights of the Child (UNCRC), every person below the age of 18 years old in the world is entitled to the same set of civil, political, economic, social and cultural rights – irrespective of their ethnicity, gender, religion, language, abilities, migration status, sexual orientation or any other status. The UN Convention on the Rights of Persons with Disabilities (UNCRPD) and the United Nations Sustainable Development Goals (SDGs) also apply in this instance.
- 2.2 On 4 June 2007, an annual Forum on the Rights of the Child was launched. This platform enables dialogue between EU institutions and other stakeholders and monitors EU action on children's rights each year. In 2010, the EESC adopted an opinion on Child poverty and children's well-being<sup>1</sup>, and in 2011 it adopted an opinion on An EU Agenda for the Rights of the Child<sup>2</sup> calling on the Member States to support children in every way possible.
- 2.3 On 20 February 2013, the Commission adopted recommendations to strengthen children's rights, reduce child poverty and improve children's wellbeing<sup>3</sup>. On 24 November 2015, the European Parliament called on the Commission and the EU Member States to introduce the Child Guarantee and programmes offering support and opportunities for parents to escape from social exclusion and join the labour market<sup>4</sup>. On 13 December 2017, the Parliament, the Council and the Commission proclaimed the European Pillar of Social Rights (EPSR) which also focuses on "Childcare and support to children"<sup>5</sup> (Principle 11). The EPSR also proclaims the right to protection from poverty and the right to specific measures to enhance equal opportunities. As a follow-up, in July 2020 the Commission commissioned a feasibility study<sup>6</sup> and in August 2020 it launched public consultations on the Child Guarantee and on delivering an EU strategy on the rights of the child.

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1 [OJ C 44, 11.2.2011 p. 34.](#)

2 [OJ C 43, 15.2.2012, p. 34.](#)

3 [OJ L 59, 2.3.2013, p. 5.](#)

4 EP resolution (2015) [on reducing inequalities with a special focus on child poverty](#), point 46

5 Interinstitutional Proclamation on the European Pillar of Social Rights

6 [Feasibility study for a child guarantee, final report](#)

2.4 On 24 March 2021, with the support of the European Parliament<sup>7</sup>, the Commission adopted the first comprehensive EU Strategy on the Rights of the Child for 2021-2024, as well as a proposal for a Council recommendation establishing a European Child Guarantee.

### 3. **General comments on the EU Strategy on the Rights of the Child and the Commission proposal on the European Child Guarantee**

3.1 The EU Strategy on the Rights of the Child is a rights-based policy framework mainstreaming children's rights as a cross-cutting issue across EU policy and legislation. The proposal for a Council Recommendation on the EU Child Guarantee is legally binding with a clear set of implementation actions, targets and measures to be monitored closely by the EU. The EESC welcomes both proposals, believing that their implementation will support efforts at European and national level to promote children's well-being and reduce child poverty.

3.2 Children are the most vulnerable members of our society, and are not in a position to tackle the risk of poverty and social exclusion on their own. Violence against children, in all its forms, is widespread. The COVID-19 pandemic has led to an increase in certain forms of violence, as reported by the police and other mainstream services such as helplines for children in many Member States which are faced with rising number of cases<sup>8</sup>. 18 million children or 22.2% of children in the EU were growing up at risk of poverty and social exclusion according to Eurostat data from 2019 and this figure is likely to increase due to the socio-economic consequences of the pandemic<sup>9</sup>. One in four children in the EU grows up in families in precarious situations that need support to break the cycle of intergenerational poverty.

3.3 **Children spoke up about the rights and future they want** in the survey called [Our Europe. Our Rights. Our Future](#)<sup>10</sup> which contributed to shaping both the EU Strategy on the Rights of the Child and the Child Guarantee. Overall, the views of over 10 000 children were collected by five children's rights organisations. The findings made it clear that children's views must help frame the economic, social, legal and policy frameworks and priorities of the EU.

3.4 The **EU Strategy on the Rights of the Child takes a holistic approach**, and its overarching goal is to build a better life for children within the EU and across the globe in six important fields: (i) child participation in the EU's political and democratic life; (ii) socio-economic inclusion, education and health; (iii) prevention of and protection from all forms of violence and discrimination; (iv) child-friendly justice; (v) children in the digital age; and (vi) the global dimension of the rights of the child. The **proposal for a Council recommendation establishing the European Child Guarantee** focuses on socio-economic inclusion and access by children in need to a set of key services: early childhood education and care, education and school-based activities, access to healthcare, access to healthy nutrition and adequate housing. It

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<sup>7</sup> [EP resolution \(2021\) on children's rights with a view to the EU Strategy on the Rights of the Child](#)

<sup>8</sup> WHO Europe, *The rise and rise of interpersonal violence – an unintended impact of the COVID-19 response on families* (2020)

<sup>9</sup> UNICEF, *Supporting Families and Children Beyond COVID-19 - Social protection in high-income countries* (2021)

<sup>10</sup> UNICEF, *Children speak up about the rights and the future they want* (2021)

contributes to the EU Strategy on the Rights of the Child with a focus on children living in the EU.

- 3.5 The strategy calls for more inclusive and systemic participation of children at local, national and EU levels. This will be achieved by means of a **new EU Children's Participation Platform**, to be established in partnership with the European Parliament and children's rights organisations, to ensure that children are more involved in decision making.
- 3.6 The strategy calls for **children to grow up free from violence and exploitation**. Children can be victims, witnesses or perpetrators of violence. According to reports by the ILO, many children are exploited in the labour market and used for forced labour, including sexual exploitation and prostitution. The strategy also calls for **child-friendly justice**, and points out that judicial proceedings must be adapted to their age and needs and must give primary consideration to the best interests of the child. Accessibility of justice must be ensured for children so as to work towards full recognition and realisation of children's rights while maintaining the efficiency of legal proceedings, including through specialised training of judicial officials.
- 3.7 The family environment is key for children to thrive. In its **Gender Equality Strategy 2020-2025**, the Commission points out that equal sharing of childcare responsibilities between parents plays a key role in children's social inclusion. The COVID-19 pandemic has had a disproportionate socio-economic effect on women, and parents need to work together more than ever as a team in the best interests of the child. The implementation of both the Child Guarantee and the Strategy on the Rights of the Child must be linked to key initiatives of the EPSR, such as the transposition of the EU Work-Life Balance Directive.
- 3.8 There is a wide range of family models in the EU, including rainbow families with one or more LGBTIQ members. In accordance with the Commission's **LGBTIQ Equality Strategy 2020-2025**, children of rainbow families must be protected, especially in transnational situations where, due to differences in family law between Member States, family ties may cease to be recognised when they cross the EU's internal borders. In accordance with the **Strategy for the Rights of Persons with Disabilities 2021-2030**, children with disabilities must have an equal right to be included in the community with choices equal to those of others. As envisaged in the **EU Roma strategic framework for equality, inclusion and participation** for 2020-2030, the social advancement of Roma children must be tackled. Prevention of discrimination on grounds of sexual orientation, gender identity/expression and sex characteristic, disability or ethnic origin, has to be fostered from an early age.
- 3.9 The **Guarantee** proposal provides guidance and resources for the Member States to support children in need, given the **strong correlation between social exclusion of children and lack of access to key services**. Vulnerable children include (i) homeless children or children experiencing severe housing deprivation; (ii) children with disabilities; (iii) children with a migrant background; (iv) children with a minority racial or ethnic background (particularly Roma); (v) children in alternative (especially institutional) care; and (vi) children in precarious family situations.

- 3.10 The **Guarantee** is a strategic framework guiding the actions of the 27 Member States through **national action plans focused on implementing the Guarantee and targeting households with children at risk of poverty and social exclusion**. The recommendation must be adopted by the Council of the EU, after which all Member States will have six months to prepare national Child Guarantee Action Plans. The Guarantee proposal stresses that although ensuring access to the services is an important part of tackling child social exclusion, **it must be set within a broader approach and within an enabling social and family policy framework**.
- 3.11 **The strategy formulates recommendations for action at EU and national level**, in different policies and funding programmes which impact the health and wellbeing of children, such as EU funds, migration, healthcare, housing, education, the economy, the environment and digital transformation.
- 3.12 The Commission will report back on progress of the Strategy at EU and national level at the annual EU Forum on the Rights of the Child. An evaluation of the strategy will be conducted at the end of 2024, with the participation of children. The Commission will **monitor progress on the Guarantee through a mix of tools, including** the European Semester.
- 3.13 **Transparent data on the use of EU and national funds** should be included in the national action plans, along with a timeline for activities. The Member States can draw on EU funds to support their actions, particularly the ESF+ and Next Generation EU. The ESF+ has a specific objective relevant to this matter and earmarks funds for fighting child poverty. According to the new regulation, **EU Member States where the child poverty average is higher than the 2017-2019 EU average (23.4%) will have to allocate at least 5% of their ESF+ financial resources to tackling child poverty**.
4. **Specific comments on the EU Strategy on the Rights of the Child**
- 4.1 **The EU Strategy on the Rights of the Child is a much needed European Union framework to protect children's rights and empower children**. While adults can vote and have access to legal redress and formal complaints procedures if their rights are infringed, children are often excluded from these mechanisms. Children are thus voiceless in the policy-making process, and their interests can remain invisible to government without a conscious and systematic effort to protect and promote them.
- 4.2 To be most effective, meaningful children's participation requires widespread changes in political and institutional structures, as well as in attitudes, values and cultural practices, so that children are recognised as citizens and stakeholders. To support children's participation and make their voices and claims heard, capacity-building is needed for both children and adults, including through non-formal activities provided by civil society actors in and outside of school settings. **The Conference on the Future of Europe is an excellent opportunity to put child participation into action, and the EESC will also explore ways to phase in greater child participation**.
- 4.3 **The child is an individual and a member of a family and community** with rights and responsibilities appropriate to their age and stage of development and with the right to quality of

life. Parents and caregivers are fundamental in the cognitive, physical and emotional development of the child. A warm and supportive (grand)parent-child relationship is an essential element of children's wellbeing and resilience. Sibling relationships also play a key role in the development of children. This relationship becomes even more important for children in alternative care, and so brothers and sisters should be able to stay together, unless that is not in their best interest. Policies must prioritise investing in children and their families and ensure that appropriate and high quality support is provided through a systemic multi-generation approach to supporting families in raising children through positive parenting skills.

- 4.4 The initiative supporting the development and reinforcement of integrated child protection systems put forward by the strategy should be complemented by measures to prevent all forms of violence against children. Violence suffered or witnessed in childhood can have long-lasting consequences on the physical, emotional and psychological development of children. A plan involving all levels of government from EU to municipal is needed to **prevent and address violence against children** and must tackle exposure to all forms of violence, abuse and neglect, including physical and psychological violence, sexual violence, online violence, domestic, institutional and school violence. Intersecting vulnerabilities should be addressed, such as the increased risks faced by girls, children (and particularly girls) with disabilities, children living in vulnerable situations and households prone to violence. In case of minors as perpetrators of violence, besides child-friendly judicial procedures, a child-friendly institutional background is also needed to facilitate their full social reintegration. Emergency helplines and other such NGO-driven services to support children and families should receive structural funding to ensure sustainability and effectiveness.
- 4.5 Children's rights must also be addressed in key spheres of influence which impact the wellbeing of children and their families. Decision-makers should systematically **mainstream children's rights** to assess the impact of an initiative that can affect children and their rights. In this respect, when the rights of the child are concerned in relations with third countries, it is important to act swiftly and effectively when necessary. This is the overarching approach taken by the strategy and must be at the centre of the implementation and evaluation process. Additionally, in the implementation of the Strategy, Member States should be aided by a pool of best practices that already exist in other countries and have yielded good results.
- 4.6 Children are the least responsible for climate change, yet they bear the greatest burden of its impact. The strategy refers to the impact of the environmental and climate crisis on children, but it should go further, **ensuring that environmental policies and legislation take children's physical and mental health as a starting point so as to reduce children's exposure to environmental hazards**. Children are more sensitive and vulnerable to environmental risks than adults.
- 4.7 The next generation will likely see a total merging of their offline and online lives. This is the approach taken by the Strategy: **mainstreaming children's rights in the digital world to make it futureproof**. Today, more and more children use digital devices at an increasingly early age. We need accessible digital environments which work by default for all children, with strong regulation for a safer internet supported by digital citizenship education. Children have a right to



access online information from a diversity of sources, and not be subject to self-learning algorithms or advertising business models leading to low-quality information.

- 4.8 Children - from an early age - can become victims of cyber-bullying, which can cause serious or even fatal mental health problems. Children also fall victim to online sexual abuse, as occurred more than ever during the lockdown period, when the amount of Child Sexual Abuse Material shared online saw a significant increase<sup>11</sup>. **Prevention and countering any form of online violence is of paramount importance for the online safety of children.**
- 4.9 Children's rights, especially those of younger children, should be respected by all media and advertisers, and children should be **protected as consumers**. This is especially relevant in relation to healthy nutrition that is affordable and comes from an environmentally sustainable source. The strategy proposes to develop best practices and a voluntary code of conduct to reduce marketing to children of products high in sugar, fat and salt. Coherent policy making, stricter legislative controls on product information and information on food safety and marketing, aiming to restrict advertising for unhealthy foods and drinks, are needed.

## 5. **Specific comments on the European Child Guarantee**

- 5.1 **Child poverty, deprivation, discrimination and exclusion are some of the most serious obstacles to enforcing children's rights;** the EESC therefore welcomes the focus on these fields under the European Child Guarantee, in connection with the 2030 poverty target under the EPSR which aims to lift at least 5 million children out of poverty by 2030. This is a significant step forward, but the EESC urges each Member State to present qualitative and quantitative targets in their Child Guarantee Action Plans, exceeding the European Commission's target by taking the impact of COVID-19 into account. These action plans should be linked to existing legal and policy documents adopted in the framework of UNCRC monitoring.
- 5.2 The feasibility study on the Child Guarantee explored the advantages of a **twin-track approach** whereby all children, including those most in need, should have access to services<sup>12</sup>. Where necessary those children facing the greatest barriers to access should receive additional and targeted support to ensure they have access through automatic mechanisms which prevent any form of stigma. This should be applied to all service areas highlighted in the Child Guarantee via a comprehensive and intersectional approach, so as to ensure that every child has the same opportunities and start in life, irrespective of their family setting or background, or individual needs, and to be fully in line with the transition towards good quality, family- and community-based care services.
- 5.3 **In their 2020 joint statement on childcare provision in the EU, the social partners emphasise that every child is entitled to have access to high quality, inclusive early childhood education and care (ECEC) to have a good start in life, taking into account the Barcelona targets and their upcoming revision.** This is not to say that this is mandatory:

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<sup>11</sup> [OJ C 10.11.1.2021, p. 63.](#)

<sup>12</sup> Feasibility study for a child guarantee, final report

parents should have the freedom to have a say in what they judge to be the best interest of their child before the age of compulsory education. However, there must be continuity between the care provided by families in the first months/years of a child's life and professional ECEC that is tailored to individual needs, as children enter the education system and parents shift back to the labour market or training.

- 5.4 For children in older age groups (namely 15-18 years), consistency must be ensured between the Child Guarantee and Youth Guarantee, acknowledging potential overlaps, ensuring a clear allocation of budgets, and developing age-appropriate and distinctive measures in national action plans to support children and their parents to ensure smooth transitions between education and employment. This includes **stereotype-free information for children about the world of work** to prepare them for the realities of employment, and encouraging the participation of children in science, engineering and mathematics studies (STEM), especially for girls, while encouraging boys to enter care and teaching professions.
- 5.5 Inequality in **access to healthcare** is morally unjust and socially unfair. It contravenes patients' fundamental right to the highest attainable health, including mental health; moreover, it does not just have a human cost, it is also expensive from the point of view of the economic sustainability of public spending. Besides the health risks, **a decrease in children's emotional and mental wellbeing has been observed** to be one consequence of the COVID-19 pandemic, with many children suffering from anxiety due to lack of information and uncertainty about the current situation or experiencing loneliness and having suicidal thoughts. Providing quick high-quality medical assistance and mental health support is essential in these situations.
- 5.6 On average, 5.4% of school-aged children (6-16 years) in Europe live in households that cannot afford a computer or an internet connection. Tackling child and family poverty under the Child Guarantee also means **tackling digital deprivation**. The EU-SILC severe material deprivation indicator<sup>13</sup> should include at least one digital deprivation variable. [One in four Europeans](#) is unable to adequately light, heat or cool their homes – contributing to the [deaths of 100 000](#) people each year. According to the report of the [European Social Policy Network](#) published in autumn 2020, energy poverty affects not only low-income households but also a large proportion of middle-income households in a significant number of Member States. Children's life quality and life choices, as well as their health conditions, are affected by their access to energy. For social and environmental justice together, the energy poverty of children should be tackled within the Child Guarantee linked to the actions under principle 20 of the EPSR.
- 5.7 Following the swift adoption of the Council recommendation, the national action plans for the Child Guarantee should be in line with the **three-pronged approach of the 2013 Commission Recommendation on Investing in Children** (access to adequate resources, access to affordable quality services, and children's right to participate), and should be developed in consultation with children and their families and civil society organisations, reinforcing national, regional and local civil dialogue. Organisations providing support services, both public and non-profit, should be included among the stakeholders involved in the Child Guarantee process, as well as

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<sup>13</sup> This indicator is being replaced by a severe material and social deprivation (SMSD) indicator.

the social partners linked to the service areas, to ensure decent working conditions and access to top quality services for children.

- 5.8 The EESC welcomes the proposal for **Child Guarantee National Coordinators equipped with suitable resources and mandates, who will coordinate and monitor the implementation of the recommendation**. An efficient system will be essential to put in place **inter-governmental coordinating arrangements** (at national and subnational levels) to develop, implement and monitor the wellbeing of children and to reduce child poverty and social exclusion. It must be ensured that integrated approaches at national level are translated into integrated approaches at regional and local level and that effective arrangements ensure synergies between them. All relevant indicators should be disaggregated at local level, where possible, to have a clearer picture of territorial differences and to better plan and monitor the implementation of the recommendation.
- 5.9 The COVID-19 pandemic has highlighted previously existing challenges and immediate needs for many families in precarious situations who are likely to be most affected by the long-term economic, educational, health and wellbeing consequences of the pandemic. The gaps in and lack of coordination between systems have been magnified. Deteriorating economic and social conditions have increased the risk of child neglect. The closure of educational institutions has led to serious difficulties for many parents and carers. Absenteeism increased the risk of dropping out of education for children from marginalised groups and made it very difficult for children with disabilities, including learning disabilities. It is essential that **school environments provide every child with the same opportunities and targeted support where needed**.
- 5.10 Family services can play a key role in helping families cope with this situation<sup>14</sup>. Support for families in their fundamental role includes filling gaps in education, training, social inclusion, parenting skills, psychological wellbeing, access to services, employment and income, while also looking beyond social policy. Therefore, the EESC reiterates its call for a "Care Deal for Europe", **ensuring the provision of greater quality services for all throughout the life-cycle**<sup>15</sup>. Children's health and wellbeing depends on universal 21st century family policies, where children are treated equally regardless of family arrangements.
- 5.11 Social dialogue plays a role in developing practical tools to make childcare more accessible and affordable by, for example, creating joint funds through collective agreements to support childcare projects addressing specific needs of working parents in specific sectors, such as care for children with illness and disabilities and care outside regular opening hours. It is, therefore, very important to take into account the joint statement by the social partners, which states that **shortages of after-school hours and holiday childcare in Europe is a major obstacle to full-time paid work for parents with school-age children**. Cooperation between all-day care and the socio-cultural sphere, such as sports clubs, music schools and cultural initiatives, is vital.

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<sup>14</sup> OECD Looking beyond COVID-19: Strengthening family support services across the OECD

<sup>15</sup> OJ C 220, 9.6.2021, p. 13-25..

Physical activity and cultural education contribute significantly to the physical, social, emotional and cultural development of children.

Brussels, 7 July 2021

Christa Schweng

The president of the European Economic and Social Committee

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