

Conference summary

2007-2017: Is Europe doing enough to protect fundamental rights? – the children’s perspective – 28 June 2017



Maltese Presidency
of the Council of the
European Union



The symposium took stock of broader human rights developments in the EU over the last 10 years since the Agency was created. FRA’s annual Fundamental Rights Report set the scene for the discussions with special attention on the issues of migration and poverty taking into account the children’s perspective. The event took place at the Council of the European Union. It was hosted in cooperation with the EU’s Maltese Presidency and supported by Eurochild who facilitated the active participation of children from nine EU Member States.

Setting the scene: Between promise and delivery

“Human rights must be at the centre of all efforts to improve the lives of our citizens to ensure truly equitable and inclusive societies,” said the President of Malta, Her Excellency Marie-Louise Coleiro Preca, as she opened the conference. She called for nurturing and strengthening our European commitment for an innovative rights-based approach to give us the tools to tackle the ongoing challenges of today’s world effectively. This commitment requires political will, effective legislation and policies that are implemented diligently. In parallel, it requires a cultural transformation in society for which education, consultation, dialogue and the participation of our diverse communities are key. This includes involving children so that they can express their views meaningfully, for example in high-level discussions and meetings such as this. In this way the valuable contributions that children can make can be taken on board and recognised.

“Imagine what 7 billion people could accomplish if we all loved and respected each other” Karlo, 17, Croatia

The Agency was cited as a point of reference for EU and national policy makers providing robust expertise and data as and when needed. But stakeholders pointed out that EU institutions and national governments could make better use of FRA’s considerable pool of knowledge, given the numerous human rights challenges facing the EU.

It was acknowledged that fundamental rights protection by the EU and its Member States currently lies between promise and delivery, drawing inspiration from FRA’s Fundamental Rights Report 2017. It reveals that over the last decade, new fundamental rights laws and policies have been adopted and specialist institutions created. But fundamental rights challenges still remain and rights are under attack, underlining the lack of a fundamental rights culture across institutions and societies. To enhance rights protection in the EU, the report makes proposals including: using the Charter of Fundamental Rights’ full potential in national legislation and case law as well as in EU policy cycles; countering the erosion in the commitment to fundamental rights and values; supporting rights defenders.

Participants claimed that many states are not doing their part to fully respect human rights. For example, some consider that social rights

are an obstacle to economic growth, although evidence suggests that countries with better social protection are also performing better economically. However, the message from panellists and participants was clear – the EU, as a Union based on the common values of democracy, fundamental rights and the rule of law will continue to promote social rights to strengthen ‘social Europe’.

Panellists and participants suggested ways that the EU and its Member States can take concrete steps to build a more inclusive society and systematically strengthen their efforts to protect fundamental rights in general, taking into consideration the specific vulnerabilities different groups may have. This includes knowing, referring to and using existing EU and international law, since respect for rights is a legal obligation. Europe should also be coherent in approaching human rights by being as committed to human rights at home as it is abroad. It was suggested that the EU Council’s Working Party on Fundamental Rights, Citizens’ Rights and Free Movement of Persons (FREMP) could play an important positive role by bringing a range of fundamental rights issues more systematically to the attention of the Council and its Member States.

Migration and asylum: safeguarding rights while addressing public concerns

The current migration and asylum situation continues to pose significant human rights challenges. Almost a third of all asylum seekers coming to the EU are children with their families or unaccompanied. This creates additional demands in respect to education, healthcare and child protection that Member States are struggling with. Participants and panellists called for intensifying efforts to increase investment and deliver practical solutions, particularly when it comes to children. Some ideas mentioned included:

- Respecting the UN’s Child Rights Convention’s best interests of the child principle especially at border crossing points. The lack of formal questioning at border crossing points hampers investigations and follow-up of alleged incidents and prevents children from receiving welfare, protection and guardianship.
- Making greater efforts to establish safe legal routes such as child protection corridors along migration routes to discourage people from taking life-threatening journeys.

- Properly identifying children immediately on arrival, creating viable alternatives to detention and immediately appointing guardians for children.
- Training frontline staff such as border guards on child protection issues and how to work with children.
- Granting access to proper education to all children, regardless if they are in open or closed facilities.
- Changing mind-sets to win back the majority population so refugee children are not viewed as problems but rather as individuals with dreams, wishes and needs that can contribute to society.
- Ensuring children feel safe and protected but not at the expense of liberty, participation and creativity, in order to respect the diversity that can be found among children who have their own individual ideas.
- Listening to children, working with them and engaging with children as equals, since under the UN's Child Rights Convention involving children is mandatory. Already in some countries networks of young advisors are consulted on issues that affect children.

"We need to create or implement in every EU Member State initiatives that children and young people meet and help refugee children to integrate." Adamantia, 16, Greece

- Properly informing and consulting children in child-friendly and gender-sensitive ways so they understand procedures and their rights. This will also help counter misleading or wrong information among children which diminishes trust and the feeling of safety.
- Making child participation a condition for receiving EU funding.
- Improving the protection of children transitioning to adulthood.
- Improving family reunification procedures - these need to be quicker and more effective - and importantly children need to be adequately informed.
- Looking further down the line towards integration with an emphasis on acting early with durable solutions, particularly stressing the importance of health and education.
- Engaging with new like-minded partners in the form of formal agreements or compacts with for example the private sector to create apprenticeships for young refugees, with the educational sector to offer student visas and through private sponsorship with local communities. It was felt that such compacts, once started, could encourage other Member States to follow suit.

Poverty and social exclusion: possibilities under the EU Pillar of Social Rights?

One in four children in the EU is at risk of poverty or social exclusion with the situation worsening in many Member States. Being at risk of poverty can act as a barrier to accessing education, healthcare, housing or employment on an equal basis with others, which can fuel a vicious cycle of exclusion. The proposals under the European Pillar of Social Rights could redouble efforts and monitor progress on social protection and inclusion more rigorously. Participants and panellists raised questions and concern as to how it will be implemented and, in particular, how the Pillar could help protect children from the effects of poverty. Some suggestions from the discussions included:

- Adding a person's socio-economic status as a protected ground in non-discrimination law, as is already the case in some Member States. This can help equality bodies challenge decisions in courts on behalf of people who experience discrimination. Equality bodies acknowledge, however, given their lack of direct access to victims of discrimination that they need to form coalitions and alliances with frontline organisations to better support victims.
- Adopting the proposed Equal Treatment Directive, also because of the observed link between being at risk of poverty and experiencing unequal treatment.
- Ensuring access to quality and inclusive education, as proposed under the European Pillar of Social Rights. This includes providing universal, in-kind services rather than cash benefits, especially when these are means-tested. The concept of universal access could also apply to other services such as healthcare. This would create solidarity between tax payers and those receiving benefits, while ensuring that everyone has equal access to goods and services.
- Empowering children to be part of the decision-making process and ensuring greater child participation in policy processes. There is a sense that more policy events are involving children and children are more involved in consultation through child councils at national and local level.
- Embedding child participation and the needs of children into the mind-sets of those who work on issues that affect children. This also implies raising awareness among adults that any decisions they make could affect children. In addition, adults need to be credible and authentic to create a culture in which children can engage with them.

An adult-child cooperation system would bring fresh new creative ideas from the children's perspective and adults' know-how about laws and finance. It would be a perfect balance: Each helps each other in a win-win situation.

Sharon, 12, Malta and Junior, 17, Ireland

- Deepening the analysis of child poverty figures to unmask significant differences that exist between the experiences of children, such as between those who live on the streets or that go to sleep hungry, compared to those who go to school but whose parents struggle financially.

Estonia's Minister of Social Protection, Kaia Iva, underlined that while a lot has changed in recent years, throughout history aspirations have remained the same: to live in a violence free safe world which would also empower children to have the best opportunities in life.

In closing, FRA's Director, Michael O'Flaherty, assured participants that the Agency looks forward with confidence to its second decade of work and that it will continue to make a significant contribution for the promotion and protection of fundamental rights within the European Union. In so doing it will remain steadfastly focussed on delivering results for the European citizen that are always:

- relevant to actual needs;
- delivered in a timely fashion;
- based on the EU's fundamental rights legal commitments;
- of the highest scientific quality.

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