

## RIGHTS OF THE CHILD AND FAMILY POLICIES

With reference to the request DESA-22/00994, the European Commission would like to take the opportunity to provide the following information on its activities in support of the preparations for the thirtieth anniversary of the International Year of the Family:

**(a) Family-oriented efforts in support of managing the use of new technologies, including harnessing new technologies to improve work-family balance and promote parenting education;**

- A safe, secure and trusted digital space is a cornerstone of European digital society. Children should be able to benefit from the unprecedented opportunities of the digital age without fear. They should become confident, competent and active digital citizens, enjoying the same rights online as offline.
- **The European Strategy for a Better Internet for Children** ('BIK strategy'), has been updated in May 2022.
- The strategy has set an international benchmark in child online protection and empowerment since 2012. The new strategy will act as a digital component of the 2021 comprehensive EU strategy on the rights of the child.
- The updated strategy showcases current and planned EU actions, including legislation, self-regulation, funding and cooperation. It will respond to the digital transformation since 2012, accelerated by the COVID-19 pandemic, addressing children's digital rights in more detail, encouraging digital literacy and healthy digital habits. It aims at delivering concrete solutions, for example on effective age-verification mechanisms.
- It supports implementation of the provisions on child safety in EU legislation, including those in the Audio-visual Media Services Directive (AVMSD), General Data Protection Regulation (GDPR) and the recently agreed Digital Services Act Regulation (DSA).
- The update builds on current good practices and resources of the EU co-funded Safer Internet Centres network and the [betterinternetforkids.eu](https://betterinternetforkids.eu) portal. Funding for the network continues under DIGITAL Europe, to promote the safe and responsible use of digital technology among children, teachers, parents and carers, and to offer support when things
- Established in 2012, the Strategy for a Better Internet for Children offers a multi-stakeholder and comprehensive approach to child online safety through a set of complementary measures.
- Recent studies on digital deprivation show that in some European countries, around 20% of children live in families who cannot afford a computer or internet connection at home. 40% of rural households do not have access to fast broadband. In some areas, more than 15% of young people at the age of 15 feel digitally disengaged, and Europe-wide 8% of that age group lack digital confidence.

- It balances empowerment and protection, and offers support to families, educators and others working with children in all matters on children and digital. It should be read in conjunction with the EU strategy for a more effective fight against child sexual abuse, the Digital Education Action Plan, the strategy on the rights of the child and the Digital Compass Communication.
- Implementation of the BIK Strategy in the Member States is monitored via the ‘BIK policy map’. According to its third edition from November 2020, the BIK strategy has become a global benchmark and three out of four Member States now refer to the strategy in their national policies.
- The use of digital tools can bring positive effects and opportunities but it can also amplify risks. During the pandemic, the network of Safer Internet Centres signalled that platform-enabled harmful and illegal content, e.g. COVID-19-related scams, mis/disinformation, exchange of self-generated sexually explicit images, hate speech, self-harm and age-inappropriate content increased.
- The BIK+ will support large-scale media literacy campaigns, to reach children, families and teachers, harnessing existing national and European multipliers such as schools, civil society organisations, and industry. Children, and where appropriate parents and teachers, should be involved to make the approaches more age-appropriate and allow cross-generational exchanges on the creative and responsible use of digital technologies, increasing awareness risks for children as young consumers, and regarding the use of personal data.
- The Safer internet centers will be promoted as a one-stop-shop for trustworthy resources on media literacy and online safety for children, their families and teachers.

**(b) Family-oriented policies and programmes that promote inclusive urbanization, access to affordable housing, intergenerational living arrangements and other measures**

- 24.2 % of children in the EU were at risk of poverty or social exclusion in 2020, more than working-aged adults and older people. This leads to an intergenerational cycle of disadvantage, with profound and long-term effects on children.
- **The European Child Guarantee** aims to break this vicious circle and promote equal opportunities by guaranteeing access to a set of key services for children in need (defined as under 18 year olds at risk of poverty or social exclusion).
- It is also a key deliverable of the European Pillar of Social Rights Action Plan and answers directly to Principle 11 of the Pillar: Childcare and support for children. The Action Plan proposes a target for the EU to reduce by at least 15 million the number of people at risk of poverty or social exclusion by 2030, including at least 5 million children.
- Under the European Child Guarantee, it is recommended to Member States to provide free and effective access for children in need to:
  - early childhood education and care – for example, avoid segregated classes;
  - education and school-based activities – for example, adequate equipment for distance learning and school trips;
  - at least one healthy meal each school day; and

- healthcare – for example, facilitating access to medical examinations and health screening programmes.
- Member States are also recommended to provide children in need with effective access to healthy nutrition and adequate housing. For example, children should receive healthy meals also outside of school days, and **homeless children and their families should have access to adequate accommodation.**
- **With a view to guaranteeing effective access to adequate housing for children in need,** Member States are recommended to:
  - (a) ensure that homeless children and their families receive adequate accommodation, prompt transfer from temporary accommodation to permanent housing and provision of relevant social and advisory services;
  - (b) assess and revise, if necessary, national, regional and local housing policies and take action to ensure that the interests of families with children in need are duly taken into account, including addressing energy poverty and preventing the risk of homelessness; such assessment and revision should also include social housing or housing assistance policies and housing benefits and further improve accessibility for children with disabilities;
  - (c) provide for priority and timely access to social housing or housing assistance for children in need and their families;
- When identifying children in need and designing their national plans, Member States should take into account the specific needs of children from disadvantaged backgrounds, such as those experiencing homelessness, disabilities, those with precarious family situations, a migrant background, a minority racial or ethnic background or those in alternative care. Children fleeing the war in Ukraine should therefore be covered by the Child Guarantee.
- EU funding to support these actions is available under the European Social Fund Plus, as well as the European Regional Development Fund, InvestEU, and the Recovery and Resilience Facility.
- With a view to sound governance, monitoring and reporting and taking due account of existing national structures and mechanisms, Member States are recommended to:
  - Nominate a national Child Guarantee Coordinator, equipped with adequate resources and mandate enabling the effective coordination and monitoring of the implementation of the Recommendation (Art. 11(a) of the recommendation). All Member States have appointed their Child Guarantee Coordinators.
  - Submit to the Commission an action plan, covering the period until 2030, to implement the Recommendation, taking into account national, regional and local circumstances as well as existing policy actions and measures to support children in need (Art. 11(c) of the Recommendation). Only seven Member States have done so so far. However, work on several action plans is well advanced and the Commission had the opportunity to comment on some drafts.
  - Report every two years to the Commission on the progress in implementing the Recommendation, in line with the national action plan mentioned above (Art. 11(f) of the Recommendation).
- In order to ensure the effective implementation of the Recommendation, the Commission aims to:

- Monitor progress in implementing the Recommendation, including its outcomes and the impact on children in need, also as part of the Social Scoreboard in the context of the European Semester, and propose, where appropriate, country-specific recommendations to Member States;
- Work jointly with Member States, the national Child Guarantee Coordinators and the Social Protection Committee to facilitate mutual learning, share experiences, exchange good practices and follow up on the actions taken as set out in the relevant national action plans;
- Report regularly to the Social Protection Committee on the progress in implementing the Recommendation, on the basis of the reports from Member States;
- Work jointly with the Social Protection Committee to:
  - i. establish a common monitoring framework using existing data sources and indicators and, if necessary, develop further agreed common quantitative and qualitative outcome indicators to assess the implementation of the Recommendation;
  - ii. with a view to informing policy making, enhance the availability, scope and relevance of comparable data at Union level;
- Review the progress made in the implementation of the Recommendation and report to the Council by five years after its adoption;
- Strengthen awareness-raising and communication efforts and increase dissemination of results and good practice examples at Union level and among Member States and relevant stakeholders.

**(c) Strategies and programmes promoting orderly migration, including family reunification policies;**

- One of the EU legal instruments in place is the **Family Reunification Directive**, which requires Member States to authorise the entry and residence of the unaccompanied child's parents who are third-country nationals in those situations where it is not in the child's best interests to join his/her parents abroad.
- In the absence of a parent, Member States have the discretion to authorise the entry and residence of the child's legal guardian or any other member of the family. The definition and rights attached to 'family' are therefore more generous in the context of unaccompanied children than for most other categories of child migrants. The child's best interests principle must always be applied when considering a decision concerning family reunification.
- According to the CJEU, the applicable date for determining the age of family members requesting family reunification should not be affected by the length of the procedures. More specifically, the date to assess whether or not a refugee is an unaccompanied child for the purposes of the Family Reunification Directive is the date on which they entered the EU Member State and made the asylum application, and not the date of the application for family reunification.

**(d) Family-oriented policies in response to current demographic trends including ageing, such as support for all generations in the family, including older persons;**

- The Covid-19 pandemic has had enormous consequences for families and exacerbated the challenge of balancing work and private life. This especially because schools and childcare facilities have been temporarily closed.
- The European Institute for Gender Equality (EIGE)'s 2021 Index shows that an enormous increase in unpaid care during the COVID-19 crisis – particularly by women – has put a spotlight on long-standing gender inequalities in the home.
- The ensuing strain is reflected in low levels of life satisfaction among families with children. Women in particular consistently had lower levels of mental well-being across the three pandemic waves.
- Therefore, the availability of affordable and high quality care systems is key to enable both women and men to combine work and family life. The Commission will present a **European Care Strategy** in September, which will focus on care in different life stages, including both long-term care and childcare. It will highlight the vital role of quality care services for society and for the economy as a whole.
- The Care Strategy will be accompanied by a proposal to revise **the so-called “Barcelona targets” on early childhood education and care**, which were set by the European Council some 20 years ago. These targets have been reached overall but wide divergences remain across Member States.
- Care is an essential feature of people's life-cycle and requires a supporting policy environment and investments to bring its best possible contribution to individuals, societies, and economies. Care both affects and is in itself impacted by intergenerational relations and work-life balance, social cohesion, equality and inclusion, labour market opportunities and working conditions, as well as questions of sustainability.
- High quality child care provision is also key to tackle the so-called ‘motherhood penalty’, i.e. the disadvantages that mothers experience in the workplace in terms of pay and career progression compared to childless women. Finally, early childhood education and care contributes to children's personal development, social inclusion and helps to break the intergenerational cycle of poverty or disadvantage.
- The Barcelona objectives on childcare were established by the European Council in 2002. They have generally been met at EU level for children under the age of 3 and have nearly been reached for children from 3 to mandatory school going age. However, a wide variation persists across Member States with some Member States significantly lagging behind.
- As set out in the Strategy on the rights of the child, the Gender Equality Strategy 2020-2025 and the Social Pillar Action Plan, a revision of the Barcelona targets is needed to encourage further upward convergence of participation in early childhood education and care. This revision will also link in with and build upon a series of policy initiatives including the Education benchmarks, the Recommendation on early childhood education and care, the Recommendation on the Child Guarantee and policy initiatives focusing on specific groups, such as Roma, persons with disabilities etc.
- With the revision of the Barcelona targets, the Commission wants to encourage all Member States to improve their systems for early childhood education and care. Better availability of high quality and affordable childcare will reduce the burden on informal carers, which are predominantly women. It will help parents and, in particular, mothers to go back into paid employment after a period of family leave. This, in turn, will contribute to

reduce the gender employment gap which currently stands at 14%. Member States agreed in the European Pillar of Social Rights that this gap should be halved by 2030.

- But if we want to bring more women into paid jobs, investment in early childhood education and care is not enough. We also need to ensure that care responsibilities are better shared between women and men, and notably, between parents. This is the aim of the **Work-Life Balance Directive**, which Member States will have to transpose into national law by August 2022.
- The Directive introduces paid paternity leave and two months of paid parental leave for each parent. In addition, it grants a right to flexible working arrangements and carers' leave. An adequately paid parental leave will encourage fathers to make use of their rights, strengthen their involvement in care and household responsibilities and help build stronger family bonds.
- A better sharing of care responsibilities will facilitate the return of mothers to the labour market. But having both parents and carers working also minimises the risk of poverty and social exclusion for families and help break the intergenerational cycle of poverty.
- We expect Member States to swiftly transpose the directive and will closely monitor this process. The experience of the pandemic already prompted many Member States to introduce special parental leaves and generalise flexible working arrangements. This experience should help to put in place more permanent solutions in this area.
- The work-life balance directive will provide several benefits:
  - For society as a whole: Countries which have family-friendly employment policies and widely available child-care facilities have the smallest declines in fertility rates. There will be a higher return on investments in education given that the skills and competences of women will be better used on the labour market. There will be less pressure on public finance due to increased labour supply, tax revenues and reduced spending on social transfers to address female and child poverty. Finally, achieving more gender equality and better opportunities for both men and women is at the heart of our European Union.
  - For women: it would allow to better share family responsibilities among women and men by lifting some existing barriers for women to fully participate in the labour market. Men and women will both have more real choice of how to balance work and family life through more flexible working arrangements and leave. Increased female labour market participation means a steadier income and better pension for women, minimising the risk of poverty and/or social exclusion.
  - For men: the measures will facilitate take-up of leave by fathers, helping to build stronger family bonds. Fathers' involvement in childcare contributes to higher life satisfaction and to their increased physical and mental health. Increased female labour market participation and appropriate payment of leaves means that fathers can also afford to take flexible working arrangements without worrying about financial repercussions.
  - For children and dependant relatives: Children will be able to spend more time with their parents and particularly their fathers. This can result in higher cognitive and behavioural outcomes of children. In addition, having both parents and carers working minimises the risk of poverty and social exclusion for children and dependent relatives. Finally, improving the quality, affordability and access to

childcare and long-term care for parents and carers will also increase the quality of care for children and dependent relatives.

- For employers: With parents being able to better balance their private and working lives, their participation in the labour market will improve. As a result, companies will benefit from a wider talent pool and a more diversified staff.
  - Employees with a sound work-life balance will be more motivated and productive, which will create less absenteeism, and so lead to higher productivity and competitiveness.
  - More possibilities for hiring and retaining talent will arise, increasing the competitiveness of European businesses across the Member States.
- Even though men’s hours spent on care work increased **due to the pandemic**, data from the national and European level show that women still carry the brunt of care obligations: According to a Eurofund esurvey from July 2020, employed women with children under 12 spent around 54 hours per week on childcare, compared with 32 hours for employed men.
  - This is also true for the care of older parents or relatives with disabilities: the same survey shows that the first lockdown period saw women spend 4.5 hours per week on average caring for their older family members or relatives with disabilities, compared with 2.8 hours for men.
  - According to an EIGE report from 2020, data show that within the entire EU population 92 % of EU women are regular carers as opposed to 68 % of men. The gap is especially significant looking at the care for children under 18.

**(d) Measures promoting sustainable management of climate change benefiting families;**

As outlined in the EU Strategy on the rights of the child, the European Commission has created space for children to become active participants of the European Climate Pact through pledges or by becoming Pact Ambassadors<sup>1</sup>.

By involving schools in sustainable climate, energy and environment education, the Education for Climate Coalition will help children to become agents of change in the implementation of the Climate Pact and the European Green Deal. The Education for Climate Coalition is the European participatory community for students, teachers and education stakeholders to act collectively on innovative education solutions for environmental sustainability<sup>2</sup>.

**(f) Ways and means to observe the thirtieth anniversary of the International Year of the Family, which may include national, regional and international meetings, awareness raising events and other initiatives:**

- On 24 March 2021, the European Commission has adopted a new **EU strategy on the rights of the child**<sup>3</sup>.

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<sup>1</sup> [https://ec.europa.eu/clima/eu-action/european-green-deal/european-climate-pact\\_e](https://ec.europa.eu/clima/eu-action/european-green-deal/european-climate-pact_e)

<sup>2</sup> [https://education-for-climate.ec.europa.eu/\\_en](https://education-for-climate.ec.europa.eu/_en)

<sup>3</sup> <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52021DC0142>

- This strategy aims to bring all new and existing EU legislative, policy and funding instruments within one coherent framework.
- The main objective of the Strategy is to **step up** the EU action on the protection and promotion of the rights of all children, **without discrimination**.
- The EU Strategy has been endorsed by the Council of the EU, who adopted Council Conclusions on the EU Strategy on the rights of the child on 9 June 2022<sup>4</sup>.
- The **family** is an essential part of the life of a child. As outlined in the EU Strategy, all children have an equal right to **live with their families** and in a community.
- Integrated child protection systems, including effective prevention, early intervention and family support, should provide children without or at risk of losing parental care the necessary conditions to **prevent family separation**. Poverty should never be the only reason for placing children in care. The shift to **quality community and family-based care, and support for ageing out of care**, need to be ensured.
- The **home and family constitute the centre of most children’s lives**. In the report “Our Europe, Our Future, Our Rights” children highlighted that the COVID-19 pandemic has affected their family life. While younger children highlighted enjoying additional time spent with family, older children reported having had more conflict and family difficulties during the crisis.
- In the EU strategy on the rights of the child, we have **taken stock** of what the European Union has already done for children and we have put forward more than **40 actions** to be developed by the European Commission.
- Nonetheless, too many children still face **severe violations of their rights**. Children continue to be victims of different forms of violence, including gender-based and domestic violence addressed in the recent **proposal for a directive on combating violence against women and domestic violence**; as well as suffer from socio-economic exclusion and discrimination. Children are not sufficiently listened to, and their opinions and concerns are not taken into consideration enough in matters important to them.
- The successful **implementation** of the strategy and ultimately the better lives of our children, depend on joint efforts of all EU institutions and Member States authorities, on our commitment, cooperation and coordination.
- The strategy includes **recommendations for Member States** under each priority area. In addition to measures mentioned above, the Strategy also calls EU Member States to improve the **functioning of child protection systems** at national level, in particular:
  - establish (where not yet available), and improve child helpline (116 111) and missing children hotline (116 000), including through funding and capacity building;
  - promote national strategies and programmes to speed up de-institutionalisation and the transition towards quality, family- and community-based care services including with an adequate focus on preparing children to leave care, including for unaccompanied migrant children.

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<sup>4</sup> <https://data.consilium.europa.eu/doc/document/ST-10024-2022-INIT/en/pdf>



- Children are in contact with the civil justice system following their parents' separation or divorce; or when they are adopted or placed in care. Substantive family law is a national competence. In cross-border cases, **the Brussels IIa Regulation** (with its 2019 Recast) or the **Maintenance Regulation**, and a closer judicial cooperation are key to protect the rights of children and ensure their access to justice. While unnecessary family separation should be prevented, any decision on the placement of a child in care should ensure the respect of the rights of the child. Where courts or national authorities are aware of a close connection of the child with another Member State, appropriate measures to ensure these rights should be considered at the earliest possible stage.