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## The EU Lisbon Treaty – a positive step for children

### Children's Charities' Briefing

*Children's charities welcome the inclusion of children's rights in the Treaty of Lisbon (or 'Reform Treaty'). The Treaty is a significant step forward for efforts to protect children and promote their rights in the UK, across the Europe Union and beyond. We urge MPs and Lords from all parties to take this into account in debates on Treaty ratification.*

#### Why is the Lisbon Treaty<sup>1</sup> relevant for children?

**1. It will help ensure that EU laws and policies are child proofed, and contribute to promoting children's rights and interests..**

Many EU policies have a direct or indirect impact on children, including consumer protection, environment and trade policies, or cooperation to combat crime. Yet up to now, the EU has not had to consider the effects of its actions on children, or to ensure they are in line with international children's rights standards, despite the fact that all 27 Member States have ratified the UN Convention on the Rights of the Child (1989). Opportunities for the EU to address risks to children which have a cross-border dimension have also been limited by the lack of legal base for children's rights.

The Lisbon Treaty introduces<sup>2</sup> the **protection of children's rights among the EU's objectives** for its internal and external policies.

*"The Union ... shall promote ... protection of the rights of the child.....In its relations with the wider world, the Union shall contribute to ... eradication of poverty and the protection of human rights, in particular the rights of the child..."*  
(new Article 2 of the Treaty on European Union, TEU)

<sup>1</sup> The Treaty of Lisbon amends the Treaties currently in force - the Treaty Establishing the European Union and the Treaty Establishing the European Community.

<sup>2</sup> This briefing compares the Lisbon Treaty to the Treaties currently in force, rather than the rejected Constitutional Treaty text. Many of the advances for children were also in the Constitutional Treaty.

This is the most significant change for children's rights introduced by the Lisbon Treaty. It will provide a basis for the EU to implement effective measures to ensure that children's rights, including the 'best interests of the child', are taken into account or mainstreamed in all relevant policy areas.

This does not create new powers for the EU. In policy areas where the EU already has powers, it will enable actions to be taken specifically aiming to protect children's rights, for example to protect children from sexual exploitation. It allows the EU to provide sufficient resources to integrating a children's rights approach in its work, such as by undertaking a child rights impact analysis of EU policies. It also means that children's rights will automatically be considered in negotiations with countries who wish to join the Union.

It is disappointing that the Government has qualified the application of the **Charter of Fundamental Rights** in the UK. Nevertheless the strengthened legal status of the Charter (new article 6 TEU), which includes an article on children's rights (Article 24<sup>3</sup>), is also a contribution to improving the place of children's rights in EU policy making.

Articles to ensure that all EU policies and activities aim to help **combat discrimination**<sup>4</sup> (new article 5b of the Treaty on the Functioning of the European Union<sup>5</sup>), and take into account requirements linked to the fight against **social exclusion** and a high level of **education** and **protection of human health** (new article 5a of the same), are also likely to have positive impacts for children.

## ***2. It will be easier for the EU to adopt policies which help protect children from abuse and exploitation - but the UK can choose not to take part***

EU 'freedom, security and justice'<sup>6</sup> policies are particularly significant for implementing children's right to protection from exploitation and abuse. **Child trafficking and sexual exploitation of children** – both of which have a cross-border dimension – are already dealt with in EU activities to combat cross-border crime, but the new Treaty will help make sure a stronger children's rights perspective is integrated in these activities.

The Lisbon Treaty will also make it easier for the EU to adopt proposals strengthening cooperation to protect children from these crimes<sup>7</sup> by bringing them under standard decision-making processes. This means that legislation can be adopted by a 'qualified majority' instead of unanimity among all 27 Member States, and it also increases democratic scrutiny by giving the European Parliament a bigger say. The UK will be able to decide whether or not to opt in to rules in this policy area.

## ***3. It will help ensure that children's rights NGOs, and children themselves, are involved and listened to in EU decision making.***

Taking into account the expertise and views of European Union citizens, including civil society organisations, is a crucial part of the EU democratic process. The Treaty of Lisbon

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<sup>3</sup> Article 24 'The rights of the child' 1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity. 2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration. 3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

<sup>4</sup> Based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation

<sup>5</sup> Currently called the 'Treaty establishing the European Community'

<sup>6</sup> Including policies on border checks, asylum and immigration; judicial cooperation in civil matters; judicial cooperation in criminal matters; police cooperation.

<sup>7</sup> New Title IV of the Treaty on the Functioning of the European Union, Articles 61-69

lays down a formal obligation on the EU institutions to ensure that '*citizens and representative associations*' are given the opportunity to make their views known in all areas of EU action, and to '*maintain an open, transparent and regular dialogue with representative associations and civil society*'. This article also creates a new possibility for citizens (including children) to invite the European Commission to initiate a legal act by collecting a million signatures (new Article 8b TEU). A formal obligation of the EU institutions to listen to citizens will considerably strengthen children and young people's participation rights.

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