

Child Guarantee: Policy briefing for national members

On 14 June 2021, EU Member States unanimously adopted the **Council Recommendation establishing the European Child Guarantee**, [available here in all EU languages](#). The Child Guarantee represents a landmark step forward in protecting the rights of children experiencing poverty or social exclusion in the European Union. The framework aims to break the intergenerational cycle of poverty by calling on EU Member States to guarantee access to a range of basic rights and services for children in need.

Prior to the pandemic, there were over **18 million children** in the EU growing up in poverty or facing social exclusion. The COVID-19 pandemic brought a complex array of challenges and repercussions, exacerbating the critical situation of those affected by severe material deprivation, especially children. An ambitious and comprehensive framework protecting children in need and ensuring equitable access to key services was thus urgently needed. After years of negotiations, evidence-based advocacy, and diligent efforts, the EU Alliance for Investing in Children (EU Alliance) [positively welcomed the adoption of the Child Guarantee](#). The EU Alliance was particularly pleased to observe that most of the requests made over the last years were included in the final text of the Recommendation.

Over the coming months, Member States are expected to develop their **Child Guarantee national action plans** alongside the EU funding programming for the **next seven-year financial framework**. Importantly, EU Member States must include in their programmes how they will prioritise European Social Fund Plus (ESF+) and other EU resources for the implementation of the Child Guarantee. In essence, civil society, children in need and their parents have a couple of months to influence the national action plans that will shape the implementation of the Child Guarantee until 2030.

This document presents an **analysis of the most significant points** included in the Recommendation and an assessment of the **next steps** that the Alliance and Eurodiaconia is planning to undertake in cooperation with its members to turn this framework into reality. The ultimate goal is to influence its implementation and to monitor and evaluate efforts at the national level. Eurodiaconia will support the implementation of the Child Guarantee to break the vicious cycle of inter-generational poverty and by 2025, we aim that 60% of our members will have produced national reviews on the Child Guarantee. Additionally, we will organise network meetings, public events and publish assessment reports.

WHAT IS INCLUDED IN THE CHILD GUARANTEE

[Focus on children in need](#)

According to the Recommendation, children in need are individuals **under the age of 18 years** who are **at risk of poverty or social exclusion**. Member States are asked to address specific disadvantages experienced in particular by:

- Homeless children or children experiencing severe housing deprivation
- Children with disabilities
- Children with mental health issues
- Children with a migrant background
- Children of minority ethnic origin, particularly Roma
- Children in alternative, especially institutional, care
- Children in precarious family situations¹

The range of risk factors that can determine child poverty and social exclusion vary considerably in each EU country. Therefore, national approaches to implementing the Child Guarantee are expected to be tailored to specific circumstances and needs on the ground. For this reason, Member States and their respective authorities **are expected to identify those groups of children in need and build an integrated and enabling policy framework** that will address the social exclusion of these children. In this regard, public authorities and other relevant stakeholders should identify practical and administrative barriers children and their families face with respect to national, regional, and local circumstances.

Services

Member States are recommended to guarantee children in need **effective and free access**² to high-quality early childhood education and care; education and school-based activities; at least one healthy meal each school day; healthcare; and **effective access** to healthy nutrition, and adequate housing. In particular:

- **High-quality early education and care:** the Child Guarantee framework recognises that equal access to quality and inclusive early childhood education and care is central to breaking the generational cycle of social exclusion and securing equal opportunities for children. Member States are thus recommended to:
 - Identify and address financial and non-financial barriers
 - Provide learning support to children with learning difficulties
 - Provide the most appropriate response to the specific needs of children with specific educational needs and of children with disabilities in non-segregated settings
 - Support inclusive education and avoid segregated classes
 - Provide at least one healthy meal each school day
 - Ensure provision of educational materials
 - Provide adequate technological equipment necessary for distance learning and improve digital skills

¹ According to the Recommendation, 'children in precarious family situations' means children exposed to various risk factors that could lead to poverty or to social exclusion. This includes: *living in a single-earner household; living with a parent with disabilities; living in a household where there are mental health problems or long-term illness; living in a household where there is substance abuse, or domestic violence; children of a Union citizen who has moved to another Member State while the children themselves remained in their Member State of origin; children having a teenage mother or being a teenage mother; and children having an imprisoned parent*

² Effective and free access is defined by the Recommendation as *a situation in which services are readily available, accessible, of good quality, provided in a timely manner and where the potential users are aware of their existence, as well as of entitlements to use them, and provided free of charge, either by organising and providing such services or by adequate benefits to cover the costs or the charges of the services, or in such a way that financial circumstances will not pose an obstacle to equal access*

- Provide transport to early childhood education and care establishments and schools
 - Ensure equal and inclusive access to school-based activities, including participation in school trips and sport, leisure and cultural activities
 - Develop a framework for cooperation of all stakeholders involved to provide after school care and opportunities to participate in sport, leisure and cultural activities
- **Healthcare:** Children in need generally have less access to certain healthcare services; they are often not aware of them and have fewer opportunities and resources to benefit from disease prevention and health promotion programmes. Member States are thus recommended to:
 - Facilitate early detection and treatment of diseases and developmental problems, including those related to mental health, ensure access to periodic medical, including dental and ophthalmology, examinations and screening programmes; ensure timely curative and rehabilitative follow-up, including access to medicines, treatments and supports, and access to vaccination programmes;
 - Provide targeted rehabilitation and habilitation services for children with disabilities
 - Implement accessible health promotion and disease prevention programmes targeting children in need, their families and professionals working with them
- **Nutrition:** Given that children in need typically have less access to healthy and sustainable nutrition, ensuring access of children in need to at least one healthy meal each school day is of paramount importance. Member States are thus recommended to:
 - Support access to healthy meals also outside of school-days
 - Ensure that nutrition standards address specific dietary needs
 - Limit advertisement and restrict the availability of unhealthy foods
 - Provide adequate information to children and families on healthy nutrition
- **Housing:** The Child Guarantee framework should provide adequate housing to children and need and, when needed, ensure that children and their families receive adequate temporary accommodation, regardless of their residential status. Member States are thus recommended to:
 - 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
 - Assess and revise national, regional and local housing policies to ensure that the interests of families with children in need are duly taking into account
 - Provide children in need and their family priority status to ensure timely access to social housing or housing assistance

[Institutional care](#)

Regrettably, the text of the Recommendation also includes specific passages on institutional care that might jeopardise the achievements made over the last years in promoting the transition from institutional to quality community and family-based care.

In particular, **Recital 24** leaves space to Member States **to institutionalise children with no end in sight**, under the argument that it might be in the best interest of the child:

*“With the aim of the de-institutionalisation of children, quality community-based or family-based care should be promoted. **Placing children in institutional care** should be done only when it is in the best interests of the child, taking into account the child’s overall situation and considering the child’s individual needs.”*

Moreover, **Article 10(d)** recommends Member States to:

*“Take into account the best interests of the child as well as the child’s overall situation and individual needs **when placing children into institutional or foster care**; ensure the transition of children from institutional or foster care to quality community-based or family-based care and support their independent living and social integration.”*

Article 10 indicates that **institutional care can be adopted as a last resort in the best interests of the child**. However, it wrongly supports the transition from foster care to family-based care, not recognising that **foster care is internationally understood as one of the possible [typologies of family-based care](#)**.

According to the European Expert Group on the transition from institutional to community-based care ([EEG](#)), institutional care is any residential care where residents are isolated from the broader community and/or compelled to live together; do not have enough control over their lives and over decisions which affect them; and requirements of the organisation itself tend to take precedence over the residents’ individual needs. Therefore, placing a child in an institution can never be in their best interest and also contravenes the EU funding regulations of ESF+ and European Regional Development Fund, which call on Member States to use the two funds to promote the transition from residential or institutional to family and community-based care, not to support any action that contributes to segregation nor social exclusion and to contribute to promoting social inclusion and raising citizens’ quality of life in line with the obligations under the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child. Such wording not only risks undermining the important progress made in the EU, but also threatens to legitimise the systematic placement of children in need in institutional settings.

[Enabling policy framework](#)

The Recommendation positively recognises the **multifaceted nature** of child poverty and social exclusion. Recognising the best interests of the child as a primary consideration, Member States are urged to set up an **integrated and enabling national policy framework**. In doing so, the Recommendation urges Member States to:

- Ensure consistency with social, education, health, nutrition and housing policies
- Increase investments in children
- Set up support measures for parents and guardians and income support to families and households
- Address the geographical dimension of social exclusion
- Strengthen cooperation with and involvement of national, regional and local actors and with children themselves
- Dedicate adequate national resources and EU funds
- Support strategic investment in quality services for children, including in enabling infrastructure and qualified workforce
- Take into account a gender perspective

It must be noted that, for all categories of children in need identified by the Child Guarantee Recommendation, **discrimination is an important deterrent to wellbeing**, both in itself, leading to emotional distress and isolation, as well as in impeding effective access to income and services. Stigmatisation based on ethnic or racial origin, disability, socio-economic background, and other criteria significantly contributes to the non-take-up of benefits and services by those who most need them. In ensuring an enabling framework for the implementation of Child Guarantee, Member States will need to **take a bold stance against all forms of discrimination on all grounds**, including intersectional discrimination, and concerning all groups of children.

NEXT STEPS – CHILD GUARANTEE

[National Child Guarantee Coordinators](#)

The Recommendation requires each Member State to nominate a **national Child Guarantee Coordinator**, who will oversee the coordination and monitoring of the Child Guarantee implementation. This individual will be a crucial actor for the EU Institutions in charge of monitoring the implementation of this instrument, and national, regional and local organisations working in the country. According to our latest information, Member States are expected to nominate the Coordinators by the end of **October 2021**. Subsequently, the European Commission is expected to publish an official list with the names of the Coordinators shortly after.

[Child Guarantee National Action Plans](#)

By March 2022, all Member States are required to submit their **Child Guarantee national action plan** to the European Commission. The plans will cover a period until **2030**. Member States will report every **two years** to the Commission on the progress in implementing the Child Guarantee, in line with their national action plans. We can thus expect to have a **first report** submitted by EU Member States on the national implementation of the framework in **June 2024**.³

Notably, the national action plans will describe how Member States plan to implement the Child Guarantee and should include:

- Targeted categories of the specific groups of children in need to be reached
- Integrated measures to be implemented
- Quantitative and qualitative targets to be achieved in terms of children to be reached and measures to be implemented
- Other measures planned or taken to address child social exclusion at the national level
- A national framework for data collection, monitoring and evaluation of the Child Guarantee
- How the described measures will be funded, i.e. which EU funds will be used, and how will this be complemented by national resources

³ In the following weeks, the European Commission is also expected to provide some guidelines to EU Member States on how to draft their national action plans. We will share more information on this as soon as it is available.

A useful source of information concerning the design, feasibility, governance and implementation options of the Child Guarantee in all EU Member States is provided by the Feasibility Studies for a Child Guarantee, available [here](#). Please also note that the European Commission has also released a [summary](#) of the Feasibility Studies Final Report that might be more accessible than the abovementioned studies. Finally, this [UNICEF briefing](#) might provide you with useful information on how the Child Guarantee could work in practice at the national level.

[Stakeholders Participation](#)

One of the most important requirements of the Council Recommendation is the **involvement of children and stakeholders** in the development of the Child Guarantee national action plan. This step needs further targeted investment towards the **most vulnerable** and socially excluded as they have less access to consultation tools and mechanisms and have fewer opportunities to raise their voices.

EU Member States should thus consult **children** – especially those in vulnerable situations, their **parents, families** and **civil society organisations working with them** – in the implementation of the Child Guarantee Recommendation. To make their participation **meaningful**, such consultation should cover comprehensively the development of the Child Guarantee national action plans, including their design, monitoring and evaluation, and – ideally – the nomination of the national coordinators.

NEXT STEPS - FUNDING

As established by the [agreement](#) reached on the European Social Fund Plus (ESF+), **all Member States** are expected to earmark **an appropriate amount** to tackle child poverty and social exclusion. For 11 EU Member States with higher [child poverty levels](#), that amount must be at least **5% of their national ESF+ allocation** in the 2021-2027 period.⁴ These states are **Bulgaria, Cyprus, Greece, Ireland, Italy, Lithuania, Romania, Spain, Hungary, Croatia and Luxembourg**.

Besides the ESF+, various EU funds such as the [European Regional Development Fund](#), [InvestEU](#), and the [Technical Support Instrument](#) should support the implementation of the national Child Guarantee national action plans. Furthermore, the [Recovery and Resilience Facility](#) offers additional Union funding for reforms, investments and policies for children, such as education and skills. Both the Child Guarantee and the Recovery and Resilience Facility will be monitored under the scheme of the [European Semester](#) cycle. Other funds like [EU4Health](#) and the [Asylum, Migration and Integration Fund](#) could also support the implementation of the Child Guarantee, but are not specifically mentioned in the Recommendation.

The range of financial resources that can be used to fund the Child Guarantee clearly exemplifies that this framework should not be seen as the only policy proposal aimed at eliminating child poverty across the EU, but rather as a **tool to support the EU Member States in tackling child poverty and trigger more national investments in children**. In parallel, the Child Guarantee must connect its measures and ambitions to other EU policies,

⁴ As a long-term advocacy goal, it must be highlighted that the 5% earmarking could be extended to other countries in the next ESF+ funding period (2028-2035). In the meantime, we should call on all EU MSs to allocate appropriate resources

such as the [EU Strategy on the rights of the child](#) and the [European Pillar of Social Rights Action Plan](#), which can all support the implementation of the Council Recommendation on the Child Guarantee.

As mentioned above, Member States are expected to develop their **Child Guarantee national action plans** alongside the EU funding programming for the **next seven-year financial framework**. Allocating adequate EU resources for the implementation of the Child Guarantee is not only essential but part of the ESF+ Regulation and a specific requirement of the Recommendation. Importantly, EU Member States must include in their programmes how they will prioritise ESF+ and other EU funds resources for the implementation of the Child Guarantee.

WHAT CAN YOU DO FROM YOUR SIDE?

[Child Guarantee](#)

The following months will offer a pivotal window of opportunity to influence how the Child Guarantee framework will translate into practice at the national level. National and international civil societies willing to influence this process should consider engaging in the advocacy actions listed below.

- Influence the **development of national action plans** by getting in touch with the national Ministry responsible for the Child Guarantee (most likely the Ministry for Social Affairs), demonstrate interest in the procedure and explore opportunities to get involved. As Member States are required to submit these plans to the European Commission **by March 2022** and finalise them by **June 2022**; civil societies interested in getting involved should act as soon as possible. As mentioned above, please note that all children in need should be able to benefit from the Child Guarantee, irrespective of their migration (i.e. residence) status.
- EU Member States are expected to nominate their **National Coordinators by October 2021**. Hence, it is important to **monitor** how these individuals are selected, what powers and resources they have access to, and how the role fits more broadly into delivering government policy reforms.
 - Upon the appointment of the Coordinators, civil society organisations should **get in touch** with the latter, for example, via letter, asking for an official meeting or sharing information that might help support the work of the Coordinator.
 - While doing so, it would also be important to raise the importance of **engaging with stakeholders** in setting up, implementing, monitoring and evaluating the Child Guarantee.
- Given that **information** on the developments of the Child Guarantee at the national level are still scarce, the EU Alliance set up a [google doc](#) in which EU Alliance members and their national members can include pieces of information they are aware of and check what information other organisations have already shared. Please feel free to contribute to this project by providing information in the shared document.
- Another important activity will be **liaising with national, regional and local organisations, authorities and stakeholders** - such as parents and parent and families' organisations - that might be involved in the implementation of the measures listed in the Child Guarantee national action plan from 2022 to 2030. This could

enhance the quality of the engagement and cooperation among authorities and stakeholders. While doing so, you could identify possible allies - such as parliamentarians, journalists and child rights advocates – and share with them information on how the Child Guarantee can address poverty and social exclusion in your country.

- The Child Guarantee Recommendation makes it clear that **children** are stakeholders and that Member States should involve them in the preparation, implementation, monitoring and evaluation of the Child Guarantee national action plans, but it fails to specify how. Civil Societies working directly with children, in particular on child participation, should **inform the Ministry, the Coordinator, and relevant national authorities** how they can support child participation. In doing so, please make sure that children who are vulnerable and marginalised are also consulted, and that **meaningful participation** is achieved. Furthermore, it would be important to start engaging with children to explain what the Child Guarantee is and explore possible ways in which children want to engage in the process. The European institutions have published useful [infographics](#) and [factsheets](#) that help to make information on the Child Guarantee more accessible.
- Share **information** about the **Child Guarantee** across your network, within your organisation and beyond. For example, you could speak with national, regional and local media. You could publish a press release with your hopes of how the Child Guarantee should be implemented in your country. To attract public attention to your efforts, you could consider hosting a press conference or invite a journalist to a service that could benefit from the implementation of the Child Guarantee – field trips can be helpful to get the media interested.
- Ensure that the Child Guarantee supports the **transition from institutional to quality family and community-based care**. For example, while engaging with national authorities, it will be fundamental to underline the utmost necessity to develop programmes for families at risk, aiming at preventing families’ evictions and placing children in the alternative care system; develop family-based early childhood intervention; when in the best interest of the child - prioritise quality family-based care for all children in alternative care including children with disabilities; develop foster care by raising awareness, adopting foster care standards, and by the provision of adequate support to foster carers as well as recruiting more foster carers; and ensure adequate support for young people ageing out of care including housing, career advising, and supervision. It would also be useful to include in your conversations the text of the Recommendation on institutional care that might jeopardise the achievements made over the last years in promoting the transition from institutional to quality community and family-based care (See page 3). In addition, the use by the EU Member States of different definitions for “institutional care” leads often to contradictions and meaningless statements. Therefore, EU Member States should develop with the support of the European Commission and civil society an official joint EU definition of “institutional care”.

Funding

Due to the COVID-19 pandemic, there have been some delays in the national ESF+ programming for the **next seven years’ financial framework**, which will most probably start

in **2022**. Yet, several Member States have already shared first drafts with the European Commission on the priorities in their national action plans. This means that national and European civil societies have very little time to influence Member States decisions on how to financially support the fight against poverty and social exclusion in the next year. Therefore, we recommend that Civil Society and your organisation:

- Act now and make contact with the national **Ministry Responsible for the Child Guarantee** (most likely the Ministry for Social Affairs) and the Child Guarantee national coordinator, provide helpful and timely information on the topic, show interest in the procedure and explain how you can contribute and support their work
- Ask about the process of the programmes and whether you can **provide inputs and proposals** on the ESF+ programming, on the disbursement of the abovementioned EU funds and national budget
- **Be proactive** and send your proposals to all actors that might have a voice in this matter, organise meetings to give the possibility to national organisations and stakeholders to share information and cooperate with each other, publish reports and briefings that might be useful in shaping this process