The European Union and Children’s Rights: Editorial

Helen Stalford\textsuperscript{a}, Nigel Thomas\textsuperscript{b} and Eleanor Drywood\textsuperscript{c}

\textsuperscript{a} School of Law and Social Justice, University of Liverpool
  stalford@liverpool.ac.uk
\textsuperscript{b} School of Social Work, University of Central Lancashire
  npthomas@uclan.ac.uk
\textsuperscript{c} School of Law and Social Justice, University of Liverpool
  e.w.drywood@liverpool.ac.uk

This Special Issue represents one of the first attempts to bring together a range of academic perspectives on the impact of the European Union (EU) on children’s rights. It is unique insofar as it aims to provide comprehensive coverage of a range of constitutional and substantive issues previously overlooked in many of the debates around EU intervention in this area. In doing so, the collection attempts to incorporate detailed, multi-disciplinary analysis of a wide range of social and legal issues, in order to capture not only the nature, scope and effectiveness of EU efforts to protect children, but also the extent to which such intervention empowers children as social, political and economic actors in their own right.

The collection is, we suggest, timely in that it responds to three important developments that will shape the future scope and impact of children’s rights law and policy at the EU level. First, it comes in the wake of the implementation of the Treaty of Lisbon, which stimulated the most significant overhaul of the EU’s constitutional, institutional and procedural framework since its inception in the 1950s. More specifically, however, this Treaty elevates the status of children in the EU constitutional order by asserting its commitment to protecting children as a core objective (Article 3(3) TEU) and, more generally, by enhancing the currency of fundamental rights through more concrete allegiance to the European Convention on Human Rights (ECHR) and the Charter of Fundamental Rights of the EU (the Charter).

A second, more policy-focused EU development that coincides with this collection is the launch of the EU’s new ‘growth’ programme, Europe 2020 (Communication from the Commission on Europe 2020 – A Strategy for smart, sustainable and inclusive growth, COM (2010) 2020 final). This succeeds the ‘Lisbon Strategy’, an earlier ten-year economic plan launched in 2000, aimed
The 2020 Strategy is to turn the EU into the ‘most competitive and dynamic knowledge-based economy in the world’ through a range of economic and social targets and initiatives. Children’s rights and well-being are integral to the success of the 2020 Strategy insofar as improving education and promoting social inclusion are identified as central themes. Indeed, it is anticipated that measures to combat child poverty, already a prominent outcome of the previous Strategy, will feature heavily in this new phase of action.

The third, and most direct, EU development to which this Special Issue responds is the publication, in February 2011, of the Commission’s new Communication, ‘An EU Agenda for the Rights of the Child’ (Brussels, 15.2.2011, COM(2011) 60 final), which follows the earlier Communication ‘Towards an EU strategy on the rights of the child’ (COM(2006) 367 final). This Communication attempts to establish a number of general principles to ensure that EU action is consistent with normative children’s rights principles as expressed in the UN Convention on the Rights of the Child (CRC) and elsewhere, whilst also identifying a number of concrete areas in which EU intervention will enhance the level of children’s rights provision currently available.

The articles presented in this issue not only mark a new era in European children’s rights; they also point to some new directions in international children’s rights too, insofar as they provide fresh insights into the wider opportunities and challenges presented by the legal, economic and political resources of the EU as an operator on a global stage.

The collection is divided into two separate parts. The first four articles explore the extent to which the EU’s constitutional, institutional and procedural framework is amenable to the active development and protection of children’s rights. Stalford and Schuurman set the scene, with a detailed review of how the changes brought about by the Treaty of Lisbon affect the EU’s children’s rights agenda. They ask whether the enhanced status attributed to fundamental rights, coupled with more explicit reference to children in the EU’s constitutional texts, will assist in the formulation and application of meaningful children’s rights provision. Drywood picks up on some of these issues, arguing that even the most explicit measures relating to children are meaningless unless supported by effective institutional and procedural mechanisms to ensure their implementation. She offers a critical examination of the concept of ‘mainstreaming’, using the example of EU legislation in the field of immigration and asylum, an area which boasts some of the most developed and explicit provision of relevance to children. Thomas, Gran and Hanson focus on the developing role of independent human rights institutions for children (Children’s Commissioners and Ombudspersons) in the context of the EU strategy on the rights of the child, and on the interrelationships between the EU, Council of Europe and independent national and regional advocates for children’s rights. Finally, Larkins offers an empirically-grounded insight into whether the European Union is successfully engaging with