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BRINGING HUMAN DIGNITY TO THE HEART OF THE EUROPEAN DEBATE

Information briefing for the Slovenian Permanent Representation to the EU
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Introduction

Caritas Europa is the umbrella organisation of the European network of 48 Caritas member organisations that are operating in 44 European countries. The organisation actively focuses upon policy issues related to social inequality and poverty, migration and asylum within all European countries; and matters of emergency humanitarian assistance, international development and peace throughout the world.

Over the past years, Caritas Europa has gathered broad experience in exchanging with the Member States designated to hold the EU presidency. This exchange aims to present Caritas Europa's positions and recommendations in a dialogue on policy issues that are relevant to the presidency's political agenda.

We have carefully studied the 18-month programme of the German, Portuguese and Slovenian presidencies and have followed the programme's developments during the German and Portuguese Presidencies. We are certain that Caritas Europa can proceed to make valid contributions to the goals and priorities of this programme under the forthcoming Slovenian Presidency.

Following its overall mission to promote human development, social justice and sustainable social systems in Europe and throughout the world, Caritas Europa is highly concerned with the subjects below which will be addressed in the following chapters:

- Social Policy: Tackling child poverty through policy measures in support of families
- Freedom, Security and Justice: Promotion of a Common European Asylum System
- External Relations: Plea for continued EU support in Darfur and Sudan
- Development Policy: Making European Community aid work for the poor

Caritas Europa firmly believes in the importance of the good offices of the Permanent Representation, in view of the forthcoming Slovenian EU Presidency, for achieving future positive developments in these areas. The organisation is therefore pleased to submit this information briefing which was contributed by the responsible thematic departments of Caritas Europa under the coordination of the Advocacy and Communication department.

Social Policy:

Tackling child poverty through policy measures in support of families

Child Poverty is a key issue for the Social Inclusion Process in 2007. Caritas Europa believes that child poverty should not be thought of in exclusively economic terms. It has frequently found that child poverty encompasses social and cultural exclusion along with the lack of monetary support. Many children leave the school system prematurely to enter the workforce and help sustain their family's income. Dangerous home lives, stress, and lack of parental involvement (due to extended job hours or multiple jobs) increase the likelihood that a child will drop out of school. This issue is further complicated for the children of migrants who often lack the language skills required to succeed in their new school environment.

Caritas Europa would like to reaffirm that child poverty is an issue of poverty within the family. Children have a higher-than average risk of poverty in most EU Member States while living in a lone-parent or jobless household compounds this risk. The most important prerequisites for favourable development in the home include sufficient household income to ensure the provision of material needs; a household social status such that the child feels equal to others; contact with friends and family so that the child experiences sufficient social relationships; and adequate communication. When these conditions are not met, the child lives in a "risk household".

Since 2006 and under the CONCEPT (Caritas Organisations Network to Challenge the Exclusion and Poverty Trap) project co-financed by the European Commission, Caritas Europa's member organisations have participated in drafting the National Strategic Reports on Social Protection and Social Inclusion as civil society representatives. On the basis of their grass-root experience, Caritas organisations have addressed policy recommendations to their respective governments in order to better respond to the social challenges proper to their Member States.

Member States have approached the issue using a variety of policies to address the different aspects of the predicament. This has included efforts to increase family income, improve access to services, providing decent housing, and protecting children's rights.

The Joint Report of the Council and the Commission on Social Protection and Social Inclusion (adopted by the Council in February 2007) incorporates two prominent aspects: equal opportunities for education (including pre-school education) and promoting parent's labour market participation.

Member States are taking measures to make work pay and to facilitate reconciliation of work and family life through improved access to quality child care and flexible working arrangements. To improve these actions in the future, Caritas Europa has developed a set of policy recommendations:

Allocation of resources for children and a better income system for families

- Children should be primarily raised in their family environment. Parents therefore, must be able to fairly choose whether to return to work or raise children at home in their first years of life. This implies the allocation of economic resources in a sufficient amount – as close to the previously perceived salary, or to the minimum income provided by law to the unemployed.
- Member States should be encouraged to improve child care services considering that child care is a key challenge for many parents entering the labour market.
- A general allowance for each child irrespective of his/her parent's situation would best address vulnerable children such as the poorly educated, refugee/asylum-seeking, victims of violence, those with unemployed or lone parents, and the disabled (either mentally or physically). An increased allowance for the disabled should take into account the higher living costs a family consequently incurs.

Ensuring coherence between economic and social policies

- The implementation of social policy measures, through financial support to children and their families, can be effective only if satisfactory coordination with economic policies takes place. Caritas organisations have reported a serious lack of coordination between National Strategic Reports and National Reform Programs, mainly due to insufficient inter-ministerial co-operation within governments. Caritas Europa would recommend, as a way to enhance coordination between national economic and social policies, the intensification of inter-ministerial co-operation and inter-service communication within the Open Method of Coordination.
- Governments could still improve their methods of involving civil society in the policy-making processes and should be urged to do so. Lack of democratic participation does not improve transparency or provide knowledge to governments about the actual social situation. Notably during the recent submissions to questions posed by the Social Protection Committee (who is in charge of [promoting cooperation on social protection policies](#)) to the Member States, inquiries on children's well-being were confined to "official" answers based on legislation or action plans whose effectiveness had not yet been tested. Caritas Europa recommends a stronger involvement of organisations providing social services to children and their families and of children's organisations themselves.

Families and "flexicurity"

- Return to the labour force is only viable for parents if proficient childcare services are provided at an affordable price. Great attention should be devoted by governments to the risk of transforming childcare services into a substitute for parental care, covering nearly all daily hours, while parents are obliged to work in order to sustain inflated living expenses.
- Member States could exchange their best practices that promote employment flexibility for parents wishing to take care of their children during the day, while ensuring the performance of their workplace. The Slovenian "Family-friendly Company" project provides a good model of this initiative. Under this project, the companies who introduced family-friendly measures (ex. more flexible working time for parents) are rewarded with a public quality certificate.

Conclusion

In the next Social Inclusion round, the Slovenian Presidency could encourage EU Member States to tackle child poverty by adopting policy measures in support of families, to be foreseen in their National Action Plans. These measures should aim at offering families a guaranteed minimum income, to help them raise their children. Those parents who prefer to return to work should be ensured of affordable and high-quality childcare services. Member States should be recommended to allocate sufficient budgets to prevent family poverty.

Freedom, Security, and Justice: Promotion of a Common European Asylum System

Caritas Europa appreciates the aims set forth by the European Commission's Green Paper on the future Common European Asylum System presented in June 2007 "to achieve both a higher common standard of protection and greater equality in protection across the EU and to ensure a higher degree of solidarity between EU Member States". Caritas's key concern of access to protection is addressed by the Green Paper's objective to increase "the EU's contribution to a more accessible, equitable, and effective international protection regime."

In a separate document published in August 2007, Caritas Europa and its Christian partner organisations have broadly addressed the questions raised by the Commission in the Green Paper. Here is a selection of recommendations related to processing of asylum applications;

reception conditions for asylum seekers; a possible uniform status for persons in need of international protection; and sustainable return policies.

Processing of asylum applications

- A single procedure determining whether an asylum applicant qualifies for protection under the Geneva Refugee Convention (1951) or whether the person is entitled to complementary protection, subsidiary protection or other humanitarian protection could be the most effective and efficient approach for status determination. The risk of undermining the protection needs, however, would have to be tackled by safeguards ensuring that a single procedure doesn't lead to lesser examination.
- In line with the position of the European Council on Refugees and exiles (ECRE), Caritas Europa opposes the idea of establishing "joint processing centers", but would be in favour of developing decentralised offices or dispatching common teams competent for asylum determination by pooling resources such as well-qualified interpreters and interviewers to assist national determination.
- Applicants should be informed about their rights and the reception conditions in a language they clearly understand and not "as far as possible in a language that the applicants may reasonably be supposed to understand", as worded by art. 5(2) of the Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers.
- To guarantee a fair and efficient procedure, the transfer of applicants to third countries should be avoided and thus the safe-third country notion be deleted from the Council Directive 2005/85/EC including minimum standards for procedures on granting and withdrawing refugee status. It is apparent that there is no consensus with regard to which countries can be considered "safe" third countries. The system would be fairer, if every asylum claim was considered on its own ground as quickly as possible.

Reception conditions for asylum seekers

- Art. 7(1) of directive 2003/9/EC leaves it up to Member States whether they grant applicants freedom of movement within the territory or in a specific area only. Caritas Europa strongly urges that, in the absence of compelling reasons to the contrary, asylum applicants and their accompanying family members should have free movement throughout the territory of the Member State in which they apply for asylum.
- As indicated in the Green Paper, the access to the labour market (art. 11) needs a more precise regulation. The directive leaves it up to Member States to lay down the conditions for the access to the labour market. We would like to see a much stronger commitment to offering asylum applicants the earliest opportunity to earn their own living and become self-sufficient.
- Identification of vulnerable asylum applicants must be clearly regulated. Art. 15 and 20 leave room for diverging interpretations. Provisions on capacities and expertise to provide adequate support, especially for torture victims, must be introduced. In addition, access to psychological care should be an essential part of an adequate treatment.
- Caritas Europa is strictly opposed to any voucher or non-cash system. Experience has shown that providing material reception conditions in the form of vouchers or comparable assistance failed to create dignified living conditions for asylum seekers and their accompanying family members. Material reception conditions should always be provided in the form of financial allowances sufficient to cover basic needs, and within a reasonable time.
- Caritas Europa argues for the diversification of accommodation as found in Belgian policy where different types of housing are foreseen along with possible permeability between the different forms according to the needs of the asylum seekers. In general, the conditions of accommodation (art. 14 of the directive 2003/9/EC) need further approximation within the European Union.

- In principle, detention should not be a part of the reception of asylum applicants. Detention, therefore, can only be applied as a last resort when less restrictive alternatives or unconditional release are shown to be insufficient. Grounds for detention must, also, clearly be set. Therefore, art. 7 of the directive 2003/9/EC should precisely indicate what it means by “legal reasons” to detain asylum seekers and list these reasons in light of UNHCR Guidelines.

A possible uniform status for persons in need of international protection

- Caritas Europa would welcome the development of a uniform status provided that it upgrades the status of persons granted subsidiary protection. If a uniform status would only be possible at the loss of rights accorded to refugees, we would rather maintain the system of diverse sets of rights. Development of a uniform single status can be accomplished by making changes in e.g. articles 26(3) (employment), 28(2) (social welfare), 29(2) (health care) and 33(2) (integration) of the Council Directive 2004/83/EC dealing with minimum standards for the qualification of third country nationals as refugees or as persons who otherwise need international protection.
- All persons in need of international protection deserve the chance to rebuild their life. Thus, certainty about their status is the most important issue. In addition, the right to family reunification, access to employment and integration measures ought to be granted without delay as soon as a person is granted a protection status. Vulnerable persons (particularly minors and persons with disabilities or trauma) should receive the services they require to facilitate as far as possible a life determined by themselves.
- Uniform international protection status should lead to a long-term resident status after three, at the latest five years of legal stay, even if the person remains dependent on social assistance for reasons beyond his/her control (inability to work for health reasons or trauma, difficulties to acquire language skills due to age etc.). Furthermore, Caritas Europa would hope that persons granted protection by one EU Member State could enjoy the right to move to another EU Member State on similar conditions as EU nationals, e.g. if they are offered employment, if they have sufficient resources, or if (wider) family members offer accommodation.

Sustainable return policies

- The Green Paper currently names some categories of people who are not removable on grounds of ill health and unaccompanied minors. Caritas Europa advocates that vulnerable people in general should never be removed. According to the report of the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs (on the Commission’s proposal for a “directive on common standards and procedures in Member States for returning illegally staying third-country nationals”) adopted in September 2007, this category comprises of minors, unaccompanied minors, disabled persons, elderly people, pregnant women, single parents with minor children, and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence. Caritas Europa supports this definition which is in line with international refugee and human rights instruments and should therefore be unconditionally applied in EU legislation.
- Beyond people who cannot be removed for humanitarian reasons, there are also rejected asylum seekers and migrants who cannot be removed on factual grounds (e.g.: there is no country ready to accept them). These persons, deprived of a legal status, often live in destitution. Caritas Europa underlines the urgent need for a new EU instrument dealing with these types of situations.

Conclusion

Caritas Europa will gladly engage in an open dialogue with European institutions and the future EU presidencies in this area. After participating in the hearing held by the European Commission on November 7th, 2007, we recommend that the Slovenian Presidency duly take into account the results of that hearing. It is Caritas Europa’s hope that the Slovenian

Presidency will give priority to the development of a Common European Asylum System by promoting harmonisation of EU asylum law in full respect of international obligations.

External Relations: Plea for continued EU support in Darfur and Sudan

Currently over four million people are affected by the convoluted situation in Darfur and Sudan. Caritas Internationalis and ACT International have jointly responded to the crisis in Sudan's Darfur provinces since July, 2004, through the Darfur Emergency Response Operation (DERO). As the second largest humanitarian operation currently in Darfur, approximately 325,000 people receive assistance through DERO's programmes. These provide food, water, shelter, medical care, sanitation, education, and agricultural and psycho-social support to all those in need regardless of ethnic background. Caritas organisations are involved at all levels of these programmes: governance, policy and advocacy, funding and human resources.

In March, 2007, the government of Sudan and the UN signed a Joint Communiqué on the facilitation of humanitarian activities in Darfur containing commitments to speed up procedures in terms of visas, travel permits and customs to improve humanitarian access of operations such as DERO. The deteriorating security situation, however, has prohibited many aid agencies from reaching those worst affected thus hampering the distribution of food and the provision of other basic services. The proportion of the affected population of Darfur judged 'accessible' was estimated at 73% on 1 July, 2007, representing only a slight improvement from the beginning of the year.

The deployment of the United Nations-African Union hybrid force (UNAMID) should provide a degree of improvement in the security situation and thus humanitarian assistance. An end to the crisis, however, can only be resolved by a negotiated peace agreement. The current UN/AU led peace process of the Joint Mediation Support Team (JMST), created in March 2007, represents the best hope of achieving such an agreement. The adjournment of the recent talks in Sirte, Libya, after only 2 days, demonstrates that such a process cannot be rushed. More broadly, the peace process must be negotiated, Sudanese-owned, inclusive of civil society and comprehensive in scope. At this time, however, the UN/AU has still not released details concerning how they plan to ensure the input of Darfuri community leaders and civil society into the peace process.

Caritas Europa would like to stress that while the focus on resolving the crisis in Darfur is crucial it should not distract attention from developments in the rest of Sudan. The 2005 Comprehensive Peace Agreement (CPA), signed by the National Congress Party (NCP) in Khartoum and the Sudan People's Liberation Movement/Army (SPLM/A) after a decades war between north and south is in danger of unravelling. Several parts of the agreement have not been honoured. Most controversial of all, the government refuses to accept the findings of the commission set up to define the boundary between north and south running through the oil rich area of Abyei. Recent weeks have seen aggressive posturing between the parties to the CPA. The International Community, including the EU, should work to ensure that the CPA is implemented.

To improve this critical humanitarian and political conditions, Caritas Europa has developed a set of policy recommendations concerning the peace process and the humanitarian and security situation thus outlining an encompassing approach to the situation in Sudan.

Peace process

- Negotiations should only begin at a point when the rebel groups are sufficiently coherent to be able to negotiate. The UN/AU should be persuaded to a flexible extension of the timelines in the roadmap to give time for rebels to develop common positions.
- The International Community, including the EU (in particular UK/France) should use political leverage with Sudan's neighbours, Eritrea and Chad to ask them to support a consensus among the Darfuri rebels.
- The process must be inclusive of Darfuri civil society and traditional leaders. The JMST must make the effort to search and engage with representatives of all communities (including Arab/nomadic) and ensure that their concerns are incorporated into the process. The EU Special Representative to Sudan should use his position to obtain more clarity from the JMST on this issue. The EU's role in funding the JMST should also be used to ask the mediation team as to how they plan to include Darfuri communities in the peace process.
- The UN/AU must be encouraged to make public progress report and elaborate on roadmap.
- Violence on the Chadian border should not be treated as 'overspill' from the Darfur conflict. Rather it should be acknowledged that Chad is undergoing a political crisis of its own, which must be addressed accordingly.

Humanitarian situation and security

- Donor governments and international institutions must provide the requisite funding to sustain humanitarian assistance and be ready to respond as and when aid agencies withdraw from Darfur.
- The Joint Communiqué of March 2007 is a welcome step. It is important, however, that it continues to be implemented and monitored. The donor community must work to ensure that this is undertaken effectively.
- A focused effort is required on the part of the International Community to provide UNAMID with the necessary equipment. The General Affairs and External Relations Council (GAERC) meetings and other relevant EU *fora* should be used as opportunities to discuss this issue.
- An effective ceasefire is an essential step towards improving the humanitarian situation and security. The JMST should work with all factions to the conflict to achieve this goal.
- The recently proposed EU peacekeeping force for Chad is a promising step towards enhanced security on the Chadian side of the border, though it is to be hoped that in the longer term such a force will operate under a UN mandate. It is also important that the deployment be accompanied by a consequent political process in Chad.

Conclusion

The EU must do all in its capacity to keep Darfur high on the international political agenda. All possible efforts should be made to help overcome the obstacles for the deployment of the UNAMID force. The international community and the EU, however, must not allow their focus on Darfur to distract from the monitoring of the CPA. The GAERC meetings and other relevant EU *fora* should be used by Member States to discuss the EU response to the faltering CPA and to clearly call for the NCP and SPLM/A to uphold the CPA.

Development Policy: Making European Community aid work for the poor

The year 2007, at the European level, marked the beginning of a new seven-year cooperation period with Asia and Latin America along with the finalisation of programming for African, Caribbean and Pacific countries under the six-year 10th European Development Fund. Caritas Europa together with CIDSE felt that this was an appropriate time to look closely at the European Community (EC) aid, representing the collective commitment of EU Member States, and its effectiveness in constructing substantial changes for the poor.

The CIDSE and Caritas Europa report “The EU’s Footprint in the South: Does European Community development cooperation make a difference for the poor?” underlined the need to increase and clearly demonstrate the impact of EC aid on poverty reduction; to involve local Parliaments and civil society in discussions on EC aid priorities and instruments; to ensure democratic accountability; and to reduce bureaucratic impediments to effective aid. It draws upon multiple sources, most importantly upon evidence and views of local actors gained from research in Bangladesh, Cameroon, Ethiopia, Guatemala, Nicaragua, and Zambia on EC cooperation in the 2002-06 period. This publication was launched in March, 2007, at the European Parliament in Brussels in the presence of representatives of the European Parliament, European Commission and Member States.

The report demonstrates that some progress has been made towards more effective EC aid, but that much more could be done so that these precious resources make a visible difference in the lives of people living in poverty. Its recommendations set out concrete ways in which the EC can improve the impact of its aid for the poor, supported by good examples from current EC practice.

Caritas Europa wishes to use the opportunity of this information briefing to present the main findings from its joint report with CIDSE.

Country strategies: Poverty focus or European interests

The principles of subsidiary and of participation require that people living in poverty be able to make their voices heard on the use of government and donor resources intended to improve their living conditions. In theory, the EC like all donors has committed to orienting its development assistance in support of national development strategies that have a broad basis within the countries and the support of governments, Parliaments and civil society. The establishment of the Poverty Reduction Strategy Paper - PRSP approach (1999/2000) and of the Millennium Development Goals (2001) were meant to improve the ownership and poverty focus of development aid. This report finds, for example, that:

- The new generation of EC Country Strategy Papers indeed makes increasing reference to the national PRSP, though in several cases the PRSP is considered to be more donor-driven than broadly shared by national stakeholders. Moreover, the focal sectors chosen also often reflect EU interests, including the EC’s own perceived “comparative advantage” or political priorities (e.g. transport infrastructure and governance in Africa), but also economic interests (regional trade integration in Africa and Latin America).

Aid mechanisms: Need to reinforce democratic accountability

Donors are increasingly directing their assistance in support of broader government policies. Although a step in the right direction, donors risk engaging in detailed discussions on policy orientations or performance that displace the role and participation of national actors including the Parliaments and civil society. While it indeed is first and foremost the responsibility of governments to engage with national stakeholders, donors also have a

responsibility to promote frameworks that reinforce national accountability rather than government accountability to donors. EC development assistance is increasingly channelled through budget support, and the EC is placing higher importance on issues of governance. This report finds, for example, that:

- While the EC has an important potential to play a constructive and leading role in budget support and matters of governance, its impact is limited by a technical approach that focuses on narrow issues such as public finance management, with the government as its sole interlocutor. This approach risks undermining the democratic role of Parliaments and civil society in national budget discussions and efforts towards improved governance.

Impact and evaluation: Uninformed stakeholders

Only information about the impact of aid for poverty reduction can confirm whether all the policies, strategies, and instruments are correctly shaped to meet the stated objectives of development assistance. If it cannot be demonstrated that aid is bringing sustainable changes in the lives of people living in poverty, then fundamental changes must be made. They cannot wait for improvements in overall economic development to trickle down to rural areas or urban slums; we have a more immediate responsibility to make aid work for the poor. This report finds, for example, that:

- Poverty eradication is the primary objective of EC aid, yet the main tools for guiding and assessing that aid (indicators, mid- and end-term reviews, evaluations, annual reports) do not explicitly focus on its impact. Instead, reporting tools mainly cover operational progress in implementation of cooperation programmes.

Over 50 civil society organisations and networks from 20 countries in the South and Europe joined CIDSE and Caritas Europa in addressing a letter to representatives of the OECD Development Assistant Committee (DAC), based on the findings in the networks' report. In July, 2007, the DAC published the main findings and recommendations of its peer review of EC development assistance. The DAC report included recommendations that the European Commission should: emphasise effective implementation of its aid, including a clear focus on results for poverty eradication with better performance monitoring and reporting; simplify procedures and give greater decision-making authority to EC Delegations in developing countries, ensuring their sufficient capacity; and intensify its consultation with civil society on policy, programming, and aid effectiveness issues.

Conclusion

There is evidence for the great potential of EC aid and some progress has been made in its effectiveness. Significant changes, however, are required if it is to have a more immediate and lasting impact on the living conditions in developing countries. During its forthcoming EU presidency Slovenia will be in a favourable position to promote the changes needed to EC aid and consolidate the EU's position towards the Third High Level Forum on Aid Effectiveness to be held in Accra, Ghana, in September 2008. The DAC peer review whose recommendations have found broad support within civil society should be the trigger for a comprehensive reform in this area.

Follow-Up

Caritas Europa is confident of a continued positive correspondence with the Permanent Representation and will make further contributions during the forthcoming Slovenian EU Presidency, where appropriate and possible.