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NOTE

From:	EEAS
To:	Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP) / COHOM delegates
Subject:	External dimension of children's rights

Delegations will find in the Annex the paper prepared by the EEAS for the meeting of FREMP in the presence of COHOM delegates on 8 June 2015.

Children's Right in EU External Action

The Lisbon Treaty contains the first explicit commitment to protect and promote the rights of the child in EU internal and external actions (Article 3.3). The Treaty also marked a milestone by making the EU Charter of Fundamental Rights legally binding. Article 24 of the charter specifically commits the EU to consider a child's best interest in all its actions and to protect and care for children as necessary for their well-being.

The EU ensures the protection of children's rights through, inter alia, the implementation of the 2011 EU Agenda for the Rights of the Child, the 2008 Communication and Action Plan on 'A Special Place for Children in External Action' and the EU Action Plan on Human Rights and Democracy.

There are also specific Guidelines to guide the EU's external policies on children's rights; Guidelines on the Promotion and Protection of Children's rights, on Children and Armed Conflict and on Violence against Women and Girls.

The UN Convention on the rights of the child guides the EU throughout its actions in realizing the rights of the child. The EU actions are also guided by the ILO Conventions regarding child labour.

1. Actions carried out to promote and protect the rights of the child throughout 2014-2015

In line with the implementation of the 2007 EU Guidelines on the Promotion and Protection of the rights of the child, throughout 2014-2015, the following issues have been addressed:

- 1.1.** The EU supported the campaign "**Children, Not Soldiers**" jointly initiated by the Special Representative of the UN Secretary General for Children and Armed Conflict and UNICEF with the goal to end and prevent the recruitment and use of children in conflict by 2016.

- 1.2.** To date a total of €23.712 500 has been allocated to the **EU Children of Peace Initiative**. In 2012, ECHO launched a dedicated funding line for humanitarian projects aimed to help children affected by conflict through education in emergencies which became known as the **EU Children of Peace Initiative**. This initiative is a lasting legacy of the honour of the Nobel Peace Prize awarded to the EU in 2012. The EU Children of Peace aims specifically at promoting education projects in emergencies, targeting children affected by conflict. ECHO will support education activities in ongoing crises and early recovery phases. It may also support transition to formal education systems in preparation for a development intervention. Furthermore, it may support longer-term educational activities in protracted crises and in refugee/IDP camps. However, ECHO will not provide long-term support to national education systems in post-recovery situations.
- 1.3.** As part of our strategic collaboration, UNICEF and the EU developed a '**Child Rights Toolkit: Integrating child rights in development cooperation**' to strengthen the capacity of European Commission staff, bilateral donors and other development actors **to integrate a child rights approach** throughout development programming, budgeting, policy-making and law making. To mark the 25th anniversary of the UNCRC, EU Delegations and UNICEF country offices around the world partnered together to organise activities to mark the launch of the toolkit. The priority has now been given to the dissemination of the toolkit in selected countries, notably in cooperation with the GiZ (German International Development Cooperation Agency).
- 1.4.** The EU participated in the **Girl Summit organised in London on 22 July 2014**, which aimed at mobilising domestic and international efforts to end female genital mutilation (FGM) and child, early and forced marriage (CEFM) within a generation. The EU commitments made at the summit include:
- More than 100 million euro will be allocated for the next 7 years to gender equality and children wellbeing under the EU Global Public Goods and Challenges programme to support the establishment of national systems, tools and strategies, to ensure the comprehensive well-being of children, leading to the full enjoyment of their rights.
 - To raise child, early and forced marriage in the political and human rights dialogues with relevant partner countries, where these practices still exist.

- To invest 4.5 million €(2014-2015) in support of EU Member States' awareness-raising campaigns on violence against women, including FGM, as well as projects led by grassroots organisations aimed at combating FGM and other harmful practices.

- 1.5. Also, in line with the implementation of the Guidelines and the EU Action Plan on Human Rights and Democracy (2012-2014), the **EU advocated for the elimination of all child labour with an urgent priority of the worst forms of child labour**. In 2014, the EU lobbied for the **establishment of updated hazardous work lists in 33 countries in two regions; Sub-Saharan Africa and Europe/Central Asia**.
- 1.6. Children's rights have been prioritized by EU Delegations in **86 local human rights country strategies**.
- 1.7. At the upcoming **UNGA 70, the EU is in the lead for the joint EU-GRULAC resolution on the Rights of the Child**. This year the theme is education.

2. Challenges ahead

Promotion of child wellbeing is a clear objective of the Commission for the period 2014-2020, under the European Instrument for Democracy and Human Rights and the Global Public Goods and Challenges (GPGC) funding instruments. Also the new draft EU Action Plan on Human Rights and Democracy has many actions specifically on children or having an indirect impact on them.

GPGC defines 3 priorities; support to systems **ensuring children's access to an identity**; the **fight against harmful traditional practices and social norms** affecting children (female genital mutilation and cutting, child marriage, persecution based on witchcraft and traditional beliefs); and the **establishment of national and local systems and strategies aiming at protecting children from all forms of violence**, including the issue of **children in armed conflicts, access to justice** and the **establishment of child protection systems**.

Access of children and their whole communities to basic services (health, education, water and sanitation, nutrition) is also a continuous and foremost priority of the Commission in all its funding instruments for development cooperation -thematic and geographic.

2.1. Protecting children from all forms of violence is one of the priorities of the EU external policy on children's rights. For this reason, the new EU Action Plan on Human Rights and Democracy will have an action specifically focusing on supporting partner countries to promote, protect and fulfil children's rights with a particular focus on **strengthening child protection systems (CPS)**.

At the internal EU level, the **9th European Forum on the rights of the child will focus on cooperation and coordination of integrated child protection systems.**¹ The Forum aims to bring together 250 stakeholders working on child protection, to foster the exchange of best practices, and to discuss at EU level effective cooperation and coordination between the different stakeholders working on child protection issues. In 2014 the EU Fundamental Rights Agency (FRA) carried out a mapping of national child protection systems in the 28 Member States of the EU.

2.2. Harmful practices and social norms

Among the main challenges is the need for a long-term investment to challenge social norms at grassroots levels and induce behavioural change through solid theory of change, engaging with girls and women but also men and boys as agents of change at different levels (communities' at large, local religious and political leaders, authorities).

The EU has prioritised the implementation of the 2012 UN Commission of the Status of Women Agreed Conclusions on the elimination and prevention of all forms of violence against women and girls. In November 2013, the European Commission adopted the Communication Towards the elimination of female genital mutilation, defining a new push to fight FGM in the EU and beyond (internal and external action).

The EU is funding projects promoting social change and preventing this practice outside the EU with 10 M € allocated and 26 projects under implementation since 2012 targeting 17 countries in Africa and Yemen. In particular, the EU/UNICEF joint programme "Contributing to the Abandonment of Social Norms Harmful to Girls and Women" implemented between 2008-2012 has contributed to a global evolution in understanding social norms change.

¹ http://ec.europa.eu/justice/fundamental-rights/files/2015_forum_roc_background_en.pdf

Addressing traditional harmful practices and social norms is a priority under the EIDHR and the GPGC for the period 2014-2020. In particular, the latter will focus on fighting female genital mutilation and cutting, child marriage, persecution based on witchcraft and traditional beliefs - like those affecting albinos, through the promotion of sustainable social change, prevention strategies and the development of multidisciplinary cooperation.

The EU is studying the possibility to join the UNICEF / UNFPA global program phase II on FGM as well as the Global Initiative to Accelerate the Action to End Child Marriage (UNICEF and UNFPA). The EU co-organized the donor-working group on female genital mutilation in Berlin in November 2014 and will participate to the donor-working group on child marriage in Casablanca in May 2015 organized by the Girls Not Bride Initiative.

The newly established Pan African Program intends to include a specific program to tackle FGM regionally in Africa.

2.3. Birth registration

In accordance with Article 7 of the UN Convention on the Rights of the Child, the EU will continue to raise awareness of the importance of **birth registration** at the national, regional and local levels. To be denied this basic right to an identity can have serious repercussions on children. The EU considers access to an identity for children as a pre-requisite for the full enjoyment and exercise of other rights (access to health and education services, voting, access to juvenile justice system etc.).

Support for quality birth registration services is a clear earmarked priority under the GPGC funding instrument for the period 2014-2020. The EU works closely with UNICEF to improve birth registration, notably through a regional programme targeting 8 countries in Asia, Pacific and Africa (Burkina-Faso, Mozambique, Nigeria, Uganda, Myanmar, Kiribati, Salomon Islands and Vanuatu), which is achieving great results and could be extended.

2.4. Children and Armed Conflict (CAAC)

Future challenges include preventing, rather than only responding to child rights violations in situations of conflicts and to address in a comprehensive those violations taking place in all areas/regions and wherever the perpetrators are, including armed non-state actors. Another challenge is to address the issue of violent societies characterised by rapid proliferation of (small) arms. Addressing those social representations through awareness rising and inducing behavioural change require a long-term and complex approach.

CAAC is an earmarked priority in the EIDHR for the period 2014-2020. As an example, the Commission is funding a project lead by UNICEF in Somalia entitled "support to the implementation of the two action plans on ending child recruitment/use and killing and maiming"(2015-2016). The EU addresses the issue of CAAC in a comprehensive way, not only through support to projects focusing on the demobilization and long term reintegration of children formally associated with armed forces and groups, but also through the prevention of recruitment of children and the overall protection of child victims of armed conflicts (enhanced access to basic services; governance, security and justice approach).

The Instrument contributing to Stability and Peace (IcSP) has included work on CAAC as part of its cooperation with civil society on conflict prevention and peace-building since 2012. It has put a particular focus on protection of children against conflict-related violence such as in Jammu & Kashmir (2012) or combating the recruitment of children into armed forces in Yemen (2013). The protection of children against conflict-related violence and exploitation was identified as a priority for civil-society action in 2014 with a focus on West Africa. In 2015 renewed focus will be given to children affected by conflicts, particularly actions targeting children as victims of armed violence as well as potential agents for peace.

2.5. Protecting children and youth from the rise of radicalization and violent extremism

The EU is committed to countering violent extremism in all of its forms while promoting and protecting human rights and fundamental freedoms. Ensuring quality education for the younger generations and engaging with families and communities through religious and tolerance dialogues are one of the ways to promote open mindedness. Challenges are numerous including access to the children and youth at risk in crisis countries, as well as shaping relevant tools and approaches to address this complex issue. The EU invests heavily in education.

The overall EU budget allocated to support education and training in developing countries stands at an estimated 4.6 billion EUR.

2.6. Worst Forms of Child Labour

The EU is highly committed to the fight against child labour and in the elimination of the worst forms of child labour. The EU promotes the ratification and implementation of the ILO Conventions.

The EU is engaged in the implementation of Brasilia Declaration in particular to accelerate efforts in particular to eliminate the worst forms. Despite the progress achieved by ILO on the global number of child labourers, holistic and integrated approach is paramount to tackle poverty, vulnerability and inequality not only in poorer countries but also in middle income countries hosting the largest number of child labourers.

Synergies with the private sector are increasing in EU Development policy, which recognises the need to support Corporate Social Responsibility (CSR) throughout the supply chain. This includes eliminating the worst forms of child labour, in line with the implementation of the UN Guiding Principles.

In order to prevent child labour, in particular to eliminate its worst forms, the following measures are proposed:

- Increase the cooperation among employers' and workers' organizations, as well as NGOs and other civil society actors, in implementing measures, including law and regulation, inspection services, etc;

- Improve the legal framework and compliance mechanisms to ensure observance of employment regulations in respect of labour standards, including international conventions;
- However, as the worst forms of child labour are pervasive in key sectors such as agriculture and mining, it is important to ensure an effective and continuous mainstreaming in these sectors with accompanying measures such as school inspections, other social benefits for children and their families and improving working conditions.

Among the future Sustainable Development Goals Child Labour is particularly specified in the following goal and targets:

Goal 8 *"Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all"*

Target 8.7 *"Take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour, eradicate forced labour, and by 2025 end child labour in all its forms including recruitment and use of child soldiers"*

Target 8.8 *"Protect labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment"*

In addition to other instruments the EU is committed to meet these targets under the 2014-2020 GPGC programme supporting *"the elimination of the worst forms of child labour and the fight against forced labour"*. This commitment is equally mainstreamed in key sectors where risks prevail, such as agriculture and mining and through anti-child-trafficking measures.

2.7. Trafficking in human beings (THB)

Children are particularly vulnerable to victimisation and re-trafficking into the EU, within the EU and within individual Member States. The EU legal and policy framework on THB takes a gender-specific, child-sensitive approach and aims for coherence across all relevant policy fields. It seeks prevention, the prosecution of criminals and the protection of victims. The aim is to formulate a comprehensive EU approach on child trafficking.

The THB Directive (2011/36/EU) sets out a number of provisions based on the principle of the ‘best interests of the child’, which require that Member States take into account the specific needs of child victims of trafficking. It specifically calls on Member States to set up appropriate mechanisms to ensure early identification, protection and assistance, including legal assistance in criminal proceedings, and a child-sensitive approach, with specific measures for child victims of trafficking.

In 2014, the Fundamental Rights Agency (FRA) and DG HOME published *Guardianship for children deprived of parental care: A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking*. It is designed to help standardise guardianship practice, ensuring also that it is better equipped to deal with the specific needs of child victims of trafficking. It provides Member States with guidance and recommendations on strengthening their guardianship systems, setting out the core principles, fundamental design and management of such systems. The handbook will be translated into all official EU languages. In addition, FRA will publish a map of national guardianship systems, based on research carried out in 2013.

In 2014 best practices from air border authorities that already have systems in place at airports were collected and merged in an EU manual focusing on the law enforcement perspective (with the support of international organisations and FRA). Also, Europol organised an experts’ conference where child trafficking was one of two topics in the spotlight.

A study on high-risk groups for trafficking, namely children, should contribute to evidence-based policy development by the Commission, inform policy implementation and evaluation, and enhance coherence and impact. The study is expected in 2015.

The Commission has signed letters of intent on cooperation with the UN Office on Drugs and Crime (UNODC) and the UN High Commissioner for Refugees (UNHCR) in the field of THB.
