

EU Guidelines for the Promotion and Protection of the Rights of the Child

I Introduction

1. The Convention on the Rights of the Child is the most widely ratified human rights treaty in history. In conjunction with its two Optional Protocols it contains a comprehensive set of legally binding international standards for the promotion and protection of children's rights. Together with other international and regional standards on the rights of the child, including those adopted by the Council of Europe, these instruments provide a solid foundation for the enjoyment of human rights by all children without discrimination of any kind, while constituting a reference for promoting and monitoring progress in the realization of the rights of the child.

2. Further international commitments to promote and protect children's rights were made at the UN Special Session on Children (UNGASS) in May 2002, providing a time-bound strategy for implementation and for monitoring progress. With the adoption of the UNGASS Declaration and Plan of Action "A World fit for Children" in 2002, Heads of State and Government committed themselves to advancing the rights of the child worldwide and to implementing the agreed goals, strategies and actions.
In addition, the Millennium Declaration and Millennium Development Goals with direct relevance for the rights of the child were globally endorsed. The World Summit outcome document 2005 reiterated the importance of achieving their goals and targets.

3. At the EU level, Guidelines in the area of human rights serve as a solid regional framework for the EU's work to promote and protect human rights in the EU's overall external human rights policy, also regarding children's rights. To further the rights of the child, the EU has for years been engaged in multi-faceted action comprising, in particular, the following elements:
 - Implementation of the 2003 EU Council Guidelines on Children and Armed Conflict;

 - Raising the rights of the child with Third Countries, in particular in the framework of political dialogue;

- Funding, in particular through EIDHR, to projects to promote and protect children's rights;
- Throughout its enlargement process, monitoring progress in advancing the rights of the child and supporting the reform of child protection in the candidate and potential candidate countries;
- In the United Nations, the EU, together with Latin American states, annually sponsors a resolution on the "Rights of the Child" and regularly calls upon states to sign, ratify and implement the Convention on the Rights of the Child and its Optional Protocols;
- Support for the work of relevant international and regional actors in the area of the rights of the child, in particular the UN Secretary General, the UN Security Council, UN treaty bodies, particularly the Committee on the Rights of the Child, UN Special Procedures and mechanisms as well as support for relevant UN organizations, particularly UNICEF, OHCHR, ILO, WHO and UNFPA and regional mechanisms, in particular the Council of Europe, the OSCE, the European Network of Ombuds on Children and civil society organizations;
- In the EU's Development Policy, the "*European Consensus on Development*" includes respect for the rights of the child among the EU Member States through reference to main international frameworks on human rights and the Millennium Development Goals.

For the EC, there is a three-track approach on children addressing (i) specific issues like violence against children, children affected by armed conflicts, child trafficking, etc, (ii) children's rights and needs through specific themes like education and health as well as (iii) increasing mainstreaming of children's rights as one of the cross-cutting issues to consider in all programmes and projects funded by the EC.

Guidance Notes to implement this policy and EC guidelines on mainstreaming children's rights at the country level require that children's rights are covered under a rights-based approach as a cross-cutting issue. Sector policy documents are further tools for action.

4. In spite of the comprehensive framework of instruments, standards and commitments on the rights of the child and of first progress in achieving the agreed objectives, the daily reality for millions of children worldwide is still in sharp contrast to these commitments and objectives: Children still face major threats to survival, lack opportunities for quality education, proper health and social care; they are victims of worst forms of child labour, sexual exploitation and abuse, diseases, armed conflict, various forms of violence; they are forced into early marriages and have to endure harmful traditional practices. Children belonging to vulnerable groups or children in particularly difficult situations face particular risks and are exposed to discrimination, marginalization and exclusion. Girl children face specific risks and need particular attention.

The follow-up process to the United Nations General Assembly's Special Session on Children 2002 (UNGASS) and the monitoring work of the Committee on the Rights of the Child show that the Convention on the Rights of the Child is still insufficiently implemented and that many time-bound objectives of UNGASS as well as benchmarks regarding the Millennium Development Goals are far from being achieved.

5. To address this situation and to allow for even more sustained and systematic action to advance children's rights in its external human rights policy, the EU has resolved to henceforth base the worldwide promotion and protection of the rights of the child on the following Guidelines.

II Political Chapeau: Purpose of the Guidelines

With these “*EU Guidelines for the Promotion and Protection of the Rights of the Child*” (the “*Guidelines*”), the EU stresses the importance of key international and European legal human rights instruments, norms and standards as well as political commitments relevant to the promotion and protection of the rights of the child, in particular the Universal Declaration of Human Rights, Declaration of the Rights of the Child, the International Covenants on Human Rights, the Convention on the rights of the Child and its two Optional Protocols, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Statute of the International Criminal Court as well as the Millennium Development Declaration and Millennium Development Goals, the Declaration and Plan of Action “A World fit for Children” of UNGASS 2002 as well as other instruments and standards relevant to the rights of the child as listed in Annex II.

The EU reaffirms its determination to observe as a matter of priority in its external human rights policy the promotion and protection of ALL rights of the child, i.e. persons below the age of 18 years, taking into account the best interests of the child and its right to protection from discrimination and participation in decision-making processes, founded on the principles of democracy, equality, non-discrimination, peace and social justice and the universality, indivisibility, interdependence and interrelatedness of all human rights, including the right to development.

To achieve these objectives, the EU will promote general measures as contained in these Guidelines as well as specific action in Priority Areas, based on Implementation Strategies to be decided separately. By adopting an integrated approach on **the promotion and protection of the rights of the child** the EU will complement **with these Guidelines** its 2003 *Guidelines on Children and Armed Conflict* which will continue to guide EU actions in that specific area.

The Guidelines will contribute in particular to:

- Giving the rights of the child more weight on the international agenda with a view to advancing their realization and to preventing violations of children’s rights worldwide, especially at the national level;
- Stressing the EU’s commitment to the full realization of children’s rights, as enshrined in relevant international instruments, most importantly the Convention on the Rights of the Child and its Optional Protocols;

- Underlining that children's rights are an inalienable, integral and indivisible part of universal human rights and that all rights recognized by the Convention on the Rights of the Child have an equal importance, although actions to ensure their realization need to be prioritized in the light of specific national contexts;
- Advancing the process of implementation of the Convention on the Rights of the Child and its two Optional Protocols, and of other international and regional instruments and standards on the rights of the child;
- Raising awareness of EU action on the rights of the child within the EU and with Third Countries;
- Supporting the mainstreaming of children's rights in EU policy and action and enhance the capacity of all relevant EU actors on the rights of the child;
- Promoting synergies and strengthen inter-institutional cooperation, and complement the actions of EU institutions, including the initiatives promoted by the European Commission on the rights of the child;
- Providing the EU with an additional operational tool to be used in political contacts with Third Countries and in international fora in any area of relevance for the promotion and protection of children's rights.

III Operational Guidelines

A) Basic Principles

In its relations with Third Countries, and in international fora, the EU will in particular:

- Actively promote its objectives regarding the promotion and protection of the rights of the child as an integral part of the EU's external human rights policy, including in development and peace and security contexts and further promote the mainstreaming of these objectives into other EU external policies, including through political dialogue, development cooperation, humanitarian assistance and the accession process;
- Pursue a human rights-based approach in the implementation of these objectives guided by the general principles of the Convention on the Rights of the Child, namely non-discrimination, best interests of the child, child participation and child survival and development;
- Promote a holistic approach, thus reaffirming the indivisibility, interdependence and inter-relationship of children's rights while giving specific attention to priority areas of concern;
- Pursue the promotion and protection of the rights of the child in full conformity with relevant international instruments and standards, in particular the Convention on the Rights of the Child, by adopting all necessary legislative, administrative and other measures, in particular the cross-cutting measures identified as "general measures of implementation" by the Committee on the Rights of the Child¹.
- Aim for capacity building of "duty-bearers" (states and governments, to meet their obligations) as well as of "rights-holders" (children, to enjoy and claim their rights).

¹ General Comment 5 (2003)

B) EU objectives

- To remind and encourage Third Countries, and to support them in their efforts, to honour and fulfil their legal obligations and their specific commitments for the promotion and protection of children's rights under international law and political commitments, with special reference to those obligations contained in the Convention on the Rights of the Child and its Optional Protocols, the UNGASS Declaration and Plan of Action "*A World fit for Children*", the Millennium Declaration and the Millennium Development Goals and the relevant provisions of the World Summit outcome document, and to support them in meeting these obligations and commitments;
- To raise awareness and promote a better understanding of the principles and provisions on the rights of the child as enshrined in the Convention on the Rights of the Child, its Optional Protocols and other international and regional instruments and standards with relevance to children's rights;
- To complement and strengthen ongoing EU efforts in multilateral fora and in the EU's relations with Third Countries to promote and protect children's rights with specific action in Priority Areas;
- To improve coherence between activities undertaken by Member States as well as in the overall European Union's external action on children's rights.

C) Operational tools for EU action in relations with Third Countries

To achieve these objectives the EU will use, in particular, the following tools for action:

- **Political dialogue** (i.e. inclusion of children's rights in meetings and discussions in international and regional organizations and with Third Countries at all levels, including ministerial talks, joint committee meetings, formal dialogues led by the Presidency of the Council, the Troika, Heads of Mission or the Commission), particularly with the objectives to:

- Raise awareness of children's rights and of international norms and standards concerning their promotion and protection;
 - Promote the ratification and effective implementation of relevant international instruments on the rights of the child;
 - Promote legislative reform to ensure conformity of national laws with international norms and standards on the rights of the child;
 - Promote the development of national independent institutions on the rights of the child in conformity with the Paris Principles;
 - Promote the effective coordination of cross-departmental activities and of actions between national and sub-national authorities, as well as the allocation of adequate resources with a view to ensuring the promotion and protection of the rights of the child;
 - Develop child-sensitive indicators and child impact assessments for the promotion and protection of the rights of the child;
 - Advocate engagement of civil society in promoting and protecting the rights of the child;
 - Promote the participation of children in decision making processes for the promotion and protection of their rights.
- **Démarches** (in connection with public statements, where appropriate) to react to topical relevant developments with an impact on the promotion and protection of children's rights, particularly with the aim to remind Third Countries to undertake effective measures to promote and protect children's rights, including by taking into account the concluding observations of the Committee on the Rights of the Child and of other relevant treaty bodies, using information from UN agencies, regional organizations, national independent institutions, civil society organizations;

- **Bi- and multilateral cooperation**, including the following measures:
 - Scaling up development and humanitarian assistance programmes focussing on children's rights;
 - Raising the rights of the child in trade negotiations, programming discussions, country strategy papers, dialogues on development goals and National Action Plans for children as foreseen under UNGASS;
 - Using bilateral and Community Funding and development cooperation programmes when funding projects to promote the rights of the child;
 - Aiming to improve coherence between activities undertaken by Member States as well as in the overall European Union's external action on children's rights, particularly in Priority Areas;
 - Strengthening national structures and institutions, promoting legislative reform in conformity with relevant international standards, developing independent child rights institutions in accordance with the Paris Principles;
 - Developing child sensitive indicators and child impact assessments;
 - Promoting the involvement of civil society and child participation.

- **Developing partnerships and intensifying coordination with international stakeholders**, e.g.:
 - The UN, in particular UN human rights mechanisms, Special Procedures and treaty bodies, in particular the Committee on the Rights of the Child;
 - UN organizations, especially UNICEF, OHCHR, ILO, WHO, UNFPA;
 - Regional organizations, in particular the Council of Europe and the OSCE;

- The European Forum on Children's Rights;
- Public-private partnerships, research institutions;
- Civil society and international financial institutions.

D) Implementation

(i) General Action to strengthen children's rights

As a matter of principle, the EU remains committed to promote and protect all rights of the child on an equal basis. The EU will thus continue and enhance ongoing efforts in its external human rights policy, in multilateral fora and in its relations with Third Countries, encouraging States to:

a) Adhere to and implement international norms and standards and cooperate with international human rights mechanisms and procedures, in particular by:

- Acceding and adhering to and promoting the effective implementation of relevant international instruments and standards for the promotion and protection of children's rights, particularly the Convention on the Rights of the Child and its Optional Protocols, ILO Conventions 138 and 182, the Convention relating to the Status of Refugees and its Protocol, the Convention on the Rights of Persons with Disabilities and the Rome Statute of the International Criminal Court;
- Complying with requests for protective measures, rulings, decisions and recommendations of international human rights bodies, including those of the Committee on the Rights of the Child;
- Cooperating with the relevant UN human rights mechanisms and procedures, thematic as well as country mechanisms, in particular those with relevance to the promotion and protection of children's rights;
- Cooperating with the relevant Council of Europe mechanisms, and promoting compliance with decisions by the European Court of Human Rights;

- Cooperating with regional mechanisms to ensure the promotion and protection of children's rights, including monitoring progress.

b) Reinforce capacity for the promotion and protection of children's rights at the national level, in particular by:

- Supporting the development of comprehensive national plans or strategies for the promotion and protection of the rights of the child;
- Supporting the development and strengthening of governmental mechanisms for coordinating action to promote and protect the rights of the child at the national and sub-national level.

c) Improve monitoring processes and structures, in particular by:

- Improving data bases and surveillance systems and the development of indicators to gather, analyse and promote dissemination of child-rights disaggregated related data;
- Promoting research on the rights of the child and including children in research and monitoring;
- Establishing observer capacities, including through the establishment of national independent institutions on children's rights, such as ombudsmen;
- Promoting the participation of civil society.

d) Promote the allocation of resources for the promotion and protection of children's rights, in particular by:

- Supporting the development and use of tools for making children visible in budgetary processes at the national and sub-national levels, including in the context of international cooperation;

- Promoting the evaluation of the impact of economic and social policies on children.

e) Promote law reform for the promotion and protection of children's rights, in particular by:

- Encouraging and supporting the enactment and review of national legislation to ensure its compatibility with relevant international norms and standards on the rights of the child, in particular the Convention on the Rights of the Child and its Optional Protocols;
- Encouraging and supporting the enhancement of capacity of law enforcement agencies for the investigation of the violation of children's rights and the development of child friendly procedures for the investigation and prosecution of violations of children's rights.

f) Combat and discourage violations of children's rights, in particular by:

- Prohibiting violations of the rights of children and ill-treatment of children, in law, including criminal law, and ending impunity for violations of children's rights;
- Condemning at the highest level all forms of violations of children's rights, including through their inclusion as offences in criminal law;
- Taking effective legislative, administrative, judicial and other measures to prevent violations of children's rights under the jurisdiction of the State and combat impunity for such violations;
- Establishing domestic legal guarantees to promote and protect children's rights;
- Providing effective training for law enforcement officials and other relevant professionals working with and for children to promote the safeguard of children's rights and ensuring compliance with international norms and instruments;

- Providing for the recovery, rehabilitation and social reintegration of victims of violations of children's rights.
- g) Empower children for a more effective participation in decision making and implementation of policies affecting them, and facilitate their participation*
- h) Enhance families` and other caretakers` capacities to fully carry out their roles with regard to the protection of children's rights*
- i) Support the development of awareness raising programmes on children's rights, in particular by:*
- Promoting campaigns for making the public aware of the rights of children and ensuring the promotion and protection of children's rights;
 - Promoting the incorporation of the rights of the child in school curricula and the development of professional training programmes in all relevant areas.

(ii) Specific Action to strengthen children's rights in Priority Areas

Within the overall framework of these Guidelines, specific action will be taken in Priority Areas on the basis of separate Implementation Strategies which will complement these Guidelines. To enable the EU to better address different sets of rights of the child over time, a Priority Area will be selected by COHOM for a period of two years and an Implementation Strategy developed accordingly. The Priority Area is subject to regular review and possible change. The first such Priority Area will be "All Forms of Violence against Children", for which the Implementation Strategy is contained in Annex I.

(iii) Role of Council Working Parties

In accordance with its mandate COHOM will keep under review the implementation and follow-up to the Guidelines on the promotion and protection of the rights of the child in close co-ordination and co-operation with other relevant Council Working Parties. This will include:

- Promoting the integration of the issue of the promotion and protection of the rights of the child into relevant EU policies and actions;
- Undertaking reviews of the implementation of the Guidelines at appropriate intervals and in the form of ad-hoc meetings;
- Reporting to Council, via PSC and COREPER, as appropriate on an annual basis on progress made towards implementing these Guidelines.

(iv) Informal platform for exchange of views with external third parties

In implementing these Guidelines members of COHOM may informally exchange views, if appropriate, with external third parties, in particular with NGOs, and international organizations. The Commission shall be fully associated. The Council decision No. 2001/264/EC of 19.3.2001 on Council security regulations shall be respected. ¹

E) Monitoring and reporting

In view of the wide scope of these Guidelines, the EU will, in monitoring progress in the implementation of these Guidelines, aim at making extensive use of the expertise of and cooperate closely with relevant actors outside the EU, in particular UN bodies and mechanisms, Special Procedures, treaty bodies, in particular the Committee on the Rights of the Child, UN organizations, especially OHCHR, UNICEF, WHO, UNDP, ILO, UNFPA as well as with civil society.

¹ Reference: OJ L 101, 11.4.2001, p.1

F) Assessment

The Council Working Group on Human Rights, COHOM, will:

- Review these Guidelines and the Implementation Strategy every two years after their adoption;
 - Focus the first review of the Guidelines on the progress achieved in their implementation and on suggestions for further improvements as well as on deciding whether the Priority Area should be maintained until the next review or changed, and submit these reviews to the Council;
 - Focus the first review of the Implementation Strategy on the pilot programme and progress achieved in the development of country strategies;
 - Seek to identify further ways of cooperation with the UN and regional inter-governmental organisations, NGO and other relevant actors in implementing and monitoring these Guidelines and will submit, if appropriate, related proposals to COREPER or the Council;
 - Promote and oversee further mainstreaming of the issue of promoting and protecting children's rights throughout relevant EU policies, regional and multilateral fora and actively disseminate these Guidelines and promote their implementation with Members States, the EU Commission and the European Parliament.
-

Implementation Strategy for the Priority Area “All Forms of Violence against Children”

I Introduction

To allow for specific action in the implementation of the “EU Guidelines for the Promotion and Protection of the Rights of the Child”, the area of “All Forms of Violence against Children” has been selected as first Priority Area of these Guidelines.

Cutting across culture, social status, education, income and ethnic origin, violence against children represents a particularly widespread violation of children’s rights, also compromising children’s developmental needs. Different forms of violence continue to affect the lives of children of all ages in every region of the world, including physical, mental, psychological and sexual violence, torture and other cruel, inhumane or degrading treatment, child abuse and exploitation, hostage taking, domestic violence, trafficking in or sale of children and their organs, pedophilia, child prostitution, child pornography, child sex tourism, gang-related violence, harmful traditional practices in all settings and corporal punishment in schools. For example, according to official estimates, during 2002 around 150 million girls and 73 million boys under 18 experienced forced sexual intercourse or other forms of sexual violence. Between 100 and 140 million girls and women in the world are believed to have undergone some form of female genital mutilation/cutting. Still in 2004, 126 million children were subjected to hazardous work.

Although the consequences of violence for children may vary according to its nature and severity, the short- and long-term repercussions are in most cases grave and damaging. The vulnerability of children and their dependence on adults demand special care and determined international action to protect them from all forms of violence.

II Objectives

To advance the promotion and protection of children from all forms of violence, the EU will pursue a two-track approach, based upon the UN Secretary General's global "Study on Violence against Children":

- I. To stress the global character of the issue of violence against children, affecting all parts of the world, and to promote worldwide support for the recommendations of the UN Secretary General's Study, where suitable, in particular in relevant UN fora;*
- II: To support country-specific action to prevent and combat all forms of violence against children, taking into account the different forms of violence against children in the various countries/regions of the world.*

III Operational Part

To further the afore-mentioned objectives, the EU will take action in the following areas:

- (i) Advocacy for the UN Secretary General's study on violence against children as global reference document for the prevention of and combat against all forms of violence against children*

Action to be taken:

- EU to support publicly in relevant UN, international and regional fora the UN *Secretary General's* study and its findings and to promote follow-up and implementation of the recommendations contained therein;
- EU to specifically support at UN General Assembly the establishment of a mandate for a UN Special Representative on Violence against children, as recommended by the UN *Secretary General's* study on violence against children;

- EU to make, also in bilateral contacts with Third Countries, appropriate reference to the **recommendations and the overall** UN *Secretary General's* study on violence against children as the key reference document for EU action on violence against children.

(ii) *Advocacy for ratification and effective implementation of international human rights instruments relevant to fighting violence against children, in particular the Convention on the Rights of the Child and its Optional Protocols, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the Rome Statute of the International Criminal Court, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, ILO Conventions 138 and 182, the UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.*

Action to be taken:

- EU to recognize the desirability of all States that have not yet ratified the two Optional Protocols of the Convention on the Rights of the Child to increase their efforts to complete the ratification process and **to promote the effective** implementation of these Optional Protocols;
- EU to step up efforts to encourage, in international human rights fora as well as in bilateral contacts with Third Countries, as appropriate, **ratification** of the Convention on the Rights of the Child, its Optional Protocols and other international and regional instruments relevant to the issue of violence against children;

- EU to put special emphasis, in international and regional human rights fora as well as in bilateral contacts with Third Countries, on the promotion of the **effective implementation** of the provisions of the Convention on the Rights of the Child and its two Optional Protocols, and the implementation of other relevant international and regional norms and standards, and to promote the effective follow-up and implementation of relevant political commitments, in particular the results and objectives of the 27th Special Session of the General Assembly dedicated to promoting the rights of children (UNGASS) and its time-bound action plan “A World fit for Children “ of 2002, the provisions of the Millennium Declaration and the time-bound Millennium Developments Goals as well as the World Summit outcome document of 2005.

(iii) Development of country-specific strategies to prevent and to combat all forms of violence against children

To complement its global action to fight all forms of violence against children with specific measures in individual countries, the EU, taking into account the predominant forms of violence in various countries and regions of the world, and also addressing the gender dimension of violence against children, will develop *Country Strategies* for focused action in Third Countries:

- a) For the development of and as a basis for these strategies, the EU will first make a comprehensive assessment of the situation in the various countries as regards violence against children. Such assessments should draw to the maximum extent possible on existing materials, in particular from UNICEF, UN Special Mechanisms, government sources and relevant civil society actors.
- b) On the basis of such comprehensive assessments, and taking into account the recommendations of the UN Secretary General’s study on violence against children, where suitable, the concluding observations of the Committee on the Rights of the Child and of other relevant human rights treaty bodies, recommendations by human rights mechanisms, as well as relevant information provided by stakeholders, particularly UN organizations, such as OHCHR, UNICEF, WHO, ILO and UNFPA, regional and civil society organizations, **country strategies could be composed of the following elements:**

- Advocacy for speedy **ratification** of the Convention on the Rights of the Child and its two Optional Protocols and of other international and regional human rights instruments and standards to prevent and address all forms of violence against children;
- Advocacy for the **withdrawal of reservations** to the Convention on the Rights of the Child and its Optional Protocols which are incompatible with the object and purpose of the Convention and its Optional Protocols or otherwise contrary to international law;
- Advocacy for the **effective implementation** of the Convention on the Rights of the Child and its Optional Protocols, and – as appropriate – other regional and international human rights instruments and standards and for the follow-up and implementation of political commitments with particular relevance to fighting violence against children;
- Advocacy and support to **legislative reform** for the inclusion of the prohibition of all forms of violence against children in national legislation and for fighting impunity;
- Encouragement and support for the establishment of **independent national monitoring** and child-friendly reporting **and complaint mechanisms** and procedures concerning cases of violence, with the development of relevant child friendly proceedings and support services;
- Advocacy and support for the **active involvement of children** in the development and implementation of monitoring systems and mechanisms;
- Advocacy and support for the establishment of **independent national institutions** to promote the prevention of and combat all forms of violence against children;

- Advocacy and support for the **development of national strategies, action plans and policies** on violence against children that promote, inter alia, non-violent values and awareness raising and that prioritize prevention, taking account of the gender dimension of violence, duly supported by the allocation of required resources;
 - Encouragement and support for the development and implementation of **national data collection**, analysis and dissemination efforts and promotion of relevant research initiatives;
 - Advocacy and support for **capacity building measures** for those who work with and for children to enhance the protection of children from violence and prevent, detect and respond to all forms of violence against children;
 - Advocacy and support for the provision of **child-friendly recovery and social reintegration services to victims**, for the development of prevention mechanisms and child-friendly juvenile justice systems;
 - Advocacy and support for the **establishment of accountability mechanisms** for ending impunity and to bring all perpetrators of violence against children to justice.
- c) After deciding on a list of countries for which specific action is to be taken, COHOM will take the necessary measures to establish the respective country assessments and to elaborate draft **Country Strategies**, outlining the particularly relevant forms of violence against children and making concrete proposals how to address them.

The draft country strategies will be submitted by COHOM to EU Heads of Mission in the respective countries for additional input, assessment and endorsement at local level. After such input is received, COHOM will adopt the country strategies and initiate their implementation.

- d) To speed up concrete EU action on violence against children in different parts of the world, a **Pilot Programme** will be set up in the initial stage of the implementation of the Guidelines, focusing EU action on a maximum of ten countries from different regions and in light of the various settings identified by the UN Study on Violence against Children. When choosing the countries to be included in the Pilot Programme, the EU could give special consideration to countries with which the EU already maintains Human Rights Dialogues or Consultations, thus allowing the EU an early and systematic inclusion of the issue of violence against children in those Human Rights Dialogues and Consultations.

(iv) Co-operation with other relevant actors

To make best use of existing expertise, the EU, as a matter of principle, will seek a maximum of cooperation from outside the EU in its action to combat violence against children, in particular:

- Relevant UN mechanisms, in particular Special Procedures and human rights treaty bodies, in particular the Committee on the Rights of the Child;
- UN organizations, particularly OHCHR, UNICEF, WHO, UNDP, ILO, UNFPA;
- Other international organizations, particularly the Council of Europe;
- International, governmental and non-governmental organizations locally involved in child protection, including child protection networks.

To do so, the EU will **strengthen existing partnerships**, in particular with the UN, the Council of Europe¹ and the OSCE, particularly around research and systematic data collection, analysis and dissemination and in designing appropriate country response strategies, as well as consider **forming new partnerships** with other potential allies, such as public-private partnerships, academic institutions, civil society organisations and international financial institutions.

¹ See Memorandum of Understanding between the Council of Europe and the European Union, of 10 May 2007, particularly Art. 21,– CM (2007) 74

(v) ***Monitoring and reporting***

COHOM will take the necessary measures in order to monitor progress achieved under country-specific strategies.

In countries covered by country-strategies on violence against children, EU Heads of mission should include this subject in their regular human rights reporting and should also report ad hoc on relevant developments, as appropriate.

Besides reports and other relevant information from EU sources, monitoring of the development of the situation of violence against children will also be based on other reliable information, in particular from UN mechanisms and organizations, especially Treaty Bodies, in particular the Committee on the Rights of the Child and UNICEF.

In addition, relevant information provided by civil society organizations and child protection networks will be taken into consideration. The participation of children in the monitoring process should be ensured wherever possible.

IV EU tools for action

Besides including the issue of violence against children, as appropriate, into Political Dialogue and making it the object of démarches, the EU will in particular identify possibilities for using bilateral and *Community Funding*, as appropriate, in support of specific measures to fight violence against children according to these Guidelines and their Implementation Strategy.

V Assessment

COHOM will carry out a first review of the Implementation Strategy two years after the adoption of these Guidelines, focussing on the pilot programme and the process of the development of country strategies. In this review, COHOM will also examine whether the Priority Area “All Forms of Violence against Children” should be maintained until the next regular review or changed.

Non-exhaustive list of international norms, standards and principles the EU may invoke in contacts with Third Countries concerning the promotion and protection of the rights of the child

I. UN human rights instruments

a. Treaties and protocols

Convention on the Rights of the Child (CRC), 1989,

Optional Protocol on the sale of children, child prostitution and child pornography, 2000,

Optional Protocol on the involvement of children in Armed Conflict, 2000

International Covenant on Civil and Political Rights, 1966,

Optional Protocol to the International Covenant on Civil and Political Rights, 1966

Second Optional Protocol to the International Covenant on Civil and political Rights, aiming at the abolition of the death penalty, 1989

International Covenant on Economic, Social and Cultural Rights, 1966

International Convention on the Elimination of All Forms of Racial Discrimination, 1965

Convention on the Elimination of All Forms of Discrimination Against Women, 1979,

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, 1999

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990

Convention relating to the Status of Refugees, 1951

Protocol relating to the Status of Refugees, 1966

Convention on the Reduction of Statelessness, 1961

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984

Optional Protocol Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2002

b. Declarations

Universal Declaration of Human Rights, 1948

United Nations Millennium Declaration, 2000

World Fit for Children Declaration and Plan of Action, 2002

Declaration of the World Conference against Racism, Discrimination, Xenophobia and Related Intolerance (Durban Declaration), 2001

The Paris Commitments to protect Children from unlawful recruitment or use by Armed Forces or Armed Groups (Paris Commitments), 2007

c. Principles, rules, guidelines and other normative instruments

UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)
1985

Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) 1990

UN Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) 1990

Basic Principles on the Use of Restorative Justice in Criminal Matters, 2002

Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, 2005

Guiding Principles on Internal Displacement (Deng Principles), 1998

Declaration on Social and Legal Principles relating to the Protection and Welfare of
Children, with Special reference to Foster Placement and Adoption Nationally and
Internationally, 1986

Principles and Guidelines on Children Associated with Armed Forces or Armed Groups
(Paris Principles), 2007.

II. International labour conventions

Convention 138 concerning Minimum Age for Admission to Employment, 1973

Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the
Worst Forms of Child Labour, 1999

Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries, 1989

III. International humanitarian law instruments

The Geneva Conventions, esp. Convention IV relative to the Protection of Civilian Persons in Time of War, 1949

Protocol I to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts, 1967

Protocol II to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts, 1967

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Treaty), 1997

IV. International criminal law instruments

Statute of the International Criminal Court (Rome Statute), 1998

Protocol to Prevent, Suppress and Punish Trafficking in Persons, esp. Women and Children, supplementing the UN Convention on Trans-National Organized Crime, 2000

V. Private international law instruments

Hague Convention on the Civil Aspects of International Child Abduction, 1980

Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption, 1993

VI. European human rights instruments

European Charter of Fundamental Rights (in particular Art. 24, referring to the rights of the child)

Convention for the Protection of Human Rights and Fundamental Freedoms, 1950

European Social Charter, 1961

European Convention on the Exercise of Children's Rights, 1996

European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 1987

Treaty on the European Union (Article 11), 1992

European Consensus on Development:

Part I – EU (esp. paras 5, 7)

Part II – EC (esp. paras 97, 101, 103)

Community instruments and other measures:

-July 2006: Adoption of the EU Commission Communication “*Towards an EU strategy on the rights of the child*” as part of a wider, long-term EU “Pact for the Child” to promote children’s rights within the Union and in its external action;

-June 2007: Establishment of the “*European Forum for the Rights of the Child*”;

-Upcoming Commission’s *Action Plan for Children’s Rights in the European Union’s External Action*;

-2007: Commission Communication – *Towards a European Consensus on Humanitarian Aid*

calling for respect of international law in the delivery of humanitarian assistance.

VII. African regional human rights instruments

African Charter on Human and Peoples` Rights, 1981

Protocol to African Charter on Human and Peoples' Rights on Rights of Women in Africa, 2000

African Charter of the Rights and Welfare of the Child, 1990

VIII. Inter-American regional instruments

American Convention on Human Rights, 1969

Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights (Protocol of San Salvador), 1988

Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, 1994

Inter-American Convention on International Traffic in Minors, 1994

Inter-American Convention on International Return of Children, 1989.
