

EU GUIDELINES FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF THE CHILD



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1. INTRODUCTION

A. REASON FOR ACTION

The rights of the child are human rights. They are indivisible, universal and inalienable. The Treaty on European Union (Lisbon Treaty), which came into force in 2009, includes an explicit commitment to promote the protection of the rights of the child in EU internal and external action (refer to Annex 1 for an overview of EU Legal Instruments and Policy). With these Guidelines, the European Union reaffirms its commitment to comprehensively protect and promote the rights of the child in its external human rights policy, in line with the provisions of the UN Convention on the Rights of the Child and its Optional Protocols and other relevant international standards and treaties.

Across the world, 16 000 children die every day, mostly from preventable or treatable causes. Nearly half of all deaths in children under age 5 are attributable to undernutrition. The births of nearly 230 million children under age 5 worldwide (about one in three) have never been officially recorded (1). Every five minutes, a child dies as a result of violence in their homes, schools, and communities. Worldwide up to one billion boys and girls aged 2-17 years old have experienced physical, sexual or psychological violence in the past year (2). Children are victims of various forms of child labour, in particular its worst forms. The gender-specific risks for girls and boys demand particular attention. Children are victims of sexual exploitation and abuse. Girls and boys can be victims of early and forced marriages and girls may be subjected to endure harmful practices, such as female genital mutilation. Far too many children are deprived of quality education, currently 124 million children are out-of-school (3), proper healthcare and social care.

Children in vulnerable situations, such as children living in poverty, living in conflict and fragile situations, with disabilities, children deprived of their liberty or in conflict with the law, migrant and refugee children (around the world, nearly 50 million children have migrated across borders or been forcibly displaced; and children now comprise half of all refugees) (4), unaccompanied children and those without family, face particular risks and are exposed to discrimination, marginalization, institutionalisation and exclusion.

Since the adoption of the Guidelines in 2007, there have been numerous developments in relation to the rights of the child globally as well as in the evolution of EU policy on children in the EU external action, thus making the present revision of the Guidelines necessary. The year 2015 alone resulted in the adoption of a number of major international agreements, of which the 2030 Agenda for Sustainable Development (5), which commits to providing children and youth with a nurturing environment for the full realisation of their rights and capabilities (paragraph 25), and the Financing for Development agreement (6) (Addis Ababa Action Agenda) are particularly relevant.

One of the key principles underpinning the 2030 Agenda for Sustainable Development is to “leave no one behind”. This implies that the International Community and States in particular, will strengthen efforts to ensure that all people have equal opportunities and to reach the most vulnerable and marginalised.

In September 2016, for the first time, the UN General Assembly called for a Summit at the Heads of State and Government level on large movements of refugees and migrants. The outcome document, the New York Declaration (7), contains commitments to protect the human rights of all refugees and migrants, regardless of status. Commitments include ensuring that all refugee and migrant children are receiving education within a few months of arrival; preventing and responding to sexual and gender-based violence and working towards ending the practice of detaining children for the purposes of determining their migration status; protecting the rights of women and girls and promoting their full, equal and meaningful participation in finding solutions.

The Global Strategy for the European Union's Foreign and Security (8) policy highlights the importance of the Sustainable Development Goals, and the commitment to mainstream human rights across all policy sectors in the context of EU external action. In line with the multi-faceted approach to resilience, there is also a firm commitment to focus on deepening work on education, communication, culture and youth. The European Commission proposal for a new European Consensus on Development (9) also underlines this commitment to mainstreaming human rights and to aligning EU development cooperation policy with the 2030 Agenda. Furthermore, the EU committed to moving towards a rights-based approach in its operations (see section 2B, A Rights-Based Approach) with the adoption of the EU Strategic Framework and Action Plan on Human Rights and Democracy (2012) (10) and Council conclusions on a rights-based approach to development cooperation (May 2014) (11).

B. PURPOSE AND SCOPE

The purpose of these “*EU Guidelines for the Promotion and Protection of the Rights of the Child*” (the “*Guidelines*”) (12), is to recall international standards on the rights of the child and to provide practical guidance to officials of EU institutions and EU Member States in order to (i) strengthen their role in promoting and protecting the rights of all children in EU external action by encouraging and supporting the strengthening of partner countries’ own systems, and (ii) further strengthen their cooperation with international and civil society organisations.

To achieve its commitments on promoting and protecting the rights of the child, the EU promotes the General Measures of Implementation (GMI) of the UNCRC as set out in its General Comment No. 5 (13). The GMI are intended to promote the full enjoyment of all rights in the Convention by all children through legislation, budget allocations, the establishment of coordinating and monitoring bodies – governmental and independent - comprehensive data collection, - awareness-raising and training, and the development and implementation of appropriate policies, services and programmes. The GMI therefore act as the very foundations for the realisation of the rights of the child by ensuring that the necessary structures and resources are in place through a systems-strengthening approach.

In line with the critical theme of the Sustainable Development Goals (SDGs) these revised guidelines aim to “leave no child behind” by taking a rights-based approach encompassing all human rights to the implementation of the GMI. The measures needed to achieve this goal are set out in the Operational Guidelines, part 5.

2. PRINCIPLES OF EU ACTION

A. THE UN CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)

The EU policy on the rights of the child is strongly guided by the UNCRC. All EU Member States are party to the UNCRC, the most widely ratified human rights treaty in history, currently ratified by 116 States parties. It is the most comprehensive human rights treaty and legal instrument for the promotion and protection of the entire complement of rights relevant to children: economic, social, cultural, civil and political. Adopted in 1989, this Convention outlines universal standards for the care, treatment, survival, development, protection and participation of all children. It was the first international instrument to explicitly recognise children as social actors and active holders of rights.

The UN Convention on the Rights of the Child defines a child as
any person below the age of 18 years.

The Four General Principles of the UNCRC

The implementation of the UNCRC is guided by four General Principles set out below. These principles guide the interpretation and implementation of all the other articles in the Convention and form the very basis of a child rights approach. As well as other relevant articles in the Convention, the Optional Protocols, and the Committee's General Comments (14), the EU should take into consideration these four General Principles in the design and implementation of its policy and actions on the rights of the child.

ARTICLE 2

Non-discrimination: All children shall be protected from all forms of discrimination on the basis of their and their parents' race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

ARTICLE 3

Best interests of the child: The best interests of the child shall be a primary consideration in all actions concerning a child. (Also refer to UNCRC General Comment 14 (15) CRC/C/GC/14,2013).

ARTICLE 6

Right to life, survival and development: Children have the right to life; and States must ensure to the maximum extent possible the survival and full development of a child.

ARTICLE 12

Respect for the views of children: All children who are capable of forming their own views must be able to express those views freely in all matters affecting the child, with the views of the child being given due weight in accordance with the age and maturity of the child. (Also refer to UNCRC General Comment 12 (16) CRC/C/GC/12, 2009).

Optional Protocols (17) to the Convention

There are 3 Optional Protocols to the Convention: 1- **the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography** (173 states parties), 2- **the Optional Protocol on the Involvement of Children in Armed Conflict** (165 states parties) and 3- **the Optional Protocol on a Communication Procedure** (29 states parties).

The ratification and implementation of the Optional Protocol on a Communication Procedure allows individual children to submit complaints regarding specific violations of their rights under the convention and its first two Optional Protocols. It further demonstrates a commitment to promote and protect all aspects of the rights of the child, as formulated in the UNCRC, in particular article 12, respect for the views of the child.

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. They also act as a reference for promoting and monitoring progress in the realisation of the rights of the child.

Important progress has also been made with the growing ratification and implementation of ILO Convention No. 182 on the Worst Forms of Child Labour (180 state parties) and ILO Convention No. 138 on the minimum age for admission to employment and work (169 state parties).

B. A RIGHTS-BASED APPROACH ENCOMPASSING ALL HUMAN RIGHTS

In the EU Strategic Framework and Action Plan on Human Rights and Democracy (18), adopted in June 2012, the EU committed to move towards a rights-based approach encompassing all human rights. In 2014, in order to operationalize this commitment, the Commission adopted a Staff Working Document which contains a “tool-box” for the implementation of the rights-based approach encompassing all human rights (19). This approach is a working methodology which builds on human rights mainstreaming (see section C below) by incorporating human rights standards and principles as both a means and a goal of cooperation, and integrating the fulfilment of human rights into the design, implementation, monitoring and evaluation of all policies and programmes. The rights-based approach encompassing all human rights is based on the universality and indivisibility of human rights, the principles of participation; non-discrimination, transparency and accountability.

The principles of the rights-based approach encompassing all human rights mirror the four guiding principles of the UNCRC which constitute a child rights approach. The definition of a child rights approach as outlined in the UNCRC, General Comment 13 (20).

“A child rights approach is one which furthers the realization of the rights of all children as set out in the Convention by developing the capacity of duty bearers to meet their obligations to respect, protect and fulfil rights (art. 4) and the capacity of rights holders to claim their rights, guided at all times by the rights to non-discrimination (art. 2), consideration of the best interests of the child (art. 3, para. 1), life, survival and development (art. 6), and respect for the views of the child (art. 12). Children also have the right to be directed and guided in the exercise of their rights by caregivers, parents and community members, in line with children’s evolving capacities (art. 5). This child rights approach is holistic and places emphasis on supporting the strengths and resources of the child him/herself and all social systems of which the child is a part: family, school, community, institutions, religious and cultural systems”

The “EU” refers to officials of EU institutions and EU Member States.

In line with the above, the principles guiding EU action on the rights of the child in support of our partner countries - in order to implement the General Measures of Implementation (GMI) - are:

- > **Legality, universality and indivisibility of human rights** - all actions taken by the EU and partner countries have to be in line with the UNCRC. To give one example, a partner country needs to ensure legislation complies with the provisions of the UNCRC.
- > **Root-cause approach** - the EU should work with partner countries to address the root causes of why a right is not respected, protected and fulfilled. A child rights assessment will allow the country to map the violations that are occurring (what, to whom, where, why, to what degree etc.) and on this basis the country, with the EU’s assistance, can focus on addressing the root-cause of the violations (21).
- > **Systems-strengthening approach** - the EU should focus on supporting partner countries to strengthen their systems and should avoid wherever possible setting up or supporting parallel measures or structures (for example through funding numerous different projects). Partner countries are the key interlocutors for the EU when seeking to address the rights of the child for the simple reason that, as Parties to the UNCRC, they are the main actor responsible for realising the rights of children within their jurisdiction. The EU will therefore focus on assisting partner countries to strengthen each element of the system, as set out in the GMI, so that all the rights of all children are better respected, protected and fulfilled.
- > **Long-term and sustainable solutions** - while aiming at immediate improvements for the children concerned, EU external actions should result in long-term, sustainable and positive change for children. In order to have a higher impact and lasting benefit, it is

important to focus on working with duty-bearers to strengthen the systems in place.

- > **Participation and empowerment** - the EU should work with partner countries to enhance children's ability to participate in decision-making and processes which concern them, at local, national, regional and international level, in line with article 12 of the UNCRC and General Comment 12. The EU should aim to raise the awareness of duty-bearers of the need to consult children and promote improved governance structures accordingly. In this way, children will be further empowered and learn vital life skills. The EU should aim to consult with local organisations working with children to guarantee the best way to contribute to promoting the rights of the child locally.
- > **Non-discrimination/equality** - the EU should work with partner countries to ensure greater equality between all children, by addressing discriminatory laws, policies or practices and by focusing on the most marginalised children. The EU will take great care not to accidentally reinforce existing discriminatory situations, including gender based discriminations, but rather prioritise the most marginalised in order to close the gaps for those left furthest behind, by addressing the root causes and proposing lasting solutions.
- > **Accountability and access to the rule of law** - the EU action should aim to improve the accountability and transparency of partner countries to children, their families and communities regarding their efforts to fulfil the rights of the child. For rights to have meaning, effective remedies must be available to redress violations. EU action should endeavour to give particular attention to ensuring that there are effective, child – sensitive procedures available to children and their representatives.
- > **Transparency and access to information** - EU action should aim to improve transparency of efforts in partner countries to fulfil the rights of the child and contribute to guaranteeing the child's freedom to seek, receive and impart information in line with the UNCRC. For example, in order for children to be empowered they must have access to age-appropriate information, paying particular attention to gender based discriminations. The EU could raise partner countries' awareness of the need to provide such information in all areas including budgetary decisions and expenditure. It is also important that development programmes and projects are transparent and information is accessible and provided to rights-holders.
- > **Policy coherence for the rights of the child** - the EU should seek to ensure that no policy or action in any sector (e.g. trade, energy, migration etc.) undermines the rights of the child and ideally would support their realisation. It therefore embodies a 'do no harm' approach.

Interlinks between Rights-Based Approach Encompassing all Human Rights and Gender equality

Gender is an integral part of the rights based approach encompassing all human rights and the EU remains committed to the promotion, protection and fulfilment of all human rights and to the full and effective implementation of the Beijing Platform for Action and the Programme of Action of the ICPD and the outcomes of their review conferences and remains committed to sexual and reproductive health and rights (SRHR), in this context (22); as well as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the EU guidelines on violence against women and girls and combating all forms of discrimination against them; the EU Strategy on equal opportunities between women and men; the EU Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security; and the EU Plan of Action on Gender Equality and Women Empowerment.

The 2030 Agenda for Sustainable Development is a key recent addition to the international consensus on the importance of delivering gender equality, of respecting, protecting and fulfilling the human rights of women and girls and as a framework for its delivery.

C. MAINSTREAMING

Mainstreaming consists in systematically integrating the rights of the child in all policies and actions and programmes of the EU. It extends the integration of the rights of the child beyond traditional child focused sectors, such as nutrition, health and education, to other sectors such as energy, agriculture, transport, trade and investment, development cooperation, humanitarian aid, infrastructure, climate change or environment. There are very few, if any, child-neutral policies or programmes: most have impacts on children directly or indirectly, positively or negatively. Moreover, most sectors, if not all, are interlinked and interdependent.

If we are to deliver effectively on the rights of the child all sectors must play their part. To this end, these Guidelines emphasise the importance of mainstreaming the rights of the child in all sectors and all programming and highlight the important tool:

“EU-UNICEF Child Rights Toolkit: Integrating Child Rights in Development Cooperation” (23).

The EU and UNICEF joined forces to develop this innovative tool. Launched in 2013, this Toolkit provides practical guidance on how to ensure the rights of the child are effectively integrated and applied across programmes of bilateral and multilateral development assistance. It contains more than 80 innovative tools and practical guidance through 8 thematic modules covering the rights of the child in development programming and sector policies, child participation, impact assessment, working with civil society, the rights of the child in governance, in crisis situations and budgeting. This is an invaluable tool for officials of EU Institutions, EU Member States and all development actors.

An overview of the toolkit is available online in English, French and Spanish:
<http://www.unicef.org/eu/crtoolkit/toolkit.html>

A website has also been created to promote training workshops organised in EU Delegations for all development partners: <http://www.childrightstoolkit.com>

Here the toolkit is available in Arabic, English, French, German, Spanish and Portuguese.

3. PRIORITIES FOR EU ENGAGEMENT

- **Support and encourage partner countries to fulfil their legal obligations** to advance the implementation of the UNCRC and its three Optional Protocols, and of other international and regional instruments and standards on the rights of the child. In particular, raise awareness, encourage and support the ratification of the Optional Protocol to the Convention on the Rights of the Child on a **Communications Procedure (24) (OP3 CRC)** which entered into force on 14 April 2014.
- **Raise awareness and promote better understanding** of the principles and provisions of the UNCRC, its three Optional Protocols and General Comments, and of other international and regional instruments and standards with relevance to the rights of the child, both in partner countries and among EU staff at all levels, including those not working directly on the rights of the child.
- **Pursue a rights-based approach to the implementation of the General Measures of Implementation** of the UNCRC as set out in General Comment No. 5, guided at all times by the four General Principles of the UNCRC, namely non-discrimination, best interests of the child, child survival and development and child participation, to ensure the full enjoyment of all rights in the Convention by all children.
- **Raise awareness and promote gender equality** between all boys and girls by paying

particular attention to addressing gender based discriminations and ensuring the empowerment of girls.

- **Improve coherence in the EU's external action on children. Promote synergies and strengthen inter-institutional cooperation**, including with regard to initiatives promoted by the European Commission and the High Representative on the rights of the child and with regard to **EU's external action on children and actions carried out by EU Member States**.
- **Complement and strengthen ongoing EU efforts in multilateral fora** and give the rights of the child more weight on the international agenda with a view to advancing their realization and to preventing violations of the rights of the child worldwide.
- **Support the implementation of the 2030 Agenda for Sustainable Development** with a particular focus on the goals and targets most relevant for children (see annex II). These Guidelines will serve to complement all other efforts by the EU to achieve the 2030 Agenda on Sustainable Development.

4. EU TOOLS TO PROMOTE AND PROTECT THE RIGHTS OF THE CHILD

The EU has a broad range of tools and financing instruments to promote and defend the rights of the child. To address children's right effectively and ensure sustainable development the EU needs to ensure a coherent and complementary use of its various instruments.

- **Political dialogues** offer an opportunity to discuss bilateral, regional and international issues of mutual concern with partner countries in a formal setting and on a regular basis. Although these dialogues are not focused exclusively on human rights there are mechanisms in place, such as structured dialogues, to raise human rights issues including the rights of the child.
- **Human rights dialogues** (25) are focused on human rights. Their main objective is to enable the EU to share its concerns on human rights violations with partner countries, to gather information and to seek to improve the human rights situation in the partner country concerned. In addition to dialogues at EU level, Member States also have dialogues at national level with partner countries. Whenever relevant dialogues should cover the rights of the child and in particular promote the **various systemic elements** which a country needs to strengthen in order to realise the rights of the child (outlined in Section 6 of the Operational Guidelines). Discussions should be based on a children's rights situation analysis of the country concerned and highlight the key violations and concerns children face.
- **Statements and démarches** are also key tools to raise awareness of the rights of the child and of international norms and standards concerning their promotion and protection. They may provide opportunities to advance the implementation of the UNCRC and its 3 Optional Protocols.
- The rights of the child are also reflected and addressed through the **EU Human Rights and Democracy Country Strategies (HRDCS)**. EU Delegations can prioritise certain issues and in many strategies the rights of the child are highlighted as a priority. Even if this is not the case, the EU recognises that this is a cross-cutting issue. Country strategies give the opportunity for an in- depth analysis of the situation of children in a given country, and to identify potential gaps and the necessary actions and mechanisms needed to ensure the protection of the rights of the child.

- The EU uses its **bilateral and multilateral co-operation** to promote and protect the rights of the child, through the complementary use of EU's geographic and thematic funding instruments, in collaboration with the national authorities, the UN, civil society and other partners.
- The recent **Trade for All** (26) strategy sets an ambitious and comprehensive agenda to make sure that economic growth goes hand-in-hand with social justice, respect for human rights and high labour and environmental standards.

GSP+ (27) is the EU's primary trade instrument to promote compliance with core international standards in the areas of human rights, labour rights, environmental protection and good governance in developing countries. It provides unilateral, generous market access to vulnerable developing **countries that commit to ratify and effectively implement 27 core international covenants** (28). Inter alia, the Convention on the Rights of the Child (1989) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, No. 182 (1999) are part of the 27 core conventions included under GSP+ scheme. It is an incentive-based scheme regularly monitored in order to support and inspire developing countries to pursue a sustainable development path.

Furthermore, recent **EU Free Trade Agreements** contain legally binding provisions on labour rights and environmental protection. Child labour prohibition as defined by ILO is explicitly made part of the Trade and Sustainable Development Chapters in all recently negotiated trade agreements between the EU and partner countries.

The **involvement of civil society** including child-focused civil society actors, trade unions, employers organisations, business associations, environmental organisations and human rights defenders, is central to the successful implementation of these trade instruments, helping to identify issues and future areas of action. There are also regular opportunities for civil society in the EU and our partner countries to meet jointly to discuss relevant matters.

5. OPERATIONAL GUIDELINES

The operational part of the Guidelines identifies ways and means to work effectively towards the promotion and protection of the rights of the child in partner countries and the steps that the EU will take, using all the tools outlined above to their greatest advantage.

It takes into account a **wide range of measures** identified by the Committee on the Rights of the Child as needed for the effective implementation of the UNCRC. These "**General Measures of Implementation**" (29), as they are known, cover the legislative, administrative, and other measures that states must put in place in order to implement the rights contained in the UNCRC. The implementation of the GMI should be guided at all times by the 4 General Principles of the UNCRC (refer to section 3).

By implementing a system-strengthening approach, States address the full spectrum of the rights of the child as a systems-approach would aim to protect all the rights of all children including – and especially- the most vulnerable and marginalised, such as internally displaced or migrant and refugee children, including unaccompanied children, children with disabilities or those belonging to a minority group. It would also take into account the different gender- and age-based needs of girls and boys.

The following section addresses each element of a system and outlines actions that the EU should undertake and actions on which the EU should work with partner countries in order to achieve better protection for the rights of all children.

A. LEGISLATION AND POLICY

Action to promote and protect the rights of the child needs a clear foundation in national legislation, as well as accompanying policies and guidance that support its implementation. It is critical that all national legislation and policies are in line with the provisions of the UNCRC and its Optional Protocols. This may be achieved either by incorporating those provisions directly into domestic law, or by adapting domestic law in accordance with international obligations.

The **EU should** support and encourage partner countries to:

Accede, ratify and adhere to and/or implement and enforce the relevant international or regional instruments and standards (30) for the promotion and protection of the rights of the child, particularly the UNCRC and its 3 Optional Protocols, ILO Conventions 138 and 182.

Review and withdraw reservations that the country has made with regard to the UNCRC and its three Optional Protocols.

Support the enactment and review of national legislation and related administrative guidance to ensure its compatibility with relevant international norms and standards on the rights of the child, in particular the UNCRC and its Optional Protocols. The review needs to consider the Convention holistically, as well as article by article, recognizing the interdependence and indivisibility of human rights.

Review and revise relevant legislation pertaining to the functioning of the justice system and children's access to justice, in order to:

- > Prohibit and punish violations of the rights of children, including in criminal law;
- > Ensure perpetrators of violations of the rights of the child are brought to justice;
- > Ensure all children have equitable access to fair, timely and effective remedies to redress violations;
- > Develop child-friendly procedures for their involvement in legal proceedings surrounding investigation and prosecution of violations of the rights of the child;
- > Provide for the recovery, rehabilitation and social reintegration of children whose rights have been violated and promote access to victim support services;
- > Develop alternatives to the detention of children, in particular where children are facing long sentences;
- > The EU emphasises the importance of promoting alternative care for children and providing them with appropriate support to participate in community life and to access mainstream services. The EU promotes the UN Guidelines for the Alternative Care for Children which outline the importance of preventing family and child separation and providing appropriate alternative care and protection for children deprived of parental care through the careful determination of their best interests.

B. NATIONAL STRATEGIES/ DOCUMENTS AND ACTION PLANS

The EU should advocate for the development of comprehensive and rights-based national strategies rooted in the UNCRC. An effective strategy needs to relate to the situation of all children and to all the rights in the UNCRC and be developed through a process of consultation, including with children and young people. Particular attention should be given to identifying and giving priority to marginalized and disadvantaged groups of children, as well as those in vulnerable situations, to ensure no child is left behind. Specific attention should be paid to gender relevant issues. To give the strategy authority, it should be endorsed at the highest level of government and linked to national development planning and included in national budgeting. National action plans (NAPs) should include real and achievable targets in relation to the full range of economic, social and cultural and civil and political rights for all children (31).

The EU should support and encourage partner countries to:

- Adopt a national strategy on the promotion, protection and realisation of the rights of the child;
- Consult with local civil society, relevant UN agencies and other relevant multilateral actors, children and young people in the design and implementation of such a strategy and/or action plans;
- Ensure that the strategy is based on a child rights gender sensitive analysis of the situation of children in the country and that the Concluding Observations of the UN Committee on the Rights of the Child are taken into consideration.

C. BILATERAL AND MULTILATERAL COOPERATION

Cooperation to support and encourage partner countries to implement the rights of the child takes many forms, ranging from providing financial or technical support to working with other stakeholders in the partner country or in international fora.

The EU should:

Reinforce the focus on the rights of the child in all its external relations and cooperation initiatives, promoting a coherent and complementary approach;

Raise the rights of the child in all dialogues, in trade and other negotiations, programming discussions, in Human Right and Democracy Country Strategies, in collaboration with the partner country on the 2030 Agenda etc.

Cooperation with Civil Society

Partner countries should work closely with NGOs in the widest sense, while respecting their autonomy; these include for example, human rights NGOs, child-and-youth-led organisations and youth groups, parent and family groups, faith groups, academic institutions and professional associations.

The EU should:

- Work closely with civil society organisations both in order to understand the main issues that children face in terms of violations of their rights and obstacles to seeing them realised, as well as in order to determine the best solutions. Such collaboration with

civil society should also serve to promote a more enabling environment for civil society actors.

The EU should encourage partner countries to:

Work closely with civil society organisations; these include human rights NGOs, child- and-youth-led organisations and youth groups, parent and family groups, faith groups, academic institutions and professional associations, trade unions, business associations and environmental organisations;

Engage with NGOs in the reporting processes related to implementation of the national strategy or action plans and with regard to reporting to the UN Committee on the Rights of the Child.

International Cooperation and Cooperation with Other Actors

Article 4 of the UNCRC stipulates that “*with regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation*” (bold added for emphasis).

Partner countries can benefit from technical assistance in the implementation of the Convention, for example from The United Nations Children’s Fund (UNICEF), the Office of the High Commissioner for Human Rights (OHCHR) and other United Nations bodies.

The EU should:

- Support the work of relevant international and regional actors in the area of the rights of the child, in particular the UN organs and treaty bodies, particularly the Committee on the Rights of the Child, UN Special Procedures and mechanisms, in particular the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representatives of the UN Secretary- General on Children and Armed Conflict and on Violence against Children;
- Support relevant UN organisations - ILO, OHCHR, UNFPA, UNHCR, UNICEF, UNWOMEN, OCHA, IOM and WHO;
- Support regional mechanisms such as the Council of Europe, the OSCE, the European Network of Ombudspersons on Children etc.;
- Continue to present the annual resolution on the “Rights of the Child” together with Latin American states, both at the UN General Assembly and the Human Rights Council. The EU regularly calls upon states to sign, ratify and implement the UNCRC and its Optional Protocols.

The EU should support and encourage partner countries to:

- Comply with requests for protective measures, rulings, decisions and recommendations of international human rights bodies, in particular those of the Committee on the Rights of the Child;
- Cooperate with the relevant UN human rights mechanisms and procedures, including the UN Committee on the Rights of the Child; thematic as well as country mechanisms, in particular those with relevance to the promotion and protection of the rights of the child;
- Cooperate with regional mechanisms to ensure the promotion and protection of the rights of the child, including monitoring progress. Cooperate with the relevant Council of Europe mechanisms, and promote compliance with decisions by the European Court of Human Rights with regard to children’s rights.

D. MOBILISING FINANCIAL RESOURCES, ENSURING EFFICIENT ALLOCATION, IMPACT AND USE

UNCRC General Comment 19 (2016) on public budgeting for the realisation of children's rights, makes recommendations to States parties on how to realise all the rights under the Convention, especially those of children in vulnerable situations (32), through effective, efficient, equitable, transparent and sustainable public budgeting decision-making.

UNCRC General Comment 19 builds on UNCRC General Comment 5 on the GMI as legislation, policies and programmes cannot be implemented without sufficient financial resources being mobilised, allocated and spent in an accountable, effective, equitable, transparent and sustainable manner. Budget allocation and spending priorities must be made with the best interests of the child as a primary consideration.

The EU should:

- **Continue to support children's rights in programming through a 3-pronged approach;**
 - Promoting the rights of all children in its political dialogues.
 - Mainstreaming the rights of the child in all projects and programs (the EU- UNICEF Child Rights Toolkit serving as a reference guide).
 - Supporting specific projects and programmes for children.

- **Ensure better and more efficient allocation and use of resources** in the implementation of the above 3-pronged approach as well as ensuring that resources obtain the optimal impact on the rights of the child through a complementary use of EU geographic and thematic instruments and modalities;
- **Aim to improve coordination and coherence between funding activities** including joint programming and joint actions undertaken by Member States as well as in the European Union's overall external action on children's rights;
- Draw on the EU-UNICEF Child Rights Toolkit to reinforce **child-sensitive programming**, across all sectors, and give particular attention to review budget support programmes which may have been developed without an explicit analysis of the rights of the child;
- Continue to ensure that impact assessments, disaggregated by sex take into consideration **the rights of the child**, when relevant, in line with the better regulation requirement to assess fundamental and human rights;
- Within EU funding programmes in EU external action, encourage, and explore the possibility of requiring NGOs and International Organisations that work directly with children, to adopt **child safeguarding policies** (which would include, for example, vetting of staff, training, reporting mechanisms etc.).

The EU should support and encourage partner countries to:

- Ensure an accurate costing to allow sufficient allocation of resources to the realisation of the rights of the child;
- Design and implement child sensitive national budgeting by developing and using tools for making children visible in budgetary processes at the national and sub-national levels, including in the context of international cooperation;
- Evaluate the impact of policies on children.

E. COORDINATION MECHANISMS FOR THE IMPLEMENTATION OF THE RIGHTS OF THE CHILD

Effective implementation of the Convention requires visible cross-sectoral coordination between government departments to recognise and realise the rights of the child, as well as between central and other levels of government and between government and other actors. The purpose of coordination is to ensure that implementation is not only recognised by large departments with a substantial impact on children – education, health, welfare etc. – but right across the entire government, including for example departments concerned with finance, planning, employment, youth, gender, defence, migration and asylum, security, infrastructure, agriculture, and at all levels.

The EU should:

- Support staff at all levels working in a coordinating and supporting role to ensure an adequate operational response to the rights of the child;
- Ensure the human right and democracy country strategies take into account the relevant overarching policy objectives outlined in the EU Strategic Framework and Action Plan on Human Rights and Democracy (33) as well as these Guidelines.

The EU should support and encourage partner countries to:

- Develop independent institutions on the rights of the child, including national human rights institutions (NHRIs) and/or ombudspersons for children;
- Develop and strengthen governmental mechanisms for coordinating action among central government departments (between ministries and departments), among different provinces and regions, between central and other levels of government and between Government and civil society.

F. HUMAN RESOURCES AND CAPACITY-BUILDING

Experienced officials in government departments and well-trained workforces in each sector with sufficient numbers of staff deployed effectively across the country are key to realising the rights of

the child and **should be an essential element of the national strategy or action plans.**

The EU should:

- Ensure staff have the opportunity to benefit from training on a rights-based approach to development cooperation, encompassing all human rights;
- Ensure specific training on the rights of the child and their cross-cutting nature is available to all EU staff, at all levels, working on all thematic areas, including those not commonly perceived as relevant to the rights of the child. This could also be carried out through Training of the Trainer's (ToT) exercise;
- To this end, encourage the use of and build upon the dissemination of the EU-UNICEF Child Rights Toolkit.

The EU should support and encourage partner countries to:

- Appoint sufficient numbers of staff in each sector and deployed across the country;
- Build capacity- of government officials, parliamentarians, members of the judiciary, community and religious leaders, teachers, social workers, health workers, the police, peacekeeping forces and all other functions working with and for children, including through training, and the development of child protection policies with clear guidance on appropriate conduct in relation to working with children, and on reporting arrangements where abuse arises or is suspected for partners and contracted agents. It will be particularly important that law enforcement officials are able to promote and safeguard the rights of the child and ensure compliance with international norms and instruments;
- Enhance guardians "and other caretakers" capacities to carry out their roles with regard to the protection of the rights of the child;
- Invest in awareness-raising events/campaigns on the rights of the child;
- Support the empowerment of children so that they can more effectively participate in decision-making and implementation of policies affecting them.

G. DATA, EVIDENCE AND KNOWLEDGE

If a strategy and/or action plan is to be adopted and implemented effectively, it is crucial to know which areas of the rights of the child need to be worked on. Examples of forms of data and knowledge needed include: facts and figures relating to violations of the rights of the child, or gaps in implementation; numbers and characteristics of the children concerned (for which disaggregated data according to gender, age, income, disability and other factors, and provide information on marginalised, vulnerable and hard-to-reach groups, inclusive governance and other issues, consistent with the EU's rights-based approach is necessary); and good practice case studies. Furthermore, disaggregated data is crucial if inequality and discrimination are to be addressed effectively and therefore ensuring no child is left behind.

It is important that relevant indicators are included in the action plan in order to monitor future progress and to build strong results frameworks and ensure public accountability.

The EU should support and encourage partner countries to:

- Develop child-sensitive indicators and child impact assessments and evaluations for the promotion and protection of the rights of the child;
- Collect and use disaggregated data for each indicator according to gender, age, income, disability and other factors, and provide information on marginalised, vulnerable and hard-to-reach groups, inclusive governance and other issues, consistent with the EU's rights-based approach);
- Promote solid results frameworks to track progress achieved for child rights through relevant indicators, sound baselines and relevant chain of results;
- Refer to relevant regional examples of good practice; encourage regional debate on fulfilling the rights of the child;
- Promote research and building knowledge for a better understanding of child rights and how to enhance protection and prevention of violations (cf. social norms and harmful practices).

H. OVERSIGHT AND ACCOUNTABILITY

A wide variety of actors are generally involved in contributing to the implementation of the national strategy and/or action plans or may impact on the realisation of the rights of the child, it is therefore crucial that they all adhere to international standards and norms. To ensure that this is the case a framework of oversight is needed. Elements of such a framework include national human rights institutions (notably to monitor the state's progress in implementing the rights of the child), ombudspersons and human rights mechanisms such as the UN Committee on the Rights of the Child and Special Representatives of the UN Secretary General.

National human rights institutions such as ombudspersons are especially important in enabling children to share concerns or make complaints about violations of their rights, for which effective, child-sensitive procedures must be available to children and their representatives. These should include the provision of child-friendly information and advice.

The EU should support and encourage partner countries to:

Put in place a series of measures to ensure adequate oversight of the government's efforts to realise the rights of the child and to oversee the activities of other actors, such as the private sector, who may have an impact on the realisation of the rights of the child.

Ensure access for children and their representatives to independent complaints procedures and to the courts with the necessary child-friendly legal and other assistance.

Ensure that civil society can play its role in holding the government to account.

6. IMPLEMENTATION AND EVALUATION OF THESE GUIDELINES

The Council Working Party on Human Rights (COHOM) will support the implementation of the Guidelines while involving, when appropriate, geographic Council working groups and the Council Working Party on Development Cooperation (CODEV).

Regular exchanges of views will be held with the relevant committees, sub-committees and working groups of the European Parliament on the implementation, evaluation and review of these Guidelines.

The promotion and protection of the rights of the child will be integrated into relevant EU policies and actions, including in relation to the EU's role in international fora.

Reviews of the implementation of the Guidelines will take place at regular intervals.

ANNEX I - EU LEGAL INSTRUMENTS AND POLICY DOCUMENTS

THE LISBON TREATY (2009)

The EU's external policy on the rights of the child has developed considerably over the past 10 years supporting **an integrated approach to advance the rights of the child**. The Lisbon Treaty which entered into force on 1 December 2009, was a milestone in providing the legal basis for the EU's policy on child rights. It has given particular attention to the rights of the child both internally within its own frontiers and externally at a global level.

Article 3 of the Treaty on European Union obliges the EU to strictly observe international law, which includes the **UN Convention on the Rights of the Child, and to promote the protection of the rights of the child**.

Article 3 · The Treaty on European Union

- “The Union shall combat social exclusion and discrimination, **and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child**”.
- “In its relations with the wider world, the Union shall uphold and promote its values and interests ... It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty **and the protection of human rights, in particular the rights of the child... as well as to the strict observance...of international law...**”.

THE EU CHARTER OF FUNDAMENTAL RIGHTS

The Charter of Fundamental Rights of the EU brings together in a single document the fundamental rights protected in the EU. The Charter has become legally binding on the EU with the entry into force of the Treaty of Lisbon.

Article 24 · The rights of the child

- Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.
- In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.
- Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

The provisions of the Charter are addressed to the institutions and bodies of the EU with due regard for the principle of subsidiarity; and the national authorities only when they are implementing EU law.

EU ACQUIS (34) AND POLICY DOCUMENTS ON THE RIGHTS OF THE CHILD WITH RELEVANCE FOR EU EXTERNAL ACTION.

The following Conventions also apply to EU external action and are included in the EU acquis document.

- Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, <https://www.hcch.net/en/instruments/conventions/full-text/?cid=24>;
- Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, <https://www.hcch.net/en/instruments/conventions/full-text/?cid=70>;
- Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance: <https://www.hcch.net/en/instruments/conventions/full-text/?cid=131>

EU POLICY DOCUMENTS

The **EU Agenda for the Rights of the Child (35) (2011)** explicitly refers to children’s rights as a priority of EU external action.

The EU Action Plan on Human Rights and Democracy (2015-2019) (36), adopted in July 2015, includes many actions relating to children. The actions below are directly related to the rights of the child but given the cross-cutting nature of the rights of the child most of the actions in the Action Plan have an impact on children.

<p>Action 14 b</p>	<p>In the context of EU external action and development cooperation, prioritise actions targeting, inter alia the protection of physical and psychological integrity of women and girls through activities which help protect women’s human rights and freedom from violence with special attention to ending Female Genital Mutilation (FGM), Child Early and Forced Marriage, gender based and sexual violence in conflict; their economic, social and cultural rights and their voice and participation in social and political fora; develop and implement a successor of the EU Action Plan on Gender Equality and Women’s Empowerment in Development Cooperation 2010 - 2015 (GAP).</p>
<p>Action 15 a</p> <p>Promoting, protecting and fulfilling the rights of the child</p>	<p>Support partner countries’ efforts to promote, protect and fulfil the rights of the child with a particular focus on strengthening child protection systems to protect children from violence, exploitation, abuse and neglect.</p>
<p>Action 15 b</p>	<p>Support partner countries to promote, protect and fulfil the rights of the child with a focus on economic, social and cultural rights such as the right to education, health and nutrition, social protection and the fight against the worst forms of child labour, always guided by the best interests of the child.</p>
<p>Action 15 c</p>	<p>Promote the ratification of the Optional Protocols to the UN Convention on the Rights of the Child on the involvement of children in armed conflict, on the sale of children, child prostitution and child pornography and consider accession to the Optional Protocol on a communications procedure.</p>

Action 19 c	Support activities to monitor and counter incitement that could lead to serious violations or abuses of human rights, notably atrocity crimes; support activities in the fight against hate speech and violent extremism, through the identification of root causes, the development of counter narratives, human rights education, and peace building initiatives targeting in particular children and youth.
Action 19 e	Support the establishment of prevention, response and (long-term) programmes for children affected by armed conflict in cooperation with local communities, affected children and parents (e.g. psycho-social support, socio-economic reintegration, education and life-skills training as well as family tracing and reunification).
Action 20 b	Support the work of the UN Special Representative for Children and Armed Conflict and notably support the development, implementation and monitoring of Action Plans to end and prevent grave violations against children affected by armed conflict, including through advocacy and programming activities.
Action 23 a	Develop sector-specific operational guidance for staff in CSDP missions working with the police, military, prison services and the judiciary, to provide practical orientation on the mainstreaming of human rights and international humanitarian law, where applicable, with emphasis on the protection of civilians in particular children, and the empowerment and participation of women and girls.

The EU Action Plan on Gender Equality and Women's Empowerment: transforming the lives of girls and women through EU external relations (2016-2020) outlines an ambitious approach to gender equality and the promotion, protection and fulfilment of women's and girls' human rights. It seeks to concentrate the efforts of all EU actors on a shift in institutional culture in order to more effectively commit resources, deliver and report on gender equality and women's empowerment. This horizontal priority contributes to and underpins the three vertical thematic areas: girls' and women's physical and psychological integrity; their economic and social rights; and voice and participation.

ANNEX II. LIST OF SUSTAINABLE DEVELOPMENT GOALS AND TARGETS MOST RELEVANT FOR CHILDREN

SDG GOALS OF DIRECT RELEVANCE FOR CHILDREN	RELATED SDG TARGETS MENTIONING CHILDREN* (OR PEOPLE IN VULNERABLE SITUATIONS)
SDG 1: End poverty	<p>Target 1.1: Eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day.</p> <p>Target 1.2: Reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions.</p> <p>Target 1.3: Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.</p> <p>Target 1.5: Build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters.</p>

SDG GOALS OF DIRECT RELEVANCE FOR CHILDREN	RELATED SDG TARGETS MENTIONING CHILDREN* (OR PEOPLE IN VULNERABLE SITUATIONS)
SDG 2: End hunger	<p>Target 2.1: End hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round.</p> <p>Target 2.2: End all forms of malnutrition, including achieving, by 2025, the internationally agreed targets on stunting and wasting in children under 5 years of age, and address the nutritional needs of adolescent girls and pregnant and lactating women.</p>
SDG 3: Healthy lives	<p>Target 3.1: Reduce the global maternal mortality ratio to less than 70 per 100,000 live births.</p> <p>Target 3.2: End preventable deaths of newborns and children under 5 years of age, with all countries aiming to reduce neonatal mortality to at least as low as 12 per 1,000 live births and under-5 mortality to at least as low as 25 per 1,000 live births.</p> <p>Target 3.7: Ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes.</p> <p>Target 3.8: Achieve universal health coverage ... access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all.</p>
SDG 4: Quality education	<p>Target 4.1: Ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes.</p> <p>Target 4.2: Ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.</p> <p>Target 4.4: Substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship.</p> <p>Target 4.5: Eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations.</p> <p>Target 4.6: Ensure that all youth ... achieve literacy and numeracy</p> <p>Target 4.7: Ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development.</p> <p>Target 4.a: Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all.</p>

SDG GOALS OF DIRECT RELEVANCE FOR CHILDREN	RELATED SDG TARGETS MENTIONING CHILDREN* (OR PEOPLE IN VULNERABLE SITUATIONS)
<p>SDG 5: Gender equality</p>	<p>Target 5.1: End all forms of discrimination against all women and girls everywhere.</p> <p>Target 5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.</p> <p>Target 5.3: Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.</p> <p>Target 5.6: Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.</p> <p>Target 5.c: Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.</p>
<p>SDG 6: Water and sanitation</p>	<p>Target 6.1: Achieve universal and equitable access to safe and affordable drinking water for all.</p> <p>Target 6.2: Achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations.</p> <p>Target 6.b: Support and strengthen the participation of local communities for improving water and sanitation management.</p>
<p>SDG 7: Energy</p>	<p>Target 7.1: Ensure universal access to affordable, reliable and modern energy services.</p>
<p>SDG 8: Economic growth and decent work</p>	<p>Target 8.5: Achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.</p> <p>Target 8.6: By 2020, substantially reduce the proportion of youth not in employment, education or training.</p> <p>Target 8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.</p> <p>Target 8.b: By 2020, develop and operationalise a global strategy for youth employment.</p>
<p>SDG 9: Resilient infrastructure/ innovation</p>	<p>Target 9.c: Significantly increase access to ICT and strive to provide universal and affordable access to the Internet in LDCs by 2020.</p>

SDG GOALS OF DIRECT RELEVANCE FOR CHILDREN	RELATED SDG TARGETS MENTIONING CHILDREN* (OR PEOPLE IN VULNERABLE SITUATIONS)
SDG 10: Reduce inequality	<p>Target 10.2: Empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion, or economic or other status.</p> <p>Target 10.3: Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies, and practices and promoting appropriate legislation, policies, and action in this regard.</p>
SDG 11: Sustainable cities	<p>Target 11.1: Ensure access for all to adequate, safe and affordable housing and basic services...</p> <p>Target 11.2: Provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport.</p> <p>Target 11.7: Provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children...</p>
SDG 13: Climate change	<p>Target 13.3: Improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning.</p> <p>Target 13.b: Promote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth and local and marginalized communities.</p>
SDG 16: Peaceful and inclusive societies	<p>Target 16.2: End abuse, exploitations, trafficking and all forms of violence against and torture of children.</p> <p>Target 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all.</p> <p>Target 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels.</p> <p>Target 16.9: Provide legal identity for all, including birth registration</p> <p>Target 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.</p>

* Children are defined as all people under the aged of 18 years; youth are defined as all people between the ages of 15 and 24 years

ANNEX III. EU HUMAN RIGHTS GUIDELINES, EC COMMUNICATION AND COUNCIL CONCLUSIONS

The EU has adopted 11 EU Human Rights Guidelines. As EU guidelines are adopted at ministerial level they represent a strong political signal that they are priorities for the EU and its Member States. **The following EU Human Rights Guidelines complement the Guidelines on the Promotion and Protection of the Rights of the Child.** It is therefore important that EU actors are aware of and refer to them.

- **EU Guidelines on Children and Armed Conflict (2008) and Implementation Strategy (2010).** Revised in 2008, these Guidelines commit the EU to address the impact of armed conflict on children in a comprehensive manner. The **EU Implementation Strategy of the EU Guidelines on Children and Armed Conflict**, revised in 2010, focuses on prevention and protection, but also on the rehabilitation and reintegration of children who have been associated with armed forces or armed groups. Furthermore, it gives directions on monitoring, reporting, and cooperation with the UN. Implementation of these Guidelines is targeted on priority countries, which are regularly reviewed in accordance with the UN list of priority countries regarding children and armed conflict.
- **EU Guidelines on Violence against Women and Girls and combating all forms of discrimination against them (2008)** The EU has also a long-standing commitment to promote gender equality and girls' and women's rights. The 2008 Guidelines on Violence and Discrimination against Women and Girls and the EU Plan of Action on Gender Equality and Women's Empowerment in Development form the backbone of EU action in this field.
- **EU Guidelines on Torture and other cruel, inhuman or degrading treatment or punishment (2012) (to be updated in 2016)** Through these Guidelines, the EU seeks to help eradicate torture and other forms of cruel, inhuman or degrading treatment or punishment. The EU also seeks to combat the impunity of perpetrators for such crimes.

Children are recognized in these Guidelines as a group requiring special protection.

- **EU Guidelines on Death Penalty (2013)** The European Union has a strong and unequivocal opposition to the death penalty at all times and in all circumstances, **including for offences committed by persons below eighteen years of age.**
- **EU Guidelines to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons (2013)** LGBTI persons constitute a vulnerable group, who continue to be victims of persecution, discrimination, bullying and gross ill-treatment, often involving extreme forms of violence, including torture and murder.
- **Of particular relevance is the reference to children in Annex 2 - Elements for analysis/checklist of the situation regarding LGBTI human rights issues, points 10 and 11.**
- **EU Guidelines on Freedom of Expression Online and Offline (2014)** The EU promotes awareness-raising and media and internet literacy and its importance for the safe and responsible use of the Internet, especially for children and young people, in the context of programmes of education and training on human rights, in accordance with the UN Declaration on Human Rights Education and Training.

KEY EC COMMUNICATION

- **Commission Communication towards the Elimination of FGM (November 2013)** The Communication defines a framework for a series of activities to be implemented through existing EU instruments, both inside and outside the EU with the aim of supporting the actors working on the ground via EU Delegations in relevant partner countries, developing knowledge and collect data, and strengthening external actions aimed at eradicating FGM/C.

KEY COUNCIL CONCLUSIONS

- Council Conclusions on the Rights of the Child (December 2014).
- Council Conclusions on child labour (June 2016).
- Council Conclusions on child labour (June 2010).
- Council Conclusions on Gender in Development (May 2015).
- Council Conclusions on the Gender Action Plan 2016-2020 (October 2015).
- Council Conclusions on the promotion and protection of the rights of the child in the European Union's external action - the development and humanitarian dimensions (May 2008).

END NOTES

1. Statistics taken from the UNICEF website (October 2016), <https://www.unicef.org/statistics/>
2. The Global Partnership to End Violence against Children; https://sustainabledevelopment.un.org/content/documents/commitments/552_9061_commitment_Partnership_Pr evalence_Consequences_A4.pdf.
3. UNESCO, 2015: <http://www.uis.unesco.org/Education/Documents/fs-31-out-of-school-children-en.pdf>.
4. *Uprooted: The growing crisis for refugee and migrant children*, UNICEF (September 2016), pages 3 and 6.
5. *Transforming our world: the 2030 Agenda for Sustainable Development*, Resolution adopted by the General Assembly on 25 September 2015 (UNGAA/RES/70/1).
6. Addis Ababa Action Agenda of the Third International Conference on Financing for Development (Addis Ababa Action Agenda), A/RES/69/313, August 2015.
7. New York Declaration for Refugees and Migrants, A/71/L.1*, 13 September 2016.
8. Global Strategy for the European Union's Foreign and Security policy <https://europa.eu/globalstrategy/en/global-strategy-foreign-and-security-policy-european-union>.
9. Proposal for a new European Consensus on Development Our World, our Dignity, our Future, COM(2016) 740final, 22 November 2016.
10. EU Strategic Framework and Action Plan on Human Rights and Democracy, 11855/12, June 2012.
11. Council conclusions on a rights based approach to development cooperation, 9987/14, May 2014. The Commission developed a tool-box to guide staff in implementing a rights-based approach, *Commission Staff Working Document Tool-Box A Rights-Based Approach, Encompassing all Human Rights for EU Development Cooperation* (SWD(2014) 152 final) (Doc. 9489/14, 5 May 2014).
12. Refer to Annex III for a list of links to EU Guidelines, Commission Communications and Council Conclusions which complement the Guidelines on the Promotion and Protection of the Rights of the Child.
13. UN Convention on the Rights of the Child, General Comment No. 5, General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6) CRC/GC/2003/5, 27 November 2003.
14. The Committee on the Rights of the Child (CRC) is a body of independent experts that monitors the implementation of the UNCRC by its State parties. The Committee issues General Comments to explain and provide guidance on the implementation of the UNCRC and its Optional Protocols. General Comments are not binding for States parties.
15. General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)*, CRC/C/GC/14.
16. General Comment No. 12 (2009), the right of the child to be heard, CRC/C/GC/12.
17. Optional Protocols to human rights treaties are treaties in their own right, and are open to signature, accession or ratification by countries who are party to the main treaty.
18. EU Strategic Framework and Action Plan on Human Rights and Democracy, 11855/12, June 2012.
19. *Commission Staff Working Document Tool-Box A Rights-Based Approach, Encompassing All Human Rights for EU Development Cooperation* (SWD(2014) 152 final) (Doc. 9489/14,

5 May 2014).

- 20· General comment No. 13 (2011), The right of the child to freedom from all forms of violence, CRC/C/GC/13, page 23.
- 21· For an overview of a child rights country context analysis refer to Module 1 EU-UNICEF Child Rights Toolkit: Integrating Child Rights in Development Cooperation; <https://www.unicef.org/eu/crtoolkit/>
- 22· Council Conclusions on Gender in Development, May, 2015, doc. 9242/15.
- 23· *EU-UNICEF Child Rights Toolkit: Integrating Child Rights in Development Cooperation* <https://www.unicef.org/eu/crtoolkit/>
- 24· OP3 CRC is an international human rights treaty that allows the UN Committee on the Rights of the Child (the Committee) to hear complaints alleging that a child's rights have been violated. Children will only be able to approach the UN if the national legal system has not been able to provide a remedy for the violation.
- 25· The EU holds human rights dialogues/human rights subcommittees/consultations with over 40 countries worldwide.
- 26· Trade for all. Towards a more Responsible Trade and Investment Policy, October 2015. http://trade.ec.europa.eu/doclib/docs/2015/october/tradoc_153846.pdf.
- 27· To date, GSP+ countries include Armenia, Bolivia, Cape Verde, Georgia, Kyrgyzstan, Mongolia, Pakistan, Paraguay and the Philippines.
- 28· 7 UN human rights declarations, 8 International Labour Organization (ILO) conventions on labour rights, 8 Multilateral Environmental Agreements and 4 Good Governance declarations.
- 29· The UN Committee on the Rights of the Child drafted General Comment No. 5 (2003) to address Article 4 of the UNCRC. It outlines State parties' obligations to develop measures of implementation for the UNCRC which have become known as "general measures of implementation" (GMI).
- 30· In addition, other human right conventions, standards and principles also impact on the rights of the child and could be referred to address the multiple discriminations children face, for example, 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.
- 31· Refer to General Comment No. 5 (2003), General measures of implementation of the Convention on the Rights of the Child, page 8.
- 32· As stipulated in General Comment 19, CRC/C/GC/19, 2016, para 3, "children in vulnerable situations" are those who are particularly susceptible to violations of their rights, such as, but not limited to, children with disabilities, children in refugee situations, children from minority groups, children living in poverty, children in alternative care and children in conflict with the law.
- 33· Action Plan on Human Rights and Democracy 2015-2019, http://eeas.europa.eu/top_stories/2015/200715_human_rights_action_plan_en.htm
- 34· http://ec.europa.eu/justice/fundamental-rights/files/acquis_rights_of_child.pdf.
- 35· Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: an EU agenda for the Rights of the Child, COM(2011) 60 final of 15.2.2011.
- 36· EU Action Plan on Human Rights and Democracy, https://eeas.europa.eu/sites/eeas/files/eu_action_plan_on_human_rights_and_democracy_en_2.pdf

