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EU Guidelines



for the Promotion and
Protection of the Rights
of the Child (2017)

Frequently Asked Questions



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What is the purpose of these Guidelines?

The Treaty on European Union (Lisbon Treaty), which came into force in 2009, contains the first explicit commitment to protect and promote the rights of the child in EU internal and external action. With these Guidelines, the European Union reaffirms its commitment to comprehensively protect and promote the rights of the child in its external 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.

The EU gives full recognition to children as rights holders and that states are the main duty-bearers, i.e. states are predominantly responsible for realising children's rights. These Guidelines provide comprehensive guidance to officials of EU institutions and EU Member States by identifying ways and means to work effectively towards the promotion and protection of the rights of all children in partner countries and the steps that the EU will take, using all the tools at its disposal.

Who are these Guidelines for?

The guidelines are adopted at ministerial level, a clear signal of the priority the EU and its Member States attach to the issues covered in them. The Guidelines are aimed at all officials of EU institutions and EU Member States working on external relations with impacts outside the EU i.e. foreign, security, migration, trade and other policies, whether in Brussels, in EU Delegations or Member State embassies.

Why are the Guidelines being updated now?

Since the adoption of the first Guidelines on the Promotion and Protection of the rights of the Child in 2007, there have been many developments globally as well as in the evolution of EU policy on children in the EU external action.

Externally, the adoption of the 2030 Agenda for Sustainable Development¹ means that all countries have committed to providing children with a nurturing environment for the full realisation of their rights and capabilities (para. 25). One of the key principles underpinning the 2030 Agenda is to 'leave no one behind' – man, woman or child – so all countries need to redouble their efforts to reach marginalised people. It was therefore necessary to revise the Guidelines in order to better highlight the need to protect all the rights of all children, especially the most marginalised.

Internally, the EU committed to moving towards a rights-based approach in its operations in the EU Strategic Framework on Human Rights and Democracy (2012)² and in the Council Conclusions on a rights-based approach to development cooperation (May 2014)³. More recently, the Global Strategy for the European Union's Foreign and Security⁴ Policy reaffirms the commitment to mainstream human rights across all policy sectors, as does the European Commission proposal for a new European Consensus on Development⁵, which will align EU development cooperation policy with the 2030 Agenda.

1. Transforming our world: the 2030 Agenda for Sustainable Development, Resolution adopted by the General Assembly on 25 September 2015 (UNGA A/RES/70/1)

2. EU Strategic Framework and Action Plan on Human Rights and Democracy, 11855/12, June 2012.

3. 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).

4. Global Strategy for the European Union's Foreign and Security policy
<https://europa.eu/globalstrategy/en/global-strategy-foreign-and-security-policy-european-union>

5. Proposal for a new European Consensus on Development Our World, our Dignity, our Future, COM(2016) 740 final, 22 November 2016.

The revision of the Guidelines was therefore necessary to provide specific guidance to officials of EU Institutions and EU Member States on how they should take the new policy framework into account in the promotion and protection of the rights of the child.

How are the Guidelines used/ implemented?

The Guidelines set out the actions that EU officials should take. They outline the principles underpinning EU action, the priorities for EU engagement and the tools which can be used. The ‘Operational Guidelines’ section suggests ways to step up work towards the promotion and protection of the rights of the child in partner countries and is divided into two parts for each type of action: actions that the EU itself should undertake and actions that the EU encourage partners countries and relevant actors to undertake.

What is the difference between these Guidelines and the previous ones?

Both sets of Guidelines stress the importance of a systems-strengthening approach based on the General Measures of Implementation of the UNCRC General Comment 5 (see below). However, the revised Guidelines are more detailed in order to provide more concrete guidance on how to implement this approach. They also outline in more detail what is meant by a rights-based approach and how to operationalise it. All in all, the new Guidelines are more up-to-date, more focused and clearer in how EU officials should contribute to promoting and protecting the rights of the child.

What is a rights-based approach?

In the EU Strategic Framework on Human Rights and Democracy⁶, adopted in June 2012, the EU committed to move towards a rights-based approach encompassing all human rights. Applied to children, it means that the EU must integrate all children’s rights standards and principles into the design, implementation, monitoring and evaluation of all its policies and programmes.

The rights-based approach is based on the universality and indivisibility of human rights (i.e. everyone has the same rights and no one can take those rights away from you), on the principles of participation, non-discrimination, transparency and accountability and on trying to find long-term solutions to the root causes of violations. Taking a rights-based approach means we particularly try to reach the most marginalised.

In the case of children’s rights there are also four very special rights, called the General Principles of the UNCRC (the best interests of the child, non-discrimination, the right to be heard and the right to life, survival and development) which guide the interpretation and implementation of all the other articles in the Convention. They should therefore be taken into consideration in the design and implementation of EU policy and actions on the rights of the child.

You can find more information in the Staff Working Document on a rights-based approach, which contains a “tool-box” for the implementation⁷.

What do we mean by mainstreaming children’s rights?

Mainstreaming consists in systematically integrating the rights of the child in all policies, actions and programmes of the EU. Mainstreaming children’s rights means that no matter what issue is under consideration, officials of EU institutions and EU Member States must ensure that they take into consideration a children’s angle (i.e. a benefit to children).

6. EU Strategic Framework and Action Plan on Human Rights and Democracy, 11855/12, June 2012.

7. 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).

It also means that officials of EU institutions and EU Member States 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 extends the integration of children's rights beyond traditional child-focused sectors, such as nutrition, health and education, to other sectors such as energy, agriculture, transport or environment. It is very important to be aware that there are very few, if any, child-neutral policies or programmes: most have impacts on children directly or indirectly, positively or negatively. Moreover, many sectors are very often interlinked.

What is “systems-strengthening” and why have the guidelines adopted this approach?

When a State ratifies the UNCRC, it takes on obligations under international law to implement all the Convention's provisions. This means that States have the obligation to protect the rights of all children through the appropriate measures, structures and resources. All systems have a number of elements. Key ones include, for example, legislation and policies, budget allocations, service provision, coordinating and monitoring bodies, data collection, awareness-raising and training. All the elements of the system must be put in place and work properly if a system as a whole is to function properly. The same is true for children's rights. So, for example, all legislation must uphold, and preferably promote, children's rights, budgets must be set aside for services for children in line with realising their rights (e.g. education, health care). This is known as a system-strengthening approach.

What is the difference between the General Measures of Implementation (GMI) and the systems-strengthening approach?

There is no difference between the General Measures of Implementation (GMI) as set out in General Comment No. 5⁸, in other words the wide range of measures identified to implement the UNCRC, and the systems-strengthening approach. The GMI purposely focus on the elements of the system so that children's rights will be realised.

How will the EU change its way of working on children's rights under the revised Guidelines?

One of the aims of the Guidelines is to make the work of all officials of EU institutions and EU Member States less ad hoc as regards children's rights, not least by offering concrete examples of how and when to raise children's rights through the system-strengthening approach. They also intend to show how children's rights are relevant for all officials, no matter the level or the issue and sector being worked on. As a result of these Guidelines, the EU's work to promote and protect the rights of the child should become more sustained, sustainable, consistent and considered.

How do these Guidelines relate to the other Human Rights Guidelines?

The EU has adopted 11 EU Human Rights Guidelines. Most EU Human Rights Guidelines complement the Guidelines on the Promotion and Protection of the Rights of the Child; it is therefore important that all officials of EU Institutions and EU Member States are aware of and refer to them.

You can find them here:

https://eeas.europa.eu/headquarters/headquarters-homepage/8441/human-rights-guidelines_en

All human rights are interlinked and interdependent, so some of the rights covered in the Guidelines on the Rights of the Child may be covered in greater detail in other Guidelines.

8. 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.

Will there be any funding available to support the implementation of the Guidelines?

There will not be additional funding to support the implementation of these Guidelines. These Guidelines address the approach that the EU takes to promoting and protecting children's rights in its relations with partner countries. As such, many of the activities do not actually cost money, including for instance training officials in the rights of the child and offering occasions for awareness-raising. The regular financial support to rights of the child, mainly under Commission funding programmes, will continue.

What sort of concrete actions could be carried out to implement these revised Guidelines?

A wide number of actions are outlined in the 'Operational Guidelines' section of the Guidelines. They are divided into actions that EU actors can undertake to promote and protect the rights of the child and others that the EU should encourage governments and/or other actors to undertake. Below are some examples taken from the Guidelines.

The EU should support and encourage partner countries to:

- Adopt a national strategy on the rights of the child based on a child rights gender- sensitive analysis of the situation of children in the country.
- Design and implement child sensitive national budgeting to make children visible in budgets, especially children in vulnerable situations⁹.
- Develop and strengthen independent institutions on the rights of the child, including national human rights institutions (NHRIs) and/or ombudspersons for children.
- Collect and use of disaggregated data as it makes inequality and discrimination visible.

Actions for the EU include:

- Ensure staff has the opportunity to benefit from training on a rights-based approach to development cooperation, encompassing all human rights.
- Draw on the EU-UNICEF Child Rights Toolkit to reinforce child-sensitive programming in all sectors.

Will there be a review of the implementation of these Guidelines?

The Council Working Party on Human Rights (COHOM) will support the implementation of the Guidelines. Reviews of the implementation of the Guidelines will take place at regular intervals.

9. 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.

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