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EU Guidelines



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

Key Messages



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■ The EU Guidelines on the Promotion and Protection of the Rights of the Child are based on the UN Convention on the Rights of the Child. All EU Member States are party to the UNCRC, the most widely ratified human rights treaty in history. The UNCRC defines a child as any person below the age of 18 years. Adopted in 1989, the Convention outlines the care, treatment, survival, development, protection and participation rights of all children. It was the first international instrument to explicitly recognise children as social actors and active holders of rights.

■ There are four very special rights, called the General Principles of the UNCRC, which guide the interpretation and implementation of all the other articles in the Convention. These General Principles should guide all EU external action, in all sectors, in the promotion and protection of the rights of the child. These Principles are also the very basis of a **rights-based approach**.

Non-discrimination (Article 2): 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.

Best interests of the child (Article 3): The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.

Right to life, survival and development (Article 6): Children have the right to life; and States must ensure to the maximum extent possible the survival and full development of a child.

Respect for the views of children (Article 12): 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.

■ In light of the adoption of the 2030 Agenda on Sustainable Development and the commitment to “leave no one behind”, Article 2 of the UN Convention on the Rights of the Child is of particular importance. It addresses non-discrimination and stipulates that all the rights in the UNCRC apply to all children without exception. It is the State's obligation to protect children from any form of discrimination and to take positive action to promote their rights. However, currently millions of children are, for example, missing out on basic services such as decent healthcare and quality education not only because of poverty but also because they may face discrimination – based on their ethnic background, their gender, the region of the country they live in, a disability, their migrant or refugee status or other aspects of their identity.

■ Through these Guidelines, the EU is seeking to promote and protect equally all the rights that children have, but will focus especially on the most marginalised children in an effort to leave no child behind. The EU is therefore taking a **systems-strengthening approach**, based on the General Measures of Implementation of the UNCRC General Comment 5¹, to ensure that every element of partner countries' own national systems are better able to protect and fulfil children's rights.

■ What is a systems-strengthening 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

1. 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.

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 and 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. By implementing a system-strengthening approach, States address the full spectrum of the rights of the child and not one issue alone.

■ The Guidelines also outline what is meant by a rights-based approach and how to operationalise it. In the EU Strategic Framework on Human Rights and Democracy², adopted in June 2012, the EU committed to move towards a rights-based approach. As 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 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 most particularly try to reach the most marginalised.

■ There are very few, if any, child-neutral policies, actions or programmes: most have impacts on children directly or indirectly, positively or negatively. These Guidelines underline the importance of systematically **mainstreaming** the rights of the child in all policies, actions and programmes of the EU. This approach 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 or environment. We must also bear in mind that many sectors are very often interlinked and interdependent.

■ Given the cross-cutting nature of the rights of the child, these Guidelines are aimed at all officials of EU institutions and EU Member States working on external relations, i.e. foreign, security, migration, trade and other policies, whether in Brussels, in EU Delegations or Member State embassies. They are not only for officials working in human rights divisions or the Human Rights or Gender focal points!

■ The EU must ensure consistency and coherence of its approach so that no policy or action in any domain should undermine the realisation of any child's rights.

■ 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. Prioritizing children's rights in budgets, at both national and subnational levels, as required by the Convention, not only contributes to realizing those rights but also to sustainable and inclusive development.

■ The "Operation Guidelines" section outlines some actions that the EU itself must undertake to promote and protect the rights of the child and other actions on which the EU should work with partner countries and other stakeholders in order to achieve better results for children.

■ The Guidelines show how best to make use of the important "EU-UNICEF Child Rights Toolkit: Integrating Child Rights in Development Cooperation" which takes a rights based approach to development programming, budgeting, policy-making and law-making.

<http://www.unicef.org/eu/crtoolkit/toolkit.html>

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

#EU4children