



Council of the
European Union

Luxembourg, 3 April 2017
(OR. en)

7775/17

COHOM 44
CFSP/PESC 300
DEVGEN 49
FREMP 37

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

On: 3 April 2017

To: Delegations

No. prev. doc.: 7533/17 COHOM 39 COPS 102 CFSP/PESC 271 DEVGEN 46 FREMP 34

Subject: Council Conclusions on the Promotion and Protection of the Rights of the
Child

– Council conclusions (3 April 2017)

Delegations will find in the Annex the Council Conclusions on the Promotion and Protection of the Rights of the Child, adopted by the Council at its 3530th meeting held on 3 April 2017.

**COUNCIL CONCLUSIONS ON THE PROMOTION AND PROTECTION OF
THE RIGHTS OF THE CHILD**

Foreign Affairs Council, 3 April 2017

1. The Council is deeply concerned at the ongoing and grave violations and abuses of human rights faced by so many children across the world. The EU recognises every child as a rights holder and seeks to promote the protection of the rights of the child throughout the world and to ensure respect for the best interests of the child in all policies affecting children. In light of the adoption of the 2030 Agenda on Sustainable Development¹ and its guiding principle to "leave no one behind", the New York Declaration for Refugees and Migrants², and in line with the EU's commitment to mainstreaming human rights across all policy sectors in the context of EU external action reaffirmed in the Global Strategy³, the Council welcomes the revised Guidelines on the Promotion and Protection of the Rights of the Child (hereinafter 'the Guidelines'), which aim to strengthen efforts to ensure that children in the most marginalised and vulnerable situations are reached effectively by EU policies and action. The Council also recalls the Council Conclusions on the Promotion and Protection of the Rights of the Child (December 2014)⁴ and the EU Guidelines on Children and Armed Conflict (June 2008).

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

² New York Declaration for Refugees and Migrants, A/71/L.1*, 13 September 2016

³ Global Strategy for the European Union's Foreign and Security policy

<https://europa.eu/globalstrategy/en/global-strategy-foreign-and-security-policy-european-union>

⁴ The Council Conclusions on the Promotion and Protection of the Rights of the Child (December 2014) primarily address EU internal policy.

2. The Council considers it important that these Guidelines promote a systems-strengthening approach by identifying all the necessary measures, structures and actors which need to be in place to protect all the rights of all children, including and especially those in the most vulnerable and marginalized situations, such as, but not limited to, internally displaced, migrant and refugee children, unaccompanied children, children with disabilities, children belonging to a minority group, those who live in poverty or in conflict and fragile situations, children deprived of their liberty or in conflict with the law, children deprived of education and children forced to work, victims of child, early and forced marriages and other harmful practices, such as female genital mutilation. This approach also takes into account the different gender and age based needs of girls and boys.
3. The EU will continue to actively engage in the processes leading to the elaboration of the Global Compact on Refugees and Global Compact on Migration. In this context, the Council highlights the need to protect the human rights and fundamental freedoms of all refugee and migrant children, regardless of their status, and give primary consideration at all times to the best interests of the child, including unaccompanied children and those separated from their families, in full compliance with the UN Convention on the Rights of the Child (UNCRC) and its Optional Protocols; striving to provide refugee and migrant children with a nurturing environment for the full realization of their rights and capabilities. The protection of children is mainstreamed in all segments of the European migration policy.

In line with the Guidelines, the Council in particular:

4. Reaffirms that the UNCRC and its three Optional Protocols; on the Sale of Children, Child Prostitution and Child Pornography, on the Involvement of Children in Armed Conflict and on a Communication Procedure, constitute the primary international standards in the promotion and protection of the rights of the child. The EU will continue to support and encourage partner countries to ratify and implement these instruments.

5. Underlines the indivisibility of the rights of the child as set out in the UNCRC and the primary consideration to be given to all four General Principles of the Convention; the best interests of the child, non-discrimination, the right to be heard, and the right to life, survival and development, which guide the implementation of all the other articles in the Convention.
6. Reaffirms the importance of promoting gender equality between all boys and girls by paying particular attention to addressing gender-based discriminations and violence, including sexual violence, and ensuring the empowerment of girls, because it is often girls who are left furthest behind. To this end the Council recalls the EU Guidelines on Violence against Women and Girls and Combating all Forms of Discrimination against them.
7. Underlines the need to enhance children's ability to participate in decision-making and processes which concern them, in line with article 12 of the UNCRC and General Comment 12⁵.
8. Recalls its Conclusions of 19 May 2014 on a rights-based approach to development cooperation, encompassing all human rights, and welcomes the promotion of a rights-based approach to systems-strengthening guided at all times by the UNCRC, as set out in these Guidelines.
9. Acknowledges, in line with the European Commission proposal for a new European Consensus on Development⁶, that the EU should further reinforce the mainstreaming of the rights of the child in all sectors and all programming and reinforce child-sensitive programming. With regard to EU funding programmes in EU external action, the Council invites the Commission and the EEAS to further roll out requirements that beneficiaries working directly with children have child safeguarding policies in place as a pre-condition for EU funding.

⁵ General Comment 12, the right of the child to be heard, CRC/C/GC/12, July 2009

⁶ Proposal for a new European Consensus on Development Our World, our Dignity, our Future, COM(2016) 740 final, 22 November 2016

10. Recognises the need to support and encourage partner countries to adopt a national strategy on the rights of the child, based on a child rights- and gender sensitive analysis of the situation of children in the country. Subsequently, child sensitive national budgeting should be designed and implemented to make children visible in budgets, especially children in vulnerable situations⁷.
11. Welcomes the importance given to encouraging and supporting partner countries to collect and use disaggregated data, which makes inequality and discrimination visible; by gender, age, income, disability and other factors, and provide information on marginalized, vulnerable and hard-to-reach groups, inclusive governance and other issues, consistent with the EU's rights-based approach.
12. Acknowledges the importance of encouraging and supporting partner countries to enact and review 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 as well as to develop and strengthen independent institutions on the rights of the child, including National Human Rights Institutions (NHRIs) and/or ombudspersons for children and governmental mechanisms for coordinating action among government departments at all levels and between government and civil society.

⁷ 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.

13. The Council reaffirms its support to 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 and UN Special Procedures and mechanisms, in particular the Special Rapporteur on Sale and Sexual Exploitation of Children, including child prostitution, child pornography and other child sexual abuse material, the Special Representative of the UN Secretary-General on Children and Armed Conflict and the Special Representative on Violence against Children, and the Security Council Working Group on Children and Armed Conflict.

 14. The operationalisation of the Guidelines is a joint undertaking and a shared responsibility of EU institutions and Member States, in capitals and on the ground. The Council Working Party on Human Rights (COHOM) will support the implementation while involving, when appropriate, other Council working groups. Regular exchanges of views will be held on the implementation, evaluation and review of these Guidelines. The Council calls on the High Representative to complement these general Guidelines with specific guidance to EU Delegations on issues such as child protection.
-