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**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE
EUROPEAN PARLIAMENT, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

A Special Place for Children in EU External Action

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1. INTRODUCTION

The European Union is firmly committed to promoting children's rights and responding to their basic needs as an integral part of both its internal and external policies. As part of the process of honouring this commitment, the Communication "*Towards an EU Strategy on the Rights of the Child*", adopted on 4 July 2006, outlines a process for developing a long-term strategy for the EU on children's rights.

One of the initiatives identified in the 2006 Communication is the elaboration of an Action Plan on Children in External Action. The present Communication, with the attached Staff Working Papers on '*Children's Rights in External Action*' and on '*Children in Situations of Emergency and Crisis*' is intended to contribute to the development of such a long-term strategy in connection with the EU *Guidelines for the Promotion and Protection of the Rights of the Child*, adopted by the Council in December 2007.

The attached Action Plans support an enhanced role for the EU in the global challenge to ensure the respect and promotion of children's rights together with identifying specific actions on the part of the European Commission.

2. WHY CHILDREN MUST HAVE A SPECIAL PLACE IN EU EXTERNAL ACTION

The importance of children and their healthy development for their societies and the special attention required to ensure the full realisation of their rights, have not, so far, been given sufficient priority. Children and adolescents¹ comprise one third of the world's population and constitute more than half of the population in most developing countries. As a group they form a unique constituency with a particular set of needs and rights. However, their rights are regularly abused or neglected and their voice goes unheard even when decisions are to be taken on matters which directly concern them.

Investing in children and young people today means investing in the future. Young people with a good education, positive ideals, skills and a sense of social responsibility are likely to become adults with a commitment to sound social values, ready and able to make a constructive contribution to the economic and social development of their communities. Children and young people with these positive qualities are also likely in their turn to become caring parents for their own children.

¹ Children include all people under 18 years, as stipulated by the UN CRC (Convention on the Rights of the Child). The additional reference to adolescents is intended to better reflect the identification of children themselves in the different age groups under 18.

Ultimately progress in the condition of children is essential if we are to prevent state fragility and ensure long-term sustainable development, social cohesion, stability and human security at national, regional and global levels.

The fight against those crimes which particularly affect children, such as trafficking in human beings, must be based on concrete measures to protect children from violence and exploitation. Preventive measures must be combined with assistance to child victims of these crimes so as to ensure their rehabilitation, recovery and long-term social inclusion.

The European Union is fully committed to achieving the targets set by the Millennium Development Goals (MDGs). The majority of the MDGs are tied to the well-being and successful development of children and adolescents, including those on health, education, water and nutrition². They all relate to key challenges that put at risk the mental and physical development of children in many parts of the world. To date it appears probable that not all countries will be able to reach the MDG targets. Therefore, unless measures are taken to put children at the heart of development policies, the likelihood of achieving the MDGs will be significantly reduced.

Children must be placed at the centre of the EU's external relations, development and humanitarian aid policies because of their vulnerability. This is due to their youth, their relative inexperience and their dependence on adult care. They are especially vulnerable to the effects of family breakdown, to commercial exploitation and to trafficking. They are particularly at risk from the effects of state fragility and from armed conflict. They are vulnerable to nutritional and health risks which can threaten their normal development or even their very lives.

Children's rights are closely linked to the rights of their mothers. The absence of sexual and reproductive health and rights of mothers and the lack of basic social protection coverage have direct consequences for their children's health and wellbeing. Thus, one third of all pregnancies are neither desired nor planned; half of all mothers giving birth world-wide are not assisted by a trained midwife and over 3 million children annually die from complications that arise during or immediately after delivery. Many others will experience life-long consequences from their mothers' illness during pregnancy or from unsafe deliveries. Over 300.000 children annually are born HIV positive³. At least 10 million children die every year from preventable causes before reaching the age of five.

Education remains a major challenge. 72 million children worldwide are not attending school. 57% of this total are girls. For those children fortunate enough to be in school, the quality of the education they receive is highly variable.⁴

110 million children and adolescents are involved in child labour and are effectively deprived of the opportunity to receive an education. The employment of many of these children is in breach of the ILO Convention on the Minimum Age for Admission to Employment (1973). In addition, conditions in the workplace are often hazardous and the children themselves may work as slaves or be victims of trafficking in breach of ILO Conventions 29 on forced labour

² The MDGs on poverty and hunger (MDG1), education (MDG2), gender equality (MDG3), child survival (MDG4) as well as those on maternal health (MDG5), poverty diseases (MDG6) and water and sanitation (MDG7).

³ The World Health Report 2005: Make Every Mother and Child Count.

⁴ UNSECO EFA Global Monitoring Report 2007.

and 182 on the worst forms of child labour. Many job-seeking adolescents face great difficulties in finding Decent Work opportunities. Vocational training and skills-development programmes are often unavailable and many new entrants to the workforce are obliged to work in the informal economy with no social protection coverage. Adequate attention to education is paramount as a means to empower children and adolescents to play an active role in society and to fully contribute to the progress of their communities.

The absence of sexual and reproductive health and rights for adolescent girls encourages forced sexual relations, forced marriages, unwanted pregnancies and directly contributes to the rate of new HIV infections in developing countries.

There are groups of children and adolescents who have special needs and who are particularly at risk: children belonging to ethnic or other minorities, child migrants, displaced children or refugees, children affected by armed conflicts, child soldiers, orphans and children without parental care, children affected by HIV/AIDS, and children with disabilities, all warrant special attention. Girls are particularly vulnerable and face additional risks.

Children and adolescents are disproportionately affected by humanitarian crises whether man-made, such as armed conflicts, or arising from natural causes. In such circumstances, children suffer disproportionately from malnourishment and illness, leading to high mortality rates. They also form a large proportion of anti-personnel mine victims. Children are easy targets for recruitment by armed groups, sexual exploitation, forced labour and international trafficking. In times of crisis the risk of such abuses increases due to the weakening of traditional community protection and support mechanisms and the separation of children from their families. Long-lasting crises can have a devastating effect on children growing up in such an environment, creating “lost generations” with the risk of perpetuating conflict and crisis, since the children will have grown up knowing only violence and instability. Girls living in conflict areas or in camps for displaced persons and refugees are particularly exposed to different forms of violence, whether domestic or sexual.

In addition to these challenges, the voices of children and adolescents are generally unheard or unheeded in discussions and debates on decisions that will affect their lives whether at family, community, local, national or international levels. This inaudibility is in breach of Article 12 of the Convention on the Rights of the Child⁵.

3. NORMATIVE FRAMEWORK

Children’s rights are a part of universal human rights that the EU is committed to respect under international and European treaties, in particular the UN Convention on the Rights of the Child (CRC)⁶ and its two Optional Protocols⁷. The CRC establishes four general principles that apply to all actions affecting children: non-discrimination (Article 2), the best interests of the child (Article 3), the right of the child to survival and development (Article 6) and respect for the views of the child (Article 12). The European Union also embraces the

⁵ "Article 12: 1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

⁶ The full text of the UN CRC and its Optional Protocols is available at: www.ohchr.org.

⁷ On the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography

Millennium Declaration and the Millennium Development Goals. Further it advocates full implementation of the Cairo Agenda and the Beijing Platform for Action both of which contains provisions regarding the rights of children and adolescents. Finally the EU also supports the Plan of Action “A World Fit for Children” adopted at the conclusion of the UN Special Session on Children’s Rights (UNGASS) in 2002.

The promotion of children’s rights and responding to children's basic needs through the vehicle of the European Union’s external actions must be seen in the broader context of the EU’s commitment to promoting human rights in general. Thus, the European Charter of Fundamental Rights contains an explicit acknowledgement of the rights of children (Article 24), including their right to such protection and care as is necessary for their well-being, their freedom of expression, the right for their views to be taken into consideration, and the obligation to consider the children's best interests in all actions relating to them.

The 2006 Communication “*Towards an EU Strategy on the Rights of the Child*” describes the process of developing an EU long-term strategy on the rights of children, including improved coordination, consultation with stakeholders, more efficient mainstreaming of children’s rights and the assessment of the impact on children of existing EU actions. It commits the EU to promote and strengthen networking and children’s representation both within the EU and globally, and seeks to include them formally in all consultations and actions related to their rights and needs. The Communication also proposes children’s rights indicators and enhanced monitoring of the impact of existing actions on children.

A number of children’s rights in external relations are covered by existing specific EU development policies: for example those associated with education⁸, health⁹, employment, social inclusion, Decent Work¹⁰ and human trafficking¹¹. The protection of children’s rights is also given particular prominence in the EU’s human rights and democratisation policy towards third countries, especially in the context of implementing the *EU Guidelines on Children and Armed Conflict*¹². The Council recently adopted *EU Guidelines for the Promotion and Protection of the Rights of the Child*¹³, including an Implementation Strategy that identifies as a first priority area the issue of combating all forms of violence against children. These Guidelines advocate the promotion of synergies and the strengthening of inter-institutional cooperation. They include initiatives promoted by the European Commission on the rights of the child, as well as reinforcing coherence between activities undertaken by Member States and those of the European Union’s institutions.

The enlargement process is another powerful tool providing opportunities to promote children’s rights. One of the criteria for membership of the EU is that the candidate country

⁸ Education: the Communication “Education and training in the context of poverty reduction in developing countries” and the subsequent Council Resolution on “Education and poverty”.

⁹ The Communication on “[Health and poverty reduction](#)” and the reduction” and the [Council Resolution on health](#) ‘[Health and poverty](#)’, and the Communication and Programme for Action on poverty-related diseases in external action and the relevant Council conclusions. The Communication and Programme for Action on poverty-diseases in the external action, and its council conclusions.

¹⁰ The Communication “Decent Work for All”, EU Declaration on Globalisation adopted by the European Council of 14 December 2007”.

¹¹ The Communication on Trafficking of Human Beings also gives priority to children and the global dimension of trafficking.

¹² Adopted by The Council of the European Union adopted EU Guidelines on Children and Armed Conflict on 8th December 2003.

¹³ http://ec.europa.eu/external_relations/human_rights/guidelines/01_deathpenalty_1998/guidelines1_en.pdf.

has achieved stability of those institutions guaranteeing democracy, the rule of law, human rights and respect for and the protection of minorities. In the framework of these criteria developed by the European Council in Copenhagen in 1993, the Commission promotes the reform of child protection and closely monitors progress on children's rights throughout the accession process.

The present Communication also supports the development of an integrated approach to advance children's rights at the international level by using the different instruments available in the Union's external action. It starts from the premise that satisfying children's and adolescents' basic needs is essential for the realisation of their rights.

EU humanitarian aid provides a needs-based emergency response aimed at preserving life, preventing and alleviating human suffering and maintaining human dignity while respecting the fundamental humanitarian principles of humanity, neutrality, impartiality and independence. These principles imply that humanitarian aid must be provided solely on the basis of need, with particular attention to the most vulnerable individuals in the population. In this context, the EU pays special attention to the needs of children and adolescents. Humanitarian aid decisions "must be taken impartially and solely according to the victim's needs and interests"¹⁴. They contribute "to the protection of the human rights of the victims of armed conflicts or natural disasters"¹⁵, and are implemented in a manner consistent with the applicable international law.

There are also commitments relating to children in specific geographical regions. For example the Cotonou Agreement contains provisions regarding human rights and children's rights, including the active participation of young citizens in public life¹⁶. The EU Strategies for Africa, the Caribbean and the Pacific specify as priority areas, children's rights, child labour, education, health and basic services and the special attention necessary for vulnerable children. The European Neighbourhood and Partnership Instruments make specific reference to children's rights (including child labour) as being among the areas of cooperation eligible for Community assistance. The EU Strategy for Latin America and the Vienna Declaration of Ministers attending the EU-LAC Summit in 2006 made commitments to "ensure the respect and implementation of the rights of the child" (Article 5) and recognises the need to "generate specific public policies for the protection of children and youth and to break the cycle of poverty". Improved cooperation between the EU and the Association of South East Asian Nations (ASEAN) in the field of combating child trafficking is specifically envisaged in the Action Plan adopted at the EU-ASEAN Summit that took place in November 2007.

¹⁴ Council Regulation (EC) No 1257/96 concerning humanitarian aid.

¹⁵ The Communication COM(2001) 252 final "The European Union's role in promoting human rights and democratisation in third countries".

¹⁶ Article 26 (youth issues) states that "cooperation shall support policies, measures and operations aimed at protecting the rights of children and youth, especially those of girl children" and "promoting the active participation of young citizens in public life".

Article 33 (institutional development and capacity building) also states that "cooperation shall play systematic attention to institutional aspects and in this context, shall support the efforts of the ACP States to develop and strengthen structures, institutions and procedures that help topromote and sustain universal and full respect for and observance and protection of all human rights and fundamental freedoms".

4. THE NATURE OF THE EU'S RESPONSE

The aim of this Communication, together with the accompanying Action Plan on *Children's Rights in External Action* and the Staff Working Paper on *Children in Situations of Emergency and Crisis*, is to establish a framework for a comprehensive EU approach towards the protection and promotion of children's rights in third countries. Such an approach must be based on a holistic and universally applicable view of children's rights and be part of broader development and poverty reduction strategies.

The specificity of the situation of children and adolescents in each country, sub-region or region demands that each circumstance be individually analysed to ascertain which of a number of possible instruments will provide the EU with the most appropriate response. In many countries, governments are unable and/or inadequately committed to promote and protect children's rights. Ensuring effective complementarity between the different policy tools and financial instruments of the EU as well as the European Development Fund is indispensable. The EU will maximise and coordinate the use of the available instruments in its external action as follows:

- (1) *Children and adolescents in development cooperation.* In countries where financial and institutional capacities are too weak to guarantee children's access to acceptable living conditions and to basic services, the EU should make full use of development cooperation and poverty eradication measures designed to address the root causes of poverty. At the same time, the rights and needs of children and adolescents should be effectively mainstreamed across various national policies.
- (2) *Children and adolescents in trade policy:* EU trade policy is formulated recognising fully the need to ensure that it is consistent with the protection and promotion of children's rights. In trade policy the promotion of children's rights is part of the broader agenda of sustainable development. In bilateral agreements the issue of children's rights is covered by labour standards.
- (3) *Children and adolescents in the political dialogue.* In view of the central role of political dialogue between the EU and the national authorities, systematic consideration should be given in these dialogues with partner countries to the implementation of commitments under the Convention on the Rights of the Child. The same point should be made in EU actions in international fora.
- (4) *Regional and global actions.* Country-level actions will be supplemented by appropriate actions at a regional and at the global level addressing issues that have a supra-national character.
- (5) *Empowerment of children and adolescents.* The EU should address the lack of capacity to meet obligations with regard to children's rights by empowering children and adolescents to play an active role in those matters that affect them directly.
- (6) *Children and adolescents in humanitarian aid.* In countries on the verge of conflict, actually in conflict or emerging from conflict, children's needs are often unrecognised or ignored and their rights regularly violated. Humanitarian aid is also used in the case of humanitarian crises resulting from natural disasters where governments are overwhelmed, unable or unwilling to act. Humanitarian aid will address, *inter alia*, three crucial issues related to children during crises and emergencies:

- (a) separated and unaccompanied children,
- (b) children associated with armed forces or armed groups,
- (c) children's education in emergencies.

The Staff Working Papers annexed to this Communication explore in greater detail the integration of the concerns of children in external relations and the situation of children in the context of humanitarian aid.