



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 27 May 2008

9739/08

**DEVGEN 86
COHOM 58
PESC 626
RELEX 347
CONUN 55
SOC 304
JEUN 60
COSDP 427
ACP 79
JAI 268**

NOTE

from : General Secretariat
on : 26 May 2008

No. prev. doc. : 9497/08

Subject : Conclusions of the Council and the Representatives of the Governments of the Member States meeting within the Council on the promotion and protection of the rights of the child in the European Union's external action - the development and humanitarian dimensions

At their meeting on 26 May 2008, the Council and the Representatives of the Governments of the Member States meeting within the Council adopted the Conclusions set out in the Annex to this note.

**Conclusions of the Council and the Representatives of the Governments of the Member States
meeting within the Council on
the promotion and protection of the rights of the child in the European Union's external
action - the development and humanitarian dimensions**

1. Promoting and protecting the rights of the child¹ through the EU's external action is part of the EU's commitment to promote human rights using all available instruments.
2. The Council has established a framework for a comprehensive EU approach towards the protection and promotion of the rights of the child in third countries, that also takes into account the full implementation of the Cairo Programme of Action and the Beijing Platform for Action, both of which contain provisions regarding the rights of children and adolescents: the EU Guidelines for the Promotion and Protection of the Rights of the Child² and the EU Guidelines on Children and Armed Conflict³. The EU Guidelines for the Promotion and Protection of the Rights of the Child spell out the priorities and objectives of, and operational tools for, EU action, and elaborate on implementation, monitoring, reporting and assessment. They provide a holistic and universally applicable view of the rights of the child, support the mainstreaming of the rights of the child in EU policy and action, and are the basis for worldwide respect, promotion, protection and fulfilment of the rights of the child. There are also commitments relating to children in the framework of EU relations with geographical regions and international and regional organisations.

¹ In accordance with the UN Convention on the Rights of the Child, children are all people under 18 years, unless under the law applicable to the child, majority is attained earlier.

² Doc. 16031/07 and 16457/07.

³ Doc. 15634/03.

3. Consequently, the Council affirms the importance of a comprehensive and integrated human rights-based approach towards the promotion and protection of the rights of the child, as embodied in the UN Convention on the Rights of the Child (CRC) and its two optional protocols, encompassing all areas of EU external action. The EU is committed to actively examine how it can best achieve this goal using available instruments in all different formats of political dialogue between the EU and its Member States and third countries, trade negotiations, development cooperation, humanitarian aid and action in multilateral fora. In this context, the Council welcomes the Commission Communication: A Special Place for Children in EU External Action and its attached staff working documents.⁴
4. The Council underlines its commitment to supporting the fight against all forms of child labour.⁵ The Council also emphasises the need for EC negotiations and EU agreements with third countries to promote the ratification and compliance with the ILO Conventions on Child Labour and contribute to the elimination of all forms of child labour.⁶ The Council underlines the importance of dialogue with partners on child labour issues, and calls on the Commission to analyse the impact of positive incentives on the sale of products that have been produced without using child labour and to examine and report on the possibility of additional measures, including trade related measures, on products that have been produced using the worst forms of child labour, in compliance with WTO obligations. The Commission is also asked to examine how Corporate Social Responsibility, codes of ethical conduct and other actions can help ensuring transparency, including by informing consumers how products are made.

⁴ Doc. 6175/08 + ADD 1 + ADD 2.

⁵ ILO Convention 138 and ILO Convention 182.

⁶ ILO Convention 138 and ILO Convention 182.

5. The European Consensus on Development⁷ includes the rights of the child in the development activities under the Millennium Development Goals (MDGs) agenda and the economic, social and environmental dimensions of poverty eradication in the context of sustainable development. The European Consensus on Humanitarian Aid⁸ highlights the specific attention required to meet the needs of vulnerable children. The Council has decided to provide further guidance on specific commitments in relation to the development and humanitarian dimensions.

The Development dimension

6. The Council firmly believes that development cooperation makes an essential contribution to the promotion and protection of the rights of the child within the overall framework set out in the above mentioned EU Guidelines. The rights of the child in development cooperation can be promoted and protected through:
- specific actions and particular focal areas;
 - effective mainstreaming throughout all programmes and related dialogue.
7. With due regard to policy coherence for development and the EU Code of Conduct on Complementarity and Division of Labour, the aim should be to ensure effective complementarity between different EU policy tools and financial instruments.
8. The Council notes that the specificity of the situation of boys and girls 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, tailor-made response to the children concerned with a special focus on girls. The Community instruments that are of particular importance for improving the attention to children in the country and thematic context are the thematic programme Investing in People and the European Instrument for Democracy and Human Rights.

⁷ OJ C 46, 24. 2. 2006, p. 1.

⁸ OJ C 25, 30. 1. 2008, p. 1.

9. EU actions on the rights of the child should also find synergies with the overall efforts carried out by the United Nations, in particular UNICEF, UN human rights mechanisms, including special procedures and treaty bodies, in particular the Committee on the Rights of the Child.
10. The Council further recalls the importance of political dialogue with partner countries. Dialogue with all relevant stakeholders, such as civil society (including youth organisations), local authorities and the private sector is also important, particularly in situations of fragility where central governments and relevant institutions lack the capacity or willingness to protect and promote the rights of the child.

Poverty eradication and MDGs

11. The EU remains fully committed to poverty eradication in the context of sustainable development, and to reaching the targets set by the MDGs. Most of the MDGs are closely linked to the rights, well-being and successful development of children. Hence, promotion and protection of the rights of the child, as well as fulfilment and satisfaction of their needs, are fundamental to achieving the MDGs and sustainable development.
12. The EU recalls that more substantive progress is needed to attain the MDGs, most of which are off-track in relation to children, especially but not solely in Sub-Saharan Africa. The Council therefore underlines that the EU should make full use of development cooperation and poverty eradication measures in order to tackle the root causes of poverty and thus address children's rights and needs.

13. In line with the principles of ownership and partnership contained in the Paris Declaration on Aid Effectiveness⁹, EU development efforts should be directed towards further strengthening partner countries' own systems and capacities for delivering basic services without discrimination, including:

- universal birth registration;
- access to safe drinking water, sanitation, adequate nutrition and shelter;
- universal and free access to basic health services;
- protection from violence and exploitation, including child labour;
- free, compulsory and universal primary education;
- access to sexual and reproductive health care and education;
- adequate vocational training and skills-development schemes;
- opportunities for productive employment and decent work after the minimum age of labour.

Capacity building can be channelled and sustained through strengthened child protection systems and community-based networks.

The Humanitarian Dimension

14. The Council underlines that, due to their particular vulnerability, children are disproportionately affected by humanitarian crises, whether man-made or arising from natural causes, including climate change. In times of crisis, there is also an increased risk of children becoming the victims of different forms of human rights violations like recruitment by armed forces or groups, sexual exploitation, domestic violence, forced labour, human trafficking and physical (including malnutrition) and psychological trauma. Children may be separated from their family. Girls living in conflict areas or in camps for displaced persons or refugees are particularly exposed to rape, different forms of other sexual violence, HIV/AIDS, other abuse, and to the consequences.

⁹ <http://www.oecd.org/dataoecd/11/41/34428351.pdf>

15. The response to these situations requires effective and quick interventions addressing vital needs, while establishing conditions and links for longer-term development policies and access to basic services. It further requires mainstreaming on the basis of children's needs differentiated according to gender, age and situation in all phases of humanitarian interventions, including preparedness and contingency planning.
16. In this context, the EU will pay special attention to the needs of children, in accordance with the European Consensus on Humanitarian Aid. The Council highlights the need to address in particular three specific issues related to children during crises and emergencies and welcomes the approach of the Commission on these issues¹⁰:
- separated and unaccompanied children, including measures to prevent separation, to re-establish family links and to support orphans and vulnerable children affected by HIV/AIDS;
 - children associated with armed forces or armed groups, in line with the 2007 Paris Commitments and Principles¹¹, in particular in the areas of preventing their recruitment and ensuring their unconditional release and reintegration, with special attention being paid to girls;
 - children's education in emergencies, in particular by: i) promoting education activities as a child protection tool and using school as a place of awareness raising and prevention; ii) addressing specific challenges related to education in refugee camps and to the return to origin countries and communities.

¹⁰ Doc. 6175/08 ADD 1.

¹¹ Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and Paris Principles and Guidelines on children associated with armed forces or armed groups (Paris, 5-6 February 2007 - <http://www.un.org/children/conflict/english/parisprinciples.html>).

Improve mainstreaming

17. The Council believes that the rights of the child should not only be promoted through specific actions, as set out above, but also through effective mainstreaming across EU development cooperation tools, particularly within all country and regional programmes and strategies. Mainstreaming is especially important for general budget support and for key sectors, such as social sectors (especially health, education and social protection for all children), rural development (with emphasis on food security and access to safe water)¹² and governance.
18. The Council recalls that according to the CRC children are primarily considered as rights holders and constructive actors. This should be reflected in development, democratization and peace-building processes and children should receive special support to develop their full potential as agents of change, including their ability to participate and express their views. Empowerment and participation of children throughout the programme cycle at local and national level, as well as the role of families in this context, should be strengthened. The fact that the rights of children are closely linked to the rights of their mothers should also be taken into account. 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.
19. The EU should therefore pay specific attention to the rights and needs of the child in programming, based on disaggregated data generation and analysis according to age and sex in order to account for children in policy, legislative and budgetary provisions.
20. The Council welcomes the development of a Children's Rights Toolkit that aims at strengthening capacities with partner countries, donors and other stakeholders to build a child rights approach into the full range of their work – legislation, policy, programming, budgeting effective mainstreaming and child participation – through assessments, guidelines, seminars, guidance on indicators and on child participation.

¹² This includes nutrition, drinking water, sanitation and environment.

Vulnerable groups of children

21. While all children should first and foremost be considered as rights-holders and actors, the Council recognizes that different groups of girls and boys are particularly vulnerable to all forms of violence and exploitation (including sexual violence and exploitation, trafficking, alleged conflict with the law, child labour) or may face specific crisis situations that increase their vulnerability.

22. The Council believes that special attention should be given to the specific rights and needs of boys and girls, and to particularly vulnerable groups of children, which include children belonging to ethnic minorities, migrants, displaced children or refugees, children affected by armed conflicts, orphans, separated or unaccompanied children, children living in extreme poverty, street children, children affected by HIV/AIDS, children with disabilities and indigenous children. The Council underlines that as far as possible the participation of these groups should be ensured so that their rights and needs can be adequately addressed and supported and so that they can be empowered in ways which are tailored to their specific circumstances and capabilities. Preventive measures, such as life skills education, should be combined with assistance to child victims so as to ensure their rehabilitation, recovery and long-term social inclusion, for which a gender-sensitive approach is imperative.

23. Due to the different needs of girls and boys, and the particular vulnerability of the girl child, gender equality should be mainstreamed throughout EU external actions on children. Actions should focus on sexual and reproductive health and rights, within the context of established EU positions, including to combat harmful traditional and customary practices, such as preventing early and/or forced marriages and female genital mutilation and cutting.

24. The Council especially emphasises the particular situation of children affected by armed conflict. A solid normative and policy framework¹³ for joint EU action is in place to address the violation of the rights of the child in the context of armed conflict and post-conflict situations. In this context, the Council recalls the EU Guidelines on Children and Armed Conflict (2003) and its Implementation Strategy and the EU Checklist for the Integration of the Protection of Children Affected by Armed Conflict into ESDP Operations (2006).¹⁴ This comprises further mainstreaming in CFSP and ESDP, including operations, i.a. those related to Disarmament, Demobilisation and Reintegration and Security Sector Reform.
25. The EU is actively committed to further enhancing its engagement in the issue of children affected by armed conflict. The most significant challenge for the EU lies in the strategic and comprehensive implementation of commitments at the country and regional level. To this end the Council underlines the urgent need (i) to address the commitment-implementation gap in development and humanitarian aid programmes and projects; (ii) to maintain the support during the transition from humanitarian aid operations to development cooperation activities; (iii) to avoid overlap of intervention areas at country level and (iv) to adopt community-based approaches to the greatest extent possible.
26. The Council emphasizes the importance of the existing tools, such as early warning mechanisms and the use of conflict-sensitive approaches. The Council also stresses the need to pay special attention to the recruitment of children, to the situation of their families and communities and to the establishment of protection systems. The contribution from civil society in this respect is crucial.

¹³ This framework includes, but is not limited to, the Convention on the Rights of the Child of 1989, the Optional Protocol on the involvement of children in armed conflict of 2000; UNSCR Resolution 1325 of 31 October 2000, the Geneva Conventions III and IV of 1949 and the Optional Protocol I and II of 1967; the Rome Statute of the International Criminal Court of 1998, UNSCR 1612 of 26 July 2005; the Council/Commission Joint Concept for Support to DDR; and the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (2007).

¹⁴ The Checklist for the Integration of the Protection of Children Affected by Armed Conflict into ESDP Operations (2006) is currently under review.

27. Furthermore, it will be important to ensure that the rights and needs of girls and boys in armed conflict are properly met, including by making financial tools and procedures more flexible to provide quick responses for programmes addressing their situation.
28. The Council further underlines the importance of raising awareness on the nature and extent of issues related to children affected by armed conflict, including the particular needs of girls, in order to improve knowledge and expertise on these issues at EU and country level and to share and/or jointly gather information, in particular data collection.
29. The Council also stresses the importance of investigating, prosecuting and punishing all those who have unlawfully recruited children into armed forces or groups or used them for active participation in conflict situations, in order to ensure that every effort is made to end a culture of impunity.

Linking Relief, Rehabilitation and Development (LRRD)

30. The Council recalls that national authorities in countries affected by humanitarian crisis retain the primary responsibility for protecting their populations, including children.
31. The Council recalls the importance of systematically linking relief, rehabilitation and development (LRRD) in all intervention areas. In this continuum, provision for education in emergencies should be integrated as early as possible into comprehensive longer-term policies. Similarly, provision of adequate health and nutrition services for children should be ensured both in emergency situations and on a long-term basis. Ensuring the unconditional release and reintegration of children formerly associated with armed forces or armed groups also has an important LRRD dimension, where the different needs of girls and boys should be taken into account.

Ensuring the way forward and follow up

32. The EU as a whole needs to ensure that its actions for addressing the rights and needs of the child, whether in relations to specific actions and particular focal areas or to effective mainstreaming in programmes and projects, are comprehensive and well articulated, in accordance with the above mentioned EU Guidelines and these Conclusions. The Council underlines the need to build strong partnerships with the UN bodies, in particular UNICEF, and other partnerships such as the Education for All-Fast Track Initiative¹⁵ and international NGOs.
33. Council calls on the Commission and the Member States to apply strengthened coordination and enhanced complementarity and division of labour across the different instruments and throughout the various steps of a programme cycle in relation to the rights of the child at country level to reduce fragmentation. As a first step the Commission with the support of the Member States should consider undertaking a mapping exercise with a view to taking stock of existing relevant policies, programmes, guidelines, actions and expertise in order to explore ways and means to increase the coherence and effectiveness of EU external action on children's rights and needs.
34. In order to achieve an integrated and comprehensive EU approach, the Council strongly encourages the Commission and the Member States to apply such an approach in a number of pilot cases, which will inform future policy. The choice of these pilot countries should take due account of the work undertaken in the framework of other child-related EU actions and as far as possible geographical balance. This process should be based on consultations with Member States.
35. To support the implementation of these Conclusions EU institutions and Member States are encouraged to enhance training of their officials on children's rights policy, drawing on the expertise of international partners. Efforts should be made to increase awareness and understanding of the rights of the child among policy makers, media and civil society.

¹⁵ <http://www.education-fast-track.org>.

36. The Council requests the Commission to present a report by the beginning of 2011 that will measure progress in implementation of these Conclusions in terms of results, on the basis of specific indicators to be determined in cooperation with Member States, in particular with respect to EU actions in selected pilot countries.
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