

Procedure file

Basic information		
INI - Own-initiative procedure	2007/2093(INI)	Procedure completed
Towards an EU strategy on the rights of the child		
Subject		
1.10 Fundamental rights in the EU, Charter		
4.10.03 Child protection, children's rights		
4.10.05 Social inclusion, poverty, minimum income		
4.10.10 Social protection, social security		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		13/09/2006
		UEN ANGELILLI Roberta	
	Committee for opinion	Rapporteur for opinion	Appointed
	AFET Foreign Affairs		17/10/2006
		NI BELOHORSKÁ Irena	
	DEVE Development		06/11/2006
		PSE KINNOCK Glenys	
	EMPL Employment and Social Affairs		
	CULT Culture and Education		12/09/2006
	PSE GRÖNER Lissy		
JURI Legal Affairs		29/01/2007	
	PPE-DE LÓPEZ-ISTÚRIZ WHITE Antonio		
FEMM Women's Rights and Gender Equality (Associated committee)		20/12/2006	
	PPE-DE PANAYOTOPOULOS-CASSIOTOU Marie		
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	2839	10/12/2007
European Commission	Commission DG	Commissioner	
	Justice and Consumers	FRATTINI Franco	

Key events			
04/07/2006	Non-legislative basic document published	COM(2006)0367	Summary
26/04/2007	Committee referral announced in		

	Parliament		
26/04/2007	Referral to associated committees announced in Parliament		
10/12/2007	Resolution/conclusions adopted by Council		Summary
18/12/2007	Vote in committee		Summary
20/12/2007	Committee report tabled for plenary	A6-0520/2007	
15/01/2008	Debate in Parliament		
16/01/2008	Results of vote in Parliament		
16/01/2008	Decision by Parliament	T6-0012/2008	Summary
16/01/2008	End of procedure in Parliament		

Technical information

Procedure reference	2007/2093(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/43585

Documentation gateway

Non-legislative basic document		COM(2006)0367	04/07/2006	EC	Summary
Document attached to the procedure		SEC(2006)0888	04/07/2006	EC	
Document attached to the procedure		SEC(2006)0889	04/07/2006	EC	Summary
Committee opinion	DEVE	PE386.415	07/06/2007	EP	
Committee opinion	EMPL	PE386.547	12/06/2007	EP	
Committee opinion	CULT	PE388.396	26/06/2007	EP	
Committee opinion	FEMM	PE388.542	27/06/2007	EP	
Committee draft report		PE390.381	10/07/2007	EP	
Committee opinion	AFET	PE388.588	19/07/2007	EP	
Committee opinion	JURI	PE388.696	12/09/2007	EP	
Amendments tabled in committee		PE393.850	12/09/2007	EP	
Amendments tabled in committee		PE398.501	07/12/2007	EP	
Committee report tabled for plenary, single reading		A6-0520/2007	20/12/2007	EP	
Text adopted by Parliament, single reading		T6-0012/2008	16/01/2008	EP	Summary
Commission response to text adopted in plenary		SP(2008)1176	27/02/2008	EC	

Towards an EU strategy on the rights of the child

PURPOSE: to present an EU strategy on the rights of the child.

CONTENT: the purpose of this Communication is to propose the establishment of a comprehensive EU strategy on the rights of the child.

The EU, and its Member States, are bound to respect the rights of the child under international and European treaties – in particular the UNCRC; the Millennium Development Goals and the European Convention on Human Rights (ECHR). In March 2006, the European Council requested the Member States to take the necessary measures to rapidly and significantly reduce child poverty and to give all children equal opportunities regardless of their social background. This Communication gives effect to these decisions. The strategy is structured around seven specific objectives, each supported by a series of actions. In brief they are:

- 1) **Capitalising on existing activities while addressing urgent needs:** The Commission will follow-up its Communication on fighting trafficking in human beings; the Open Method of Co-ordination on Social Protection and Social Inclusions; the strategic partnership with the International Labour Organisation to fight child labour; and the EU guidelines on children in armed conflicts. In particular, the Commission will: attribute one single six digit telephone number within the EU for child help lines and one for child hotlines dedicated to missing and sexually exploited children; support the banking sector and credit card companies to combat the use of credit cards for purchasing sexual images of children on the internet; launch an Action Plan on Children in Development Co-operation; and promote a clustering of actions on child poverty in the EU.
- 2) **Identifying priorities for future EU action:** The Commission intends to analyse what it is that hinders children enjoying their full rights. The assessment will be updated every five years. It will tackle specific, critical areas rather than attempting to cover all areas of relevance. Concretely, the Commission will: assess the impact of existing EU actions affecting children's rights; issue a consultation document to identify future actions; and it will collect comparable data on children's rights.
- 3) **Mainstreaming children's rights in EU actions:** All internal and external EU policies must respect children's rights in accordance with the principles of EU law and provisions. The strategy will mainstream children's rights when drafting EU legislative and non-legislative actions that may impact upon children.
- 4) **Establishing efficient coordination and consultation mechanisms:** The Commission will seek to strengthen co-operation among the main stakeholders and make optimal use of existing networks and international organisations or bodies involved in children's rights. The purpose of this action will be: to bring stake holders together in a European Forum for the Rights of the Child; to set up a web-based discussion and work platform; to involve children in the decision-making process; to set up a Commission Inter-service Group; and to appoint a co-ordinator for the rights of the child.
- 5) **Enhancing capacity and expertise on children's rights:** All actors involved in implementing and mainstreaming children's rights (concerning both internal and external policies) should acquire the necessary knowledge and skills to help them with their work. To this end, the Commission will continue to make training available. Practical tools such as guidance notes and instructions will be improved, distributed and used as training material.
- 6) **Communicating more effectively on children's rights:** To raise awareness of children's rights, the Commission will design a communication strategy on children's rights as well as providing information on children's rights in a child-friendly manner.
- 7) **Promoting the rights of the child in external relations:** The EU will continue to enhance its active role in promoting the rights of the child in international forums and third country relations. The Union will continue to pay particular attention to the right of girls and children belonging to minorities and it will continue its on-going work on children in armed conflict. Lastly, the EU will also discuss the global study on violence against children which is currently conducted by the UN Secretary General's independent expert.

The Commission is committed to allocating the necessary human and financial resources in order to implement this strategy effectively. It will strive to secure the financial resources needed to fund the actions set out in the communication. In order to increase transparency the Commission will prepare an annual progress report. To conclude, the Commission calls on the Member States, on the EU institutions and on other stakeholders to take an active part in the development of this strategy in order to contribute to its success.

Towards an EU strategy on the rights of the child

This document accompanies the Commission's communication seeking to establish an EU Strategy on the Rights of the Child (COM(2006)0367). It is a Commission Staff Working Document providing a preliminary inventory of EU actions affecting Children's Rights.

The European Union has developed various concrete policies and programmes on children's rights using different existing legal bases, covering both internal and external aspects of the European Union across a broad range of issues. They may be summarized as follows:

Within the European Union:

- Policy on asylum, immigration and external frontiers;
- Health, safety and wellbeing of the child;
- Child poverty and social exclusion;
- Child labour;
- Children's participation;
- Civil justice and family matters;
- Education;
- Environment;
- Media and Internet;

- Non-discrimination;
- Violence against children.

Although children's rights are universal, different ways can be used to promote them: within the EU, legislation and funding programmes are widely used to promote children's rights.

In candidate countries, children's rights are given priority in the pre-accession strategy in order to fulfill the criteria for their membership of the Union (via, in particular, the pre-accession programmes).

As far as the rest of the world is concerned, the Union has a political mandate to promote children's rights in the framework of its external relations (political dialogue, development aid and humanitarian aid). The instruments used most frequently are:

- political dialogue;
- trade negotiations;
- development aid;
- humanitarian aid;
- future instruments in the Community's external policies: three horizontal to respond to particular needs (humanitarian aid, stability, macro-financial assistance) and three to implement particular policies and cover particular geographical areas (pre-accession assistance (IPA), the European neighbourhood and partnership instrument (ENPI) and the development cooperation and economic cooperation instrument (DCECI)).

Towards an EU strategy on the rights of the child

The Council adopted a series of conclusions regarding the Commission's Strategy on the Rights of the Child which can be summarised as follows:

- the Council welcomes and adopts the EU Guidelines on the Promotion and Protection of the Rights of the Child (including the implementation strategy). The Guidelines will be an integral part of the process of further strengthening the European Union's human rights policy in external relations;
- it notes that, together with the 2003 Guidelines on Children and Armed Conflict which will continue to guide EU actions in that specific area, the new set of Guidelines will enhance the European Union's activities in the promotion and protection of the Rights of the Child by promoting a comprehensive and strategic approach;
- by adopting these EU Guidelines for the Promotion and Protection of the Rights of the Child, the EU commits itself unreservedly to promoting and protecting all rights of the child as contained in key international and European legal human rights instruments, norms and standards as well as political commitments relevant to the promotion and protection of the rights of the child, in particular the Universal Declaration of Human Rights, Declaration of the Rights of the Child, the International Covenants on Human Rights, the Convention on the rights of the Child and its two Optional Protocols, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Statute of the International Criminal Court as well as the Millennium Development Declaration and Millennium Development Goals, the Declaration and Plan of Action "A World fit for Children" of the United Nations General Assembly (UNGASS) 2002;
- to allow for focused action, the EU has chosen "All Forms of Violence Against Children" as its first Priority Area and has adopted, together with the Guidelines, an Implementation Strategy for specific measures to be taken in that area;
- lastly, the Council reaffirms the EU's determination to observe as a matter of priority in its external human rights policy the promotion and protection of all rights of the child, i.e. persons below the age of 18 years, taking into account the best interests of the child and its right to protection from discrimination and participation in decision-making processes, founded on the principles of democracy, equality, non-discrimination, peace and social justice and the universality, indivisibility, interdependence and interrelatedness of all human rights.

Towards an EU strategy on the rights of the child

The Committee on Civil Liberties, Justice and Home Affairs adopted the own-initiative report by Roberta ANGELILLI (UEN, IT) in response to the Commission's communication on the implementation of an EU strategy on the rights of the child. It calls for children's rights to be mainstreamed in all external policies and actions of the EU and reaffirms its denunciation of all forms of violence against children. MEPs have called for a wide range of measures aimed at strengthening and completing the strategy proposed by the Commission. In particular, they call on the Commission to create a specific budget line for children's rights, in order to finance work to implement the strategy or projects such as a European early warning system to combat child abductions.

A strategy based on 4 pillars: the strategy should be rooted in the 4 basic principles enshrined in the UN Convention on the Rights of the Child, which should be better adhered to: 1) protection against all forms of discrimination, 2) the best interests of the child as a primary consideration, 3) the right to life and development, 4) the right to express an opinion and to have that opinion taken into account, in any matter or procedure affecting the child. The MEPs point out, in particular, that the strategy should recognise the important role of family as a basic institution of society for the survival, protection and development of the child.

However, the strategy proposed by the Commission has proved insufficient for the full protection of the rights of the child. That is why MEPs have proposed a series of measures that can be summarised as follows:

- Fight strongly against violence towards children: MEPs call for the pure and simple prohibition of all forms of violence against children; they therefore call for Community legislation that prohibits all forms of violence, sexual abuse, degrading punishment and harmful traditional practices (such as genital mutilations and forced marriages). MEPs condemn all forms of physical, psychological and sexual violence, torture, child abuse and exploitation, child abduction, trafficking in or sale of children and their organs, domestic violence,

child pornography, child prostitution, paedophilia, and forced marriages. In addition to strengthening the legislative process, MEPs call for the strategy to include preventive measures against violence. While they applaud the Commission's plan to introduce an EU-wide child helpline telephone number, MEPs point to the need for this service to be free of charge and available 24 hours a day. In addition, Member States must inform children of their rights through informational measures;

- Fight against sexual exploitation of children: MEPs reaffirm that this should be considered equivalent to the crime of rape insofar as concerns penal sanctions. All the institutions and the Member States should take a more active part in combating child sexual exploitation, child trafficking and paedophilia by taking all the necessary measures to complete the approximation of national legislation based on common minimum principles. MEPs also call for the buying of sex from a minor to be criminalised. In this respect, they welcome the initiative taken by the Commission aimed at excluding websites involved in online sales of child pornography material from the online payment system (or introducing other restrictions);
- 'Children at risk': MEPs propose that the EU define as 'children at risk' all children who are victims of a social situation that threatens their mental or physical health and/or exposes them to the risks of delinquency. They call for the adoption of several measures (information campaigns, exchanges of best practice, and so on) to prevent children from being put 'at risk', including the prevention of juvenile delinquency, such as, for example, measures to prevent the sale of drugs and alcohol. They also call on all Member States to regard a child who has witnessed domestic violence as a victim of crime;
- Fight against harmful contents: MEPs call for the creation of an adequate, effective and proportionate regulation system in dialogue with the media (public and private TV companies, advertisers the press, video games, mobile telephones and the Internet) aimed at prohibiting the broadcasting of harmful images and contents (including cyberbullying) and the marketing of violent video games. In this respect, they highlight the growing problem of MMS exchanges of pornographic or child-abuse related images. They also call for the systematic blocking of all illegal websites related to the sexual services of children. In terms of television, MEPs suggest the tightening of controls over the content of television programmes shown at a time when the number of child viewers is at its highest;
- Juvenile delinquency: towards a global strategy? : For MEPs, juvenile delinquency, which is increasing at an alarming rate, requires an integrated response, not only at national, but also at Community level. They believe it necessary to draw up a framework programme integrated at Community level, grouping together measures around 1) prevention, 2) social integration of juvenile perpetrators and 3) judicial and extrajudicial intervention. They also call on the Commission to draw up a comprehensive prevention plan against youth crime and bullying in schools and the specific problem of youth gangs. In judicial terms, MEPs call for Member States to favour, where possible, alternatives to imprisonment;
- Fight against child poverty and social exclusion: recalling that 19% of children in the European Union live below the poverty line, MEPs call for the implementation of a real strategy to fight against poverty of families. The measures should go from the fight against malnutrition to the prevention of disease but should also focus on the fight against ill treatment, which is often linked to the social situation or legal status of the parents. The EU should, in particular, set itself the objective of ensuring that there are 'no homeless children or street children in the EU';
- Fight against child labour: MEPs stress that it is essential to ensure that those children who are legally old enough to be in employment are remunerated on the basis of equal work for equal pay. They strongly condemn all forms of child labour, slavery and bonded labour and other forms of work which adversely affect children's health and safety;
- Towards a Community instrument on adoptions: Among the most innovative measures, MEPs call for the creation of a Community instrument on adoptions, aimed at improving the quality of care with regard to information services, the preparation of international adoptions, the processing of international adoption applications and post-adoption services. For the MEPs, adoption should take place either within the national country of the child, or by finding a family through international adoption so that placement in institutions is only used as a temporary solution;
- Better protect migrant children and unaccompanied minors: MEPs point out that particular attention should be paid to the situation of refugee and migrant children and those seeking asylum so that they can enjoy the same rights as any other child, irrespective of the legal status of their parents. In particular, special attention should be paid to unaccompanied minors as they are often victims of exploitation through organised crime (they represent some 5% of asylum seekers in Europe).

In addition, MEPs call for measures aimed at improving the training and education of children, especially for girls, as well as measures to ensure better childcare facilities in the Member States. They also call for measures to protect child soldiers and victims of war.

Moreover, MEPs call for the possibility to introduce in all international agreements between the EU and third parties, a specific legally binding clause on the respect of the rights of the child as defined by international law.

Finally, MEPs call for very specific measures to ensure that all children are registered at birth, making it, according to them, a basic legal right such as obtaining a nationality or an identity at birth.

Towards an EU strategy on the rights of the child

The European Parliament adopted a resolution based on the own-initiative report drawn up by Roberta ANGELILLI (UEN, IT) in response to the Commission's communication on an EU strategy on the rights of the child. The resolution was adopted by 630 votes for, 26 against and 62 abstentions.

Overview of the strategy: Parliament calls on the Commission to put forward a proposal to create a specific budget line for children's rights, in order to finance work to implement the Commission Communication, and child-specific projects, such as a European early warning system on child abductions. The budget line should also include subsidies for NGO networks working in this field and ensure children's participation in the work to implement that Communication and those projects. It also calls for an effective monitoring system backed with financial means and annual reports to ensure the implementation of the commitments set out in the Commission Communication and the future strategy on the rights of the child. Furthermore, the Commission should draw up a comprehensive EU Child and Youth Report every two years, beginning in 2008. Parliament applauds the Commission's plan to introduce an EU-wide child helpline telephone number. It calls for the following, inter alia:

-the protection of children's rights to be included among the priorities Multiannual Framework of the European Union Agency for Fundamental Rights (the Agency), and for the Agency to set up a network for cooperation with international institutions, particularly ombudspersons for children and NGOs;

-children's rights to be mainstreamed in the external policies of the EU. The Commission should submit a report on the possible inclusion in all international agreements between the EC and third countries of a specific and legally binding clause on respect for children's rights, as defined

at international level.

Parliament feels it is regrettable that not all Member States have yet established an ombudsperson for children's rights, as called for by the UN Committee on the Rights of the Child. The EU should make financial support available to the European Network of Ombudspersons for Children (ENOC).

Violence: Parliament affirms that no forms of violence against children in any setting can be justified and that all violence must be condemned. It calls for Community legislation that prohibits all forms of violence, sexual abuse, degrading punishment and harmful traditional practices. Member States must either implement specific legal provisions on female genital mutilation or adopt laws under which any person who carries out genital mutilation may be prosecuted. Member States must also act against honour crimes, and raise medical practitioners' awareness of harmful traditional practices. A legal framework should be established on sexual exploitation and child abuse and judicial cooperation should be strengthened between Member States, Europol, Eurojust and all competent international bodies. Parliament affirms that the sexual exploitation of children should be considered equivalent to the crime of rape insofar as concerns penal sanctions.

It goes on to state its support for the commitment shown by the Commission which, in conjunction with the main credit card issuing companies, is assessing the technical feasibility of excluding websites involved in online sales of child pornography material to be excluded from the online payment system. Parliament calls on other economic players such as banks, bureaux de change, Internet service providers and search engine operators to take an active part in efforts to combat child pornography and other forms of commercial exploitation of children. One of the Commission's basic priorities should be to strengthen cross-border operations against child pornography internet sites with a view to making a commitment to closing down illegal websites.

Members call for the creation of an adequate regulation system in dialogue with providers, the media and industry, aimed at prohibiting the broadcasting of harmful images and content (including cyber bullying) and the marketing of violent video games. Parliament points with concern, moreover, to the growing problem of MMS exchanges of pornographic images, calling on Member States and Internet service providers, in collaboration with search engine companies and the police, to implement blocking technology to stop Internet users from accessing illegal sites related to child sexual abuse.

Sex tourism involving children should be considered a crime in all Member States and subject to extraterritorial criminal laws. Any citizen of the Union committing a crime in a third country should be dealt with under a single set of extraterritorial criminal laws applicable throughout the EU.

Poverty/Discrimination: 19% of children in the EU live below the poverty line and assistance measures must therefore be taken, including measures to support their families. Member States must adopt ambitious targets for reducing - and eventually eradicating - child poverty, and perform their duty to assist all children against the risks of malnutrition, disease, ill-treatment and abuse, whatever their social and/or legal status or that of their parents. Roma children and children belonging to other national minorities in particular should be covered by targeted measures, in particular with a view to ending the discrimination, segregation, social and educational exclusion of which they are often victims. Parliament takes the view that the EU should set itself the objective of ensuring that there are no homeless children or street children in the EU, calling for appropriate measures to be taken to assist homeless children, since most of them are badly traumatised and socially excluded. It asks for consideration to be given to the possibility of devising a Community instrument on adoptions, that improves the quality of care with regard to information services, the preparation of international adoptions, the processing of international adoption applications and post-adoption services.

Child labour: it is essential to ensure that those children who are legally old enough to be in employment are remunerated on the basis of equal work for equal pay. The Commission must ensure that deliberations by human rights committees set up under trade and cooperation agreements focus on the problem of child labour. Products being sold in the EU may be produced by child labour. The Commission is asked to implement a mechanism by which victims of child labour can seek redress against EU companies in the national courts of the Member States. It is also asked to enforce supply-chain compliance and especially to come forward with mechanisms that make the main contractor liable in the EU in cases of violation of UN conventions on child labour in the supply chain.

Children in armed conflicts: MEPs call for measures to protect child soldiers and victims of war.

Lastly, MEPs call for very specific measures to ensure that all children are registered at birth, making it, a basic legal right such as obtaining a nationality or an identity at birth.