

Joint Position Paper on a Comprehensive Child Rights Strategy*

July 2020

**Child is defined as every person below the age of 18 years of age
<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.*

This position paper is endorsed by the undersigned organisations and UNICEF.



This position paper is based on the analysis of the current EU child rights framework and potential for progress report developed by Articolo 12. The analysis was funded by World Vision EU Representation, Unicef, Save the Children, SOS Children's Villages International, Eurochild, PICUM, Terre des Hommes, Plan International EU Liaison Office Brussels, Childfund Alliance EU Office, and Missing Children Europe.

Introduction

The EU's intention to develop a comprehensive Child Rights Strategy¹ represents an important opportunity for the EU to champion the rights of the child within its borders and across the world.

This position paper presents a set of key principles to guide the Strategy as well as priorities and actions for the European Institutions, Member States, and partner countries to take. The principles and priorities highlighted in this position paper are core principles enshrined in the UN Convention on the Rights of the Child (CRC) and its General Comments. They are also aligned with the UN 2030 Agenda² and the 17 Sustainable Development Goals (SDGs)³.

The recommendations build on the existing EU acquis in the field of child rights⁴, Article 3(3) of the Treaty of the European Union⁵ which explicitly recognises the promotion of children's rights in internal and external affairs as an objective of the EU as well as Article 24 of the EU Charter of Fundamental Rights⁶ and the revised European Consensus on Development⁷. They also take into account other EU policy documents, notably the EU Agenda for the Rights of the Child⁸, the European Commission Communication Towards an EU Strategy on the Rights of the Child⁹, the EU Framework of Law for Children's Rights¹⁰, the EU Guidelines for the Promotion and the Protection of the Rights of the Child 2017¹¹ and its Council Conclusions¹², and the and European Parliament Resolution on children's rights on the occasion of the 30th anniversary of the UN Convention on the Rights of the Child¹³.

The priorities we suggest for the strategy are structured around the political guidelines of the 2019-2024 European Commission¹⁴: an Economy that works for people, Protecting our European way of life, a Stronger Europe in the world, a European Green Deal, a Europe fit for the digital age, a new push for European democracy.

1 https://ec.europa.eu/commission/files/president-elect-von-der-leyens-mission-letter-dubravka-suica_en

2 <https://sustainabledevelopment.un.org/post2015/transformingourworld>

3 <https://sdgs.un.org/goals>

4 https://ec.europa.eu/info/sites/info/files/eu_acquis_and_policy_documents_rights_of_the_child_march_2019.pdf

5 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012M%2FTXT>

6 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12012P/TXT>

7 https://ec.europa.eu/international-partnerships/european-consensus-development_en

8 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52011DC0060>

9 https://ec.europa.eu/anti-trafficking/eu-policy/towards-eu-strategy-rights-child_en

10 [http://www.europarl.europa.eu/RegData/etudes/note/join/2012/462445/IPOL-LIBE_NT\(2012\)462445_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/note/join/2012/462445/IPOL-LIBE_NT(2012)462445_EN.pdf)

11 https://ec.europa.eu/europeaid/sites/devco/files/170703_eidhr_guidelines_single_01_children_protection_rights.pdf

12 <https://data.consilium.europa.eu/doc/document/ST-7775-2017-INIT/en/pdf>

13 https://www.europarl.europa.eu/doceo/document/TA-9-2019-0066_EN.html

14 https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf

Note on the impact of COVID-19 on children

The current global COVID-19 crisis highlights the need for long-term investments in children and in protection of their rights. Already today, we notice children suffer from a sharp rise in child poverty, violence, exploitation and abuse, and an inequality gap in accessing essential services such as education, healthcare (physical and mental), housing or even food as well as social protection.

The intersection between multiple forms of inequalities and discrimination children face, such as gender, disabilities, migration status and others, further exacerbate the impacts of the Covid-19 crisis and the need to address them. We must protect and uplift the current generation of children and young people in Europe and put their interests at the forefront of EU recovery. If we do not address this urgent need, the repercussions of the crisis will be much more prolonged and damaging for children growing up in Europe and across the world.

Therefore, we underscore the need of the EU to invest in universal and comprehensive child and social protection systems and financing for the most vulnerable children and their families in Europe, irrespective of residence status. Solidarity should be shown towards children in need of protection (such as children on the move, stateless children, children victims of violence, Roma children, children living on the street, children living in families in precarious situation, children in alternative care¹⁵ and the girl child).

Last but not least, the EU should take global leadership in providing support to partner countries to strengthen social and child protection systems, notably health and education systems, but also other services on which children depend, to foster resilience and recovery from this crisis and to build back better to protect children in the future.

15 As defined in the UN Guidelines for the Alternative Care of Children https://www.unicef.org/protection/alternative_care_Guidelines-English.pdf:

Alternative care may take the form of informal or formal care and it may be provided in informal or formal kinship care; foster care; other forms of family-based or family-like care placements; Residential care: care provided in any non-family-based group setting, such as places of safety for emergency care, transit centres in emergency situations, and all other short- and long-term residential care facilities, including group homes; Supervised independent living arrangements for children.

Children in institutions are among those in the most vulnerable situation. Institutional care constitutes a grave breach of children's rights that has no place within a modern child protection system, as also outlined in the 2019 UN Resolution on the Rights of the Child.

Key principles of a Child Rights Strategy

The undersigned organisations call on the European Union to develop a EU Child Rights Strategy that incorporates the following principles:

- 1. Be underpinned by the UN Convention on the Rights of the Child (UNCRC) and in particular its four general principles**
 - Non-discrimination (Article 2),
 - Best interests of the child (Article 3),
 - Right to life, survival and development (Article 6),
 - The right to be heard (Article 12).
- 2. Recognise children as agents of change, ensuring a rights-based participation¹⁶ Children should meaningfully participate in the design of the Child Rights Strategy as well as in its implementation at national, regional and local levels.** This process should be inclusive and involve a representative group of children, **including** from vulnerable and marginalised backgrounds.
- 3. Be mandatory for the EU institutions and aligned with the UN Sustainable Development Goals and the 2030 Agenda,** promoting most relevant SDG targets for children and key actions that can achieve them.
- 4. Build on previous EU Child Rights Strategies and lessons learned** from their implementation.
- 5. Have a long-term vision (10 years, in line with 2030 Agenda) and be reviewed mid-term** (in 2024 at the end of this European Commission's mandate) to adjust the priorities of the Strategy from 2025 to 2030.
- 6. Mainstream children's rights in all internal and external EU policies, actions and programmes,** (legislative and non-legislative) that may affect children directly or indirectly, ensuring consistency and coherence. Fully integrate a do no harm approach to children's rights in the European Commission's work (e.g. trade, infrastructure, migration, climate change.)
- 7. Leave no child behind. The Strategy should be relevant for all children**

¹⁶ The Nine Basic Requirements for the implementation of the right of the child to be heard developed by the UN Committee on the Rights of the Child should be used to plan and monitor children's participation. These requirements are that process must be: transparent and informative, voluntary, respectful, relevant, child-friendly, inclusive, supported by training, safe and sensitive to risk, and accountable.

(0-18years)¹⁷ in Europe and globally, following a life cycle approach¹⁸, paying special attention to those children in the most vulnerable situations¹⁹, and facing multiple and intersecting forms of discrimination²⁰, and building on relevant EU policies being developed in this and previous mandates, notably the European Pillar of Social Rights²¹ and its Action Plan, the European Child Guarantee, the European Disability Strategy (post 2020), the European Commission Communication on the protection of children in migration²², the new EU Pact on Migration and Asylum, the post 2020 initiative on Roma equality and inclusion²³, the LGBTI Equality Strategy, the Gender Equality Strategy²⁴, the new EU Strategy for a more effective fight against child sexual abuse²⁵, the EU4Health programme²⁶, the new EU Strategy towards the Eradication of Trafficking in Human Beings, the EU Strategy for Victim's rights²⁷, the EU Digital Strategy for Europe²⁸, including the Digital Education Action Plan²⁹, the updated EU Skills Agenda³⁰, the EU Human Rights Action Plan 2020-24³¹, the new EU Strategy with Africa³², the EU Action Plan on Gender Equality and Women Empowerment in External Relations for 2021-2025³³, the European Green Deal³⁴ and the Farm to Fork Strategy³⁵

- 8. Ensure regular monitoring of the implementation** of the EU Child Rights Strategy, bringing the results to the annual Child Rights Forum.
- 9. Establish efficient coordination, consultation and accountability mechanisms**, that ensure mainstreaming of child rights in all relevant EU

17 As per the UNCRC which defines the child as a person under 18 years of age <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

18 By clearly identifying the challenges and needs of children at different stages of their life, from early childhood to adolescence and their transition into adulthood.

19 Children in migration, undocumented children, stateless children (and children at risk of statelessness), child victims of violence, including "special orphans", children in conflict with the law, Roma children, children with disabilities, children experiencing mental health problems, children going missing, children living in families in precarious situation, children in alternative care, children living on the street, the girl child, children with a parent in prison and LGBTQI children

20 Children may be discriminated against on several grounds that interact with each other at the same time impacting in a different manner on specific groups and shaping their experiences of vulnerability. Recognising and addressing all these aspects ensure a better planning of meaningful actions to improve the well-being of children.

21 https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights/european-pillar-social-rights-20-principles_en

22 https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170412_communication_on_the_protection_of_children_in_migration_en.pdf

23 https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/roma-and-eu/preparing-post-2020-initiative-roma-equality-and-inclusion_en

24 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0152&from=EN>

25 <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12433-EU-strategy-for-a-more-effective-fight-against-child-sexual-abuse>

26 https://ec.europa.eu/health/funding/eu4health_en

27 <https://op.europa.eu/en/publication-detail/-/publication/1ebee08d-5eec-11ea-b735-01aa75ed71a1/language-en>

28 <https://ec.europa.eu/digital-single-market/en/content/european-digital-strategy>

29 https://ec.europa.eu/education/education-in-the-eu/digital-education-action-plan_en

30 <https://ec.europa.eu/social/main.jsp?catId=1223&langId=en&moreDocuments=yes>

31 https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2020-440026_en

32 https://ec.europa.eu/international-partnerships/system/files/communication-eu-africa-strategy-join-2020-4-final_en.pdf

33 <https://op.europa.eu/en/publication-detail/-/publication/6dc9de0e-5fca-11ea-b735-01aa75ed71a1/language-en>

34 https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en

35 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

institutions and agencies, facilitate meaningful consultation with civil society at EU, national and local level and bring accountability on commitments delivered.

- 10. Be action oriented.** The Child Rights Strategy should include key actions for the European Commission, the Council and EU Member States, the European External Action Service (EEAS) and Delegations in partner countries, making the Child Rights Strategy an action-oriented framework. **The Child Rights Strategy should be accompanied by a Child Rights work plan that includes concrete and time-bound actions and indicators to measure the achievement of these actions.** In addition, EU Member States should be encouraged to develop work plans showing how they will align their child rights priorities and actions to the EU Child Rights Strategy.
- 11. Be properly financed.** EU internal and external funding instruments as well as national budgets should support the implementation of different priorities of the Child Rights Strategy. Investments funded by the EU to implement the Strategy should be monitored.
- 12. Take into account the impacts of COVID-19.** The priorities of the Child Rights Strategy should depart from and consider the impact of the pandemic and ensuing socio-economic crisis.

Key priorities to be included in the Child Rights Strategy

The key priorities presented below follow the logic of the European Commission's political guidelines and build on the European Union's commitment to implement the UN 2030 Agenda for sustainable development

1. An economy that works for children

Today, 1 in 4 children grow up at risk of poverty and social exclusion in the EU³⁶. This figure is expected to increase due to the socio-economic implications of the COVID19 crisis. Child poverty can affect children in the short but also in the long term. Children who grow up in poverty tend to live in poverty their whole lives. Investing in children is key to ensure that all children, no matter their status, have the same start in life and the same opportunities that will lead them to fulfil their potential. It is widely recognised that investing in children's early years yields both short and long-term results. Prevention, early intervention and family support policies can contribute to reducing inequalities at a young age and has the potential to increase physical and mental health, cognitive and social skills into adulthood.

The European Commission President Ursula Von der Leyen committed to fight child poverty and social exclusion within the EU through the development of a European Child Guarantee³⁷. This is an important step forward and potential corrective to previous policies, such as the Europe 2020 Strategy,³⁸ which was launched in the wake of the 2008 financial crisis and which failed to set a child poverty reduction target. Because of this, children were deprioritised more easily in national policies and less funding was allocated to them and their needs.

The Child Guarantee will be crucial to show the EU's dedication to alleviate child poverty and reduce inequalities in the wake of the socio-economic crisis caused by COVID-19. The Child Guarantee should combine a policy framework in the form of a Council Recommendation and adequate EU and national financial resources to ensure the Recommendation's implementation³⁹. The Council Recommendation should draw on lessons learnt from the 2013 European Commission Recommendation on Investing in Children which failed to move the dial through lack of implementation. Any policy development and financial allocation and spending should be accompanied by a robust implementation and monitoring mechanism. The Child Guarantee should take a lifecycle approach, applying to all children (from the age of 0-18 years of age) and those in most vulnerable situations in particular. It should serve as a solid basis for the Youth Guarantee, ensuring that children are well supported to reach adulthood.

36 https://ec.europa.eu/eurostat/statistics-explained/index.php/Children_at_risk_of_poverty_or_social_exclusion

37 https://ec.europa.eu/commission/presscorner/detail/en/speech_19_4230

38 <https://ec.europa.eu/eu2020/pdf/COMPLET%20EN%20BARROSO%20%20%20007%20-%20Europe%202020%20-%20EN%20version.pdf>

39 <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32013H0112>

Key actions

The Child Rights Strategy should call on the European Commission, the Council and the Member States to pursue the following priorities in this mandate:

- Adopt a social and sustainable Europe 2030 Strategy that will set an ambitious target for child poverty reduction and social inclusion, aligned with the SDGs⁴⁰.
- The European Commission to propose and the Council and the Member States to adopt a Child Guarantee Council Recommendation that follows the 3 pillars⁴¹ of the 2013 European Commission Recommendation on Investing in Children.
- EU Member States should design evidence-based national Child Guarantee implementation plans based on the Child Guarantee Council Recommendation once the Council Recommendation has been adopted. The plans should be monitored by the European Commission and this monitoring should feed into the European Semester, the European Pillar of Social Rights and the SDGs implementation.
- The Member States should use the EU Recovery Plan as well as the 2021-2027 Multiannual Financial Framework to support the implementation of the Child Guarantee and the Europe 2030 Strategy. As proposed by the European Parliament and the European Commission, 5% of European Social Fund Plus (ESF+) should be dedicated to tackle child poverty. In addition, specific objectives in ESF+, EU4Health, the European Regional Development Fund (ERDF), the Asylum Migration Fund (AMF), InvestEU and the European Reform Support Programme should support the implementation of the Child Guarantee Council Recommendation and its implementation plans. EU Member States should specify in the implementation plans how national budgets and EU funds under the 2021-2027 MFF will be used to reach the objectives of the implementation plans.
- The European Commission, Council and Member States should improve the collection of disaggregated data on wellbeing and social inclusion to help monitor and assess progress towards ending child poverty and social exclusion. Data should be gathered in line with the General Data Protection Regulation (GDPR).
- Promote early childhood development across policies and funding opportunities; monitor the implementation of the 2019 Council Recommendation on High-Quality Early Childhood Education and Care Systems⁴² in every EU Member State, and progress across the EU in meeting the standards of the 'Quality framework for early childhood education and care'.

40 Most relevant SDGs: 1, 2, 3, 4, 5, 6, 8, 10, 16

41 Access to resources, access to affordable, quality services, children's right to participate

42 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C_.2019.189.01.0004.01.ENG&toc=OJ%3AC%3A2019%3A189%3ATOC

2. An inclusive approach to protecting children in accordance with EU fundamental rights

Although the EU has taken important steps to ensure the protection of children through various policy initiatives, across the EU children are still being exposed to violence, abuse, and neglect. Many children are socially excluded with limited opportunities to access the most essential universal services, such as access to education or to curative but also preventative healthcare. Numerous children are growing up segregated in isolated or socio-economically disadvantaged communities, in refugee camps, in detention centres or institutions facing discrimination and exclusion.

The way we treat our children defines our European values. A Union that is united in diversity promotes an inclusive and intersectional approach toward child rights. This means targeting children that are the most left behind, such as children in migration, undocumented children, stateless children (and children at risk of statelessness), child victims of violence, including “special orphans”⁴³, children in conflict with the law, Roma children, children with disabilities, children experiencing chronic diseases and mental health problems, children going missing, children living in families in precarious situations, children in alternative care, children living on the street, the girl child, children with a parent in prison and LGBTQI children.

The upcoming Child Rights Strategy represents an important opportunity to mainstream the rights of children in vulnerable situations in all relevant EU policies, to promote implementation of these policies by EU Member States and to ensure that the allocation and use of EU funding is directed to support children and not to further discriminate them. It is an opportunity to promote investment in early years and supporting policy reforms that promote early childhood development.

The Child Rights Strategy also represents an opportunity to set up mechanisms to ensure children’s rights-based meaningful and inclusive participation in policy and decision-making processes - including in particular the ones in most vulnerable situations.

43 With “special orphans” we mean the unknown forgotten groups of children orphaned by femicide as their mothers have been killed by their father

Key actions

The Child Rights Strategy should call on the European Commission, the Council, and the Member States to prioritise the following actions:

Children in migration

- Quality family and community-based care should be prioritised in the EU Member States and promoted along with integration schemes, education, sport, psychosocial support, where all children receive the same level of care and avoiding parallel care systems. Efforts should be stepped up to mitigate the psychosocial impact of COVID-19 on migrant and refugee children in reception centres.
- Step up action to end child immigration detention and launch a time-bound plan towards ending it by EU Member States, both for unaccompanied children and children with their families.
- Prioritise family reunification of unaccompanied and separated children (UASC) with their families when this is considered in the best interests of the child by establishing a fast-track task force for the reunification of UASC arriving to the EU under Dublin. Simultaneously, ensure that all UASC in Europe have access to an independent and trained guardian based on European-wide minimum standards.
- Promote universal access to birth registration and the child's right to acquire a nationality, with a view towards ending statelessness; whilst Member States should implement safeguards in national law to prevent new cases of statelessness and facilitate improved identification and responses to statelessness among children in migration.
- Improve, strengthen and promote access to durable solutions for children regardless of their migration status residing within the EU and in third countries, by implementing the relevant provisions in the Communication on the Protection of Children in Migration and strengthening safeguards for children in EU asylum, return, legal migration and integration policies, including clear references to the best interests of the child as a primary consideration.

Violence against children

- Launch a Communication developing the Reflection paper on the 10 principles of child protection⁴⁴ calling for Integrated Child Protection Systems in the EU.

44 https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/rights_of_the_child_2015_-_reflection_paper.pdf

- Ratify the Council of Europe's Istanbul Convention⁴⁵ on preventing and combating violence against women and invite EU Member States who have not done it yet to speed up the process for ratification; Commit to implement an EU Strategy for Victims' Rights paying specific attention to the rights of children as victims of violence and crimes, focusing on the most vulnerable among them, including unknown forgotten groups such as the 'special orphans' and ensuring that the Victim's Rights Directive⁴⁶ is applied without discrimination of any kind, including based on residence status. EU Member States should implement the Anti-trafficking directive⁴⁷.
- The New EU Strategy towards the Eradication of Trafficking in Human Beings should adopt a broader child protection perspective and should not exclude specific forms of trafficking such as sexual exploitation, labour exploitation and forced criminality. The Strategy should strengthen prevention, protection and reintegration measures for all children without any discrimination independent of cooperation with law enforcement⁴⁸ and enhance policy coherence for the rights of the child by strengthening protection of all children throughout EU policies above all on migration, trafficking, trade, development security and digital.
- The new EU Strategy for a more effective fight against child sexual abuse should focus on prevention measures, including comprehensive sexuality education, aimed at empowering children at risk or survivors of sexual abuse and exploitation. The European Commission should commit to re-think the terminology for crimes against children and to use the appropriate term 'child sexual abuse material' rather than 'child pornography' as per the Luxembourg Guidelines (2016)⁴⁹ adopted by the Interagency Working group of Luxembourg. The Strategy should also include all forms of online child sexual abuse and uphold commitments towards the Lanzarote Convention.
- The European Commission and Member States should develop a set of comparable data on Violence against Children and reflect on ethical standards and methods of data collection to be harmonised among Member States, in line with the GDPR and the EU Charter of Fundamental Rights.
- Member States should invest in primary prevention strategies to prevent sexual abuse and exploitation using a combination of evidence-based approaches which involve working with adolescents and parents in the community and in schools. A combination of prevention strategies should be used including educational programs on sexual abuse and IPV prevention, safe relationships and gender equality; economic strengthening programs for at risk children; together with empowerment interventions and environmental and situational safety and strengthening organisational protection policies. Specific strategies to prevent re-offending should also be reinforced.
- EU Member States should strengthen identification, reporting and referral mechanisms across health, education, social welfare and the justice sector,

45 <https://www.coe.int/en/web/istanbul-convention/home?>

46 <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>

47 <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32011L0036>

48 https://www.ohchr.org/Documents/Issues/Trafficking/FirsDecadeSRon_%20trafficking.pdf

49 <http://luxembourgguidelines.org/wp-content/uploads/2017/06/Terminology-guidelines-396922-EN.pdf>

along with child helplines. They should invest in a robust social work and child protection workforce across the Union ensuring access to recovery services for children victims of violence and abuse across the continuum of care needs including access to trauma informed therapies, vocational skills and education. Invest in specialized child protection service units implementing specialized case management protocols across these sectors along with specialized trainings for professionals handling cases of violence and child abuse. Where possible invest in one stop shop children's house/ advocacy centres.

- EU Member States should take all appropriate measures to ban all forms of corporal punishment against children and promote anti-bullying strategies. EU Member States should also align children's minimum age for marriage, with and without parental consent, to the UNCRC standard of 18 years old.

Child friendly justice

- Fully implement the Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings. The European Commission should produce a child-focused report to the European Parliament and the Council by June 2022 to assess if the Member States have taken the necessary measures to ensure equal access to justice for all children without any discrimination and the effective implementation of procedural safeguards for children.
- Fully implement the recommendations set in the Global Study on Children Deprived of Liberty⁵⁰ to ensure that children's deprivation of liberty is a measure of last resort and that they benefit from effective access to alternatives to detention.
- The new EU Strategy for Victims' rights should further promote the Barnahus model⁵¹ and develop EU Guidelines to scale up, support and assist the EU Member States in adopting and implementing such model as the standard service model to ensure a rapid and effective access of child victims and witnesses of violence and abuse to rights, adequate protection and care.
- The new EU Strategy for a more effective fight against child sexual abuse should step up efforts for more effective preventive, investigative and prosecution measures against perpetrators and explore with ICT partners the optimal use of technology to support child victims identification and (potential) exploiter.
- Fully implement the Council of Europe Guidelines on child-friendly justice for children in conflict with the law⁵²; and Council of Europe Recommendation CM/Rec (2018) concerning children with a parent in prison⁵³.

50 <https://www.ohchr.org/EN/HRBodies/CRC/StudyChildrenDeprivedLiberty/Pages/Index.aspx>

51 <https://www.childrenatrisk.eu/promise/>

52 <https://rm.coe.int/16804b2cf3>

53 <https://edoc.coe.int/en/children-s-rights/7802-recommendation-cmrec20185-of-the-committee-of-ministers-to-member-states-concerning-children-with-imprisoned-parents.html>

Children with disabilities

- Mainstream children's rights in the 2020 -2030 European Disability Strategy ensuring the equal access of children to social inclusion and integration.
- Member States should strengthen their education systems to ensure that children with disabilities have access to inclusive and quality education as their peers. Children with disabilities should be also supported when transitioning to adulthood to have the same opportunities for independent living as their peers.
- Member States should support families, so that they are not separated due to the child's or parent's disability. Member States should invest in children's and their families' empowerment and right to independent living by securing personal assistance budgets and their access to mainstream and targeted services in the community.
- Children with disabilities should never be placed in institutions⁵⁴. When separation is in the best interest of the child, family-based care should be prioritised.

Roma children

- The European Commission should prioritise children in the post 2020 initiative on Roma equality and inclusion.
- Member States should ensure that Roma children have equal access to essential services as all others, with particular focus on Early Childhood Education and Care and primary and secondary education, healthcare, nutrition and decent housing.
- Ensure that the rights of children are reflected in the national Roma integration strategies (as part of the enabling condition 4.3.2 of the Common Provisions Regulation) and that EU funding is allocated to child related issues.
- Improve the collection of data on Roma children reflecting their needs and how EU policies support them, in line with GDPR.
- Remove barriers to birth registration for Roma children, ensuring that they do not face discrimination of any kind in accessing birth registration procedures. Ensure effective implementation of safeguards to prevent statelessness in nationality laws, and that Roma children have their right to a nationality fulfilled.

54 The Common European Guidelines on the Transition from Institutional to Community-based Care define institutions for children "as residential setting that are not built around the needs of the child nor close to a family situation, and display the characteristics typical of institutional culture (depersonalisation, rigidity of routine, block treatment, social distance, dependence, lack of accountability, etc.)".

Missing children and children at risk of going missing

- Invest in the 116 000 hotline for missing children to guarantee the continuity and quality of the operation of hotlines for missing children across the EU: improve accessibility, raise awareness of the service and provide funding and resources.
- Improve national data collection on missing children and promote the use of consistent definitions across the EU. The European Commission's "Study on missing children", published in 2013⁵⁵, should be updated, ideally regularly, to get a better and more useful picture of the problem
- EU Member States should put in place effective cooperation mechanisms between police and child protection authorities as well as guardians. Standard operating procedures across borders between police, asylum, social and child protection authorities should be agreed, while safeguarding personal data of children. This should include systematically recording missing children in migration in SIS II, providing a firewall for the use of this information exclusively for child protection.
- To prevent migrant children from going missing, it is important to provide harmonised, child-friendly, expeditious and effective procedures to access family reunification and durable solutions, guardianship and a process to set up an individualised care plan with all relevant actors.
- In cross-border family disputes and international child abductions, support the use of mediation and the development of a pre-mediation bureau in every Member State. Also, encourage the development of European standards for hearing children in international child abduction cases & guardians at litem to accompany children throughout the proceedings.

Children in/at risk of entering alternative care

- Implement the UN Resolution A/RES/74/133 by recognising the harm caused by institutional care to children's growth and development, including the increased risk of abuse and trafficking, and by committing to support families at risk of separation; develop quality alternative care and promote the transition from institutional to family and community-based care in EU internal and external action.
- Release a European Commission Communication on quality alternative care for children, including prevention of family separation, transition from institutional to family and community-based care, and support for adolescents stepping out of the care system after they turn 18 years old, in line with the UN Guidelines for the Alternative Care for Children⁵⁶.
- Call on Member States to develop comprehensive national deinstitutionalisation strategies, in line with the enabling condition 4.3

55 <https://op.europa.eu/en/publication-detail/-/publication/655b34ad-341b-4348-9e3b-38741ff40f23>

56 https://www.unicef.org/protection/alternative_care_Guidelines-English.pdf

of the Common Provisions Regulation. These strategies should focus on preventing unnecessary family separation and developing quality family-based and community-based care and services, in line with the UNCRC, the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and the UN Guidelines for the Alternative Care for Children.

- In order to better assess and respond to the issues, call on EU and Member States to improve data collection on children without or at risk of losing parental care, in line with the 2030 Agenda and the principle of leaving no one behind, while ensuring data is collected, stored and used in line with the GDPR and the EU Charter of Fundamental Rights.

EU funding

- The European Commission and EU Member States should direct EU Funding streams as part of the EU's Recovery Plan and the 2021-2027 EU budget (ESF+, EU4Health, ERDF REC programmes, Erasmus) to support actions to protect children and promote health, social and child protection systems strengthening in the EU.
- Ensure that EU funding is not used for activities that may lead to social exclusion or segregation or child harm. This includes explicitly excluding investment of EU funds in the refurbishing, building, renovating, or extending of institutions. The European Commission should promote training with the EU institutions and national authorities related to the allocation of EU funding and how to avoid its misuse.
- Consult civil society as well as children -when and where appropriate - meaningfully on the allocation and spending of EU funding in EU Member States as well as the monitoring and evaluation of relevant projects.

3. A stronger Europe for all children in the world

Part of being geopolitical Commission and a defender of the rights-based multilateral order is standing up for children, wherever they are. Recently, the EU has been focusing mostly on investing in youth as one of the ways of being a better geopolitical partner with Africa and Asia, given the demographic dividend of a younger population. Yet it is critical that early investments are made to ensure that children can fulfil their rights in their first decade of life and have the building blocks to realise their potential into adulthood. This is all the more important now that the COVID-19 pandemic presents unprecedented risks to the rights, safety and development of the world's children, thus threatening the achievement of the 2030 Agenda. It is important to foster a positive perception of children as active agents of change and reinforce linkages with the Youth Empowerment Strategy that needs to be implemented at an early age.

The EU can use the EU Child Rights Strategy to set the bar high for children in line with the UNCRC and its Optional Protocols and the SDGs. Part of this will be delivered through ensuring a robust external action heading in the EU's EU budget 2021-2027 which prioritises investments in sectors that could have a positive impact in the lives of children. The proposal for the next MFF and Next Generation EU increases the funds for external action. However, with all of this increase currently intended to be channelled through a private sector financing mechanism, we would like to see more rebalancing to government and civil society actors to ensure that some of the extra funding will lead to direct investment in children and the social services which help them to survive and thrive.

In 2019, the EU and its Member States remained the largest global Official Development Assistance (ODA) provider, accounting for almost 57% of the total ODA for developing countries⁵⁷. The EU and Member States play a key role in poverty eradication and reduction of global inequalities which affect children. Therefore, the EU long-term budget should aim at achieving the EU's development objectives, including the SDGs, and poverty eradication as per Article 208 of TFEU.

The Child Rights strategy should accordingly mainstream children's rights in all EU external policies and set up a mechanism to track all the EU interventions that are relevant for children, including those in non-social sectors such as trade, digital, environment, and security, to ensure that a do-no-harm approach to child rights is fully implemented. The EU must address all children worldwide and particularly vulnerable children – boys and girls - already affected by poverty, disability or social exclusion, such as refugees, migrants and internally displaced, as well as those affected by conflict and disaster, aiming at leaving no one behind. The strategy should stress the importance of a more systematic inclusion of children's rights in political dialogue with partner countries and EU programming.

57 https://ec.europa.eu/commission/presscorner/detail/en/IP_19_2075

Key actions for a stronger Europe for all children in the world

The Child Rights Strategy should call on the European Commission, EU Member States, EEAS and EU Delegations in partner countries to commit in prioritising the following actions:

- Mainstream children's rights across global, regional (e.g. EU-Africa Strategy) and thematic (e.g. EU Action Plan on Human Rights and Democracy 2020-2024⁵⁸) frameworks to support the implementation of the EU Guidelines on the Promotion and Protection of the Rights of the Child, and incorporating child- and gender-sensitive poverty eradication programmes.
- Develop and implement a Child Marker to monitor and track impact on children of Neighbourhood, Development, and International Cooperation Instrument (NDICI), ensuring that 25% of annual spending is focused on child-specific outcomes.
- Commit to children's rights-based participation. Children should be meaningfully consulted and listened to when programmes are developed that target children and their families or that might have an impact on them, including child-friendly budgeting in policy dialogues.
- Apply the Principles on aid effectiveness, and promote international coordination with other donors (e.g. European Investment Bank, World Bank, UN Agencies, philanthropic donors and bilateral government donors) to plan, programme, coordinate and implement support in partner countries, including in protracted and emergency and conflict affected countries.
- Commit to a child-rights situation analysis of EU spending in external action, capturing the multiple and intersecting impacts on girls and other exclusion factors that children in vulnerable situations face, such as disabilities.

a. Fighting child poverty and exclusion in external action

Eradicating poverty is one of the objectives of the Lisbon Treaty (art. 3) and the primary objective of the EU development policy. The 2017 European Consensus on Development covers all areas related to child poverty reduction and access to basic needs and services for children: equitable and quality education (including Early Education and Care (ECEC); affordable, safe, sufficient and nutritious food; health, WASH and social protection and it is also focused on the empowerment and participation of children. In addition, it highlights how gender inequalities intersect with other forms of exclusion and commits to mainstream systematically the gender perspective across all policies

58 https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2020-440026_en

and actions, so as to protect and empower girls. The EU Action Plan on Human Rights and Democracy (2020-2024) also promotes the right to education, health and nutrition and social protection and action to prevent statelessness. The 2017 revision of the EU guidelines on the promotion and protection of the rights of the child 'leave no child behind'⁵⁹, is in line with the Agenda 2030 and with SDG 1 in particular. The Gender Action Plan III also aligns with SDG 5. Finally, improving social rights and protections is also among the objectives of the Partnership with Africa⁶⁰.

The Child Rights Strategy should build on the developments of the abovementioned strategic documents, should take into consideration the impact of COVID-19 crisis on children's lives, safety and well-being and stress the importance of governments investing in essential services⁶¹. Services should be accessible by all children and their families and by those in most vulnerable situations in particular and follow a life-cycle approach.

In the wake of COVID-19, an estimated 42-66 million children could fall into extreme poverty, adding to the approximately 386 million children already in extreme poverty in 2019⁶². Rise in malnutrition is also expected as 368.5 million children across 143 countries normally rely on school meals for a reliable source of daily nutrition⁶³. Up to 85 million more girls and boys worldwide may be exposed to physical, sexual and/or emotional violence as a result of the COVID-19 quarantine.⁶⁴ 1.5 billion students in 188 countries were unable to attend schools during lockdowns in May⁶⁵.

The right to health and the right to life of many children in partner countries is being challenged due to lack of access to vital services, such as key health care, immunisation, maternal and new-born child health services, and social services ensuring their protection. The Child Rights Strategy should stress the importance of investing in affordable, accessible and gender-sensitive healthcare in line with SDGs 3 and 5. It should highlight the need to implement laws in partner countries guaranteeing free basic health services for children under five and pregnant women and pro-poor health insurance programmes as well as access to nutrition. Ensuring access to affordable, public and inclusive ECEC and primary and secondary education and social services is also key to ensuring children not only survive but can develop to their full potential. Universal access to birth registration is a key component of social protection services and the right to a nationality facilitates access to many fundamental rights for children, including education, healthcare, social welfare and services. The Child Rights Strategy should build on existing work and should continue supporting efforts to strengthen civil registration systems and issuance of birth certificates in partner countries and promote the realisation of SDG 16.9 in development cooperation, as well as the realisation of children's right to a nationality. EU funding has an important role to play in supporting investments to fight child poverty in the world and therefore the NDICI under the next EU budget should prioritise specific resources that address the needs of children in most vulnerable situations.

59 <https://www.consilium.europa.eu/en/press/press-releases/2017/03/06/protection-rights-children/>

60 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020JC0004&from=FR>

61 The Child Rights Strategy could work in parallel to GAP III in acknowledging and demonstrating the adverse impacts on women, girls and the most vulnerable of privatization of public services.

62 UN policy brief: Impact of COVID-19 on children (April 2020) https://www.un.org/sites/un2.un.org/files/policy_brief_on_covid_impact_on_children_16_april_2020.pdf

63 https://docs.wfp.org/api/documents/WFP-0000114560/download/?_ga=2.63995823.1895256981.1591777155-255283358.1585576598

64 World Vision, COVID-19 Aftershocks: A Perfect Storm (May 2020), <https://www.wvi.org/publications/report/coronavirus-health-crisis/covid-19-aftershocks-perfect-storm>

65 <https://en.unesco.org/covid19/educationresponse>

Key actions to fight child poverty and exclusion in external action

The Child Rights Strategy should call on the European Commission, EU Member States, EEAS and EU Delegations in partner countries to commit in prioritising the following actions:

- Ensure that at least 20% of all EU ODA is spent on human development -health, education, nutrition and social protection- with a focus on reaching children so they can survive, strive and develop to their potential.
- Commit that at least 85% of EU ODA programming has gender equality as a principal or significant objective while making sure girls' needs are specifically addressed and included so that they are not left behind.
- Generate evidence on best practices for eradication of multi-dimensional child poverty and on systems strengthening of access to social services.

b. Protecting children from all forms of violence, exploitation and abuse

Research commissioned by this group revealed a specific gap in terms of the EU's action on tackling violence against children globally⁶⁶. We recommend that the Child Rights Strategy spell out a vision for EU work on protecting children from all form of violence and could commit the EU to provide resources to EU delegations for targeted programmes to reinforce third countries' child protection systems, including actions to prevent and respond to Violence Against Children (VAC) and to ensure quality alternative care systems and actions to prevent and respond to VAC. This could build on the recent EU Guidance Note for EU delegations on Child protection which focuses on the systems strengthening approach and takes into account the different realities delegations are facing. Additionally, and within this global vision the EU could focus on a few "flagship" areas where it is pursuing specific, time-limited outcomes, such as:

66 Articolo 12 study on mapping EU policies and scoping options for an EU Child Rights Strategy

- **Child labour and children's rights and business**

152 million children aged 5-17 years are involved in child labour⁶⁷ worldwide. About 73 million of these children are subjected to one of the worst forms of child labour (such as slavery, bonded labour, dangerous work, sexual exploitation). Children's rights are also affected by the working conditions of parents – especially women – including access to paid parental leave, childcare and breastfeeding support, adequate wages and basic nutrition and healthcare support. In the community, the impact of businesses on the environment can be particularly harmful to children. The 2019 Global Threat Assessment⁶⁸ by WePROTECT Global Alliance and a ground-breaking investigative reporting by New York Times⁶⁹ set out the scale and impact of online sexual exploitation. The COVID-19 crisis could lead to the first rise in child labour with a high risk of reverting years of progress.⁷⁰

President von der Leyen has committed to “a zero-tolerance approach” to child labour⁷¹. Furthermore, the European Commission Commissioner for Justice recently committed to a legislative initiative on mandatory human rights and environmental due diligence obligations for EU companies planning for submission of a draft proposal in early 2021. The commitment has been recently expressed in the Action Plan on Human Rights and Democracy⁷² and reinforced through the EU Partnership with Africa⁷³. The European Parliament has been united in calling for a mandatory due diligence and to zero tolerance to child labour⁷⁴. The European Commission has also published a study on due diligence requirements through the supply chain⁷⁵, the results of which could be used to inform the strategy in this area. The time is therefore ripe for holistic effort to eliminate child labour within a broader human rights approach, through policies and legislation such as adopting cross-sectoral mandatory due diligence as legal standard of care, and ensuring that trade policies are child-friendly by committing to undertake ex-ante and ex-post human rights (including children's rights) impact analyses of trade agreements, and also through programmatic initiatives focusing on strengthening household livelihoods, security and stability through social protection and social security systems.

Working children's own perspective is often neglected in national, regional and global policy debates and therefore it is critical to support the participation of child workers in efforts to end the worst forms of child labour, ensuring their involvement as actors and advocates is at the heart of developing, implementing, monitoring and evaluating of policies, legislations and programmes.

67 Child labour refers to all forms of work that jeopardize a child's physical, mental, educational or social development, such as slavery, sexual exploitation and hazardous work. This is understood as distinct from child work which refers to the participation of children in any paid or unpaid economic activity, or activities to support families and family caregivers, which does not have negative impact on their health, social, mental and physical development. Child work constitutes a limited number of hours, according to their age and abilities, that does not interfere with a child's education or leisure activities.

68 <https://static1.squarespace.com/static/5630f48de4b00a75476ecf0a/t/5deecb0fc4c5ef23016423cf/1575930642519/FINAL+-+Global+Threat+Assessment.pdf>

69 <https://www.nytimes.com/interactive/2019/09/28/us/child-sex-abuse.html>

70 https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2020-440026_en

71 https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf

72 <https://ec.europa.eu/transparency/regdoc/rep/10101/2020/EN/JOIN-2020-5-F1-EN-MAIN-PART-1.PDF>

73 https://ec.europa.eu/international-partnerships/priorities/eu-africa_en

74 https://www.europarl.europa.eu/doceo/document/B-9-2020-0103_EN.html

75 <https://op.europa.eu/en/publication-detail/-/publication/8ba0a8fd-4c83-11ea-b8b7-01aa75ed71a1/language-en>

- **Care system reform to end the institutionalisation of children globally**

Millions of children around the world live in institutions that expose them to an increased risk of violence and a catalogue of human rights abuses, and which cannot meet their needs.⁷⁶ Research consistently demonstrates that the majority of children in institutions are not 'orphans',⁷⁷ but are separated from their families due to poverty, disability, marginalisation, migration, a lack of family support services in the community or as a result of trafficking. The COVID-19 pandemic and the accompanying measures put in place to control it are compounding structural weaknesses in child protection and welfare systems. In the long-term the impact of the crisis will test the capacity of vulnerable families to care for their children leading to a likely increase in the numbers of children in need of alternative care, many of whom risk being institutionalised. The European institutions have already committed to promote deinstitutionalisation globally by extending internal policy commitment⁷⁸ and introducing a reference to the transition from institutional to community-based care for children in the draft regulation for the NDICI⁷⁹. The EU Human Rights and Democracy Action Plan 2020-2024 also includes a commitment to assist partner countries in strengthening child protection systems and transitioning from institutions to quality family- and community-based care. The European Parliament Resolution on the Rights of the Child, adopted in November 2019, also highlights the importance of strengthening family- and community-based services to allow all children to grow up not in institutions but in families and communities and of using EU funds to this end, both inside and outside the EU⁸⁰.

- **Sexual and gender-based violence**

Gender-based violence (GBV) is violence directed against girls or boys because of their biological sex, gender identity or sexual orientation. Any type of violence (e.g. physical, sexual or psychological) can therefore constitute GBV. However, girls face differing forms of violence to boys, and they face more violence in their lifetimes than boys. Girls are more likely to experience sexual violence, harmful practices such as child marriage or female genital mutilation/cutting (FGM/C), or sexual violence and harassment⁸¹. They are at an increased risk as they reach adolescence and their gender roles become more defined. Violence against women and girl children is a grave violation of human rights and a form of discrimination. This is a global problem, which manifests in every region and in different spaces including online or in, around and on the way to school. Risks of violence are also exacerbated for girls living in conflict and humanitarian settings. In 2019, 9 million young women were victims of sexual abuse and over 130 million girls and young women around the world were excluded from the school cycle.⁸² According to UNFPA the COVID-19 pandemic is likely to cause a one-third reduction in progress

76 International Save the Children Alliance (2003). *A Last Resort: The Growing Concern About Children in Residential Care*. London, Save the Children UK. Cited in: Pinheiro, P. (2006). *World Report on Violence Against Children*. New York: UNICEF, p. 183.

77 Csáky, C. (2009) *Keeping children out of harmful institutions: why we should be investing in family-based care*, Save the Children, p. vii

78 The EU introduced in the European Structural and Investment Funds (ESIF) Regulations for the 2014-2020 programming period an ex-ante conditionality on social inclusion with a dedicated investment priority on the transition from institutional to community-based care.

79 Proposal for a regulation on the Neighbourhood, Development and International Cooperation Instrument, COM(2018) 460 final, Annex II and III

80 P9_TA(2019)0066, para 43

81 The issue of male circumcision is also a debated topic in some contexts and to be discussed under S/GBV

82 https://terredeshommes.it/indifesa/pdf/Dossier_indifesa_2019.pdf, Terre des Hommes 2019 Global report on the condition of girlchildren worldwide

towards ending gender-based violence by 2030⁸³.

Like all children, girls have the right to thrive and grow up equally valued and cared for, free from discrimination, violence and fear. The EU has made commitments to working together with partners to eliminate all forms of sexual and gender-based violence and discrimination in the European Consensus on Development⁸⁴, the Gender Action Plan (III)⁸⁵ and the Spotlight Initiative to eliminate all forms of violence against women and girls⁸⁶. We recommend that the external dimension of the Child Rights Strategy makes strong linkages with the Gender Action Plan (III) with regards to SGBV and violence against girls, and with other frameworks and policies that may be relevant such as the Human Rights and Democracy Action Plan and the EU Partnership with Africa.

- **Child marriage and Female Genital Mutilation (FGM)**

An estimated 200 million women have undergone FGM, which is a violation of girls' human rights and is often a precursor to child, early and forced marriage. While child marriages are diminishing in most countries in the world, the numbers are still too high. 650 million girls and women worldwide are married before the age of 18. At the same time, due to population growth in countries where the practice is prevalent, an additional 68 million girls are at risk of undergoing this harmful practice between 2015 and 2030. The COVID-19 pandemic is also expected to cause significant delays in programmes to end female genital mutilation and child marriage, resulting in an estimated 2 million more cases of FGM over the next decade than would otherwise have occurred. These delayed programmes, on top of growing economic hardships globally, could result in an estimated 13 million more child marriages over 10 years.

The EU approach towards harmful practices, in both external and in internal policy, should further mainstream the child rights approach, in line with the CRC definition of early child and forced marriage and FGM. This means addressing it as child rights violation and working with girls and boys in all their diversity – as well as families and communities – to address its impacts and root causes. The Child Rights Strategy should therefore focus on the implementation of the 2017 EU Guidelines for the Promotion and the Protection of the Rights of the Child⁸⁷, the 2013 Commission's Communication and the 2014 Council Conclusions on Preventing and combating all forms of violence against women and girls, including FGM. Likewise, there is a need to address the experience of boys as survivors of child marriage and abuse. Specific actions for protecting girls are needed in the Strategy and yet some topics such as harmful practices need to be dealt with from both an age and gender perspective.

83 https://www.unfpa.org/sites/default/files/resource-pdf/COVID-19_impact_brief_for_UNFPA_24_April_2020_1.pdf

84 https://ec.europa.eu/europeaid/sites/devco/files/european-consensus-on-development-20170602_en.pdf

85 <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12240-EU-Action-Plan-of-Gender-equality-and-women-s-empowerment-in-external-relations-for-2021-2025->

86 <https://www.spotlightinitiative.org/>

87 https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_guidelines_rights_of_child_0.pdf

Key actions to protect children from all forms of violence, exploitation and abuse

The Child Rights Strategy should call on the European Commission, the EEAS and EU Delegations in partner countries to commit in prioritising the following actions:

- Explicitly condemn and commit to ending harmful practices, including child labour, child-trafficking, gender-based violence, Female Genital Mutilation, early-and forced child marriage and institutionalisation of children.
- Support a child protection system-strengthening approach, including prevention and early intervention to tackle all forms of violence against children.
- As outlined in the EU Action Plan on Human Rights and Democracy 2020-2024, assist partner countries in building and strengthening child protection systems through EU technical assistance and through the Neighbourhood, Development and International Cooperation Instrument.
- Commit to support families at risk of separation and promote the transition from institutional care to quality family and community-based care for children. This should include supporting the elaboration of a set of guidelines on how to promote care reform in the EU external action, in line with the UN CRC, the UN CRPD, and the UN Guidelines for Children in Alternative Care.
- Introduce new legislation on mandatory human rights and environmental due diligence (HREDD) Including in the supply chain. The new legislation should be cross-sectoral, ensure that companies address child labour in supply chains and that victims of business-related human rights abuse have access to remedy, including children.

c. Protecting children in emergencies, disasters and humanitarian response

Children are disproportionately affected by conflict and disaster. Many children are growing up in emergency and fragile contexts: today 400 million children live in a conflict zone⁸⁸. The EU Human Rights Action Plan 2020-2024⁸⁹ makes explicit commitments to protect children in armed conflict. The Child Rights strategy should reinforce this commitment by spelling out the need to update the Guidelines on Children and Armed Conflict building on the work some Member States have been doing on this theme in international fora and taking into account the Parliament's study on Child Soldiers⁹⁰ and the EU Policy on Children and Armed Conflict⁹¹. It is important that the EU systematically condemns the increasing occurrences of the six grave violations⁹² affecting children the most in times of war and reinforces its close collaboration with and support to the UN Office of the Special Representative of the Secretary-General for Children and Armed conflict including with regard to reinforcing child protection capacity in-country and in EU missions.

All children are vulnerable in crises and need protection, however there are groups of children whose rights and needs are not been adequately addressed. As all children associated with armed groups are considered victims, the Strategy should include the Commission's support to all children associated with armed groups and listed organisations associated with terrorism, including ISIL. The humanitarian needs of these children should be met and where applicable the existing international standards of juvenile justice applied. All efforts should be made to ensure the repatriation and reintegration of children affected by armed conflict. Particular urgent attention is required for those children in territories formerly controlled by ISIL. Their right to a nationality and birth registration should be upheld, in accordance with international human rights law and principles of non-refoulement.

Girls encounter a range of gender specific barriers in emergency or conflict settings, such as accessing and returning to education and face specific protection risks, including sexual and gender-based violence and child, early and forced marriage. Their specific needs should be addressed in emergencies and conflict settings. The Commission's strategy should ensure that the gendered impacts of armed conflict on girls and boys is addressed and ensure investment in age and gender-appropriate approaches

Climate change is impacting children in fragile and conflict settings, exacerbating existing insecurities. Climate risks confronting children are diverse, ranging from direct physical impacts, such as cyclones, storm surges and extreme temperatures, to climate-related displacement, impacts on their education, psychological stress and nutritional challenges. Some of the leading killers of children worldwide such as of malnutrition, cholera, diarrhoeal disease and vector-borne diseases like dengue and malaria are likely to increase due to higher temperatures. The EU has a long pedigree of working on

88 Save the Children Report, Stop the War on Children. <https://resourcecentre.savethechildren.net/library/stop-war-children-2020-gender-matters>

89 https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2020-440026_en

90 [https://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO-DROI_ET\(2014\)433845](https://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO-DROI_ET(2014)433845)

91 https://europa.eu/capacity4dev/sites/default/files/learning/Child-rights/docs/eu_guidelines_on_children_and_armed_conflict.pdf

92 Killing and maiming of children; Recruitment or use of children as soldiers; Sexual violence against children; Abduction of children; Attacks against schools or hospitals; Denial of humanitarian access for children.

promoting risk reduction⁹³. Over the past 5 years, 65% of all the EU-funded humanitarian projects included a disaster preparedness component. It is important that the European Green Deal takes into account the situation of the most vulnerable children and the disproportionate impacts on them and that adequate EU external funding is allocated to supporting communities dealing with climate change (cf. chapter on European Green Deal).

Education in Emergencies (EiE) has proved to be an area where the EU has led the way and had a real impact on children's lives, recognising that education protects children in crises and gives them normalcy and perspective⁹⁴. Girls are almost two and a half times more likely to be out of school if they live in conflict-affected countries. Investment in education in emergencies and protracted crises remains essential to addressing prevailing inequalities that fuel many of the world's conflicts, migration patterns and instability. The continued prioritisation of the EiE is welcome and can build on existing European Commission Communications.⁹⁵ The need for their implementation should be reinforced through the Child Rights Strategy, exploring more on ECEC in emergency contexts, promoting EiE in secondary education as well as in reinforcing informal education systems and non-formal education systems. Non-formal educational activities have proven their benefit in boosting children's mental health from an early age.

The EU should continue to expand its pioneering work on EiE and the mainstreaming of child protection in emergencies (CPiE), including support for mental health and psychosocial recovery across all humanitarian responses linked to nutrition, shelter, livelihoods and education. Attention also needs to be given to tracing and reunification services for separated children and the Disarmament, Demobilisation and Reintegration (DDR) for children associated with armed forces/groups.

Humanitarian crises often lead to the separation of children from their families for many different reasons, either accidentally during the crisis (or due to medical evacuation) or more deliberately (e.g. poor targeting of services). Too often after natural and man-made disasters there are public cries to "save the orphans" and appearance of institutions, so called "orphanages"⁹⁶. Most often, the majority of these children have family members that can be located if family tracing and reunification starts quickly and there is a coordinated response to prevent the trafficking and exploitation of children.

Finally, child participation remains a major challenge in humanitarian contexts. Through the Grand Bargain the EU committed to "A Participation Revolution: include people receiving aid in making the decisions which affect their lives". The Strategy could recall this commitment adding that special attention would be given to include children and adolescents in participatory processes. Since, especially in emergency contexts, child protection is the first and foremost priority, it is paramount the EU gives clear child participation guidelines tailor-made for humanitarian aid.

93 EU is signatory to the Sendai Framework for Disaster Risk Reduction and ECHO aims to embed disaster preparedness in all its humanitarian aid programmes

94 European Commission Communication on Education in Emergencies and Protracted Crises (2018). https://ec.europa.eu/echo/files/news/Communication_on_Education_in_Emergencies_and_Protracted_Crises.pdf

95 Lives in Dignity: from Aid-dependence to Self-reliance (2016) and on Education in Emergencies and Protracted Crises (2018), followed by the Council Conclusions on Education in Emergencies and Protracted Crises (2018).

96 This was the case after the Tsunami in Aceh and earthquake in Haiti, among many other instances.

Key actions to protect children in emergencies

The Child Rights Strategy should call on the European Commission, the EEAS and EU Delegations in partner countries to commit in prioritising the following actions:

- Refer to the UN Resolution S/RES/1261⁹⁷ and systematically condemn the increasing occurrences of the six grave violations against children, including through high level statements and diplomatic démarches;
- Commit to update the Guidelines on Children and Armed Conflict⁹⁸ following the recommendations of the Parliament's study on Child Soldiers and the EU Policy on Children and Armed Conflict⁹⁹ and looking at the issue through gender lenses, making sure the new guidelines address the needs of both girls and boys living in conflict;
- Commit to the prioritisation, expansion and continued support to Education in Emergencies (EiE). Ensure that at least 10% of ECHO's budget is committed yearly and expand programming to groups not covered. Promote systemic collaboration between ECHO and DEVCO on education as part of the continuum between humanitarian response and development
- Adopt a long-term and gender-sensitive approach to child protection (formal and informal) and care in emergencies and mainstream mental health and psychosocial support for children across EU humanitarian programming and rapid response actions under the NDICI.
- EU investments should be adapted to the needs of children and, among others, focus on preventing family separation, promoting and supporting reunification and prioritise family-based and community-based care options for all children, and focusing on particularly vulnerable groups (e.g. children returning from armed forces and groups, children affected by armed conflict, and children on the move).

97 <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20SRES%201261.pdf>

98 <https://www.unicef.org/mali/media/1561/file/ParisPrinciples.pdf>

99 [https://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO-DROI_ET\(2014\)433845](https://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO-DROI_ET(2014)433845)

4. Children's rights in a world fit for the digital age

The online and digital space offers children new opportunities to express themselves, to connect with their friends, to access information and learn, to play, to create and much more. At the same time, it also poses threats. Cyber bullying, harmful content, online grooming and pornography, abuse and harassment (with girls often being more vulnerable than boys) are among the most severe dangers found in the digital world. Violent extremism (including recruitment) and hate speech are also proliferating on social media and are often accompanied with disinformation. Aggressive online advertising and marketing of health-harmful products, such as traditional and novel tobacco products, alcohol, foods high in fats, salt and sugars (HFSS) targeting children as vulnerable consumers are adding to increasingly digitally and commercially- determined risk behaviours. At the same time children's right to privacy is often violated as children's personal data are being collected, leaked, and misused. Artificial intelligence is already part of children's lives and poses threats that need regulation and better guidelines.

The digital gender gap hampers girls' access use and creation of digital technology and their access to internet. Digital literacy and skills, as well as protection from online violence and harassment are key to support children's empowerment and their participation in a digitalised world.

The recent COVID-19 crisis has also reflected the societal differences in digital readiness and at the same time the importance of the digital world when it comes to children's school and afterschool education as well as their socialisation. For example, many children both inside and outside the EU lost important aspects – if not all – of their school year due to lack of IT equipment or poor internet connections. Levelling those differences should be a key objective in the years to come.

During the last years, the European Commission has taken important initiatives in protecting children online by providing safer internet. The Expert Group on Safer Internet for Children¹⁰⁰, the Alliance to Better Protect Minors Online¹⁰¹, the Safer Internet Centres¹⁰², the establishment of the Safer Internet Day¹⁰³, the Strategy for better Internet for Children¹⁰⁴ as well as the Digital Services Act Package¹⁰⁵ and the Digital Education Action Plan¹⁰⁶ all showcase the Commission's and Member States prioritisation for safer internet for children. The EU is also currently developing a Strategy to fight child sexual abuse, expected in autumn 2020, which should also address protection and safety online¹⁰⁷.

However, more needs to be done. The EU and its Member States as well as partner countries should advance their legislation and policies to safeguard children's rights in the online world. EU regulations and national legislations concerning children must be reviewed from the digital point of view. At the same time children's rights should be integrated into existing and upcoming digital legislation. Corporates should be held accountable on how they use children's personal information and strict rules should be

100 <https://ec.europa.eu/digital-single-market/en/expert-group-safer-internet-children>

101 <https://ec.europa.eu/digital-single-market/en/alliance-better-protect-minors-online>

102 <https://ec.europa.eu/digital-single-market/en/safer-internet-centres>

103 <https://www.saferinternetday.org/web/sid/home>

104 <https://ec.europa.eu/digital-single-market/en/european-strategy-deliver-better-internet-our-children>

105 <https://ec.europa.eu/digital-single-market/en/digital-services-act-package>

106 https://ec.europa.eu/education/education-in-the-eu/digital-education-action-plan_en

107 <https://www.europarl.europa.eu/legislative-train/theme-promoting-our-european-way-of-life/file-eu-strategy-to-fight-child-sexual-abuse>

imposed on how children's rights are protected through their platforms. Digitalisation impacts children's rights to participation and to freedom of expression, protection, privacy, education, health/well-being as well as leisure and play, among others.

Human rights must be protected at the same level in digital context as in the physical world.

Key actions

The Child Rights Strategy should call on the European Commission, EU Member States, the EEAS and EU Delegations in partner countries to commit in prioritising the following actions:

- The EU and its Member States should uphold the commitment to implement the Lanzarote Convention, as the most comprehensive Convention in Europe to tackle child sexual violence, including online grooming which is a growing phenomenon. They should also continue actively participating in the Lanzarote Committee. The new EU Strategy for a more effective fight against child sexual abuse, should address protection from online abuse and refer to the Lanzarote Convention.
- The European Commission and its Member States should guarantee that in existing and upcoming legislation and policies related to digitalisation¹⁰⁸ and interoperability initiatives (health, migration¹⁰⁹) the rights of children are protected, their data is safeguarded and used in a transparent way (including children facing multiple forms of discrimination such as children in migration) in full respect of the best interest of the child. EU Member States and partner countries must hold companies accountable and ensure that their services use data in an ethical and transparent manner. EU Member States should explore the possibility of appointing national data protections officers with expertise in child rights.
- The European Commission should create guidelines for digital services including digital media and AI (in line with Council of Europe Guidelines and UNCRC General Comment) that may be used by children. Guidelines should apply to both services provided by EU Member States and companies. These guidelines should be part of the EU Digital Services Act.
- The European Commission should reinforce the promotion of the Safer Internet Days and the Safer Internet Forum in the EU and externally and ensure their inclusivity. Children of all ages and gender as well as of all backgrounds should participate in them by developing age appropriate material -also for children with disabilities -on accessing safe internet.
- The European Commission, EU Member States and partner countries should support children's skills and competences in technology and media. They should develop easy to read/child centred material on tackling disinformation

¹⁰⁸ e.g GDPR

¹⁰⁹ As initiated by <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:52016DC0205>

online, raising awareness about hate speech, bullying and harassment and they should allocate EU funding in capacity building of teachers and of parents in order to be able to support and empower children recognising their digital rights and needs

- The European Commission should put children's participation and empowerment at the heart of the Updated Skills Agenda for Europe and of the European Education Area and should support digital skills and literacy through external action. The EU and its Member States should invest EU and national resources in programs aimed to develop quality digital education solutions for every child, and particularly for the most disadvantaged, creating innovative solutions for children with relevant skills for the twenty-first century economy.

5. A role for children in the European Green Deal

The climate crisis is a child rights crisis. Children today and tomorrow will be the most impacted by the climate crisis. All children are affected, but children already disadvantaged by poverty, hunger, discrimination, disability and poor health, and social marginalisation are most at risk of being left behind by climate change. Climate change and environmental degradation are also forcing millions of children to become displaced – either within their own countries or abroad. In addition, children are impacted differently according to their age and gender. Despite all this, children's perspectives are not being prioritised by today's decision makers. The European Green Deal - with its aim to foster sustainable European society and economy, as well as reinforcing the role of the EU as "climate champion" in the global arena - is an opportunity to correct this by placing children front and centre of its priorities and its solutions.

President von Der Leyen has already underlined the link between environmental pollution and the promotion of children's rights in her political guidelines. Child and youth participation at national level and in global fora to discuss and agree on necessary climate action is already happening and is expected to increase in the coming years, as youth continue to gain spaces and opportunities to influence the political agenda in each country and globally. There is no solution to climate and environmental challenges without factoring in the role of children and young people as protagonists. Children and young people have the power to inform decision-makers about what they are experiencing, which solutions are working, and to promote socially-just, environmentally sustainable lifestyles – setting an example for their communities. They are also the vehicles to carry best practices into the future and to make climate mitigation and adaptation efforts sustainable. Children are already participating in decision-making and calling for action. For example, the global movement Fridays for Future is demanding governments all over the world to take greater action to fight the devastating effects of climate change.

The Child Rights Strategy should promote the mainstreaming of children's rights within the fight against climate change in relevant EU policies and should work towards ensuring the rights based participation of children, international organisations and civil society organisations in the drafting, implementation, monitoring and evaluation of these policies. Civil society should be also supported financially in its advocacy in running projects relevant to this issue.

Key actions

The Child Rights Strategy should call on the European Commission, EU Member States, the EEAS and EU Delegations in partner countries to commit in prioritising the following actions:

- Mainstream children's rights in the fight against climate change and in promoting environmental protection, acknowledging the impacts on children, including those who have been displaced; and advocating for global recognition and fulfilment of children's inalienable right to a healthy environment. This means enshrining this right in regional treaties and frameworks, national Constitutions and/or legislation and establishing a well-resourced monitoring mechanism that allows for periodic reporting.
- Establish formal mechanisms to support children's and young people's rights-based participation in discussions and decision-making on climate change. EU Member states should integrate children's interests, perspectives and needs into national climate change adaptation and mitigation policies (e.g., National Climate Change Adaptation Plans, Nationally Determined Contributions), including through consulting children, and the EU should ensure that children participate in the development of EU policies and programmes related to the Green Deal with a particular focus on elevating the voices of the most vulnerable such as adolescent girls, displaced and migrant children/youth and those with disabilities.
- Carry out impact assessments on the EU Green Deal and associated EU legislative actions, with the aim of measuring their impacts on children in line with the EU better regulation principle. Strengthen the environmental and human rights clauses in EU trade agreements, applying HRDD principle in tackling the whole value chain of products sold within the EU and considering detrimental effect on the wellbeing of children.
- The EU and Member States should invest in climate change and environmental education, to strengthen the capacity of children and young people, as agents of change, on climate change mitigation and adaptation efforts and to equip children and young people with the knowledge and skills required to protect themselves and contribute to a safe and sustainable future, ensuring that such efforts reach marginalised children and youth;
- Systematically collect, analyse, and disseminate disaggregated data to capture the specific impact of the climate crisis on children with regard to health, nutrition, education, displacement, migration etc. Data should be disaggregated by sex, age, migration or displacement status and other elements of diversity and align with GDPR.
- Support funding and investments aimed at disadvantaged communities and countries within the EU and externally to adapt their living conditions; promote social cohesion; and foster climate change resilience, notably through the 25% of the NDICI allocated to the global climate change response and through the Just Transition Mechanism and the Transition Fund. Civil society and international organisations should be involved in the transformation process ensuring that no one is left behind.

6. A new push for rights-based, meaningful and inclusive child participation in democracy

Our vision for the EU approach to rights-based, meaningful and inclusive child participation and inclusion is “Nothing about children, without children”: Rights-based child participation is embedded in decision-making processes at local, national¹¹⁰ and EU level and in all sectors. Child rights education and training contribute to building the capacity of both children and adults to make this happen in practice.

The EU has a large-scale impact in the lives of children and their right to participate, however in reality children are rarely given the opportunity to meaningfully participate. Their views are not respected nor given due weight and children do not receive feedback about the opinions given. During recent years there have been efforts by civil society organisations and by the European Commission and the European Parliament to bring children’s voices both from inside the EU and externally into EU policy making. The Bucharest Children’s Declaration¹¹¹, the Nordic Children’s Forum, and the survey “Europe Kids Want”¹¹² can be considered as positive examples of child participation in decision-making. Child-led initiatives, such as the Fridays for Future movement and trade unions made up of children or movements of working children across the globe, have demonstrated that these can change concretely social or political norms and policy attitudes. Despite these positive developments, child participation is still scarce in EU internal and external policy making as there are no systemic ways to embed rights-based child participation in policy making both at EU and at national and local levels. In addition, young people over the age of 18 are more often consulted than children, especially than those under the age of 15. Children in vulnerable situations have fewer opportunities to contribute to decision making and the most marginalised and excluded children have even fewer opportunities to participate in decision making processes.

The EU should encourage children’s active citizenship and their active contribution to participatory democracies. Children’s rights-based participation in public and democratic decision-making contributes to building effective democracies from childhood onwards. The EU needs to ensure Member States are providing child rights education in schools and pre-school settings and in the training curricula of professionals working with and for children locally, nationally and within the EU, in this way contributing to capacity building of both children and adults in child participation. Moreover, children should be supported to be protagonists in influencing their surroundings. Solutions to address rights violations resulting from poverty, violence, abuse, etc. must be found in partnership with children from diverse backgrounds and with lived experiences relevant to policies and legislation, as these solutions contribute to stronger and more effective policies.

Over the next few months there are significant opportunities that can further support and elevate rights-based child participation in decision-making. The European Commission Vice President for Democracy and Demography, in leading the Child Rights Strategy and the Conference on the Future of Europe, is well placed to focus on including children in policy processes and to ensure that mechanisms are created so that children are able to participate in a rights-based, structured, continuous, meaningful and respectful way. This is both in terms of how the Strategy itself is designed (and later implemented and evaluated), and by including rights-based child participation as a key, transversal priority within the Strategy.

¹¹⁰ Including in partner countries of the EU.

¹¹¹ <https://www.unicef.org/romania/bucharest-eu-childrens-declaration>

¹¹² https://www.eurochild.org/policy/library-details/article/the-europe-kids-want/?no_cache=1

Key actions

The new Child Rights Strategy should call on the European Commission, the EU Member States, EEAS and EU Delegations in partner countries to commit in prioritising the following actions:

- Ensure rights-based meaningful and inclusive participation of children in decision-making processes that impact their lives at local, national and EU level and in partner countries with particular dedication to the participation of vulnerable, marginalised and younger children. At least 20% or a minimum percentage of vulnerable and marginalised children should be included in each of the EU's child participation mechanisms.
- Ensure Member States and partner countries ,in collaboration with child-focused CSOs, provide child rights education and capacity building to children and professionals working with and for children locally, nationally and within the EU, and support Member States and partner countries to use the Council of Europe child participation assessment tool to involve children in decision-making processes, building on the experience of the Council of Europe.¹¹³
- Promote knowledge and skills exchange on rights-based child participation within and between Member States and partner countries, including civil society organisations (CSOs)Increase public funding and EU funding allocation to create rights-based child participation mechanisms¹¹⁴ - including structured dialogue mechanisms which acknowledge the role for CSOs working with children locally, nationally and at EU level to strengthen meaningful, inclusive and safe child participation in decision-making processes. Rights-based child participation mechanisms should enable children to influence their lives and futures, which includes influencing the development and implementation of policies, strategies and events. At EU level increase resources and staff capacity, in particular for the European Commission Coordinator on Children's Rights.
- Carry out strong and compulsory accountability and feedback mechanisms to children after they have participated in decision-making processes and ensure the monitoring and evaluation of rights-based child participation by data collection and evidence gathering in an annual stocktaking by the European Parliament Intergroup on Children's Rights, the child rights office in the European Parliament and by involving children and CSOs.

¹¹³ <https://edoc.coe.int/en/children-s-rights/7207-council-of-europe-strategy-for-the-rights-of-the-child-2016-2021.html>

¹¹⁴ The Conference of the Future of Europe, the annual EU Forum on Children's Rights and consult children through the Eurobarometer (ensure there are disaggregated data for 0-18 y.)

For more information please contact:

Katerina Nanou, Senior Advocacy Advisor, Save the Children Europe,
Katerina.nanou@savethechildren.org

Francesca Lazzaroni, Public Partnership Specialist, United Nations
Children's Fund – Office for Relations with EU Institutions. Francesca.lazzaroni@unicef.org

Margherita Leone, EU Policy Advisor, Programme and Strategy, SOS
Children's Villages International Margherita.Leone@sos-kd.org

Federica Toscano, Head of Advocacy and Migration, Missing Children
Europe, Federica.Toscano@missingchildreneurope.eu