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9. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for the Common Foreign and Security Policy, the governments and parliaments of the Member States, the Quartet Envoy to the Middle East, the President of the Palestinian Authority, the Palestinian Legislative Council, the Israeli Government and the Knesset.

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## A Special Place for Children in EU External Action

P6\_TA(2009)0060

### European Parliament resolution of 19 February 2009 on a special place for children in EU external action (2008/2203(INI))

(2010/C 76 E/02)

*The European Parliament,*

- having regard to the Commission Communication of 5 February 2008 entitled 'A special place for children in EU external action' (COM(2008)0055),
- having regard to the Commission Staff Working Paper of 5 February 2008 entitled 'Children in Emergency and Crisis Situations' (SEC(2008)0135),
- having regard to the Commission Staff Working Paper of 5 February 2008 entitled 'The European Union's Action Plan on Children's Rights in External Action' (SEC(2008)0136),
- having regard to the Commission Communication of 9 April 2008 entitled 'The EU - a global partner for development - Speeding up progress towards the Millennium Development Goals' (COM(2008)0177),
- having regard to the Council Conclusions on the promotion and protection on the rights of the child in the European Union's external action - the development and humanitarian dimensions of 26 May 2008,
- having regard to the European Council Conclusions of 19 and 20 June 2008,
- having regard to the EU Guidelines for the Promotion and Protection of the Rights of the Child adopted by the Council in December 2007,
- having regard to the EU Guidelines on Children and Armed Conflict adopted by the Council in December 2003 and updated in June 2008,
- having regard to the Checklist for the Integration of the Protection of Children affected by Armed Conflict into European Security and Defence Policy (ESDP) Operations adopted by the Council in May 2006,
- having regard to the United Nations Convention on the Rights of the Child (CRC), adopted by the General Assembly on 20 November 1989, and the optional protocols thereto,
- having regard to the EU Agenda for Action on MDGs adopted by the Council on 18 June 2008,
- having regard to UN resolution 1612 (2005) on children and armed conflict, adopted by the UN Security Council at its 5235th meeting on 26 July 2005,

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- having regard to the International Labour Organisation (ILO) Conventions No.138 on 'Minimum age' adopted in Geneva on 26 June 1973 and No.182 on 'the Prohibition and Immediate Action for the Elimination of the Worst forms of Child Labour' adopted in Geneva on 17 June 1999,
- having regard to United Nations (UN) Millennium Declaration adopted by the General Assembly on 8 September 2000,
- having regard to the outcome document of the UN Special Session on Children held at UN headquarters in May 2002, entitled 'A World Fit for Children',
- having regard to the UN Secretary General's Study on Violence against Children, presented to the UN General Assembly on 11 October 2006,
- having regard to the report 'Children and the Millennium Development Goals' prepared by United Nation Children's Fund (UNICEF) for the United Nations in December 2007,
- having regard to the report 'The state of the world's children 2008' published by UNICEF in December 2007,
- having regard to the Millennium Development Goals (MDGs) Report 2008 published by the UN Department of Economic and Social Affairs in August 2008,
- having regard to the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups adopted by Ministers and representatives of countries having gathered in Paris on 5 and 6 February 2007,
- having regard to the African Charter on the Rights and Welfare of the Child adopted by the Organization of African Unity (OAU) in 1990, which entered into force on 29 November 1999,
- having regard to the Cotonou Agreement <sup>(1)</sup> as amended <sup>(2)</sup>, in particular to Article 9 on 'Essential elements regarding human rights, democratic principles and the rule of law, and fundamental element regarding good governance' and Article 26 on 'Youth issues',
- having regard to the ACP-EU Joint Parliamentary Assembly Resolution on children's rights and child soldiers <sup>(3)</sup> adopted in Addis Ababa on 19 February 2004,
- having regard to the ACP-EU Joint Parliamentary Assembly Resolution on the social consequences of child labour and strategies to combat child labour adopted in Port Moresby on 28 November 2008,
- having regard to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community signed at Lisbon on 13 December 2007, and the Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, in particular Article 3 of the Treaty on European Union, which states that the European Union 'shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child', and that, in its relations with the wider world, the EU shall 'contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child',

<sup>(1)</sup> Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (OJ L 317, 15.12.2000, p. 3).

<sup>(2)</sup> OJ L 209, 11.8.2005, p. 27.

<sup>(3)</sup> OJ C 26, 29.1.2004, p. 17.

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- having regard to the Joint Statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy, 'The European Consensus' <sup>(1)</sup>, and, in particular, the requirement that children's rights be mainstreamed throughout the implementation of Community development policy,
  - having regard to the Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission, 'The European Consensus on Humanitarian Aid' <sup>(2)</sup>; in particular the requirement to pay special attention to children and to addressing their specific needs,
  - having regard to the Charter of Fundamental Rights of the European Union, in particular to Article 24 on the rights of the child,
  - having regard to the action programme established by Decision No 293/2000/EC of the European Parliament and of the Council of 24 January 2000 adopting a programme of Community action (the Daphne programme) (2000 to 2003) on preventive measures to fight violence against children, young persons and women <sup>(3)</sup>,
  - having regard to the political declaration adopted in Berlin on 4 June 2007 at the European Forum on the Rights of the Child, which reiterates the desire systematically to take children's rights into account in the internal and external policies of the European Union,
  - having regard to 'The Framework for the Protection, Care and Support of Orphans and Vulnerable Children Living in a World with HIV and AIDS' published by the Global Partners Forum in July 2004,
  - having regard to its resolution of 3 July 2003 on 'Trafficking in children and child soldiers' <sup>(4)</sup>,
  - having regard to its resolution of 5 July 2005 on 'The exploitation of children in developing countries, with a special focus on child labour' <sup>(5)</sup>,
  - having regard to its resolution of 16 January 2008 on 'Towards an EU strategy on the rights of the child' <sup>(6)</sup>,
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Development and the opinions of the Committee on Foreign Affairs, the Committee on Culture and Education and the Committee on Women's Rights and Gender Equality (A6-0039/2009),
- A. whereas the fulfilment of children's rights is key to their individual life chances as well as to making progress towards the eradication of poverty,
- B. whereas the gender roles that a society assigns to its children have a determining effect on their future: their access to food and education, their labour force participation, their status in relationships and their physical and psychological health,
- C. whereas the aims set out in the Convention on the Rights of the Child remain largely unfulfilled,

<sup>(1)</sup> OJ C 46, 24.2.2006, p. 1.

<sup>(2)</sup> OJ C 25, 30.1.2008, p. 1.

<sup>(3)</sup> OJ L 34, 9.2.2000, p. 1.

<sup>(4)</sup> OJ C 74 E, 24.3.2004, p. 854.

<sup>(5)</sup> OJ C 157 E, 6.7.2006, p. 84.

<sup>(6)</sup> Texts adopted, P6\_TA(2008)0012.

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- D. whereas of the 2.2 billion children in the world, 1.9 billion (86 %) live in developing countries, and over 98 % of the children living in extreme poverty do so in developing countries,
  - E. whereas every day, more than 26 000 children under the age of five die around the world, mostly from preventable causes and, on current trends, the MDG goal to reduce child deaths by two thirds will not be reached until 2045,
  - F. having regard to point 9 of the action programme adopted by the Fourth World Conference on Women (which met in Beijing from 4 to 15 September 1995), which is also a fundamental principle which was set out at all international conferences concerning children's rights in the preceding decade,
  - G. whereas if the Treaty of Lisbon is ratified by all Member States, protection of the rights of the child will become a specific objective of the Union's external policy,
  - H. whereas the Commission has been mandated by the Council to analyse the impact of positive incentives on the sale of products that have been produced without using child labour, and to examine and report on the possibility of additional measures on products that have been produced using the worst forms of child labour,
  - I. whereas the right of children to education is non-negotiable and education and vocational training play an important role in the strategy for the gradual elimination of child labour,
  - J. whereas the commercial exploitation of children is a gross violation of their human dignity and is against the principles of social justice,
  - K. whereas purchasers of goods from the developing world are in a key position to detect and refuse to purchase goods which are made wholly or in part with child labour, and can thus bring direct and effective economic pressure to bear,
1. Welcomes the above-mentioned Commission Communication on 'A Special Place for Children in EU External Action' and the supplementary Staff Working Papers, as well as the accompanying Council Conclusions as important steps forward towards an EU strategy on the rights of the child;
  2. Recognises that the EU institutions have attached increasing importance to children's rights, but underlines that much remains to be done to put the political commitments into practice, and stresses that none of the plans will be realised unless adequate funding is available;
  3. Highlights the importance of meeting the MDGs on efforts to safeguard children's rights, and urges Member States to fulfil their pledges to provide adequate, predictable funding through timetabled budgetary aid designed to meet the 2010 benchmarks;
  4. Calls on the Union to firmly pursue the elimination of all forms of discrimination against girls (since conception) and commit adequate resources in order to overcome the subsequent asymmetries;
  5. Welcomes the four guiding principles of the Commission's Action Plan on Children's Rights in External Action which include a holistic and coherent child rights-based approach;
  6. Recognises that a child rights-based approach is based upon the norms and principles defined in the Convention on the Rights of the Child and directed towards their realisation;
  7. Calls on the European Community to accede to the European Convention on Human Rights and other conventions relating to the exercise of children's rights, adoption, sexual exploitation, child labour, the protection of children in armed conflicts and child abuse;

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8. Calls on the Commission and the Member States to promote the implementation of the Convention on the Rights of the Child and the protocols thereto, and to enhance the support given to reforms of third countries' legal systems, which are designed to protect children;
9. Emphasises that all action for children's rights should respect the primary role of the child's parents and immediate family as well as primary carers and guardians, and in particular the need to improve the position of mothers;
10. Points out, nonetheless, that it may be in the interests of a child having problems at home to be separated from his or her family temporarily as a protective measure, particularly where the parents have psychosocial or psychiatric problems or there is evidence of domestic violence, mistreatment or sexual abuse;
11. Underlines the urgent need to pay special attention to the most vulnerable and socially excluded girls and boys, including disabled children, migrant children, children from minorities, separated or unaccompanied children and children without parental care;
12. Underlines that in order to put the child rights-based approach into practice, the EU must undertake a thorough analysis of children's rights, ideally when Country, Regional and Thematic Strategy Papers are adopted or reviewed, on the basis of which actions and programmes targeting children's issues can be selected; in this respect, calls on the Commission to provide to Parliament, as early as possible or during mid-term reviews of development programmes, an overview of child-related actions and financial allocations;
13. Stresses that children's rights must be systematically included in the EU's political dialogue and policy discussions with partner countries;
14. Calls on the Commission to draw up a report examining whether the existing international agreements between the European Union and third countries already contain a legally binding clause on the protection of children's rights and, if not, whether such a clause could be inserted into agreements;
15. Believes that the participation of children must be institutionalised and better funded in partner countries and at EU level;
16. Supports building up existing youth and children's networks as sustainable platforms for engaging and consulting children, and calls on the Commission systematically to invite these networks to contribute towards the discussions on Country Strategy Papers, as well as to encourage their involvement in the development of national planning instruments;
17. Calls on the Commission to help partner countries adopt child-friendly budgeting, especially when the European Union is providing budget support, and to develop integrated, comprehensive National Action Plans for Children with clear benchmarks, measurable targets, timelines and review and reporting mechanisms on children's rights;
18. Insists that the general budget support of the EU should include funds for capacity- building for relevant ministries (such as Ministries of Welfare, Health, Education and Justice) to ensure that they have the appropriate policies and tools to budget and implement services for children;
19. Stresses that, in its external actions, the EU should strongly encourage third-country governments to comply with international children's rights standards, in particular as regards the provision of basic social welfare services to children, such as through free food distribution in schools and nurseries, and access to health care; stresses, at the same time, that ensuring equitable access to education for children in situations of armed conflict and post-conflict situations constitutes an important investment in conflict prevention;
20. Notes that despite the recent positive developments at EU level, the EU institutions and staff resources devoted to children's rights remain inadequate;

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21. Recommends that in order to ensure visibility and leadership on children's rights, an EU Special Representative should be appointed;
22. Considers that responsibility for children's issues should be given to an individual in each Commission Delegation, and calls on the Commission and Member States to ensure that all staff in Headquarters and Missions/Delegations are properly trained and supplied with guidance notes on how to integrate children's rights into external actions, and manage safe and effective child participation;
23. Calls for the protection of children's rights under the UN Convention on the Rights of the Child to be given a central place in the Multiannual Framework of the European Union Agency for Fundamental Rights; believes that this agency should build up a network with international organisations, ombudspersons for children and non-governmental organisations, in order to benefit from their store of knowledge and experience;
24. Welcomes the Commission's commitment to address the violation of children's rights such as child labour, child trafficking, child soldiers, children affected by armed conflict and all forms of violence against children, including sexual exploitation and harmful traditional practices; insists, however, that the focus should be on the root causes and prevention of violation of children's rights;
25. Requests that the Commission include the fight against impunity in its external actions and relations with third countries, as an important measure to prevent violations of children's rights;
26. Calls on the Commission and the Member States to prioritise the development of national child protection strategies and systems in partner countries which can provide children and families with support services before children are harmed;
27. Calls on the Commission and Member States to support institutional structures in partner countries to protect and promote children's rights, including independent ombudspersons;
28. Believes that efforts should also be made to increase the understanding of, and respect for, children's rights among parents and carers, as well as those who work with children such as teachers and health workers;
29. Calls on the Council and Commission to make official birth registration a part of development cooperation policy as a basic right and an important means of protecting the rights of the child;
30. Recognises that early childhood care and education are a child's right - including immunisation, parenting, and access to kindergarten and nurseries - and recognises that early childhood is a time of significant development and that malnutrition and lack of care can lead to both physical and intellectual impairment;
31. Underlines that achieving MDG 2 on universal primary school education and MDG 3 on gender parity are central to preventing violations of children's rights;
32. Underlines that interventions focussing specifically on girls are required in order to give them the same opportunities as boys to attend school, obtain sufficient food, be allowed to express their opinions and gain access to healthcare;
33. Urges the Union to prioritise the right to education, especially for girl children, in aid programmes and policy dialogue with partner countries; stresses the need to fight persistent discrimination in poor families that cannot afford school fees for all their children and opt to send boys to school at the expense of girls;

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34. Stresses that education facilities and programmes need to be 'girl friendly', and offer, for example, alternative forms of education outside formal institutions, or flexible hours to cater for girls who take care of siblings;
35. Stresses that investing in girls' education is an investment that will have the greatest impact in terms of poverty eradication, reduction of population growth, lower infant and child mortality, less widespread malnutrition, rising school attendance and improving health;
36. Emphasises that quality education should be a priority including in situations of conflict and fragility, and welcomes the Commission's plan to address education in its humanitarian aid operations; underlines the need for operational guidelines committing the EU to including education in every stage of its humanitarian response, in line with the minimum standards outlined by the Interagency Network for Education in Emergencies, and calls for sufficient funding and staffing at EU level to implement the new policy commitment;
37. Insists that no child should be deprived of the fundamental right to education owing to a lack of economic resources and reiterates its appeal to all governments of developing countries to draw up a clear timetable for the rapid abolition of direct and indirect school fees for basic education, while at the same time maintaining a high level of education;
38. Emphasises that, in EU relations with third countries, projects for the development of children's social competences, tolerance, solidarity and responsibility for their environment, especially in the context of fighting climate change, are of the utmost importance;
39. Recalls that a political commitment to making coherent policy choices in the areas of poverty reduction, quality education and human rights, is key to reducing incentives for child labour;
40. Calls on the European Community and Member States to provide more support to fair trade and labelling initiatives which encourage companies not to use child labour; recommends that compliance with voluntary codes of conduct regarding core labour rights should be better controlled and made transparent to European consumers; believes that public procurement contracts should be made conditional on compliance with international child labour standards;
41. Welcomes the Council's initiative to launch a study on the impact of positive incentives on the sale of products produced without using child labour and on possible additional measures, including trade-related measures; calls on the Commission to inform Parliament about the design, implementation and outcome of this study;
42. Urges the Commission to propose a uniform method for labelling products imported into the European Union so as to certify that they have been manufactured without the use of child labour at each stage in the chain of production, for example, by placing the indication 'without child labour' on the packaging of the products in question, thereby ensuring that this system is in line with the WTO's international trade rules;
43. Highlights MDG 4 on reducing child mortality and MDG 6 on combating HIV/AIDS, malaria and other diseases and urges the Community and other donors to strengthen public health systems which deliver cost-effective maternal, neo-natal and child health services to whole populations, and to integrate disease-specific interventions such as the provision of anti-malarial bed nets and antiretroviral drugs into these health services;
44. Deplores the pressures which exist to undermine policies on sexual and reproductive health rights, with the resulting increase in unwanted pregnancies and unsafe abortions for young women, and urges the EU to maintain levels of funding for the full range of sexual and reproductive health services to meet MDG 5 on improving maternal health;

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45. Notes the particularly adverse effects of the food price crisis on children, and underlines the need for broad strategies to enhance nutrition security, which means not just access to adequate food, but also access to appropriate micronutrients, safe water, hygiene and sanitation, healthcare, adequate childcare and a healthy environment;
46. Acknowledges the European Union's impressive policy framework to tackle the tragedy of children affected by armed conflict, and calls for enhanced monitoring, awareness-raising and training mechanisms to ensure that this is properly implemented on the ground;
47. Believes that a child protection adviser should be part of all ESDP missions, and stresses that training for ESDP mission staff should cover child protection issues;
48. Stresses that Disarmament, Demobilisation and Reintegration (DDR) programmes supported by ESDP missions should take specific children's needs into consideration;
49. Calls for special attention to be given to the needs of girl-child mothers in conflict and post-conflict situations and to refugees and internally displaced girls, as well as girls who are subjected to rape and sexual violence;
50. Calls on the Commission to invest in programmes aiming at preventing and responding to sexual and gender-based violence against girls and boys, which should include provision of post-exposure prophylaxis (PEP) kits to prevent HIV infection, support for recovery and social reintegration services, and confidential reporting mechanisms;
51. Underlines that the EU should also support measures to overcome stigma and discrimination, as often vulnerable girls or young women – such as those who are HIV positive, victims of rape or sexual violence, have had children through rape, or have undergone abortion – are rejected by their communities;
52. Draws attention to the particularly difficult situation of HIV-infected children, children with AIDS and AIDS orphans; condemns, in particular, the rape of women and girls in the belief that sexual intercourse with a virgin can cure AIDS, and calls on local information campaigns to eradicate this mistaken belief and thereby offer increased protection to girls in particular;
53. Stresses the need to comply with the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, so as to guarantee the rights of children from migrant families;
54. Calls on the EU to use the thematic programme on asylum and migration, which forms part of the Instrument for Development Cooperation, to support especially vulnerable groups such as children of migrants and children in poverty;
55. Calls on the European Union, in its external action, to pay specific attention to the situation of children facing discrimination, including children in conflict with the law and children deprived of their liberty and placed in closed institutions; stresses that children should have easier access to justice and specialised assistance, and that their age must be taken into consideration throughout the judicial proceedings by means of special protective measures;
56. Calls on the Council and the Commission, when designing aid programmes and negotiating action plans on justice and home affairs with third countries, to address the issue of juvenile justice, having regard not only to the ratification of relevant international and regional standards but also to the effective implementation thereof;
57. Calls on the Commission and Member States to promote policy coherence on children's issues, incorporating consideration of children's rights into other major policies areas such as security, climate change, migration and aid effectiveness;



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58. Calls for all EU policies with a likely effect on children in third countries to be subject to consistent child rights impact assessments prior to their adoption, as well as subsequent evaluations; underlines that children should be considered as a separate and distinct group as they are not affected in the same way as adults;
59. Welcomes the initiative launched in the above-mentioned Council Conclusions to better coordinate and enhance the division of labour in the area of children's rights, by mapping out existing Commission and Member State policies and activities in pilot countries;
60. Is concerned that pilot countries have still not been identified, and calls on Member States to work closely with the Commission to ensure that this exercise is implemented quickly;
61. Calls on the Commission to develop procedures, benchmarks and indicators to ensure that 'mainstreamed' children's rights do not fall off the agenda, and shares the Commission's view that besides 'mainstreaming' of children's rights, specific actions are also needed under the geographical funds and the European Development Fund, possibly in non-focal sectors;
62. Believes that Parliament could play a more coordinated and systematic role in the monitoring of EU commitments on children, through for example the Annual Report on Human Rights;
63. Suggests that the interparliamentary assemblies (ACP-EU JPA, Eurolat, Euro-Mediterranean Parliamentary Assembly) invite children's organisations of the host country to their meetings, and supports the creation of inter-regional youth fora, such as an EU-Africa Youth Platform;
64. Instructs its President to forward this resolution to the Council and the Commission, the governments and parliaments of the Member States, the Secretary-General of the United Nations and the Co-Chairs of the ACP-EU Joint Parliamentary Assembly.
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## **Implementation of Directive 2002/14/EC: informing and consulting employees in the European Community**

P6\_TA(2009)0061

**European Parliament resolution of 19 February 2009 on the implementation of Directive 2002/14/EC establishing a general framework for informing and consulting employees in the European Community (2008/2246(INI))**

(2010/C 76 E/03)

*The European Parliament,*

- having regard to Articles 136 to 145 of the EC Treaty,
- having regard to the declaration of the Heads of State and Government of 9 December 1989 on the Community Charter of the Social Rights of Workers, and in particular Articles 17 and 18 thereof,
- having regard to the European Social Charter of the Council of Europe, as revised in 1996, and in particular Article 21 thereof,
- having regard to the Charter of Fundamental Rights of the European Union, adopted in Nice on 7 December 2000 and formally signed by the Heads of State and Government of the 27 Member States in the European Parliament in December 2007, and in particular Article 27 thereof,