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P8\_TA(2014)0070

**25th anniversary of the UN Convention on the Rights of the Child****European Parliament resolution of 27 November 2014 on the 25th anniversary of the UN Convention on the Rights of the Child (2014/2919(RSP))**

(2016/C 289/10)

*The European Parliament,*

- having regard to the UN Convention on the Rights of the Child, adopted in New York on 20 November 1989,
- having regard to the UN Convention on the Rights of Persons with Disabilities, adopted in New York on 13 December 2006,
- having regard to Article 3 of the Treaty on European Union,
- having regard to Article 24 of the Charter of Fundamental Rights of the European Union,
- having regard to the Stockholm programme adopted in 2009 and to the associated action plan for 2010-2014,
- having regard to General Comment No 14 (2013) of the UN Committee on the Rights of the Child on the right of the child to have his or her best interests taken as a primary consideration,
- having regard to the EU Agenda for the Rights of the Child, adopted in February 2011,
- having regard to the European Consensus on Development,
- having regard to the declaration and action plan adopted at the High-Level Forum on Aid Effectiveness held in Busan from 29 November to 1 December 2011,
- 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 EU Guidelines for the Promotion and Protection of the Rights of the Child,
- having regard to the EU Guidelines on Children and Armed Conflict,
- having regard to the UN action plan entitled 'A World Fit for Children',
- having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy,
- having regard to Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA <sup>(1)</sup>,
- having regard to Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA <sup>(2)</sup>,

<sup>(1)</sup> OJ L 101, 15.4.2011, p. 1.

<sup>(2)</sup> OJ L 335, 17.12.2011, p. 1.

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- having regard to the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, in particular the provisions on financing the development of guidelines on child protection systems and on the exchange of best practices,
  - having regard to Commission recommendation 2013/112/EU of 20 February 2013 entitled ‘Investing in children: breaking the cycle of disadvantage’<sup>(1)</sup>,
  - having regard to its resolution of 12 September 2013 on the situation of unaccompanied minors in the EU<sup>(2)</sup>,
  - having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and to the Beijing Platform for Action,
  - having regard to its resolutions of 25 February 2014 with recommendations to the Commission on combating violence against women<sup>(3)</sup> and of 6 February 2014 on the Commission communication entitled ‘Towards the elimination of female genital mutilation’<sup>(4)</sup>,
  - having regard to the Council conclusions of 5 June 2014 on preventing and combating all forms of violence against women and girls, including female genital mutilation,
  - having regard to the Council conclusions of 19 May 2014 on a rights-based approach to development cooperation, encompassing all human rights,
  - having regard to Article 7 of the Treaty on the Functioning of the European Union, which reaffirms that the EU ‘shall ensure consistency between its policies and activities, taking all of its objectives into account’,
  - having regard to the Commission communication of 2 June 2014 entitled ‘A decent life for all: from vision to collective action’ (COM(2014)0335),
  - having regard to the Commission communication of 12 April 2005 entitled ‘Policy Coherence for Development’ (COM(2005)0134), and to the conclusions of the 3166th Foreign Affairs Council meeting of 14 May 2012, entitled ‘Increasing the Impact of EU Development Policy: an Agenda for Change’,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the UN Convention on the Rights of the Child and the optional protocols thereto constitute the standard in the promotion and protection of the rights of the child, containing a comprehensive set of international legal standards for the protection and well-being of children;
- B. whereas all the EU Member States have ratified the UN Convention on the Rights of the Child and have clear legal obligations to promote, protect and fulfil the rights of every child in their jurisdictions;
- C. whereas the promotion of children’s rights is an explicit objective of EU policies, and whereas the EU Charter of Fundamental Rights requires that the best interests of the child be a primary consideration in all EU action;
- D. whereas the UN Convention on the Rights of the Child and the EU Charter of Fundamental Rights respect the child’s rights to be heard and to have their views on matters which concern them taken into consideration according to their age and maturity;

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<sup>(1)</sup> OJ L 59, 2.3.2013, p. 5.

<sup>(2)</sup> Texts adopted, P7\_TA(2013)0387.

<sup>(3)</sup> Texts adopted, P7\_TA(2014)0126.

<sup>(4)</sup> Texts adopted, P7\_TA(2014)0105.

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- E. whereas the rights of the child — namely the principle of the best interests of the child, the child's right to life, survival and development, non-discrimination and respect for the child's right to express an opinion — concern all EU policies;
- F. whereas progress has been made since the adoption of the UN Convention on the Rights of the Child 25 years ago, but whereas children's rights continue to be violated in many parts of the world, including in EU Member States, as a result of violence, abuse, exploitation, poverty, social exclusion and discrimination based on religion, disability, gender, sexual identity, age, ethnicity, migration or residence status;
- G. whereas for rights to have meaning, all children and their families must have inclusive access to justice and fair, timely and effective remedies;
- H. whereas some 6,6 million children under the age of 5 died in 2012, mostly from preventable causes, and were thus deprived of their fundamental right to survive and develop; whereas 168 million children aged 5 to 17 are engaged in child labour, which compromises their right to be protected from economic exploitation and infringes their right to learn and play; whereas 11 % of girls are married before they turn 15, which jeopardises their rights to health, education and protection; whereas in sub-Saharan Africa 1 in every 10 children born still dies before their 5th birthday;
- I. whereas education — specifically free primary schooling for all children — is a fundamental right to which governments committed themselves under the 1989 UN Convention on the Rights of the Child; whereas the target for 2015 is to ensure that all boys and girls complete a full course of primary schooling; whereas despite some progress in the developing world, this goal is far from being achieved;
- J. whereas comprehensive sexuality education is an integral and important part of strengthening boys' and girls' rights to well-being and health, promoting equality and fighting stereotypes;
- K. whereas humanitarian crises continue to have a devastating impact on children, and whereas in 2014 the lives of more than 59 million children were directly affected by crises, mainly conflict-related; whereas there are an estimated 250 000 child soldiers in the world today, 40 % of whom are girls;
- L. whereas in 2012 alone almost 95 000 children and adolescents under the age of 20 were victims of homicide, almost 1 billion children aged between 2 and 14 were subjected to physical punishment, one in three adolescents aged between 13 and 15 experienced bullying and around 70 million girls aged between 15 and 19 were victims of some form of physical violence, and whereas 120 million girls worldwide have experienced forced intercourse or other forced sexual acts at some point in their lives;
- M. whereas children make up half the population in developing countries, and whereas around 100 million children live in the EU;
- N. whereas according to the latest United Nations Children's Fund (UNICEF) report card on child poverty in rich countries, 2,6 million children have sunk below the poverty line in the world's most affluent countries since 2008, bringing the total number of children in the developed world living in poverty to an estimated 76,5 million; whereas according to the same study, 7,5 million young people in the EU were classified as NEETs (not in employment, education or training) in 2013;

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- O. whereas violence against children takes many forms, including psychological, physical, sexual, emotional and verbal abuse, neglect and deprivation, and occurs in many settings, including the home, the school, the health care and justice systems, the workplace, communities and online;
- P. whereas the EU Agenda on the Rights of the Child outlines a clear framework for EU action, and whereas its implementation has resulted in significant progress in a number of key areas of action and legislation, including establishing missing children hotlines, promoting child-friendly justice, improving data collection and integrating children's rights into external action;
- Q. whereas every child is first and foremost a child whose rights should be fulfilled without discrimination, regardless of their or their parents' ethnic origin, nationality or social, migration or residence status;
- R. whereas girls and boys experience both similar and different expectations and forms of socialisation, and whereas the discrimination experienced by girls and boys differs at different ages;
- S. whereas although substantial progress has been made, in particular in the fields of trafficking, sexual exploitation and victims' rights, and for asylum-seeking and unaccompanied children, much more needs to be done to ensure that the rights of migrant children are fully respected across the EU; whereas many unaccompanied children disappear and abscond after their first arrival in the EU and are particularly vulnerable to abuse;
- T. whereas, given its international nature, child exploitation and child sexual exploitation online — including the proliferation of child sexual exploitation material on the internet and cyber predation — continues to be a major concern for law enforcement authorities, with offences ranging from sexual extortion and grooming to self-produced child abuse material and live streaming, which pose particular investigative challenges owing to technological innovations that provide easier and faster access to material for offenders, including cyber predators;
- U. whereas children are particularly affected by poverty and by cuts in social security systems and key social benefits such as family allowances, and whereas such cuts have increased in the EU since 2007; whereas in the EU, even after the social transfers, the child poverty risk rate remains very high (20,3 % in 2013);
- V. whereas the post-2015 framework for global development will represent an opportunity to invest in the rights of all children, in every place in the world — regardless of the child's gender, ethnicity, race or economic, disability or other status;
1. Considers that children's rights are at the heart of EU policies and that the 25th anniversary of the UN Convention on the Rights of the Child is an opportunity to ensure its full implementation in policy and in practice and to take additional measures to ensure respect for the rights of every child everywhere, especially the most vulnerable;
  2. Welcomes the EU's commitment under the Stockholm programme to develop an integrated EU strategy for effectively promoting and safeguarding the rights of the child in the EU's internal and external policies and to support the Member States' efforts in this area; calls on the Commission to propose an ambitious and comprehensive child rights strategy and action plan for the next five years, building on and upgrading the EU Agenda on the Rights of the Child;
  3. Welcomes the EU's commitment to further developing integrated EU child protection guidelines in order to reduce fragmentation resulting from issue-based responses dealing with specific child protection concerns, so as to ensure that all children across the EU are effectively protected against all forms of violence;

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4. Calls on the Commission to monitor and report on the implementation of its recommendation entitled 'Investing in Children: breaking the cycle of disadvantage' in the Member States and to ensure access to quality services and participation of children; calls on those Member States with above-average rates of child poverty to set national targets and prioritise investments aimed at reducing poverty and social exclusion among children and young people;
5. Calls on the EU and its Member States to make the Millennium Development Goals the top priority in their internal policies and their relations with third countries; highlights the fact that these objectives, especially poverty eradication, access to education for all and gender equality, will only be achieved through the development of public services which are accessible to all;
6. Calls on the Commission and the Member States to integrate an explicit child and youth focus in the European Semester, the Annual Growth Survey and a revised Europe 2020 strategy in order to better implement the Commission recommendation entitled 'Investing in children: breaking the cycle of disadvantage';
7. Calls on the Commission to ensure increased coordination within its different services with a view to effectively mainstreaming children's rights in all EU legislative proposals, policies and financial decisions and monitoring their full compliance with the EU *acquis* on children and with obligations under the UN Convention of the Rights of the Child; calls on the Commission to ensure that the mandate and resources of the children's rights coordinator adequately reflect the EU's commitment to systematically and effectively mainstreaming children's rights;
8. Calls on the Commission to seize the opportunity afforded by the mid-term review of the multiannual financial framework to ensure that EU funds benefit the most disadvantaged and vulnerable children;
9. Calls on the Member States and the Commission to explicitly consider children as a priority when programming and implementing regional and cohesion policies, such as the European disability strategy, the EU framework for national Roma integration strategies and the EU's equality and non-discrimination policy; reiterates the importance of protecting and promoting equal access to all rights for Roma children;
10. Insists that all children's rights policies must integrate a gender equality perspective, and calls for specific measures to strengthen the rights of girls, including to education and health;
11. Calls on the Member States to ensure that the principle of the best interests of the child is respected in all legislation, in decisions taken by government representatives at all levels and in all court decisions, and encourages the Member States to share best practices with a view to improving the correct application of the principle of the best interests of the child across the EU;
12. Calls on the Commission and the Member States to take the necessary action to ensure that all children can effectively access justice systems that are tailored to their specific needs and rights, whether as suspects, perpetrators, victims or parties to proceedings;
13. Calls on the Commission to assess the impact of detention policies and criminal justice systems on children; points out that across the EU children's rights are directly affected in the case of children living in detention facilities with their parents; underlines the fact that an estimated 800 000 children in the EU are separated from an imprisoned parent each year, which impacts on the rights of children in multiple ways;
14. Considers that children are vulnerable in their access to goods and services; calls on the business community and stakeholders to refrain from aggressive and misleading advertising to children, both online and offline, including by implementing existing codes of conduct and similar initiatives; considers that advertising aimed at children for food with high fat, salt or sugar content should be done responsibly, bearing in mind the increase in child obesity and diabetes;

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15. Considers that children's personal data online must be duly protected and that children need to be informed in an accessible and child-friendly manner about the risks and consequences of using their personal data online; stresses that online profiling of children should be prohibited; considers that all children should have the right to enjoy a healthy and safe environment and access to play;

16. Calls on the Member States to implement Directive 2011/36/EU on preventing and combating trafficking in human beings, as the majority of victims of trafficking are young girls and boys who are child victims of labour and sexual exploitation and other abuses; calls also for the Member States and the EU to strengthen police and judicial cooperation with a view to preventing and prosecuting such crimes; calls on the Member States to take measures to combat the illicit transfer of children, to work in cooperation with third countries to address the growing problem of child smuggling and trafficking, and to prosecute traffickers, with appropriate sanctions;

17. Considers that steps must be taken to combat cyber bullying, and that children, teachers, and youth and children's organisations must play an active role in raising awareness of this issue;

18. Calls for the EU and its Member States to invest in public services for children, including childcare, education and health, and particularly in extending the public network of kindergartens, nurseries and public utility services offering leisure activities for children;

19. Given that the first levels of education do not always guarantee the necessary basic standard of learning, calls on the Member States to provide free compulsory secondary education for all, this being a sine qua non for the exercise of the right to equal opportunities;

20. Calls on the Member States to adopt laws to safeguard and strengthen maternity and paternity rights in order to provide a healthy, stable environment for children in the first months of their lives;

21. Calls on the Member States to implement Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children, and child pornography, and to strengthen the legal ability, technical capabilities and financial resources of law enforcement authorities to increase cooperation, including with Europol, with a view to investigating and dismantling child sex offender networks more effectively, while prioritising the rights and safety of the children involved;

22. Calls for an effective partnership approach and information exchange between law enforcement agencies, judicial authorities, the ICT industry, internet service providers (ISPs), the banking sector and non-governmental organisations, including youth and children's organisations, with a view to ensuring the rights and protection of children online and regarding them as vulnerable persons under the law; calls on the Commission to take the initiative of asking all the Member States to take action to tackle all forms of cyber predation and cyber bullying;

23. Considers that unaccompanied children are particularly vulnerable; calls on the Commission and the Member States to implement Parliament's resolution of 12 September 2013 on the situation of unaccompanied minors in the EU; calls on the Member States to fully implement the Common European Asylum System package in order to improve the condition of unaccompanied minors in the EU; calls on the Member States to take action to end the detention of migrant children across the EU; welcomes the Court of Justice judgment in Case C-648/11 MA, BT, DA v *Secretary of State for the Home Department*, which stated that the Member State responsible for examining an asylum application made in more than one Member State by an unaccompanied minor is the State in which the minor is present after having lodged an application there; recalls that an unaccompanied minor is above all a child who is potentially in danger and that child protection, rather than immigration policies, must be the leading principle for Member States and the EU when dealing with unaccompanied minors, thus respecting the core principle of the best interests of the child;

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24. Calls on all the Member States to implement the standards set out in the UN Convention on the Rights of the Child for children deprived of parental care, and in the UN Guidelines for the Alternative Care of Children; calls on the Commission to use the EU structural funds to support the transition from institutional to community-based services; calls on the Commission, in view of the considerable number of cases alleging that public authorities in some Member States have proceeded with forced adoption without parental consent, to put forward specific measures to ensure that the adoption practices carried out in the Member States are in the best interests of child;

25. Calls on all the Member States to facilitate family reunification in a positive, humane and expeditious manner, in line with Article 10 of the UN Convention on the Rights of the Child;

26. Stresses the need for a more coordinated approach to finding missing children in the EU; calls on the Member States to increase police and judicial cooperation in cross-border cases involving missing children and to develop hotlines to search for missing children and support victims of child abuse; calls on the Member States to facilitate the smooth accession of Morocco, Singapore, the Russian Federation, Albania, Andorra, Seychelles, Gabon and Armenia to the 1980 Hague Convention on the Civil Aspects of International Child Abduction;

27. Calls on the Commission, in revising Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, to take serious note of the best interests of the child, in view of the loopholes in the implementation and enforcement of this regulation in the Member States as regards parental and custody rights;

28. Condemns any form of violence against children, physical, sexual and verbal abuse, forced marriages, child labour, prostitution, trafficking, torture, honour killing, female genital mutilation, the use of child soldiers and of children as human shields, deprivation, neglect and malnutrition; considers that tradition, culture and religion should never be used to justify violence against children; calls on the Member States to uphold their obligations and combat any form of violence against children, including by formally prohibiting and sanctioning corporal punishment against children; calls on the Member States to increase their cooperation and dialogue with third countries, to raise awareness and to advocate for children's rights to be respected everywhere in the world;

29. Condemns the use of children for military and terrorist activities or purposes; recalls the importance of providing psychological support and assistance for all children who have been exposed to violent events or are victims of war; welcomes the EU Children of Peace initiative and underlines the importance of ensuring access to education for children affected by conflicts; calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to support the UN campaign 'Children, not soldiers', aimed at ending the recruitment and use of child soldiers by national security forces by 2016;

30. Calls on the VP/HR to prioritise children's rights in all EU external action so as to ensure the effective mainstreaming of children's rights, including in the context of Human Rights Dialogues, trade agreements, the accession process and the European Neighbourhood Policy, and in relations with the African, Caribbean and Pacific (ACP) Group of States, in particular countries in conflict; calls on the VP/HR to report annually to Parliament on the results achieved with regard to child-focused EU external action;

31. Calls on the Commission to integrate children's rights into development cooperation and into humanitarian aid in order to ensure adequate funding and to increase the level of protection for children affected by emergencies or man-made or natural disasters, internally displaced children and child refugees; underlines the importance of linking relief, rehabilitation and development, especially in protracted crises, and of integrating innovation and new technologies into EU policies and programmes so as to better promote children's rights in development and emergency settings;

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32. Welcomes the fact that the 2014 Nobel Peace Prize was awarded jointly to Kailash Satyarthi and Malala Yousafzai for their commitment to defending children's rights, in particular the right of all children to education; commends the public endorsement by the Sakharov Prize Network of initiatives to raise awareness of violence against children; considers these to be clear demonstrations of the important role played by civil society and international organisations in advocacy and in the promotion and protection of the rights enshrined in the UN Convention on the Rights of the Child;
33. Underlines the important role played by the social partners and by local authorities in promoting children's rights, and calls on the Committee of the Regions and the European Economic and Social Committee to take action and draft opinions with a view to being fully engaged in the promotion of children's rights across EU policies;
34. Calls on the EU institutions, the Member States, local authorities, the social partners and civil society to join forces and cooperate at all levels to improve the situation of children in the EU and in the rest of the world; welcomes and supports the Child Rights Manifesto co-authored by UNICEF and 14 organisations promoting children's rights, and encourages more Members of the European Parliament, as well as national parliamentarians, to sign the Manifesto and become 'child rights champions';
35. Expresses the will to establish an intergroup within the European Parliament on children's rights and well-being, based on the Child Rights Manifesto, as a permanent body responsible for promoting children's rights across all European Parliament policies and activities in the context of both internal and external affairs; supports, therefore, the initiative of appointing 'focal points' for children's rights within each parliamentary committee to ensure the mainstreaming of children's rights in every policy and legislative text adopted;
36. Considers it important to increase child participation in its parliamentary activities in line with the practices established by the Inter-Parliamentary Union and UNICEF; calls on the Commission, the Member States and local authorities to explore ways and means of increasing children's and adolescents' involvement in the decision-making process; encourages the use of new technologies and innovation to consult children and youth and increase child participation;
37. Calls on the Member States to ratify without delay all the optional protocols to the UN Convention on the Rights of the Child;
38. Calls on the Commission and the VP/HR to explore ways and means for the EU to accede unilaterally to the UN Convention on the Rights of the Child;
39. Encourages the USA, Somalia and South Sudan to ratify the Convention on the Rights of the Child in order to achieve universal ratification;
40. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the Committee of the Regions, the European Social and Economic Committee, the UN Secretary-General, the Chair of the UN Committee on the Rights of the Child and the Executive Director of UNICEF.
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