



Council of the  
European Union

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### **OUTCOME OF PROCEEDINGS**

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From: General Secretariat of the Council

To: Delegations

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Subject: Conclusions on the EU Strategy on the rights of the child

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Delegations will find attached the conclusions on the EU Strategy on the Rights of the Child, as approved by the Council on 9 June 2022.

## Council conclusions on the EU Strategy on the Rights of the Child

### Preamble

The Council of the European Union,

- a. **Recalling** that children are fully-fledged holders of rights and that the protection and promotion of the rights of the child is a key objective of the European Union, and that children's rights are human rights, which are enshrined in the EU Charter of Fundamental Rights;
- b. **Affirming** that the principles and standards of the United Nations Convention on the Rights of the Child<sup>1</sup>, which has been ratified by all Member States, must continue to guide EU policies and actions, which have an impact on the rights of the child;
- c. **Underlining** that children's rights are universal, that every person below 18 years of age shall enjoy the same rights of the child without discrimination of any kind and that the best interests of the child must be a primary consideration in all actions relating to children, whether taken by public authorities or private institutions;
- d. **Highlighting** that children's rights are fundamental rights and, as such, need to be embedded in all relevant policies and legislation, both at national and EU level, in compliance with the principles of subsidiarity and proportionality, taking into consideration the respective exclusive and shared competences of Member States and of the EU in the field of family law as provided for in article 81 of the Treaty on the Functioning of the European Union;
- e. **Recalling** the existing legal acts on children's rights listed in Annex 2 to the EU Strategy on the Rights of the Child;
- f. **Recalling** the extensive set of standards of the Council of Europe in the field of the rights of the child, which have been accepted by Member States;

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<sup>1</sup> [Convention on the Rights of the Child](#), United Nations, 1989.

- g. **Recalling** the adoption of Council Recommendation (EU) 2021/1004 of 14 June 2021 establishing a European Child Guarantee, which is a concrete instrument aimed at promoting equal opportunities for children at risk of poverty and social exclusion and concerns the elaboration of the second theme “socio-economic inclusion, health and education” of the EU Strategy on the Rights of the Child;
- h. **Emphasising** that all children have a right to non-discriminatory access to key services, such as early education and care, health, nutrition and housing which are important for their development and wellbeing;
- i. **Noting** the important role that the European Union plays in promoting, protecting and fulfilling the rights of all children worldwide;
- j. **Reaffirming** the importance of joining efforts with international organisations, namely the Council of Europe and the United Nations, in protecting and promoting the rights of children in the EU and worldwide, including equal opportunities for girls;
- k. **Taking note**, in this regard, of the fourth Council of Europe Strategy for the Rights of the Child (2022-2027) “Children’s Rights in Action: from continuous to joint innovation” adopted by the Committee of Ministers on 23 February 2022, which aims at developing synergies with the EU Strategy on the Rights of the Child;
- l. **Noting with concern**, in the light of Russia’s war of aggression against Ukraine, that children are at greater risk than adults in armed conflicts and their aftermath, and affirming that they need to be protected, in particular from their conscription into and use by the army or other armed forces as well as from trafficking in human beings, illegal adoption, sexual exploitation and separation from their families; that the same is true in other crisis and emergency situations caused by terrorism, a public health crisis, an economic crisis, climate change or natural disasters;
- m. Recalling the importance of the full implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims and of 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 highlighting the importance of the EU Strategy on Combatting Trafficking in Human Beings 2021-2025;
- n. **Noting with concern** the impact of the COVID-19 pandemic on children, which has contributed to exacerbated difficulties experienced especially by children in vulnerable situations, by increasing risk and widening existing inequalities in access to key services and further exposing children to violence, abuse and neglect;
- o. **Recognising the need** to ensure that children are meaningfully involved and considered in the global COVID-19 recovery;

- p. **Acknowledging** that children's rights need to be protected and promoted offline as well as online, and that efforts are needed in order to harness the opportunities offered by the digital environment, while limiting the risks this environment can pose to children and the fulfilment of their rights;
- q. **Recalling** that children represent more than 18 % of the EU population, are already agents of change, and that they need to be heard, listened to and included in the democratic life of our societies.

The Council of the European Union,

1. **Welcomes** the development, protection and promotion of the rights of the child in the EU and on a global level, as foreseen in the comprehensive EU Strategy on the Rights of the Child, underpinned by extensive consultation and meaningful participation of children themselves;
2. **Stresses** that the Strategy is built upon the principles of equality, inclusion, gender equality and non-discrimination, and that specific groups of children face particular vulnerabilities and suffer from socio-economic exclusion and discrimination, the Council reiterates, in this regard, that discrimination of the child or his or her parents or legal guardians, based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation is prohibited;
3. **Notes** that the EU Strategy on the Rights of the Child and its six interconnected thematic priorities represent a solid basis for developing children's rights based policies, measures, and legislation at EU and national level;
4. **Welcomes** the Commission's initiative to mainstream the children's rights perspective into all relevant EU policies, legislation and funding programs, and supports the development of a mainstreaming checklist on the rights of the child;
5. **Underlines** the importance of developing and providing child-friendly and accessible information about children's rights to the public, including to children, and in particular versions and formats of the Charter of Fundamental Rights and other key EU instruments, in multiple languages in order to fulfil children's right to be informed, and to foster effective participation by children in democratic life;

6. **Stresses** the importance to strengthen the participation of children in political and democratic life at local, national and EU level, also by establishing new and supporting existing mechanisms of meaningful participation of children and promoting equal participation of children without discrimination of any kind by ensuring that children are heard and their views taken into account;
7. **Supports** the intention of the European Commission to establish, in cooperation with the European Parliament and child rights organisations an EU Children's Participation Platform connecting existing child participation models, with the objective of setting up a strong mechanism enabling the effective and meaningful participation of children at all levels;
8. **Recognises** the importance of exchanging good practices at national and EU level, and welcomes the launch of the EU Network for Children's Rights by the European Commission with the aim of reinforcing dialogue and mutual learning between the EU Member States and civil society organisations on children's rights, and to support the implementation, monitoring and evaluation of the EU Strategy on the Rights of the Child;
9. **Welcomes** the initiative of the European Commission to strengthen collaboration with relevant regional and local authorities, and with other relevant institutions, regional and international organisations, civil society and national human rights institutions;
10. **Recognises** the role ombudspersons, including ombudspersons for children, play[...] in ensuring that children's rights are fulfilled, their best interests guaranteed, and their voices heard;
11. **Supports** the intention of the European Commission to strengthen the EU's position as a key global player and to strengthen child protection capacities within Union delegations in third countries to ensure the protection and the fulfilment of the rights of the child through the EU external policy in all contexts, notably in the area of development cooperation, in humanitarian crises and natural disasters;
12. **Welcomes** the initiative of the European Commission to work towards making supply chains of EU companies free of child labour as part of the EU efforts to eliminate child labour around the world;
13. **Supports** the initiative of the European Commission to promote youth and child empowerment and participation in the global context and to dedicate EU funding to promoting education worldwide.

The Council of the European Union,

- **Calls** upon the European Commission to work together with Member States to improve the life of all children in the EU, with regard to the EU Strategy on the Rights of the Child and to support Member States in their national efforts to strengthen the standards of the rights of the child;
  
- **Calls** upon the Member States to:
  - 1) Develop, where appropriate, comprehensive and adequate policies and measures to fulfil the rights of all children without any discrimination, including by:
    - i. Adopting comprehensive national strategies or other equivalent integrated policies addressing the rights of the child, which are adequately resourced and supported by sufficient capacity frameworks,
    - ii. Strengthening cooperation and coordination between all relevant authorities and stakeholders,
    - iii. Making best use of EU and national funding available for the promotion and protection of the rights of the child,
    - iv. Improving the collection of age and sex disaggregated data in a comparable manner across the EU by respecting national circumstances and promoting child-specific research – in particular on the thematic areas covered by the EU Strategy on the Rights of the Child, in order for evidence-based and responsive policies to be designed and implemented,
    - v. Strengthening awareness-raising and training activities regarding the rights of the child, including for children, professionals working with and for children, policy-makers, civil servants, and public authorities, judges, prosecutors and other legal practitioners, civil and military personnel in CSDP missions, as well as national human rights institutions, civil society organisations and human rights defenders,
    - vi. Implementing Council Recommendation (EU) 2021/1004 establishing a European Child Guarantee, which aims to prevent and combat the social exclusion of children in need by guaranteeing effective access to a set of key services.

- 2) Increase Member States' efforts to prevent and combat all forms of violence against children, in particular by:
- i. Promoting cooperation among support services, and supporting a holistic response to violence,
  - ii. Developing integrated and targeted specialist support services for child victims, in addition to or as part of general victim support services and investing in preventing secondary victimisation,
  - iii. Strengthening the development, evaluation and promotion of integrated child protection systems where all relevant services cooperate according to a coordinated and multidisciplinary approach, in the best interests of the child, for example the Children's Houses (Barnahus) or any other equivalent children rights [...]friendly model,
  - iv. Banning corporal punishment in all settings, and strengthening integrated support services for children and families,
  - v. Providing adequate measures to prevent and combat domestic violence and abuse, early forced and child marriage, female genital mutilation and other harmful practices and other forms of violence against children,
  - vi. Taking measures to protect children from discrimination on any grounds in particular based on their sex or sexual orientation, as well as on their ethnic or social origin, religion or belief, or disability and ensure a safe, supportive and inclusive environment for all children at school, in particular those belonging to vulnerable groups as referred in the recital 2 of these Conclusions while duly respecting their individuality,

- vii. Inviting Member States to consider signing and ratifying the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Pornography and Child Prostitution<sup>2</sup> and the Optional Protocol on a Communications Procedure<sup>3</sup>, if they have not yet done so, and taking note that the Optional Protocol on the Involvement of Children in Armed Conflict<sup>4</sup> has been ratified by all EU Member States, that the Optional Protocol on the Sale of Children, Child Pornography and Child Prostitution has been ratified by the great majority of the Member States and the Optional Protocol on Communications Procedure has been ratified by some Member States,
  - viii. Allocating sufficient resources to prevent and combat child sexual abuse and exploitation for prevention services and law enforcement authorities,
  - ix. Strengthening the implementation of the legal and policy framework on preventing and combatting child sexual abuse and exploitation, in particular by fully complying with Regulation (EU) 2021/1232 and following the development of future legal instruments to combat child sexual abuse in line with the EU Strategy for a more effective fight against child sexual abuse for the period 2020 – 2025,
  - x. Strengthening the prevention of violence and the prevention of recidivism by developing adequate prevention and rehabilitation programmes for perpetrators of violence.
- 3) Develop and support the adequate implementation of EU legal guarantees for the protection of the fundamental rights of the child in crisis or emergency situations without discrimination, hearing and taking into account the opinion of the children, in accordance with age and degree of maturity, while duly respecting the child’s best interests especially by:
- i. Working together to improve and address child protection needs arising in emergency situations and developing, effective and viable alternatives to the detention of children in migration processes recalling that, in line with EU acquis, migration detention for children is only foreseen as a measure of last resort, where alternatives are not viable, at any rate for the shortest possible time and by offering suitable accommodation,

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<sup>2</sup> [Optional Protocol to the Convention on \[...\] Rights of the Child on the sale of children, child prostitution and child pornography](#), United Nations, 2000.

<sup>3</sup> [Optional Protocol to the Convention on the Rights of the Child on a communications procedure](#), United Nations, 2011.

<sup>4</sup> [Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict](#), United Nations, 2000.



- ii. Setting up emergency reception procedures working towards ensuring protective accommodation, adapted to the needs of the child, guaranteeing his or her physical and mental health safety, as well as access to basic services and guaranteeing early identification of vulnerabilities,
- iii. Where necessary, carrying out a reliable assessment of the child's age, with full respect for the individual's dignity, based on a multidisciplinary approach, informing the individuals in a language they can understand,
- iv. Providing assistance for the inclusion of unaccompanied children, in particular by ensuring the rapid designation of a legal guardian or appropriate representation, by accompanying them in their schooling and vocational training,
- v. Emphasising the importance of existing policies and, where necessary, reinforcing the implementation of policies to fight against trafficking of children and, in particular, identifying and preventing situations that present a risk of trafficking in human beings, bearing in mind that the risk of trafficking in human beings is greater in times of crises especially towards women and girls, and, bearing in mind the United Nations Protocol to prevent, suppress and punish trafficking in persons<sup>5</sup>,
- vi. Training professionals in the detection and protection of children facing crisis and of children who are victims of trafficking in human beings or who are at risk of becoming victims,
- vii. Raising awareness among children, and in particular migrant children and their families, of the risks of exploitation by providing them with adequate information,
- viii. Defining strategies for identifying children who are victims of trafficking in human beings, in order to ensure and guarantee their unconditional protection,
- ix. Providing support, including financially, to civil society organisations specialised in the fight against trafficking in children, conducting awareness campaigns against trafficking in human beings, or providing care and support to children who are victims of trafficking in human beings,

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<sup>5</sup> [Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#)

- x. Endeavouring to ensure that there is no instrumentalisation of crisis or emergency situations regarding the guardianship of children, and in particular, bearing in mind UNICEF and the Hague Conference on Private International Law recommendations, that no adoption should take place pending the duration of armed conflicts,
  - xi. Encouraging Member States to continue strengthening measures and alert processes to combat child abduction and to pursue the establishment of a network of national contact points to promote coordination between Member States,
- 4) Strengthening the Member States' justice systems, so that they are compliant with the rights of all children, in particular by:
- i. Ensuring that the best interests of the child is a primary consideration in all judicial proceedings relating to children,
  - ii. Developing child-friendly proceedings from the very beginning, including through the provision of age-appropriate and child friendly information and possible ways of participation,
  - iii. Ensuring, the fulfilment of the right of the child to be heard in proceedings affecting the child, either directly, or through a representative or an appropriate body in a manner consistent with the procedural rules of national law and with EU acquis,
  - iv. Ensuring, that the right of the child to respect for his or her private life is protected in the best possible way during proceedings,
  - v. Ensuring that proceedings in cases involving children are handled without undue delay and that the decisions reached in these proceedings are systematically enforced in compliance with the existing EU legal framework and other relevant international legal means in order to ensure effective implementation of the rights of the child in compliance with the principle of subsidiarity,
  - vi. Providing the necessary support services to children during, and also after, the proceedings, for as long as the children need them,
  - vii. Promoting inter-disciplinary cooperation among different services to support the child in the best possible way before, during and after proceedings,

- viii. Developing and applying robust alternatives to judicial action for young offenders – from alternatives to detention, to the use of restorative justice and in the context of civil justice the use of mediation,
  - ix. Developing programs for juvenile perpetrators supporting their reintegration,
- 5) Increasing opportunities for children to be responsible and resilient members of the digital society, in particular by:
- i. Investing in ensuring equal access and support to digital means for every child,
  - ii. Empowering children to be conscious media users by supporting the development of media and information literacy needed to critically examine, evaluate and produce online content,
  - iii. Providing protection from existing and emerging risks in the digital environment by focusing on digital literacy, privacy and online safety,
  - iv. Developing support services for children victims of online abuse,
- 6) Actively contributing to the work of the EU Network for Children’s Rights, which has been established by the European Commission to facilitate dialogue and mutual learning among Member States.

The Council also invites the EU Agency for Fundamental Rights to continue to provide Member States with support on topics such as child friendly justice and children in migration and other relevant areas of the EU Strategy on the Rights of the Child, as well as technical assistance and methodological support, *inter alia*, for the design and implementation of data collection exercises. In the context of Russia’s war of aggression against Ukraine, the Council also invites the Agency to focus on the specific needs and challenges faced by children.

