



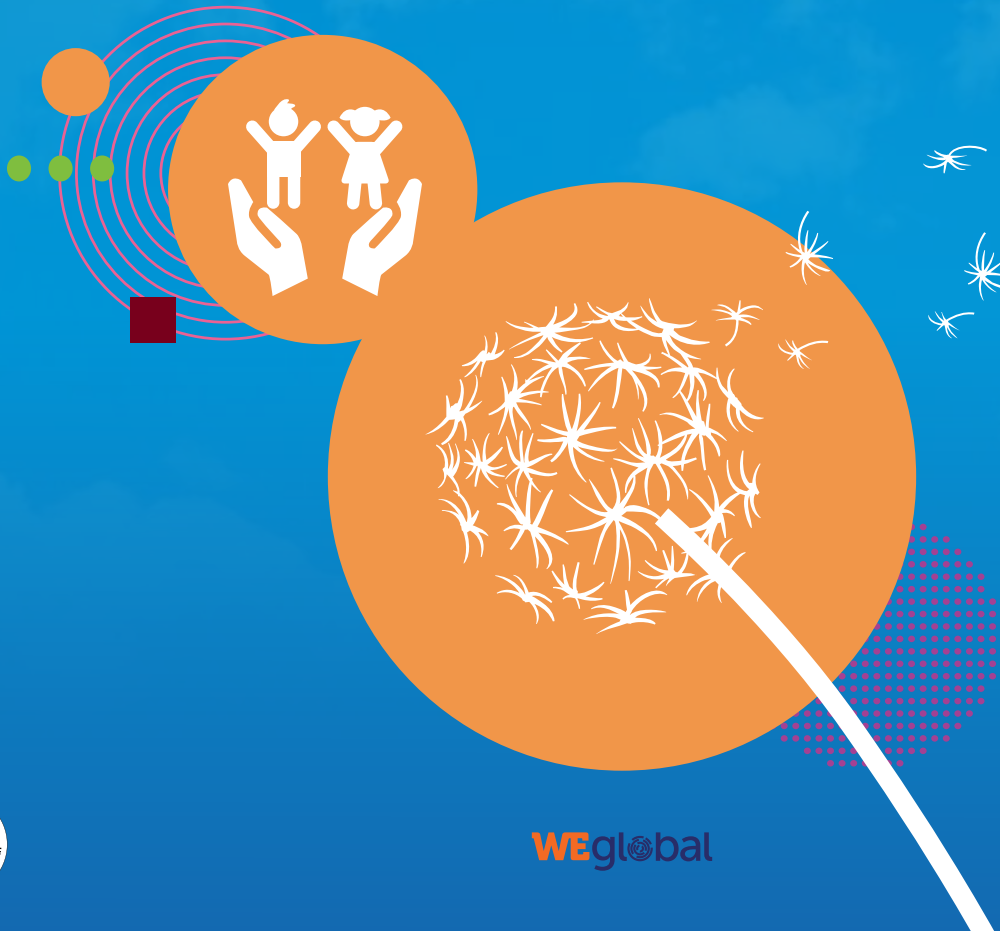
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Technical Assistance for Strengthening  
Fundamental Rights Sector Coordination Project

# CHILDREN'S RIGHTS

FACTSHEET



WEglobal





## Introduction

In the field of children's rights, the United Nations (UN) Convention on the Rights of the Child is the main international instrument focusing on ensuring the protection and development of children as well as the best interest of the child in various areas and rights categories, from the child's position in the family to the protection of the child against sexual exploitation, from the child's participation in decision-making processes, to their special position in working life, and from nutrition to education.

Since the Convention on the Rights of the Child came into force, many developments have been taken place regarding children's rights. Children's rights are covered by Conventions No. 138 and 182 of the International Labour Organization (ILO), Conventions of the Hague Conference on Private International Law regarding child abduction, custody and child support, UN conventions on human trafficking, and all human rights conventions of the Council of Europe. Although the foundations of the European Union (EU) acquis on children's rights are largely laid down by the international legal framework, the Union has been preparing and implementing its own regulations in recent years.



## International Standards

### United Nations Framework

- ✓ UN Convention on the Rights of the Child and its Three Protocols (armed conflict, sexual exploitation, communications procedure)
- ✓ UN International Covenant on Economic, Social and Cultural Rights and its Protocol
- ✓ UN Convention and Civil and Political Rights and its Protocol
- ✓ UN Convention on the Elimination of All Forms of Discrimination against Women and its Protocol
- ✓ UN Convention on the Rights of Persons with Disabilities and its Protocol
- ✓ UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and its Protocol
- ✓ UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture)
- ✓ International Labour Organisation - Convention No.138 Concerning Minimum Age for Admission to Employment (1973)
- ✓ International Labour Organisation - Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)
- ✓ Hague Conference on Private International Law - Convention of 25 October 1980 on the Civil Aspects of International Child Abduction
- ✓ Hague Conference on Private International Law - Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children
- ✓ Hague Conference on Private International Law - Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance
- ✓ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

### Council of Europe Framework

- ✓ European Convention on Human Rights and its Protocol No. 16
- ✓ Revised European Social Charter
- ✓ European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
- ✓ Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)
- ✓ Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data
- ✓ Council of Europe Convention on Action against Trafficking in Human Beings
- ✓ Council of Europe Strategy for the Rights of the Child (2022-2027)



## EU Framework

At least until the early 2000s, the EU acquis and practices were limited to a broad framework and acts that prioritized adults, and did not directly address children's rights, which emanated from the fact that children's rights generally fall to a huge extent and traditionally within the exclusive domain of national law and policy of Member States.

However, the EU's expanding social justice and human rights-based agenda led to a proliferation of laws and policies that directly impact children's lives. There has been an increasing need to ensure that EU law does not adversely affect children's positions or experiences. In this regard, in terms of children's rights, it has become increasingly difficult to define the boundary between national authority and EU authority. Almost every aspect of EU law affects children directly or indirectly. Many issues regarding children's rights transcend national borders, especially issues related to the protection of children, such as human trafficking, commercial sexual exploitation, child participation, juvenile justice, child abduction or forced migration. Children's rights became an issue that required a common, supranational response, both in terms of cooperation and harmonisation of the interventions of Member States. The EU considers the protection of the best interests of children as an economic and technological best interest as well. In the EU, protected, quality-educated, happy children seem to be the most important investment for the future.

The EU stepped up its work on children's rights with the Commission document titled "Towards an EU Strategy on the Rights of the Child" dated 2006.

The EU acquis on children's rights consists of a broad and interconnected system of primary and secondary legislation and existing international legal frameworks, including instruments by the UN and the Council of Europe.

Policy documents developed by the EU in various fields, which are not legally binding, but establish and present the Union's goals, policies and actions in a certain field, play an important role in defining the framework and content of the EU acquis. In the course of time, the Union institutions publish binding acts based on such policy documents so as to achieve the goals envisaged in these documents. Over the years, the EU has moved from a sectoral approach to a more coherent policy approach. Although the EU addressed the children's rights in relation to specific areas such as EU external relations and development aid, and free movement of persons. The Union, since 2000, has followed a more coordinated path in the field of children's rights, as in many other fields, in direct proportion to the development of its areas of authority and action.

### Founding Treaties and EU Charter of Fundamental Rights

The promotion and protection of children's rights is one of the main objectives under Article 3(3) of the Treaty on European Union (EU). Moreover, Article 24 of the Charter of Fundamental Rights of the European Union states that "Children shall have the right to such protection and care as is necessary for their well-being". Article 24 also states that freedom of expression of children, their participation in matters which concern them and the child's best interests must be a primary consideration for public authorities or private institutions. There is also a specific article titled "the rights of the child" in the EU Charter of Fundamental Rights, which regulates various fundamental rights, including the prohibition of the exploitation of child labour, family life and private life, education, health, justice, social security, and the right to good administration.

- ✔ Treaty on European Union– particularly Articles 3(3) and 3(5)
- ✔ Treaty on the Functioning of the European Union
- ✔ Charter of Fundamental Rights of the European Union, especially:

Article 24  
regarding the  
rights of the child

Article 7  
regarding the  
family life

Article 14  
regarding the  
right to education

Article 32  
regarding  
prohibition of  
child labour and  
protection of  
young people at  
work, and

Article 33  
regarding family  
and professional  
life

## Binding Secondary Legislation and Policy Documents-Soft Law

### Combating violence against children and ensuring the protection of children

- ✓ Commission Decision of 15 February 2007 on reserving the national numbering range beginning with '116' for harmonised numbers for harmonised services of social value and Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code
- ✓ 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
- ✓ 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
- ✓ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an EU strategy for a more effective fight against child sexual abuse (COM/2020/607 final)
- ✓ Commission Recommendation of 23.4.2024 on developing and strengthening integrated child protection systems in the best interests of the child (COM (2024) 188 final)

### Child-friendly Justice

- ✓ Council Decision of 9 June 2011 on the approval, on behalf of the European Union, of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance
- ✓ Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings
- ✓ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA
- ✓ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an EU Strategy on victims' rights (2020-2025) (COM/2020/258 final)

### Digital and information society

- ✓ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)
- ✓ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on European Strategy for a Better Internet for Children (COM/2012/0196 final)

### Holistic Documents

- ✓ EU Guidelines for the Promotion and Protection of the Rights of the Child (2017) – Leave no child behind - EU tools to promote and protect the rights of the child
- ✓ Cooperation and Coordination Framework: Policy Documents EU Strategy on the Rights of the Child (2021-2024)
- ✓ European Child Guarantee Programme
- ✓ European Parliament resolution of 26 November 2019 on children's rights on the occasion of the 30th anniversary of the UN Convention on the Rights of the Child
- ✓ EU Guidelines for the Promotion and Protection of the Rights of the Child (2017) – Leave no child behind - EU tools to promote and protect the rights of the child

The EU Child Rights Agenda of 2011 was an important step towards mainstreaming children’s rights in all EU policy areas. The current EU strategy on the rights of the child builds on this previous work. The EU Strategy on the Rights of the Child, developed with the contributions of stakeholders, including children, identifies priorities for EU action in six areas:



The Strategy takes into account the specific needs of certain groups of children, including those in multiple situations of vulnerability and facing overlapping forms of discrimination. The Strategy also aims to strengthen the mainstreaming of children’s rights in all relevant EU policies, legislation and funding programmes to help create a “child-friendly culture” in EU policymaking.

The first major outcome of the Strategy, the European Child Guarantee, was adopted by the European Commission and the Council of the European Union in June 2021. The European Child Guarantee aims to ensure that children in need across the EU have access to a range of essential services such as early childhood education and care, education, health, nutrition, housing and cultural and leisure activities.

### Mechanisms Established within the Framework of the EU

As stated in the 2006 EU communication on children’s rights, a position of Commission coordinator for children’s rights was established in 2007 to coordinate the work of various units of the Commission in the field of children’s rights. The “mediator for children victims of international parental abduction”, established in 1987 within the European Parliament, was transformed into the Coordinator on Children’s Rights in 2019.

Moreover, the European Commission established the EU Network for Children’s Rights in March 2022, composed of a group of experts in children’s rights, with the aim of strengthening dialogue and mutual learning between the EU and Member States on children’s rights and supporting the implementation, monitoring and evaluation of the EU strategy

The European Pillar of Social Rights, also announced in 2021, places great importance to the welfare of children. While referring to the right of children to be protected from poverty, Principle No. 11 clearly states that eliminating child poverty is a priority of today’s social Europe. Moreover, Principle No. 11 defines child care and support for children as a joint responsibility of the EU institutions, Member States, social partners and other stakeholders.

