

United Nations Universal Children's Day and the protection of children's rights by the EU

The United Nations established Universal Children's Day in 1954. The UN adopted the Declaration of the Rights of the Child on 20 November 1959, and since 1990, the day has also marked the anniversary of the date that the United Nations General Assembly (UNGA) adopted the Convention on the Rights of the Child (CRC). Though the European Union is not a party to the CRC, it is guided by the principles set out in the Convention, which has been ratified by all EU Member States, as well as by Article 3 of the Treaty on European Union, which explicitly calls for promoting the protection of the rights of the child. To this end, the EU has adopted guidelines on children's rights, updated in 2017 in order to address new developments. Three innovative aspects stand out in the new guidelines: rights of unaccompanied and separated migrant children, digital rights of children, and the need for internal-external policy coherence for the rights of the child.

Revision of the EU guidelines for the promotion and protection of the rights of the child

The guiding principles of the UN [Convention on the Rights of the Child](#) (CRC) represent the underlying requirements for all rights to be achieved under the Convention, and these include: non-discrimination; adherence to the best interests of the child; life survival and development; participation and the child's right to be heard and respected. Oversight of the CRC's implementation by the states party to it is undertaken by the [Committee on the Rights of the Child](#), the UN body responsible for ensuring children can enjoy their human rights and live with dignity, respect and equality. The EU seeks to [complement](#) the work of the United Nations Children's Fund ([Unicef](#)) and the United Nations Refugee Agency ([UNHCR](#)) on this issue. Though the EU is not itself party to the [CRC](#), the CRC plays a [crucial role](#) in [guiding EU law](#) on children's rights. The Treaty of Lisbon introduced an objective for the EU to promote the protection of rights of children (Article 3(3) of the Treaty on European Union, TEU), as well as to 'strict observance [of] and the development of international law, including respect for the principles of the United Nations Charter' (Article 3(5) TEU). Children's rights are also enshrined in the [Charter of Fundamental Rights](#) (Article 24).

On 6 March 2017, the Council adopted the '[EU Guidelines for the promotion and protection of the rights of the Child \(2017\) – Leave no child behind](#)' in order to update the [2007 guidelines](#) to address the new challenges to the status of children in the world. One of the key principles underpinning the [2030 Agenda](#) for Sustainable Development is to 'leave no one behind'. These revised guidelines aim to 'leave no *child* behind' by taking a rights-based approach encompassing all human rights in full compliance with the general measures of implementation of the CRC as set out in [General Comment No 5](#) of the Committee on the Rights of the Child.

Unaccompanied and separated migrant children

As highlighted by the new EU guidelines on children's rights, many developments have taken place since 2007, including in migration, which necessitated increased and more focused efforts regarding the protection of migrant children, particularly unaccompanied and separated minors. The UN Committee on the Rights of the Child has identified a number of protection gaps in the treatment of such children, including that [unaccompanied and separated children](#) face greater risks of, inter alia, sexual exploitation and abuse, military recruitment, child labour (including for foster families) and detention. Unicef has estimated that in 2015 globally, there were no fewer than [100 000 unaccompanied migrant and refugee children](#). Europol has stated that at least [10 000 unaccompanied child refugees](#) have gone missing after arriving in Europe. There are various reasons why a child may be unaccompanied or separated, including persecution of the child or the parents; international conflict and civil war; human trafficking and smuggling, including sale by parents;



accidental separation from the parents over the course of their journey; and the search for better economic opportunities. In the context of the refugee crisis, the [New York Declaration on Refugees and Migrants](#) (19 September 2016) addressed the unprecedented level of human mobility the world faces. It sets out commitments on: ensuring that all refugee and migrant children are receiving education within a few months of arrival; preventing and responding to sexual and gender-based violence; working towards ending the practice of detaining children for the purposes of determining their migration status; and protecting the rights of women and girls, and promoting their full, equal and meaningful participation in finding solutions.

Digital rights of children

With technological expansion and the exponential growth of juvenile digital literacy, [children and youths could become more vulnerable to dangers online](#). As digital identity begins to prevail over the physical one, the European Commission's recent [digital strategy](#) referring to the good practice of the [FragFINN](#) initiative ('white-listed' search engine for children in Germany), calls on a clearer definition of what constitutes digital safety and seeks to provide safeguards for tolerant cyberspace innovations like FragFINN. This is especially pertinent in respect of the '[digital footprint](#)', where an unaware child may fail to realise the gravity of their cyber-activity and the possible consequences for future life choices, when their digital footprint can have an impact far into the future. In this sense, the 'right to be forgotten' is a good example of such a preventive and self-redeeming mechanism. Another issue is exposure to sexual predators and other negative influencers, who might endanger the child's development or innocence. [Threats](#) can range from paedophiles and agents of ideological radicalisation, to misconstrued or deceitful information and 'ransom-ware', which can hijack sensitive information and lead to blackmail or coercion from hackers, thus traumatising or compelling children to act against their will.

Internal-external policy coherence for the rights of the child

The EU, according to Article 3 TEU, needs to ensure internal and external coherence across its policies. The EU guidelines have, for the first time, introduced a cross-sectoral strategy that incorporates the protection of children in all the thematic spheres of EU policy-making (mainstreaming) as well as competence-sharing and encouraging partner states to take up the same methods. The EU further corroborates these principles through trade and other economic incentives (i.e. [GSP+](#)). According to the new EU guidelines, by embodying the '[do no harm](#)' principle, the EU would be ensuring that no policy or action in any sector (such as trade, energy and migration) undermines in any way the rights of the child.

European Parliament

The European Parliament has a cross-party [Child Rights Intergroup](#). Its [Child Rights Manifesto](#) aims at the realisation of the EU's legal and policy commitments to promote and protect children's rights.

In resolutions, the Parliament has called for action on [child poverty](#) and [online child sexual abuse](#) and an end to migration [detention](#) for children. Parliament has also stressed the need to [protect](#) all child migrants and refugees, and specifically [unaccompanied minors](#) and [girls](#) on issues that affect them.

The Parliament, in a 2008 resolution '[Towards an EU strategy on the rights of the child](#)', called for consideration to be given to EU accession to the CRC.

In its resolution of 12 September 2013 on the situation of [unaccompanied minors in the EU](#), Parliament stressed that an unaccompanied minor is, above all, a child who is potentially in danger and needs protection.

The resolution on the [25th anniversary of the UN Convention on the Rights of the Child](#) of 27 November 2014 states that many unaccompanied children disappear and abscond after their first arrival in the EU and are particularly vulnerable to abuse, and calls for an end to the detention of migrant children across the EU.

Regarding exposure of children to hazards in conflict, the Parliament adopted on 12 March 2014 a [recommendation to the Council on humanitarian engagement of armed non-state actors in child protection](#), in which it recommended to 'include in political dialogues with third countries, the goal of preventing and stopping the recruitment and forced involvement of children'.

On 8 March 2016, in its resolution on the situation of the [women refugees and asylum seekers in the EU](#), the Parliament highlighted the plight of women and girls fleeing conflicts and war and the various forms of gender-based violence in their journey to a host country, as well as multiple forms of discrimination due to widespread prejudice.