

Children's rights in the EU

in the light of the UN Convention on the Rights of the Child

SUMMARY

Adopted in 1989, the United Nations (UN) Convention on the Rights of the Child (CRC) was the first international instrument to explicitly recognise children as human beings with innate rights. Ratified by 197 countries, including all EU Member States, it has become the landmark treaty on children's rights, outlining universal standards for the care, treatment, survival, development, protection and participation of all children.

The promotion and protection of children's rights is one of the key objectives embedded in Article 3(3) of the Treaty on European Union (TEU). Moreover, Article 24 of the Charter of Fundamental Rights of the EU recognises that children are entitled to 'protection and care as is necessary for their well-being'. The same article recognises that the child's best interests should be the primary consideration for public authorities and private institutions.

Over the years, the EU has moved from a sectoral approach towards a more coherent policy approach. Whereas initially, children's rights were developed in relation to specific areas – such as the free movement of persons – since 2000 the EU has taken a more coordinated line. This briefing offers an overview of the most relevant actions at European level to address and promote children's rights before looking at upcoming challenges.

This briefing is an update of a 2019 [briefing](#) written by Ingeborg Odink.



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Background

In 1954, the UN [recommended](#) that all countries establish a national day to promote children's rights and welfare, and made 20 November Universal Children's Day. It was on this date, in 1959, that the UN General Assembly adopted the [Declaration of the Rights of the Child](#), and, in 1989, the [Convention on the Rights of the Child](#) (CRC) – the first international treaty to recognise children as human beings with innate rights. As a human being, a child is a rights-holder and not merely a beneficiary of protection. The CRC, which has been [ratified](#) by 196 countries including all the EU Member States, requires governments to realise every child's rights to adequate living conditions, health and education, as well as their rights to a family life, to be protected from violence, not to be discriminated against, and to have their views heard. In 2000, two optional protocols were added to the Convention, on [the Involvement of Children in Armed Conflict](#) (OPAC) and [the Sale of Children, Child Prostitution and Child Pornography](#) (OPSC), followed in 2014 by a [third](#) (OP3) allowing children to bring complaints about violations of their rights directly to the [Committee on the Rights of the Child](#), the UN body charged with overseeing the implementation of the CRC and its two optional protocols by the Member States.

The Convention, with its three optional protocols, has become the cornerstone instrument at international level for promoting children's rights, laying down social, civil, economic, and political standards for the protection of children's rights. It sets out a number of rules and principles to guide its signatories in developing comprehensive child-specific rights framework. The four core principles are: non-discrimination, the best interests of the child, respect for the views of the child, and the right to life, survival and development. The EU is not a party to the CRC,¹ but it is guided by the principles and rights set out in it, meaning that all policies and actions with an impact on children must be in line with the best interests of the child.

EU legal and policy framework on children's rights

The EU has developed its own [legal and policy framework](#) on children's rights and child protection, which includes an overall multiannual strategy for work in this area.

Legal framework

EU law on children's rights consists of a complex system of primary and secondary EU law and existing [international legal frameworks](#), including UN and Council of Europe instruments. The complexity of the system is exemplified by the fact that currently there is no single, common definition of a 'child' in either the EU Treaties or in EU secondary law. Although the CRC, in its [Article 1](#), states that 'a child means every human being below the age of eighteen years', EU law may provide for different definitions or recognise different rights for children depending on their age.² However, the fact that all Member States are currently parties to the CRC has helped to improve the coherence of policies developed to promote and protect children's rights. The EU and its Member States must ensure that their work on the new UN Sustainable Development Goals [aligns](#) with the UN Convention on the Rights of the Child, providing a further important incentive to implement children's rights in the EU's internal and [external](#) policies.

Although the [Treaty of Maastricht](#) introduced an obligation for the EU to respect fundamental rights in its policies and actions back in 1992, the EU's legal capacity to safeguard children's rights in particular was given a real boost by the [Treaty of Lisbon](#), which entered into force in 2009. The Treaty made respect for fundamental rights a core value of the EU ([Article 2 TEU](#)) and introduced an explicit objective to protect children's rights and promote them in EU internal and external policy ([Article 3 TEU](#)). It gave the [Charter of Fundamental Rights of the EU](#), which also enshrines children's rights (notably in its [Article 24](#), directly inspired by CRC provisions), the same legal status as the Treaties. This means that the EU institutions as well as Member States have an obligation to promote, protect and fulfil the rights of the child in all relevant EU policies and actions. Article 24 specifically recognises children's right to express their views freely and according to their age and maturity, their

right for their best interests to be considered as a key element in all actions related to them, and their right to maintain regular relations and direct contacts with both parents.

The Charter also makes several references to children's rights, namely the right to receive free compulsory education; the prohibition of discrimination on grounds of age; and the prohibition of child labour, and young people's right to protection at work (Articles [14\(2\)](#), [21](#) and [32](#) respectively). Neither the Lisbon Treaty nor the Charter give the EU a general [competence to legislate](#) on children's rights. Since children's rights is a field that cuts across many different sectors, EU competence has to be determined on a case-by-case basis. For example, Articles [79](#) and [83](#) of the Treaty on the Functioning of the European Union (TFEU) provide a specific legal basis for legislation combating trafficking in human beings and the sexual exploitation of children. Articles [81](#) and [82\(2\)](#) TFEU are a basis for adopting EU legislation to address the specific needs of children in areas such as child custody and victims' rights, where there is a cross-border dimension. Other areas relevant to children's rights where the EU has legislated, meanwhile, include data and consumer protection and asylum and migration.³ Lastly, Article [216](#) TFEU enables the EU to conclude international conventions in relation to children's rights.

The case law of the Court of Justice of the EU and that of the [European Court of Human Rights](#), and the decisions of the Council of Europe's European Committee of [Social Rights](#), have also served to uphold the rights of the child. In 2022, to clarify and provide further insight into the legal framework covering children's rights, the EU Agency for Fundamental Rights (FRA) further updated a [handbook](#) developed in cooperation with the Council of Europe and the European Court of Human Rights. This comprehensive handbook covers issues such as equality, personal identity, family life, alternative care and adoption, migration and asylum, child protection against violence and exploitation, and children's rights within criminal justice and alternative proceedings.

In February 2022, the Council of Europe adopted a [strategy for the rights of the child](#) (2022-2027). It is the fourth in a series of [strategies](#) aimed at fostering the rights of children across Europe, in the framework of the '[Building a Europe for and with Children](#)' programme, which has been in place since 2006.

Policy framework

EU policy documents and other non-binding EU measures also play a significant role in defining the overall framework for action. Over the years, the EU has moved from a sectoral approach towards a more coherent policy line. Whereas initially, children's rights were developed in relation to specific policy areas, such as the free movement of persons, since 2000 the EU has been coordinating its action, on the basis of three building blocks: the Charter of Fundamental Rights, the EU Treaties and overarching Commission communications, specifically the 2006 communication, [Towards an EU strategy on the rights of the child](#), the 2011 [EU agenda for the rights of the child](#) and the March 2021 EU [strategy on the rights of the child](#).⁴

The 2011 EU agenda for the rights of the child marked an important step forward towards mainstreaming children's rights in all EU policy spheres. The current EU strategy on the rights of the child builds on this earlier work. Developed with input from stakeholders, [including children](#), the strategy sets priorities for EU action in six areas: 1) [participation in political and democratic life](#), 2) [socio-economic inclusion, health and education](#), 3) [combating violence against children and ensuring child protection](#), 4) [child-friendly justice](#), 5) [children's safety in a digital and information society](#) and 6) [supporting, protecting and empowering children globally](#).⁵ The strategy takes account of the specific needs of certain groups of children, including those in situations of multiple vulnerabilities and facing intersecting forms of discrimination. It also aims to strengthen the [mainstreaming](#) of children's rights across all relevant EU policies, legislation and funding programmes in order to help build a 'child-friendly culture' in EU policy-making.

Building on earlier action to tackle child poverty and social exclusion by [investing in children](#), the launch of the strategy was accompanied by a proposal for a [European child guarantee](#). This initiative, [adopted](#) by the Commission and the Council in June 2021, is intended to ensure that

children in need across the EU have access to a set of key services, such as early childhood education and care, education, healthcare, nutrition, housing, and cultural and leisure activities.

Institutional architecture for children's rights

In both her 2019 [political guidelines](#) and her [State of the Union](#) speech to the European Parliament in September 2022, the President of the European Commission, Ursula von der Leyen, has identified children's wellbeing, particularly the need to tackle child poverty, as a particular area of concern.

The protection of children's rights appears in several Commissioners' portfolios, but the main responsibility lies with Vice-President-for Democracy and Demography [Dubravka Šuica](#). The Vice-President has been responsible for coordinating work on the child guarantee and preparing the EU strategy on the rights of the child, in alignment with the UN's CRC. The Commissioner for Jobs and Social Rights, [Nicolas Schmit](#), has been tasked with ensuring that children and young people have access to the care, education and opportunities they need. He is also responsible for the child guarantee and European Pillar of Social Rights implementation action plan, which includes a target on reducing child poverty.

In 2007, a Commission [coordinator](#) for the rights of the child was created with the aim of coordinating the work of the various Commission departments in this area. The Commission can also draw on an [expert group](#) on the rights of the child and a new [EU Network for children's rights](#), launched by Vice-President Šuica in March 2022 to strengthen dialogue and mutual learning between the EU and Member States on children's rights and support the implementation, monitoring and evaluation of the EU strategy.

In the European Parliament, the Committees on Civil Liberties, Justice and Home Affairs ([LIBE](#)) and on Legal Affairs ([JURI](#)) both take a strong interest in children's rights, whilst the work of the Committee on Women's Rights and Gender Equality ([FEMM](#)) also touches on the rights of girls and children in general. Parliament also has a [Coordinator on Children's Rights](#), whose role has broadened since it was first created in 1987. The coordinator, currently Vice-President [Ewa Kopacz](#), now has an important role both in resolving cross-border family disputes and in promoting children's rights more broadly, working with Members of the European Parliament (MEPs) to ensure that the institution's work respects and promotes children's rights. Parliament also has a cross-party [Child Rights Intergroup](#), which aims to promote children's rights, ensure that the best interests of the child are taken into account in EU action, and work with child-focused organisations to keep children's rights at the top of the EU agenda.

The Council's current [18 month programme](#) (1 January 2022 - 30 June 2023) drawn up by the French, Czech and Swedish Presidencies, meanwhile commits to step up efforts at EU level to 'protect children, in particular against poverty, sexual abuse, including online, and to ensure that they enjoy equal rights and opportunities in all aspects of their lives'.

Implementation of children's rights in the EU

Overall measures of child wellbeing in Europe

The CRC commits governments to providing every child with an adequate standard of living, to ensure physical, mental, spiritual, moral and social development, including support for those in need (Article 27), access to education (Article 28), and health (Article 24).

Social and economic disadvantages in early life have repercussions into adulthood and even across generations, making child wellbeing vital for individuals and society as a whole. Children growing up in poverty are more likely to bear negative consequences such as more difficulties in achieving their full potential at school and later in life, risk of unemployment and social exclusion, as well as poor health conditions. [Family situations](#), in particular the labour situation of parents and their level of education, are the main factors affecting child poverty. Children with [disabilities](#), [Roma children](#) and [refugee and migrant children](#), face particular problems accessing health services, uneven

opportunities for education and higher rates of poverty, and those in the older age range are disproportionately likely not to be in education, employment or training ([NEET](#)).

UNICEF has been [measuring](#) child wellbeing in high-income countries for the past 20 years. Its reports reveal the lasting impact of the 2008 [financial and economic crisis](#) on child-wellbeing in Europe and how far countries have allowed their most disadvantaged children to [fall behind](#) the 'average' child. In 2018, the FRA [found](#) that children were the age group most at risk of poverty or social exclusion in over half of EU countries. The COVID-19 pandemic has [exacerbated](#) the situation, globally and in the EU. The EU agency, [Eurofound](#), has reported that the pandemic increased family insecurity and had 'a dramatic impact on the accessibility of health, education and care services for all Europeans', including children, who were severely impacted in their learning opportunities and access to healthcare, including mental support. Difficulties and challenges were also reported in a 2021 [study](#) from the [European Platform for Investing in Children](#) (EPIC).

In 2021, according to [Eurostat figures](#), 24.4 % of children in the EU were at risk of poverty and social exclusion ([AROPE](#) rate). This worrying figure, higher than the figure of 24.0 % for 2020, was slightly better than in 2015 (27.5 %).

While responsibility for fighting child poverty lies mainly with the Member States, the EU has shown an [increasing willingness](#) to act in this area. A 2013 Commission recommendation, [Investing in children: Breaking the cycle of disadvantage](#), set out guidelines to help Member States to improve children's access to adequate resources and affordable, high quality services. It also provided for [monitoring, information exchange and cooperation](#) in the field of family and child policies in the EU.

The [Pillar of Social Rights](#) pays significant attention to child wellbeing. [Principle 11](#) explicitly reflects that the fight against child poverty is a priority of today's social Europe, while referring to children's right to protection from poverty. It defines childcare and support for children as a joint responsibility of the European institutions, Member States, social partners and other stakeholders. Other principles, for example on wages and work-life balance, do not refer to children explicitly but are highly relevant to their wellbeing and welfare. The related [social pillar action plan](#), adopted in 2021, sets a target of lifting 15 million people out of poverty or social exclusion by 2030, including at least 5 million children, in order to break the intergenerational cycle of poverty.

In September 2022, the Commission proposed a new [European care strategy](#), including revised targets for the provision of affordable, good quality early childhood education and care, with a particular focus on 'closing the attendance gap between children at risk of poverty or social exclusion, children with disabilities or special needs and the overall population of children'.

In 2020, the EU Court of Auditors ([CoA](#)) carried out a [Special Report](#) to assess whether EU action had helped Member States' efforts to reduce child poverty. With regard to the 2013 Commission recommendation 'Investing in children: Breaking the cycle of disadvantage', the findings echoed earlier [analysis](#) by the European Social Policy Network ([ESPN](#)) and a [study](#) from the European Platform for Investing in Children ([EPIC](#)), and concluded that it had had a positive impact but that efforts needed to be stepped up, particularly in countries with high or very high levels of child poverty. Though it welcomed the recommendation, the CoA underlined the absence of measurable milestones, which are necessary to measure progress. It also noted the difficulty of assessing the effectiveness of EU action for a number of reasons, notably the fact that the EU instruments examined (e.g. the Pillar of Social Rights) are not legally binding and that other EU tools (such as the European Semester) do not specifically address child poverty. Finally, the report concluded that it was impossible to know how much funding was allocated directly to combating child poverty.

To implement the [European child guarantee](#), EU Member States were required to submit national action plans by March 2022, outlining how they intended to implement the guarantee by 2030. Member States can draw on EU funding, in particular from the European Social Fund Plus (ESF+) and [Next Generation EU](#), to this end. Between 2021 and 2027, Member States where children's risk of poverty or social exclusion was higher than the EU average in the 2017-2019 period, must earmark 5 % of the European Social Fund Plus (ESF+) for combatting child poverty, while all others should

allocate appropriate amounts. As of [November 2022](#), only 15 Member States had delivered their national action plans and these vary in approach, content and scope, raising questions regarding how to measure progress and ensure implementation, given the lack of EU enforcement powers.

UNICEF is working with the European Commission to [help develop](#) national action plans for the European Child Guarantee in seven EU Member States. Its [country reports](#) showcase innovative approaches for social inclusion of disadvantaged children.

Protecting children from violence, abuse and exploitation

The CRC commits governments to protect children from all forms of violence and abuse (Article 19) and sexual exploitation (Article 34).

Protection from violence was one of the highest priorities for children consulted by the UN in a [worldwide survey](#). UNICEF has [documented](#) widespread violence against children globally. A 2014 [EPRS analysis](#) of violence towards children in the EU found that its extent was difficult to assess, but that estimates gave cause for concern. In addition to [child migrants](#), vulnerable children include [children with disabilities](#) and girls at risk of female genital mutilation (FGM). [Institutionalisation](#) can also be considered a form of violence, with children in institutions thought to be particularly vulnerable. The digital environment is also a [risky space](#) for children. A 2020 Joint Research Centre (JRC) [study](#) warned that while offering multiple opportunities for children to learn, the on-line world also creates opportunities for those who want to harm children with inappropriate content, cyberbullying and hate. Online child sexual abuse [continues to rise](#), according to Europol.

The EU has adopted legislation to eradicate various forms of violence to which children are subjected, including [human trafficking, sexual abuse, exploitation and child pornography](#) and to improve support for [child victims of crime](#). Several of the Commission's current multiannual strategies include reviews of this legislation, proposals for new legislation and other measures that include a children's rights perspective. The 2021-2025 strategy on [combatting trafficking in human beings](#) stresses the [high proportion](#) of child victims of trafficking in the EU and the need to improve the support available to them; it includes a commitment to provide dedicated funding for implementing the child-sensitive aspects of the directive. The 2020-2025 strategy for a [more effective fight against child sexual abuse](#) aims to set out a comprehensive response to both its online and offline forms. The Commission is planning a [proposal](#) to revise the existing directive on combating child sexual abuse in 2023. Two new pieces of legislation have already been adopted: a [regulation](#) aimed at strengthening Europol's mandate in the fight against child sexual abuse online, and an [interim regulation](#), in force until August 2024, allowing online communication service providers to continue to detect and report it on a *voluntary* basis, in derogation from rules set out in the [ePrivacy Directive](#). In May 2022, the Commission published a [proposal](#) on permanent rules to replace the interim regulation. These [would oblige](#) providers to detect, report and remove child sexual abuse material on their services.

On violence experienced by children online, in May 2022 the EU adopted a new strategy for a better internet for kids (BIK+), to protect children and teenagers and arm them with skills and tools to use the internet safely and responsibly. According to the Commission, the new BIK+ strategy [complements](#) the 2021 [EU strategy on the rights of the child](#) and 'reflects the [digital principle](#) that children and young people should be protected and empowered online'. The Commission's proposal to [extend the list of EU crimes](#) to hate speech and hate crime recognises the importance of the BIK+ strategy and emphasises the impacts of these crimes on children's development.

The Commission is also proposing to align the legislative framework for protecting children against all forms of sexual abuse and sexual exploitation with its [proposed new EU directive](#) to address violence against women and domestic violence, put forward in March 2022. The forms of violence covered include child marriage, FGM, and cyber-violence. More broadly, the proposal recognises child witnesses as direct victims of violence against women and domestic violence and would require Member States to take specific measures to protect and support them. Member States would also have to establish safe and child-friendly reporting procedures and safe places for children visiting with

parent offenders. In parallel, the EU is in the [process of acceding](#) to the Council of Europe's Convention on preventing and combating violence against women and domestic violence ([Istanbul Convention](#)), which highlights the importance of taking the specific needs of [children](#) into account.

Child protection systems are an area where Member States have primary responsibility. However, the EU also supports national action. In 2015, the FRA [mapped](#) the EU national systems and defining [key principles](#) to strengthen them. The previous year, EPRS [research](#) found that EU action in this area has a direct impact on the relevant laws and policies introduced by the Member States.

Children may also be victims of parental abduction in cases of cross-border family disputes. In 2019, the Commission [reported](#) that there were about 140 000 international divorces and around 1 800 cases of parental child abduction within the EU every year. This is why, in August 2022, [new rules](#) on cross-border parental-responsibility disputes and child abduction entered into force, replacing and repealing the [Brussels IIa Regulation](#) (Council Regulation (EU) [2019/1111](#) on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and matters of parental responsibility, and on international child abduction), in force since May 2005.

EU funding for combating violence against children

EU funding for preventing violence against children and promoting and protecting the rights of the child more broadly is available under the long running Daphne programme, now incorporated into the [Citizens, Equality, Rights and Values programme](#). The 2021-2022 [work programme](#) supports implementation of the EU strategy on the rights of the child, focusing not least on addressing children's needs in the light of the pandemic and safeguarding their rights in times of crisis.

Protecting the rights of children on the move

Under Article 22 CRC, child refugees have the right to special protection and help. Under Article 38, governments are also committed to protect and care for children who are affected by armed conflict (Article 38) and to aid their recovery (Article 39).

The number of migrant children has been rising globally since the turn of the century. According to [estimates](#) by the UN Department of Economic and Social Affairs, in 2020, 35.5 million children were living outside their country of birth, 11.5 million more than in 2000. In [2020](#), more than 15 000 children were detected crossing the EU's external borders irregularly, more than 5 000 of them unaccompanied, i.e. they arrived unaccompanied by an adult responsible for them. Moreover, children represented 6 % of the total number of third-country nationals found to be irregularly present in the EU. The overall number of children found to be irregularly present in the EU decreased substantially in 2020 in comparison with previous years, from close to 58 000 children found to be irregularly present in the EU in 2019 to nearly half that number (30 000) in 2020. However, in 2022 the conflict in Ukraine and the subsequent mass displacement and chaos have further deteriorated the situation, creating opportunities for criminal networks to take advantage of vulnerable people, of children in particular.

The EU, together with its Member States, has been active in this context for many years. Existing EU policies and legal instruments provide the framework for the protection of children in migration, including aspects such as reception conditions, the treatment of their applications and integration. In this context, the action plan on unaccompanied minors ([2010-2014](#)) helped to build awareness of the specific needs of [unaccompanied children](#) in migration, and promoted targeted action. The [European agenda on migration](#), as well as subsequent communications on progress with its implementation, have also touched upon the issue of the protection of children in migration. Nevertheless, the increase in the number of migrants and asylum-seekers arriving, including children, has put Member States under pressure and underlined some of the shortcomings of the existing framework.

The EU strategy on the rights of the child and the [Action plan on integration and inclusion 2021-2027](#) stress that children arriving in the EU need additional targeted support to integrate, particularly when they are unaccompanied, as do children with a migrant background.

In focus: The situation of Ukrainian children inside and outside the country

UNICEF has [characterised](#) Russia's invasion of Ukraine in February 2022 as a 'child protection and child rights crisis'. Inside the country, many children have been [killed or injured](#) and many others have been displaced and face grave violations of their rights. The war has also forced hundreds of thousands of people, predominantly [women](#) and [children](#), to flee the country and seek shelter, mostly in neighbouring EU countries. Both in and outside of Ukraine, children are in urgent [need of protection](#), including access to psychosocial and social support, health, nutrition, education and housing, and protection against [trafficking](#), sexual and labour exploitation and abuse. The [EU](#) immediately stepped in to help civilians affected by the war in Ukraine, for instance, by launching [emergency aid](#) programmes that cover some basic needs, ensuring [assistance at the EU borders](#), and activating the [Temporary Protection Directive](#) (Directive 2001/55/EC). The [guidelines](#) issued to help EU Member States to implement the directive stress that the 'protection of migrant children arriving from Ukraine is a top priority for the EU', and that provision must be made for children's specific needs and rights, with particular attention to the needs of unaccompanied, separated and orphaned children. In June 2022, the Council adopted [conclusions on the EU strategy on the rights of the child](#), which called on the Member States to protect children from recruitment by armed forces, trafficking in human beings, illegal adoption, sexual exploitation and separation from their families.

Protecting children's right to be heard and to participate

Article 12 CRC gives all children the right to participate, to be consulted in decisions that concern them, to engage, be listened to and be heard, in accordance with their age and maturity, and for their views to be taken seriously.

Research shows that when children are given the possibility to participate in decisions that affect their care, education, or treatment in the asylum and justice systems, this can have direct, positive outcomes for their wellbeing and safety. An [evaluation](#) of legislation, policy and practice in the area of child participation in the EU, published by the European Commission in 2015, also found that, when children are engaged in participatory democracy through youth councils, public debates, and participatory research, it can have very significant benefits for their confidence and self-esteem, and help to develop their leadership skills and civic and social responsibility. However, it also concluded that, although the direction of travel in Europe is positive, further action was needed to strengthen children's right to participate, by bridging the gap between national legislation and actual practice on the ground, mainstreaming children's participation in all policy areas and sectors, and by funding initiatives properly.

In May 2019, children from across the EU signed the [Bucharest Declaration](#) setting out how they would like the EU to encourage children's involvement in decision-making, and consult them on issues that have a direct influence on their lives, including full implementation of the recommendations set out in the evaluation. The current [EU strategy on the rights of the child](#) stresses the need to empower children to become [active citizens](#) in democratic societies and proposes, among other measures, the creation of an EU children's participation platform together with the European Parliament and children's rights organisations, to connect the existing child participation mechanisms at local, national and EU level.

The EU has already taken [steps](#) in recent years to ensure that children are heard, with a particular focus on the justice system, through [child-friendly justice initiatives](#). These have included a [directive on special safeguards for children suspected or accused in criminal proceedings](#). In June 2022, the FRA published a [report](#) on the implementation of the directive in nine Member States (Austria, Belgium, Bulgaria, Germany, Estonia, Italy, Malta, Poland and Portugal). It stresses that procedures need to be adjusted to meet children's needs when they are informed about their rights, when they are questioned and when they participate in trials. Family members also require special support in particular to ensure that children's privacy is protected. Finally, the report recalls that detention should be a measure of last resort and only used to protect children and help them to reintegrate into society successfully. In addition, the 2020-2025 [Strategy on victims' rights](#) stresses once again the general principle that when a child is the victim of a crime, the child's best interests shall be the primary concern. The 2021 [EU strategy on the rights of the child](#) mentions several initiatives to

support the rights of children who are [involved in judicial proceedings](#), including training for justice professionals on the rights of the child and child friendly justice and a proposal to support the [mutual recognition of parenthood](#) between Member States. As Commission President Ursula von der Leyen said in her State of the European Union speech in [September 2020](#): 'If you are a parent in one country, you are a parent in every country'.

Position of the European Parliament on children's rights

Parliament speaks out regularly on children's rights. Regarding the UN's CRC, its 2014 [resolution](#) marking the Convention's 25th anniversary called, not least, for better mainstreaming of children's rights in all EU legislative proposals, policies and financial decisions, and monitoring of their compliance with the EU *acquis* on children and with obligations under the Convention. It also asked the Commission to consider how the EU could accede to the Convention, a call reiterated in Parliament's 2019 [resolution](#) on the Convention's 30th anniversary. The latter welcomed the Commission's commitment to introduce a comprehensive strategy on children's rights and establish a 'child guarantee'. Both resolutions called for sufficient EU funding for children's rights and the 2019 resolution called, specifically, for a 'child marker' in the Commission's budgets to enable effective measurement and monitoring of EU investment in children. Both resolutions also stressed the importance of a gender-sensitive and intersectional approach to children's rights, and highlighted specific issues around wellbeing, combating violence, migration and justice, which are expanded in Parliament's 2021 [resolution](#) on the EU strategy on the rights of the child and other resolutions on specific issues.

With respect to **children's wellbeing**, Parliament [contributed](#) to new family leave and flexible work arrangements, allowing couples to share [parental leave](#), and has called for [universal quality education](#), from [early childhood](#) onwards. In July 2022, Parliament called for [common European action on care](#) and for Member States to use EU funding to invest in high-quality public childcare for every child, including children facing poverty, social exclusion and intersecting forms of discrimination.

[Child poverty](#) is a longstanding concern for the Parliament, which [called](#), in 2015, for reduction of **child poverty** to be made more visible in the European Semester. It has also [suggested](#) establishing a 'European authority for children' to support and monitor national implementation of the European child guarantee and ensure the exchange of good practices and innovative solutions.

In focus: Parliament's role in pushing for a European child guarantee

Parliament played a key role in the introduction of the child guarantee, first [proposing](#) the idea in 2017, when it asked the Commission to carry out preparatory work for such a scheme to tackle multidimensional aspects of child poverty. The Commission [agreed](#) and conducted a [study](#) on the feasibility of a child guarantee in April 2019. An [online consultation](#) showed strong support for greater EU political commitment to improving access to key social rights for vulnerable children. In her [political guidelines](#) for the 2019-2024 Commission, Ursula von der Leyen stated that she would, 'create the European child guarantee, picking up on the idea proposed by the European Parliament'. Parliament's [proposal](#) was that all EU Member States should allocate at least 5 % of their ESF+ resources to the scheme's implementation. The [Conference of Presidents' statement on the 2023 Commission work programme](#) called for a permanent child guarantee with better funding. Parliament has also [called](#) for an increase on spending on education and culture to combat the decline in the mental health of children and young people resulting from the impacts of the COVID-19 pandemic on learning and services.

As co-legislator, Parliament plays a leading role in the adoption of EU legislation to eradicate **violence against children**. It has [highlighted](#) shortcomings in the implementation of EU legislation on victims' rights when it comes to support services for children. It has also [pushed actively](#) for the European Union's [accession](#) to the Istanbul Convention and for an [EU directive on gender-based violence](#), stressing the need for measures to address the specific needs of child victims, including victims of [child, early and forced marriages](#), [female genital mutilation](#), [domestic violence](#) and [cyber-violence](#).

In 2012, Parliament was already [warning](#) about the risks to children in the **digital world** and the need to tackle harmful content. In [2019](#) and [2021](#), it voiced its concerns about the surge in online child sexual abuse, and stressed that information and communications technology companies and online platforms should take their share of responsibility in the fight against it. The Commission took account of these resolutions in drawing up the BIK+ strategy. Parliament has already urged Member States to fully [implement](#) the directive on combating the sexual abuse and sexual exploitation of children and [supported](#) the creation of a European centre to prevent and counter child sexual abuse.

In the area of **migration**, Parliament has stressed the need to [protect](#) all child migrants and refugees, and specifically [unaccompanied minors](#) and [girls](#), and called for an end to migration [detention](#) for children. A resolution of [3 May 2018](#) called on EU Member States to place all children and families with children in non-custodial, community-based accommodation, while their immigration status is processed. Parliament has also stressed the need to host unaccompanied children in separate facilities from adults in order to avoid any risk of violence and sexual abuse. In addition, in [November 2019](#), Parliament called on Member States to improve the situation of children in migration and stressed the importance of child protection as a fundamental principle for the EU. In a resolution of [March 2021](#), Parliament stressed that the EU strategy on the rights of the child needed to include measures to improve the situation of children in migration and protect their interests, both within and outside the EU, at every stage of asylum procedures. In April 2022, in its [resolution](#) on EU protection of children and young people fleeing the war in Ukraine, Parliament stressed the need to identify vulnerable groups and to swiftly appoint guardians for unaccompanied children, while calling on child protection services in the country of reception to monitor these children continuously for their well-being and whereabouts after their arrival in the EU.

Parliament has highlighted the needs of other groups of **vulnerable children**, such as Roma children, and children with disabilities, [calling](#) for a child-sensitive approach in the post-2020 Strategic EU Framework for National Roma Integration Strategies, and [emphasising](#) the need for, inter alia, inclusive education, high quality and affordable pre-school childcare for children with a disability, and accessible and tailor-made services, in order to end violence against children with disabilities and support the victims of violence. In November 2022, Parliament [drew attention](#) to the disproportionate impact of poverty on racialised children and called for full use of the child guarantee to tackle structural racism.

In the area of **justice**, Parliament has emphasised the need to safeguard the [best interests of the child](#) across the EU in all decisions relating to childcare issues at all levels, and more specifically related to transnational abduction and child placement and adoption decisions (the subject of many petitions addressed to the European Parliament). In this context, it has [called](#) for reinforced judicial cooperation and more child-friendly hearing procedures in [transnational parental abduction cases](#). Parliament has also [called for](#) EU legislation requiring all EU countries to recognise each other's adoption certificates automatically and for the creation of an EU-wide adoption certificate, since the current situation, where adoptions carried out in one Member State are not automatically recognised in others, is causing [practical problems](#) for families and potentially harming children's rights, including the right to family life, non-discrimination, inheritance rights and the right to nationality. In April 2022 Parliament [urged](#) the Commission to draw up common guidelines to ensure child-friendly justice, to harmonise procedural safeguards for children in cross-border family law proceedings, and to present a new proposal for a regulation on cross-border mediation.

In the [2021-2022](#) period, **Parliament's Coordinator on Children's Rights** has [brought](#) stakeholders together to discuss the [new rules](#) on cross-border parental responsibility disputes and parental child abduction that came into force in August 2022. She has also worked with the Committee on Legal Affairs and several other committees to explore issues including possibilities for mainstreaming children's rights in EU legislation under the Better Regulation Agenda, the physical and mental health of children and adolescents, child rights and safety online and the risk of illegal adoption of Ukrainian children.

Future challenges

Although significant progress has been made on protecting children's rights in the EU, there is still much that needs to be done, partly as a response to ongoing and emerging challenges. The term '[permacrisis](#)' is increasingly used to describe the current period of uncertainty and volatility in [Europe](#) and globally. In this context, a key challenge will be to ensure that the impacts on children are fully considered at EU and national levels. Experts at the [14th European forum on the rights of the child](#) in September 2022 put special focus on the impact of Russia's war on Ukraine on children's rights and the EU's child protection response. A [report](#) published by UNICEF in October 2022 warns that the war in Ukraine – and the subsequent economic downturn – has serious implications for child poverty and wellbeing. UNICEF estimates that for the eastern Europe and Central Asia region (including Bulgaria, Croatia, and Romania) the increase in child poverty is likely to be about 19 % higher than previously projected. In November 2022, a [survey](#) of 6 000 Europeans in six countries (France, Italy, Greece, Germany, Poland, and the UK) [found](#) that parents in particular are feeling the strain of rising prices and falling household incomes. On average, 49 % of parents said they were worried about not being able to meet their children's needs in future, while 33 % said they were already unable to ensure their children's diet was as varied as they would like.

There is also an increasingly urgent need to protect children and their rights in responses to the climate crisis. UNICEF's global [Children's Climate Risk Index](#) ranks three EU Member States (France, Italy and Romania) at medium to high risk for children's exposure and vulnerability. In 2021, a [pan-European survey](#) found that more than eight out of ten young Europeans (84 %) were fairly, very or extremely worried about climate change. Almost two thirds (65 %) considered that it will have a big impact on people like themselves. This echoes the findings from the 2019 '[The Europe Kids Want](#)' survey launched by the European Parliament and supported by UNICEF and Eurochild, where 'protecting the environment' was one of the [top recommendations](#) for the EU, alongside helping to keep peace in the world and make sure everyone is treated equally.

A further evolving challenge will be to continue work on protecting children's rights in the digital world, another issue of great concern to children themselves. [Research](#) by the European Commission's Joint Research Centre stresses that we have only just begun to consider the specific risks and opportunities that AI brings for children's rights. Another emerging issue is how to protect children in the [metaverse](#).

Stakeholder views

[Eurochild](#), a network of 165 organisations and individuals from 33 European countries working with and for children throughout Europe, has been very active in assessing multiple aspects of children's rights and wellbeing in Europe, and recommending action that would further those rights. It has [welcomed](#) the new EU strategy on the rights of the child and the European child guarantee as a clear framework for action by the EU and its Member States, while also highlighting, in [2021](#) and [2022](#), the need for resources and ambition to ensure that they are implemented effectively. Priorities for Eurochild include improving child protection systems, child safety online and early years support.

Tackling child poverty is a particular focus for Eurochild and the other networks that belong to the [European Alliance for Investing in Children](#). The alliance [welcomed](#) the European child guarantee proposal and [called](#) on EU Member States to adopt ambitious national action plans to take account of the impacts of the pandemic and the war in Ukraine. Eurochild has set up its own [child guarantee taskforce](#) to provide [recommendations](#) for national action plans and has published [overviews](#) of the plans published up to June 2022. The alliance has also [welcomed](#) the Commission's proposal for an EU care strategy. It recommends that the strategy be coordinated with the European child guarantee and place a stronger focus on access to alternative family and community care for all children deprived of parental care, in line with [UN guidelines](#).

Migration is an area where several stakeholders have also expressed their views. For example, Eurochild, [Save the Children](#) and [Terre des Hommes International Federation](#) have co-produced a [position paper](#) on promoting and protecting the rights of children in migration through the 2021-2027 MFF. They recommend that the rights of all children in migration be protected, regardless of their parents' or family members' migration or residency status, and at all stages of migration. At the time of writing, migration and in particular the situation of Ukrainian children, the conditions of [unaccompanied and separated children](#), as well as the situation of [unaccompanied migrant children in Greece](#) are of concern for both stakeholders and EU institutional actors.

MAIN REFERENCES

[Children's rights](#) – Topical Digest, EPRS, European Parliament, November 2022

ENDNOTES

- ¹ This is because there is no legal mechanism within the CRC to allow entities other than states to accede to it. For further detail see [EU Framework of Law for children's rights](#), Policy Department on Citizens' Rights and Constitutional Affairs, European Parliament, 2012.
- ² For a more detailed explanation, please see the [Handbook on European law relating to the rights of the child](#), 2022.
- ³ The European Commission regularly publishes a summary of all EU legislation and policy documents touching on the rights of the child, [last updated in 2021](#). In May 2022, it also published a [Compendium of legislation relating to the European strategy for a better Internet for kids \(BIK+\)](#).
- ⁴ There is also a [EU youth strategy for 2019 to 2027](#).
- ⁵ The EU's external action on children's rights is guided by the EU strategy on the rights of the child and other complementary policy frameworks, in particular the [EU Action Plan on Human Rights and Democracy 2020-2024](#), which mainstreams children's rights, [Guidelines on the Promotion and Protection of the Rights of the Child](#), [Guidelines on Children and Armed Conflict](#), the [EU Gender Action Plan for external action \(2021-2025\)](#), and the [Child Rights Toolkit](#). In October 2022, the Commission and the High Representative adopted the first ever [Youth Action Plan \(YAP\)](#) for 2022-2027, which aims to strengthen [meaningful youth participation](#) in the EU's external action policies.

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Annex I

Summary of key legal provisions on the rights of the child

EU	Issues covered	Council of Europe
Articles 24 and 32 Charter of Fundamental Rights (CFR) Article 3 (3) TEU	The child as a holder of rights	Article 4 (d) Convention on Action against Trafficking in Human Beings Article 3 (a) Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse - Lanzarote Convention
Article 24 (2) CFR Court of Justice of the EU (CJEU), <i>Dynamic Medien Vertriebs GmbH v Avides Media AG</i> , C-244/06, 2008 CJEU, C-112/20, <i>M. A. v. État belge</i> , 2021	Best interests of the child	Article 4 (d) Convention on Action against Trafficking in Human Beings, Article 3 (a) Lanzarote Convention
Article 24 (1) CFR	Children's rights to participation and to be heard	Article 9 Lanzarote Convention Article 6 Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine – Oviedo Convention
Directive on combating the sexual abuse and sexual exploitation of children and child pornography (2011/93/EU)	Protection from violence and/or sexual violence	Articles 2 (right to life), 3 (torture, inhuman or degrading treatment) and 8 (physical integrity) European Convention on Human Rights – ECHR Lanzarote Convention
Article 14 (2) CFR (right to education)	Right to receive free compulsory education	Article 17 (2) (right to appropriate social, legal and economic protection) European Social Charter – ESC (revised) Article 2, Protocol 1 ECHR
Article 21 CFR (non-discrimination)	Prohibition of discrimination on grounds of age	Article 14 (prohibition of discrimination) ECHR Article 1, Protocol 12 ECHR
Article 7 CFR (respect for private and family life) Article 24 (3) CFR (contact with parents)	Right to respect for private and family life	Article 8 (right to respect for private and family life) ECHR Convention on the Legal Status of Children Born out of Wedlock Convention on the Adoption of Children (revised) Convention on Contact concerning Children Convention on the Exercise of Children's Rights European Court of Human Rights (ECtHR), <i>Maslov v Austria [GC]</i> , No. 1638/03, 2008 (deportation of the applicant, convicted of criminal offences as a child)

Source: [Handbook on European law relating to the rights of the child 2022 edition](#), pp. 15-16, FRA, 2022.