

# EUROPEAN PARLIAMENT

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*Committee on Foreign Affairs*

**2007/2093(INI)**

19.7.2007

## **OPINION**

of the Committee on Foreign Affairs

for the Committee on Committee on Civil Liberties, Justice and Home Affairs

Towards an EU Strategy on the rights of the child  
(2007/2093(INI))

Draftswoman: Irena Belohorská

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## SUGGESTIONS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Stresses the need to give greater prominence to promoting the rights of the child in the EU's political dialogues, human rights dialogues and consultations with third countries, and in the EU's and Member States' actions within the United Nations human rights framework;
2. Calls on the Commission to mainstream the rights of the child when drafting EC legislative and non-legislative actions in both the EU's internal and external policies and, in particular, to promote external projects and actions for combating child trafficking and violence against and sexual abuse of children, for eliminating child labour and the use of children in armed conflicts, and for actions to combat child poverty and to promote universal access to education and basic health services;
3. Welcomes Germany's proposal for new EU guidelines for the protection and promotion of the rights of children; stresses the importance of coordinating the future guidelines to be issued by the Council and the Strategy proposed by the Commission, and encourages both institutions to adopt a complementary approach to the protection of the child's rights;

### *Birth registration*

4. Acknowledges the right of every child to be registered at birth as a legal recognition of his/her existence and of his/her right to acquire nationality and identity, irrespective of their gender or ethnic origin, or of their parents' nationality or status as refugees, immigrants or asylum seekers;
5. Recognises that birth certificates help to protect a child against rights violations that stem from doubts about his/her age or identity; considers that reliable birth registration systems hinder the trafficking of children and their organs, curb illegal adoption and prevent the overestimation of a child's age for the purposes of early marriage, under-age military recruitment, sexual exploitation, child labour<sup>1</sup> and the judicial treatment of minors as adults;
6. Highlights the fact that the "invisibility" of non-registered children increases their vulnerability and the likelihood that violations of their rights will go unnoticed;
7. Deplores the existence in some countries of gender discrimination in birth registration, with laws and practices operating that are contrary to the Convention on the Elimination of All Forms of Discrimination against Women, and which include the denial of registration to single mothers, refusal of the mother's nationality and discrimination in the registration of girls without a school education where access to registration is based on the education system;
8. Calls on the Commission and on both children's rights and humanitarian aid organisations to join in action to raise awareness of the need for birth registration in third countries; notes that

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<sup>1</sup> defined in article 32 (1) of the Convention on the Rights of the child

the absence of a birth certificate may prevent children from obtaining recognition of possible inheritance rights and from gaining access to education, healthcare services and material assistance from the state; calls for the promotion of measures to ensure that such services are provided universally until the completion of the official registration process;

9. Calls on the Commission to urge states to establish permanent registration systems operating from the national to village level, available free of charge to the entire population including those living in remote areas, through the provision of, inter alia, mobile registration units where appropriate, adequate training for civil registrars and the allocation of sufficient resources to finance these initiatives;
10. Calls on the Commission to carry out research and to collect gender and age-specific data to enable monitoring to be carried out;
11. Calls on the Community institutions and the Member States to increase their efforts to ensure the effective coordination of policies to encourage birth registration, in particular with the involvement of the United Nations and dependent agencies, with a view to the agreement of a common agenda that will foster an effective worldwide response;

### *Children in armed conflicts*

12. Stresses the crucial need to implement the EU Guidelines on Children in Armed Conflicts;
13. Calls on all States that have not yet done so to ratify as a matter of urgency the Convention on the Rights of the Child and the Optional Protocols thereto;
14. Urges the Community institutions and the Member States to encourage the adoption of measures to prevent the involvement of children in armed conflicts, and calls on children's rights and humanitarian aid organisations to conduct an information campaign on children's rights and to assist children to return to or remain in education; points out that the root causes of the enrolment of children in armed groups, whether forced or not, lie mainly in the lack of an alternative way of survival, and urges, therefore, the Member States to encourage measures to improve the living conditions of the child population;
15. Urges the Member States to adopt the Rome Statute of the International Criminal Court into their national laws and to investigate, prosecute and punish all who have unlawfully recruited children into armed forces or groups, or used them for active participation in conflict situations, in order to ensure that every effort is made to end the culture of impunity in respect of those crimes;
16. Welcomes the adoption of the 2006 "Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups" as an update of the 1997 Cape Town Principles, and urges all states to adopt them;
17. Calls on the Commission to tighten controls on the arms trade, especially light arms that can be used by for children;
18. Calls for the immediate removal of children from armed groups/forces, even where there is no formal declaration of peace;

19. Notes that some NGOs are developing early preventive measures against belligerents, including non-nationals, to persuade them not to use children as soldiers; notes that such actions are having some success and calls on the Commission to support them;
20. Considers that measures are needed to ensure that children who are deprived of their liberty are treated in accordance with international humanitarian and human rights laws, taking account of their special status as children, and to prohibit the detention of children with adults, except for parents with small children; in this respect, underlines the need to promote training programmes for raising awareness among the agents and staff of the legal and police systems of the countries where the use of boys or girls as child soldiers has been noted;
21. Stresses the need for children to be treated in accordance with the rules of juvenile justice as well as the need to seek alternatives to judicial proceedings; calls for specialist juvenile prosecutors and lawyers active in the field of social law to assist children in court; calls for the establishment of truth and reconciliation commissions;
22. Calls for the reintegration, and the physical, social and psychological rehabilitation of former child soldiers and other children affected by armed conflicts, their reunification with their families, alternative care for those for whom reunification is not an option, educational catch-up courses and the dissemination of information on HIV/AIDS; underlines the need to address specific failings in the reintegration of girl soldiers, who are sometimes socially rejected and marginalised, by allocating special resources to set up programmes for education, sexual health, psychological support and family mediation;
23. Is concerned at the difficulties encountered in programmes for the social reintegration of child soldiers and calls for early and preventive measures;
24. Stresses the need for Member States to take joint diplomatic action wherever there are reports of children being recruited into military units or armed groups;

#### *Immigrant, refugee and internally displaced children*

25. Stresses the importance of restoring basic social services to care effectively for displaced minors, including not only access to water and food but also to medical care for minors and mothers, including the provision of basic sexual and reproductive health services;
26. Draws attention to the role of education, which should be egalitarian and without the use of violence or corporal punishment; urges the Commission to allocate the resources needed to prevent violence of any kind in refugee communities, especially gender violence and sexual exploitation, by setting up programmes for education and awarenessraising on gender issues, human rights, sexual and reproductive health, female genital mutilation and HIV/Aids, targeted at minors of both sexes;
27. Stresses that there is a discrepancy between what the law requires and what is actually practised as regards the implementation of European asylum instruments, and that huge differences remain in the way children with refugee status are treated in the different Member States;

28. Highlights the fact that 5% of asylum seekers are unaccompanied minors, which indicates the need to appoint well-trained legal guardians for unaccompanied children to represent their best interests following their arrival in the host country; calls for an improvement in living conditions for children in reception facilities; is disappointed by the lack of child-sensitive asylum procedures;
29. Notes that many of the risks faced by refugee children are equally faced by children who have been forcibly displaced within the borders of their own countries;
30. Insists that children should only be returned to their country of origin when their safety and security are assured, and emphasises the need for family tracing and family reunification; stresses that their return must be prohibited where there is a danger of serious harm being done, through, for example, child labour, sexual exploitation, violence or the risk of female genital mutilation, social exclusion or involvement in armed conflict;
31. Stresses the need to improve the data collection on children seeking refugee status, children residing illegally in the territory of another state but not seeking refugee status, and the outcome of asylum procedures and the future of such children following the adoption of a final positive or negative decision on their asylum request, in order to ensure that such children do not disappear into obscurity or become the victims of crime;
32. Underlines the negative consequences of emigration and the precarious situation of children left alone in their countries by parents who have emigrated; stresses the need to ensure comprehensive care, integration and education for such children, as well as family reintegration whenever possible;
33. Calls on the Member States to take urgent measures against organised criminal groups of people smugglers and those responsible for child trafficking;
34. Requests the Commission and the Member States to recognise the thousands of street children and children forced to beg as a serious social and human rights issue, and calls for measures to address this issue; calls also on the Member States to introduce sanctions against those responsible for the degradation of children forced to beg;

***Children in emergency and post-crisis situations and children who are victims of child labour***

35. Calls for EC humanitarian aid to take into consideration the specific needs of children and their families, as well as children's rights in emergency, crisis and post-crisis situations, especially the needs of minors who face the greatest risk in such situations, such as disabled children, the victims of gender violence, orphans and unaccompanied minors;
36. Urges the Commission to promote mechanisms for preventive action and information on how to act in emergency situations in areas of risk, with particular attention being paid to the training of minors and the authorities responsible for their care;
37. Underlines the need for emergency measures to have continuity and to establish the basis for the recovery and development of the areas affected, with special concern for the care of minors and women;

38. Stresses that the lack of a final settlement of frozen conflicts creates a situation in which the rule of law is neglected and human rights violations are committed in the areas concerned, and that this constitutes a major impediment to ensuring that all the rights of the child are respected; calls for steps to be taken to address the specific needs of children and their families in areas of frozen conflict;
39. Urges the Commission to improve the integration of education measures in its humanitarian policy and response procedures, as well as in its development cooperation policy;
40. Urges the Commission and the Council to include efforts to combat child labour in their humanitarian and trade policy efforts to combat child labour;
41. Calls on the Commission to take account, in its humanitarian aid actions in emergency situations, of the appropriate role of women and their ability to organise and develop reconstruction and relief tasks for those affected, with a particular emphasis on the child population;

### ***Children and democracy***

42. Stresses the right of children to grow up in a free and open society where human rights and freedom of expression are respected and where death sentences are no longer imposed, particularly on under-age individuals;
43. Stresses that the position of children in non-democratic states is very precarious and calls on the Commission to give consideration to this group of people;
44. Calls on the Commission to look at the issue of raising the political awareness of children and young people in third countries where democracy is restricted, so that these young people can develop into politically aware citizens;
45. Calls on the Commission to stress the importance of young people being able to voice their opinions on a voluntary basis through (political) youth organisations;

### ***Children and crime***

46. Stresses the need for states to protect children from being used in criminal acts and to take effective judicial measures against those who use or take advantage of children for criminal purposes;
47. Calls on the Commission to provide all states with the necessary help to ensure that the fight against all kinds of paedophilia is carried out urgently and effectively;
48. Calls on states to make every effort to improve the effectiveness of mechanisms for dealing effectively with domestic and school-related violence and abuse.

## PROCEDURE

<b>Title</b>	Towards an EU Strategy on the rights of the child		
<b>Procedure number</b>	2007/2093(INI)		
<b>Committee responsible</b>	LIBE		
<b>Opinion by</b> Date announced in plenary	AFET 26.4.2007		
<b>Enhanced cooperation – date announced in plenary</b>			
<b>Drafts(wo)man</b> Date appointed	Irena Belohorská 17.10.2006		
<b>Previous drafts(wo)man</b>			
<b>Discussed in committee</b>	28.2.2007	27.6.2007	16.7.2007
<b>Date adopted</b>	17.7.2007		
<b>Result of final vote</b>	+: -: 0:	43 0 0	
<b>Members present for the final vote</b>	Roberta Alma Anastase, Christopher Beazley, Elmar Brok, Colm Burke, Michael Gahler, Jas Gawronski, Vytautas Landsbergis, Francisco José Millán Mon, Ria Oomen-Ruijten, João de Deus Pinheiro, Hubert Pirker, José Ignacio Salafranca Sánchez-Neyra, Antonio Tajani, Geoffrey Van Orden, Josef Zieleniec, Véronique De Keyser, Ana Maria Gomes, Emilio Menéndez del Valle, Pasqualina Napoletano, Ioan Mircea Pașcu, Libor Rouček, Cristian Silviu Bușoi, Marco Cappato, Metin Kazak, Annemie Neyts-Uyttebroeck, Baroness Nicholson of Winterbourne, Samuli Pohjamo, István Szent-Iványi, Hanna Foltyn-Kubicka, Angelika Beer, Héléne Flautre, Tobias Pflüger, Maciej Marian Giertych,		
<b>Substitute(s) present for the final vote</b>	Árpád Duka-Zólyomi, Jean Spautz, Evgeni Kirilov, Miloš Koterec, Aloyzas Sakalas, Mariela Velichkova Baeva, Milan Horáček, Marie Anne Isler Béguin, Miguel Portas,		
<b>Substitute(s) under Rule 178(2) present for the final vote</b>			
<b>Comments (available in one language only)</b>	...		