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**OSCE Human Dimension Seminar
Warsaw, 11-12 October 2017**

EU Statement - Opening Session

Madam/Mr. Moderator,

We thank the ODIHR and the Austrian Chairmanship for organizing this Human Dimension Seminar on the rights of the child. The EU is strongly committed to the promotion and protection of the rights of the child. In light of the underlying principle of the 2030 Agenda for Sustainable Development, "to leave no one behind", we are pleased that this Seminar will have a special focus on the most marginalized children: children deprived from liberty and the victims of trafficking in human beings. It is also important that participants will have the opportunity to exchange views on how to avoid situations of risk. The EU and its Member States are ready to engage in fruitful and constructive dialogue on these important topics.

The rights of the child are indivisible, universal and inalienable. The UN Convention on the Rights of the Child, in conjunction with its three Optional Protocols, contains a comprehensive set of legally binding international standards for the promotion and protection of all the rights of all children. All rights therein have an equal importance. Together with other international and regional standards on the rights of the child, including those adopted by the Council of Europe and implemented by the jurisprudence of the European Court of Human Rights (ECHR), these instruments provide a solid foundation for the enjoyment of human rights by all children without discrimination of any kind, while constituting a reference for promoting and monitoring progress in the realization of the rights of the child.

Although we have this comprehensive framework of instruments, standards and commitments on the rights of the child, the daily reality for millions of children worldwide is still in sharp



EUROPEAN UNION

contrast to these commitments and objectives: children still face major threats to their life, survival and development and far too many children are deprived of an education, proper health and social care. In particular, children belonging to vulnerable groups are exposed to discrimination, marginalization and exclusion. Girls also face specific risks, for example, harmful practices such as child, early and forced marriage and female genital mutilation. Gender-based violence is a grave violation of their human rights.

An important principle of the Charter of Fundamental Rights of the European Union is that when decisions are being made in the best interests of the child, they may express their views freely and have their views taken into consideration on matters, which concern them in accordance with their age and maturity. The Treaty of Lisbon introduced an objective for the EU to promote the rights of the child.

In March of this year, the Council of the European Union adopted revised EU Guidelines for the Promotion and Protection of the Rights of the Child – Leave No Child Behind". EU Council Conclusions on the Promotion and Protection of the rights of the Child also adopted this year further demonstrate the commitment of the EU.

Strongly grounded in the UN Convention on the Rights of the Child and its General Measures of Implementation (GMI) as set out in General Comment No. 5, these Guidelines promote the full enjoyment of all rights in the Convention by all children, by advocating a systems-strengthening and rights-based approach. In particular, the EU is strengthening efforts to ensure the most marginalised children and children in vulnerable situations are reached by its policies and actions.

Children living in poverty, living in conflict and fragile situations, with disabilities, children **deprived of their liberty** or in conflict with the law, migrant and refugee children, unaccompanied children and those without families, face particular risks and are exposed to discrimination, marginalisation, institutionalisation and exclusion.



EUROPEAN UNION

Raising awareness and promoting gender equality between all boys and girls by paying particular attention to addressing gender based discriminations and ensuring the empowerment of girls is highlighted as a priority for EU engagement with partner countries.

The revised Guidelines also state that alternatives to the detention of children should be developed, in particular where children are facing long sentences.

In addition, the revised Guidelines take into account developments in EU human rights policy, for example, the EU commitment to mainstream human rights across all policy sectors in the context of EU external action as reaffirmed in the Global Strategy in the area of security and defence and the EU Consensus for Development, and to move towards a rights-based approach to development cooperation, encompassing all human rights.

In June, Council Conclusions on the protection of the children in migration were adopted. These Conclusions highlights the need to protect the human rights and fundamental freedoms of all refugee and migrant children, regardless of their status, and give primary consideration at all times to the best interests of the child. The EU will continue to actively engage in the processes leading to the elaboration of the Global Compact on Refugees and Global Compact on Migration and strive to ensure that particular attention is paid to addressing the specific needs of migrants in vulnerable situations, such as children, including those who are unaccompanied or separated from their families,

Trafficking in human beings, including children, is a heinous crime, which remains all too pervasive in the OSCE region, including within the EU. It is a highly profitable business that can erode the administrative and legal order of a State. We remain committed to eradicating trafficking in human beings.

The 2011 EU Anti-Trafficking Directive sets out a number of provisions based on the principle of the best interests of the child. It enables a coordinated, comprehensive action across the EU member states Work is ongoing to monitor its implementation and develop the next policy framework to address trafficking in human beings.



EUROPEAN UNION

When addressing trafficking, including child trafficking, it is crucial to pay attention to the different gender and age based need of girls and boys. It is also crucial to involve all relevant actors, from civil society organizations to healthcare and labor inspectors, from border guards to childcare and child protection authorities. The vulnerability of the migrant children, especially unaccompanied minors in migration context, including within the arrivals to the EU, is a concern that we take seriously. We must ensure all child victims are identified and can access appropriate, gender specific and child sensitive assistance and protection and benefit from all relevant safeguards, in line with obligations under international law.

The EU's Strategy further recognizes that comprehensive child-sensitive protection systems are crucial in catering to the needs of child victims of trafficking in human beings. In this area the EU has undertaken a number of initiatives recently. The European Commission issued in 2015 a reflection paper on coordination and cooperation in integrated child protection systems.

We once again thank the organizers and encourage all participants to actively participate in the upcoming debates by highlighting challenges and, at the same time, sharing good practices.

The Candidate Countries the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO*, SERBIA* and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, as well as UKRAINE, ANDORRA, MONACO and SAN MARINO align themselves with this statement.

* The Former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.