

## The EU's international promotion of the rights of the child

Manners, Ian

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# 13 The EU's international promotion of the rights of the child

*Ian Manners*

As the previous contributions to this book have illustrated, both human rights and social issues are deeply implicated in the interdependence between the European Union (EU) and the social dimension of globalization. The emphasis in this chapter is on the EU's international promotion of the rights of the child, a subject that brings together questions of EU governance, globalization, human rights and social issues. The issue of the rights of the child fundamentally challenges the sort of internal–external distinctions that structure most of our ways of thinking about the social dimension of globalization. The techno-global pleasures of our everyday lives, whether it is mobile communications, the internet, cheap clothing or the global travel that we so frequently enjoy, are precisely the kinds of products and activities that can act against the rights of the child (RoC).

As this chapter appears at the end of the volume, there is a temptation to think that children's rights are not as important as labour rights, corporate responsibility or trade policies. In contrast, I argue that, as children represent the most vulnerable social citizens in the world, the RoC is one of the most important cross-cutting issues in the EU today, similar to questions of gender or the environment (in relation to gender, see Chapter 11). For me, the rapidly evolving question of the RoC, following the mainstreaming of sustainable development and gender in the 1990s, raises interesting questions about whether the EU is becoming a more normative power (Manners 2002, 2008a). However, as the final chapter, it is also clear that the issue of the RoC involves many, if not all, of the themes encountered in the book so far. With this in mind, this chapter will also try to highlight the many interlinkages between the major themes developed throughout the book within the context of the RoC.

In this chapter, I will consider how and why the promotion of the RoC has risen so quickly up the agenda of the EU and the social dimension of globalization over the last ten years. I will do this first by briefly considering the historical development of the internal and international commitments to the RoC. Second, I shall look at four examples of EU promotion of the RoC, including extra-territorial legislation, the Charter of Fundamental Rights, the abolition of the death penalty, as well as poverty and social exclusion. Finally, I will look at the latest developments involving the Commission's proposed EU Strategy on the Rights of the Child (2006). In this concluding section, I shall also look at how all these developments

can be seen as illustrative of the themes of multilateral coherence, vertical coherence and the role of soft versus hard instruments of promotion when considering the EU and the social dimension of globalization. As I shall discuss in the conclusion, assessing the EU's principles, actions and impact in the case of the RoC is challenging given the need for a holistic and integrated approach to such a cross-cutting issue.

### **Historical development of the rights of the child in the EU**

3. The Union...shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and *protection of the rights of the child*.

4. In its relations with the wider world, the Union shall uphold and promote its values and interests. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in *particular the rights of the child*, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.

Lisbon Reform Treaty (emphasis added)

As the bold objectives from the December 2007 Lisbon Reform Treaty illustrate, the treaty introduces two new references to the RoC under the Union's amended Article 3 'objectives'. While the European Commission (EC) and EU treaties hardly mentioned children (with the single exception of Article 29 of the Treaty of the European Union on 'Provision on Police and Judicial Cooperation in Criminal Matters' included at Amsterdam), the Lisbon Treaty raises the RoC to one of the normative principles for protection within the Union (amended Article 3-3) and promotion in relations with the wider world (amended Article 3-4). Given that, before 1996, children were absent from the EU legislation, the question immediately arises of how the RoC became a normative principle so quickly, as the proposed 2006 EU Strategy on the RoC and the 2007 Lisbon Treaty now demonstrate. There are two sides to the evolution of the normative principle of the RoC – the internal development of children's rights and international developments such as the 1989 United Nations (UN) Convention on the Rights of the Child (CRC) – although these are not easily separable sides of the story.

#### ***The internal development of children's rights***

The internal development of children's rights came as the result of Commission regulation and European Court of Justice (ECJ) interpretations of labour mobility and the free movement of persons (Stalford 2000: 105–7; McGlynn 2002: 388–89). Helen Stalford and Clare McGlynn both point to the achievement of recognition of children as obstacles to free movement and how children were given

entitlements in order to overcome such obstacles.<sup>1</sup> Subsequently, a series of ECJ cases provided and extended children's Community law entitlements, including family allowances, unemployment benefits and educational support.<sup>2</sup>

The treaty base was extended in the 1997 Treaty of Amsterdam to reflect these internal developments of the RoC. As Sandy Ruxton puts it, 'the Amsterdam Treaty provided the first significant impetus to the development of an EU children's policy' (Ruxton 2005: 20; see also Ackers and Stalford 2004). Thus, Article 13 of the consolidated EC treaty provides the basis for action to combat discrimination based on age, while Article 29 of the consolidated EU treaty makes offences against children a focus of common action in the field of police and judicial co-operation in criminal matters. Less obviously, the social provisions undertaken on the basis of Article 137 of the consolidated EC treaty identified the need to support member state activities in the area of social policy, including combating social exclusion and youth-focused policies (Article 149 of the consolidated EC treaty).

Since the Amsterdam breakthrough in the internal development of children's rights, there are signs of increasing importance given to the RoC within the EU, particularly within external relations (Ruxton 2005: 24). Helping to maintain this momentum have been six EU-related institutional structures: the Childhood and Adolescence Intergovernmental Group ('L'Europe de l'Enfance') established by the 2000 French Presidency; the Commissioners' Group on Fundamental Rights, Equality and Non-Discrimination established by President Barroso in 2005; the Commission Interservice Working Group on Children and the Informal Inter-Institutional Group on Children; the EU Agency for Fundamental Rights established in 2007; the European Parliament's Children's Rights Alliance; and, finally, the dense network of Brussels-based non-governmental organizations (NGOs) led by Euronet, the European Children's Network. In over thirty initiatives developed by the EU over the last ten years, an emphasis has been placed on children's issues in eleven diverse areas identified by the Commission in its 2006 document providing a 'Preliminary Inventory of EU Actions Affecting Children's Rights' (European Commission 2006a).<sup>3</sup>

While all these institutional structures and areas are important, the emphasis in the rest of this chapter will be on the international promotion of the rights of the child, with a focus on extra-territorial legislation, the Charter of Fundamental Rights, the abolition of the death penalty, as well as poverty reduction and addressing social exclusion.

### ***The international development of children's rights***

The international development of children's rights has accelerated since the Universal Declaration of Human Rights 1948 (in particular Articles 25 and 26), with the indivisibility of political and social rights being proclaimed through both UN and International Labour Organization (ILO) conventions. During the 1960s and 1970s, the RoC were identified in the UN core human rights instruments as developed in the 1966 International Covenant on Civil and Political Rights (especially

Article 24) and the 1966 International Covenant on Economic, Social and Cultural Rights (especially Article 10). Similarly, the ILO Minimum Age Convention 1973 (No. 138) contributed to this development. However, it was to take until the 1989 UN Convention on the Rights of the Child to provide 'a clear set of principles and standards to guide the development of a clear and ambitious vision for the realisation of children's rights' (Ruxton 2005: 28). What is noticeable from this period of rights development is the way in which, despite pronouncements on the indivisibility of rights, until the 1989 Convention on the Rights of the Child, these rights became enshrined and pursued separately with the UN conventions focusing on more political rights, while the ILO conventions were developing more economic rights (see Chapter 1). This tension between political, social and economic objectives during the Cold War reflected the failure of horizontal coherence in the pursuit of rights, with particularly damaging effects on the RoC.

Following the 1989 Convention on the Rights of the Child and the end of the Cold War, the impact of the 1994 International Conference on Population and Development (Cairo) Programme of Action, the 1995 Fourth World Conference on Women (Beijing) Platform for Action and the 1996 First World Conference Congress against Commercial Sexual Exploitation in Stockholm all provided impetus for EU action in the international development of children's rights (Alexander *et al.* 2000; European Commission 2006a: 1, 2007a: 1). Such an agenda began to be realized within the EU with the 1996 Commission Communication on Combating Child Sex Tourism (European Commission 1996), the 1997 Council Recommendation on Protection of Minors, the 1997 Justice and Home Affairs (JHA) Joint Action to Combat Trafficking in Human Beings and the Sexual Exploitation of Children and the 1999 Commission Communication on the Implementation of Measures to Combat Child Sex Tourism. Internationally, the momentum came from the ILO Convention on the Worst Forms of Child Labour 1999 (No. 182) and the 2000 UN Optional Protocols to the Convention on the Rights of the Child on Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography. Also in 2000, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, was adopted.

The combination of these internal and international agenda led to the 'more proactive approach' of the EU to the RoC in the 2000s (Ruxton 2005: 24). This approach includes, for example: addressing children's rights in the EU Development Policy 'The European Consensus' (EU 2006); the inclusion of articles on children, conflict prevention and human rights in EU trade and co-operation agreements (including the 2000 Cotonou Agreement); the promotion of children's rights in the 2001 'European Initiative for Human Rights and Democracy'; and, most visibly, in the 2003 'EU Guidelines on Children and Armed Conflict' (Council of Ministers 2003). In addition, the EU tries to promote international conventions such as the 1989 Convention on the Rights of the Child and its two optional protocols, as well as the ILO core labour standards, including Convention Nos 138 and 182 (see Chapter 1) through positive conditionality in its accession procedures (see Chapter 3), the European Neighbourhood Policy (see Chapter 4) and

the Generalized System of Preferences ‘plus’ policy (see Manners 2008b; Chapter 9). Here, we can see the role of enhanced co-operation between the EU and ILO as being important in ensuring multilateral coherence on the RoC. The combination of the entry into force of the Treaty of Amsterdam and ILO Convention No. 182 in 1999 brought together the internal and international sides of the EU’s promotion of the RoC to provide the grounds for such enhanced co-operation with an emphasis on Europe’s neighbourhood. A further dimension to such multilateral coherence is added by activism within the UN, in particular with the two optional protocols to the Convention on the Rights of the Child in 2000.

From this brief historical overview of the development of the RoC in the EU, it is possible to trace both the internal and the international development of rights over the last two decades to the 2006 Commission Strategy and the 2007 Treaty of Lisbon. What is crucial to note is that these two areas of rights development are now deeply interdependent with the post-Cold War human rights agenda bringing together political and social rights – both Amnesty International and Human Rights Watch now speak of the ‘circle of rights’. Thus, the post-Amsterdam period has seen the EU gradually emerge as a bridging organization in facilitating horizontal coherence and vertical coherence in the case of the RoC. In bridging the gaps between children’s rights in terms of commercial and sexual exploitation, in terms of economic development and in terms of involvement in armed conflict, the EU is helping to improve horizontal coherence across economic, social and political objectives. In parallel, in bridging the gaps between ILO (and UN) activism on the RoC, the EU contributes to enhanced co-operation and improving multilateral coherence. The question arises here whether the EU and its member states are willing and able to promote the RoC internationally in an era of globalization? I will now attempt to address this question by looking at four case studies in the EU’s international promotion of the RoC. These case studies are interesting because they allow us to compare the EU’s use of soft versus hard instruments of promotion, although such a distinction is problematic.

## **Examples of the EU’s promotion of the rights of the child**

### ***Extra-territorial legislation***

It appears opportune to draw their [member states] attention to two key elements in combating child sex tourism – namely, the possibility of giving national courts *extra-territorial jurisdiction* for offences and crimes committed against children abroad, even where the presumed offence or crime is not provided for under the laws of the country in which it was committed.

European Commission (1996: 5, emphasis added)

Although the 1989 Convention on the Rights of the Child provided an international basis for the RoC, its attempts to protect children from commercial sexual exploitation, in particular Article 34, were considered inadequate. The first response to this absence of adequate protection against combating such exploitation was

the First World Congress against Commercial Sexual Exploitation of Children in Stockholm in 1996 organized by ECPAT (End Child Prostitution in Asian Tourism), United Nations Children's Fund (UNICEF), the NGO group for the UN Convention on the Rights of the Child and the Swedish government (Alexander *et al.* 2000: 482). The Stockholm conference was held weeks after public outcry against the activities of Marc Dutroux in Belgium,<sup>4</sup> and provided an impetus for concerted EU action against increasing commercial sexual exploitation of children. The resulting Stockholm Declaration and Agenda for Action, together with the advocacy of ECPAT in the EU, led the Irish Presidency to push for EU action in particular through new policy initiatives and in the Amsterdam Treaty.

Following Stockholm, the first EU action to prevent the commercial sexual exploitation of children was the November 1996 Commission Communication on Combating Child Sex Tourism. As the quote from the Communication (above) illustrates, following the Stockholm Agenda for Action and the arguments of ECPAT, the Commission advocated the use of extra-territorial legislation by national courts to deter and punish child sex abusers (ECPAT 1996; European Commission 1996; Alexander *et al.* 2000: 484). The Communication on combating child sex tourism was followed by the key initiative of the 1997 JHA Joint Action to Combat Trafficking in Human Beings and Sexual Exploitation of Children (Council of Ministers 1997), as well as the 1997 Commission Communication on Protection of Minors and Human Dignity in Audiovisual and Information Services (European Commission 1997), the 1999 Commission Communication on the Implementation of Measures to Combat Child Sex Tourism (European Commission 1999) and, following the entry into force of the Amsterdam Treaty, the 2003 Council Framework Decision on Combating the Sexual Exploitation of Children and Child Pornography (Decision 2004/68/JHA).

The EU's advocacy of extra-territorial legislation to combat the commercial sexual exploitation of children has generated considerable debate, particularly over the distinctions made between child and adult sexual exploitation, between different forms of abusers and between different types of tourism (see Seabrook 2000; Jeffreys 2002; O'Connell Davidson 2004). However, the recent response by the European Parliament to the Commission's 'Towards an EU Strategy on the Rights of the Child' illustrates the extent to which the Commission, the Council's joint actions and the European Parliament are all committed to extending extra-territorial legislation, including the use of Europol, as part of the international promotion of the rights of the child:

75. Calls for the effective protection of children against sexual exploitation including by considering sex tourism involving children as a crime in all the Member States and by making it subject to *extraterritorial criminal laws*; calls for any citizen of the Union committing a crime in a third country to be dealt with under a single set of *extraterritorial criminal laws* applicable throughout the EU, in accordance with the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography;



76. Calls for Europol to be duly mandated to cooperate with the police forces of Member States and countries affected by this type of tourism in order to conduct investigations with a view to identifying those responsible for such crimes and to this end calls for the creation of European liaison officer posts; calls for adequate measures for the rehabilitation and social integration of the victims of sexual exploitation who have been liberated from their exploiters; calls as well for more comprehensive information on child sex tourism in the Member States;

European Parliament (2008, emphasis added).

### ***Charter of Fundamental Rights***

#### Article 24 – The rights of the child

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.
2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.
3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

The December 2000 Charter of Fundamental Rights of the European Union included, for the first time in EU treaties and declarations, a statement of children's basic rights. Euronet argue that the Charter 'goes well beyond the rights for children set out in the 1950 European Convention on Human Rights, which only refers directly to education' (Ruxton 2005: 21). Besides Article 24 on 'The Rights of the Child' (above), the Charter also explicitly refers to children and age description in Article 14 – right to education; Article 21 – non-discrimination; Article 32 – prohibition of child labour and protection of young people at work; and Article 33 – family and professional life (McGlynn 2002: 392–94; Ruxton 2005: 21–22).

As a 'solemn proclamation', the Charter did 'not establish any new power or task for the Community or the Union' (Article 51), but was soon being used to clarify the 'fundamental rights' referred to in Article 6-2 of the consolidated Treaty on European Union. This 'legal status for an EU strategy' based on the Charter is made explicit in the 2006 Commission Communication 'Towards an EU Strategy on the Rights of the Child', which states that 'the Charter of Fundamental Rights, independently of its legal status, may be seen as a particularly authentic expression of fundamental rights guaranteed as general principles of law' (European Commission 2006b: 3).

As I argued at the beginning of the 2000s, the Charter must be considered part of the EU's normative basis, independently of its legal status (Manners 2000: 33–34; 2002: 243–44). The Rights of the Child in Article 24 came to assume



importance because of the way in which the Charter shaped Article 2 ‘values’, Article 3 ‘objectives’ and Article 10 ‘general provisions on the Union’s external action’ in the 2007 Lisbon Treaty. Hence, we find the Charter being used in the Commission Staff Working Document (European Commission 2006c) as a source of rights within the EU, as well as informing EU actions affecting children’s rights in acceding, candidate, potential candidate and neighbouring countries and in the wider world (including political dialogue, trade negotiations, development assistance, humanitarian assistance and future instruments in the Community’s external policies) (see also Fierro 2001; Schweltnus 2006).

### ***Abolition of the death penalty***

**Justice Kennedy.** Let – let’s focus on the word ‘unusual’. Forget ‘cruel’ for the moment, although they’re both obviously involved. We’ve seen very substantial demonstration that world opinion is – is against this, at least as interpreted by the leaders of the *European Union*. Does that have a bearing on what’s unusual? Suppose it were shown that the United States were one of the very, very few countries that executed *juveniles*, and that’s true. Does that have a bearing on whether or not it’s unusual?

Supreme Court of the United States (2004: 14, emphasis added).

Besides the role of extra-territorial legislation and the Charter of Fundamental Rights, the third example of the EU’s international promotion of the rights of the child comes from the EU’s international pursuit of the abolition of the death penalty. As the extract from the landmark 2005 US children’s right to life case *Roper v Simmons* illustrates,<sup>5</sup> the majority of the Supreme Court believed that the EU’s commitment to abolishing the death penalty, together with other evidence, constituted a ‘very substantial demonstration’ of world opinion on unusual punishment (see discussion in Manners 2006: 79–81). The EU position, as set out in the *amici curiae* brief presented to the Supreme Court by Richard Wilson, was that Article 37a of the 1989 Convention on the Rights of the Child recognizes that ‘neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age’ (Wilson 2004).

What is particularly interesting about the EU’s advocacy, and the subsequent deliberations by the Supreme Court, is that the US and Somalia are the only states not to have ratified the Convention on the Rights of the Child (Kennedy 2005: 22). However, despite ratification, some countries continue to execute children, as the recent statement by the Slovenian Presidency of the EU makes clear:

### ***Declaration by the Presidency on behalf of the EU concerning death sentences in Iran***

The EU notes that these executions are a direct contravention of the Islamic Republic of Iran’s international commitments, specifically the International

Covenant on Civil and Political Rights and the Convention on the Rights of the Child, both clearly prohibiting the execution of minors or people who have been convicted of crimes committed when they were minors.

Presidency of the EU (2008)

Obviously, the declaration raises international concerns over the tragedy of a signatory to the Convention on the Rights of the Child executing children by a method involving them being ‘thrown from a height’ off ‘a cliff’ (Presidency of the EU 2008). But it also illustrates how the EU has sought to widen the international promotion of the RoC by including candidate countries (Turkey, Croatia and Macedonia), countries of the Stabilization and Association Process (Albania, Bosnia and Herzegovina, Montenegro, Serbia) and European Free Trade Area (EFTA) countries (Iceland, Liechtenstein and Norway), as well as Ukraine, Moldova and Georgia in the declaration.

Since 1998, the EU’s promotion of the international abolition of the death penalty, in particular through Optional Protocol 2 to the International Covenant on Civil and Political Rights, has been part of a global movement with that has met with considerable success. In the ten years since the 1998 EU abolitionist policy was launched, thirty-two states have moved to abolish the death penalty for ordinary or all crimes, bringing the total number of abolitionist states to 135 against sixty-two retentionist states (Amnesty International 2008a). Unfortunately, in the same period, Amnesty International have also recorded forty-two executions of child offenders, largely by Iran (twenty-one) and the USA (twelve) until the 2004 *Roper v Simmons* case (Amnesty International 2008b).

### ***Poverty and social exclusion***

Of the 2.2 billion children in the world, 86% live in developing countries and over 95% of the children dying before the age of five, lacking access to primary education or suffering forced labour or sexual abuse are also located in these countries. Over half of all mothers in the world lack adequate rights including care during pregnancy and childbirth. This situation handicaps the future of many children from the moment of birth.

European Commission (2006b: 4)

The final example of the EU’s international promotion of the RoC considered here is the most challenging as it involves addressing poverty and social exclusion among millions of children across the world. As the extract from the Commission’s 2006 Communication ‘Towards an EU strategy on the Rights of the Child’ illustrates, drawing on UNICEF’s *State of the World’s Children* report, child poverty and death is a development issue of enormous significance. The issue of child poverty and social exclusion is also interesting because of the way in which it cuts across the prevailing distinctions between EU citizens, third country nationals and developmental issues. This cross-cutting nature of RoC concerns is seen across

the wide variety of Commission, Council and Parliament documents addressing children's issues where 'a comprehensive strategy' is needed 'to effectively promote and safeguard the rights of the child in the European Union's internal and external policies' (European Commission 2006b: 2).

In the Commission's 'Preliminary Inventory of EU Actions Affecting Children's Rights', child poverty and social exclusion are addressed on the basis of EC Articles 136, 137 and 140, as well as on the basis of the European Consensus on Development (EU 2006) with reference to the Millennium Development Goals (MDGs). The Commission's Inventory furthermore draws rights from both the EU Charter of Fundamental Rights (Articles 5, 20, 21 and 34) as well as the UN Convention on the Rights of the Child (Articles 2, 6, 24, 26, 27, 28, 30 and 31) as 'particular competences under the Treaties [which] do allow taking specific positive action to safeguard and promote children's rights' (European Commission 2006c: 3–4, 22). A number of documents help to illustrate the cross-cutting nature of this 'comprehensive strategy' with the practices of mainstreaming children's rights into the programming guidelines of developing country strategy papers (European Commission 2006a); the millions of euros contributed to eighty-seven Children and Armed Conflicts-related EU projects (Council of Ministers 2003; European Commission 2007b); and the 'holistic approach to children's rights' of the forthcoming Action Plan on Children in External Relations (European Commission 2007a).<sup>6</sup>

Such a wide variety of approaches to addressing child poverty and social exclusion are not without criticism. For example, the National Action Plans on Inclusion promoted in the Lisbon Strategy have been criticized for their weakness on child poverty and social exclusion. Activists have gone further to create their own index of child well-being based on fifty-one indicators (Bradshaw *et al.* 2007). Activists have also used the actions plans as part of promoting a rights-based approach and towards acknowledging the UN Convention on the Rights of the Child in the 2006 Commission Strategy. In terms of addressing child poverty and social exclusion more globally, the European Commission's (2006b) Communication on the rights of the child awaits a response from the Council, while the Commission's (2007a) action plan on children in external relations remains in draft form. Thus, it remains to be seen how quickly the EU is willing and able to address child poverty and social exclusion, even though the 2015 deadline for the child-related MDGs (especially goals 2, 3 and 4) is just seven years away.<sup>7</sup>

What these four case studies illustrate is the increasing EU preference for a more comprehensive strategy and holistic approach to the promotion of the RoC. But distinguishing between the concepts of 'soft' versus 'hard' instruments such as legal processes, economic incentives or military force fails to capture the most important dimensions of principles, actions and impact in such comprehensive and holistic promotion. Here, the notion of 'normative power' is a far more appropriate way of judging the legitimate and illegitimate use of instruments in the promotion of the RoC, including extra-territorial legislation, positive conditionality informed by the Charter, *amici curiae* briefs presented in domestic courts and focusing development aid on achieving the child-related MDGs (see discussion of soft power versus normative power in Diez and Manners 2007: 179). However, in the cases

of extra-territorial legislation, the Charter of Fundamental Rights and abolition of the death penalty, there is clearly a preference for promoting the RoC through the use of legal instruments legitimized by the universally applicable claims of the UN CRC and the ILO conventions. In contrast, the case of poverty and social exclusion illustrates a preference for promoting the RoC through the use of economic instruments primarily legitimized by the universally applicable aims of the MDGs.

### **Conclusion: towards an EU strategy on the rights of the child**

An EU children's rights policy must be developed if the rights and interests of children are to be acknowledged and addressed within the EU. While the improved commitment we have seen since 1999 is welcome, children's policy cannot continue to be dealt with in an ad hoc way, addressing only 'extreme' forms of abuse or discrimination. The EU must adopt a holistic and integrated approach if we are to achieve our vision of a society where no child is forgotten or invisible. Only then can the EU become a champion for children on the world stage.

Ruxton (2005: 11)

As the extract from Sandy Ruxton's (2005) report for Euronet (the European Children's Network) illustrates, a holistic and integrated approach to the RoC is crucial for the EU to address both human rights and social issues. Both the 1999 Euronet report, *A Children's Policy for 21st Century Europe: First Steps*, and the 2005 Euronet report emphasize the need for a holistic approach to children's rights both within and without the EU. As I have considered in this chapter, since 1999, the EU has accelerated its commitment to the international promotion of the RoC, but we shall have to wait for the commitments in the Treaty of Lisbon, the planned Towards an EU Strategy on the Rights of the Child and the Action Plan on Children in External Relations to become a reality before we can more fully judge the EU as a normative power.

In this chapter, I briefly considered how this acceleration has taken place since the 1989 UN Convention on the Rights of the Child. From the Cairo and Beijing platforms of action onwards through the UN optional protocols on children in armed conflict and on the sale of children, child prostitution and child pornography, the UN has provided greater legitimacy and impetus for EU action. In addition, the ILO conventions, for example the 1999 Convention on the Worst Forms of Child Labour, also illustrate the RoC cutting across political, civil, economic and social rights in a way that makes it extremely difficult to come to terms with such a complex arena of policy innovation. What we have seen in this chapter is that, from the middle of 2005 onwards, the Commission, in particular under Barroso, took upon itself to push forwards towards a strategy on the RoC, culminating in the 2006 Communication.

We can see some good practices within the EU, including the 1997 and 1999 joint actions and attempts to combat 'child sex tourism'. This follows the UN lead

but puts into place common practices and attempts to encourage member states to prevent child sex tourism. Other examples of good practice would include the 2003 guidelines on children in armed conflicts, obviously influenced by the events in, for instance, Sierra Leone and Uganda. Finally, the Treaty of Lisbon emphasizes in its internal and external objectives that the EU is committed to and will work towards combating social exclusion and discrimination and emphasizes the protection of the rights of the child internally and externally in its relations with the wider world, where the Union shall uphold and promote, in particular, the rights of the child. The final question is whether the EU is being successful in promoting the social dimension of globalization, as seen in this case study of the RoC. While it is too early to judge conclusively, this chapter has illustrated some of the initial steps the EU has taken towards enhanced co-operation and multilateral coherence with the ILO and the UN; towards greater horizontal coherence between different objectives; and towards the achievement of a comprehensive strategy and holistic approach in the promotion of the RoC in the context of the social dimension of globalization.

Looking to the future, the way forward for the EU in promoting the RoC is obviously the Action Plan on Children in External Relations, which is due to promote, from 2008 to 2013, a set of tasks and actions, as well as attempting to copy the perceived mainstreaming of gender through a children's rights toolkit. Undoubtedly, there are questions remaining over whether the EU and its member states are willing to promote the RoC beyond 2008 against considerable resistance, both within and without the Union. In terms of applying the normative power tripartite analytical method, it can be tentatively argued that the EU is now taking steps to promote normative *principles* in line with the UN Convention on the Rights of the Child; it seems committed to promoting normative *actions* by developing a more holistic approach; but it remains to be seen, for example against the achievement of the 2015 MDGs, whether it has a normative *impact* in its international promotion of the rights of the child.

## Notes

- 1 See Regulation 1612/68 of 15 October 1968, OJ L 257; and Regulation 1408/71 of 14 June 1971, OJ L 149.
- 2 See Case 65/81 *Reina and Reina* [1982] ECR 33; Case 94/84 *Deak* [1985] ECR 1773; Case 7/94 *Lubor Gaal* [1996] ECR 1031; Case 85/98 *Sala* [1998] ECR 2691.
- 3 The eleven areas are asylum, immigration and external borders; child health, safety and welfare; child poverty and social exclusion; child labour; children's participation; civil justice and family matters; education; environment; media and internet; non-discrimination; and violence against children (including trafficking in children, child sex tourism and paedopornography).
- 4 Marc Dutroux was convicted of having, in 1995 and 1996, kidnapped, tortured and sexually abused six girls, ranging in age from eight to nineteen years old, four of whom he murdered.
- 5 *Roper v Simmons* 543 US 551 (2005).
- 6 The EU Children and Armed Conflict priority countries are Afghanistan, Burma, Burundi, Colombia, the Democratic Republic of Congo, the Ivory Coast, Liberia, Nepal, the Philippines, Somalia, Sri Lanka, Sudan and Uganda.

- 7 Goals 2, 3 and 4 of the MDGs are to achieve universal primary education, to promote gender equality and empower women and to reduce child mortality.

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