



Strasbourg, 19 November 2015

# Council of Europe Strategy for the Rights of the Child 2012-2015

## DRAFT IMPLEMENTATION REPORT

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### 1. Introduction: Turning a vision into reality

1. The Council of Europe Strategy for the Rights of the Child 2012-2015 (“the Strategy”), adopted by the Committee of Ministers in February 2012, has one overarching objective: bringing the Council of Europe’s standards closer to children. The Strategy aims at bridging the gap between standards and practice in order to effectively implement the existing children’s rights standards. This aim is to be reached through:

- Promoting a holistic approach based on the UN Convention on the Rights;
- Information, awareness-raising and capacity-building;
- Mainstreaming a children’s rights perspective, in particular in the field of monitoring.

2. The first part of this report attempts to assess the level of attainment of the overarching objective, to bring the Council of Europe’s *standards* closer to children. The second part of the report outlines the work done and progress achieved on the four strategic objectives of the Strategy:

1. Promoting child-friendly services and systems;
2. Eliminating all forms of violence against children;
3. Guaranteeing the rights of children in vulnerable situations;
4. Promoting child participation.

The third part of the report is dedicated to the shortcomings and challenges in the implementation of the Strategy as well as lessons learned for the next Strategy starting in 2016.

3. Throughout report, references are made to the results of a consultation with the members of the Committee of Experts for the Council of Europe Strategy for the Rights of the Child (DECS-ENF), the

Council of Europe Network for Children’s Rights Co-ordinators, Ombudspersons for Children in Europe, NGOs and international organisations.<sup>1</sup>

### 1.1. From standard setting to implementation: has it worked?

4. In line with the priorities of the Council of Europe, the overarching objective of the past years in the field of children’s rights was to promote the effective implementation of existing legal standards in member States. This chapter describes in which areas this objective has been met and where there is potential for further efforts.<sup>2</sup>

5. While the pace of setting new legal standards has been reduced during this Strategy period (see figure 1), during this period the Committee of Ministers adopted four, highly relevant Recommendations concerning children directly:

- Recommendation CM/Rec(2012)2 on the participation of children and young people under the age of 18;
- Recommendation CM/Rec(2012)10 on the protection of child and young athletes from dangers associated with migration ;
- Recommendation CM/Rec(2013)2 on ensuring full inclusion of children and young persons with disabilities into society ;
- Recommendation CM/Rec(2015)4 on child re-location.

Furthermore, Recommendation CM/Rec(2014)6 on a Guide to human rights for Internet users contains a number of important provisions ensuring the participation and protection of children in the digital environment.

6. No new Conventions addressing children were adopted since 2012<sup>3</sup>, while the ratification of existing Conventions increased rapidly. As much as 21 new member States ratified the Council of Europe Convention for the Protection of Children from Sexual Exploitation and Sexual Abuse (Lanzarote Convention) since 2012, which puts the number of ratifications at 39.

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<sup>1</sup> The consultation was carried out through an online survey between January and March 2015. The questionnaire received 39 replies from member States, 34 from NGOs and 13 from Ombudspersons for Children. In addition, six international organisations provided written feedback to a set of open questions.

<sup>2</sup> For a mid-term update on the implementation of the Strategy see CM(2014)75 of 27 May 2014, Council of Europe Strategy for the Rights of the Child (2012-2015) – Progress and remaining challenges.

<sup>3</sup> The [Explanatory Report to the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism](#) (opened for signature in Riga on 22 October 2015) refers to the UNCRC, “which may be of particular relevance due to the young age of some persons traveling with terrorist purpose”.

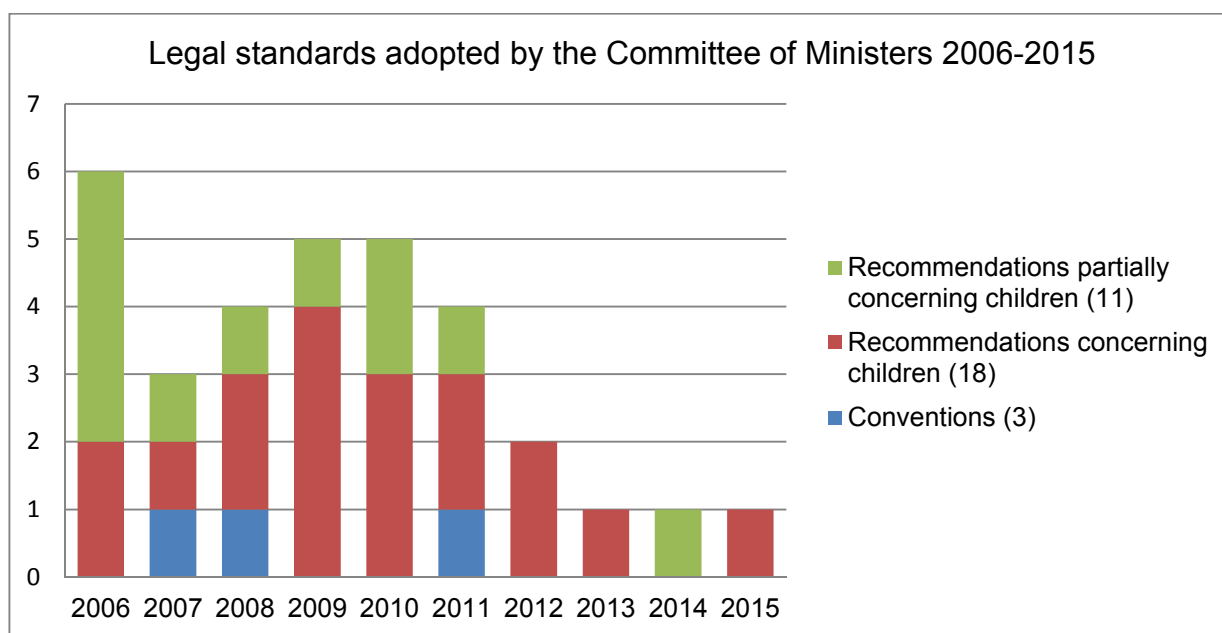


Figure 1

7. As the remainder of this chapter shows, the shift from standard setting to their implementation has worked: an increasing number of co-operation projects and monitoring mechanisms invested in the implementation of the Council of Europe “acquis” in the field of children’s rights.

## 1.2. Promoting a holistic approach to children’s rights

8. All work of the Council of Europe on children’s rights is anchored in the United Nations Convention on the Rights of the Child (UNCRC), which provides for a comprehensive set of rights for persons under the age of 18, as well as the rights and freedoms guaranteed by the European Convention on Human Rights (ECHR). The activities undertaken by the Council of Europe since 2012 in the field of children’s rights were guided by the four principles:

- non-discrimination;
- the best interests of the child;
- the right to life, survival and development;
- respect for the views of the child.

9. More than 200 activities covering children’s rights under all four principles were undertaken by the Council of Europe since 2012 and are listed in the non-exhaustive Activity Table in the Annex to this Report. This is a significant increase from the 71 activities<sup>4</sup> reported under the previous Strategy for the period 2009-2011. This increase reflects the enhanced mainstreaming of children’s rights within the organisation, an increase in co-operation activities with member States, as well as monitoring work following the entry into force of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) in 2010.

10. Evaluating the actual impact of the Council of Europe’s work on children’s rights is a challenging task. As much of the organisation’s work is of a normative nature, causality is often difficult

<sup>4</sup> CM(2011)35 add, Programme “Building a Europe for and with Children”, non-exhaustive list of activities for the years 2009-2011.

to establish. The actual impact of measures taken by the Council of Europe depends on a host of complementary actions by other stakeholders and many factors that are beyond the control of the organisation.<sup>5</sup> Nevertheless, this report attempts to not only summarize activities but provide quantitative and qualitative information on outcomes and impact wherever data is available. To facilitate this task in the future, the next Strategy will take a more systematic approach to objective-setting and evaluation from the outset.



11. As illustrated by the Tangram, the logo of the Programme “Building a Europe for and with children”, these activities are co-ordinated and brought together, like pieces of a puzzle, by the Children’s Rights Division and through the work of the Inter-secretariat Task Force on Children’s Rights. The Task Force brings together representatives of all operational sectors of the Council of Europe, the Parliamentary Assembly, the Congress of Local and Regional Authorities, the Registry of the European Court of Human Rights, and the Office of the Commissioner for Human Rights.

### 1.3. Information and awareness-raising

12. During the Strategy period, as in the years before, the Council of Europe made important investments into disseminating information and awareness raising on children’s rights, which showed measurable results. For example, 75% of the member States that responded to the online survey on the implementation of the Strategy reported having used information, awareness raising or campaign material produced by the Council of Europe (see figure 2).

13. A highlight in terms of visibility for the Council of Europe was certainly the ONE in FIVE Campaign to stop sexual violence against children. The whole organisation joined forces to bring life to and enhance outreach of this campaign. National campaigns were conducted in 26 member States as well as Mexico, which holds an observer status in the Council of Europe.

<sup>5</sup> See United Nations Evaluation Group (2013), Handbook for Conducting Evaluations of Normative Work in the UN System.

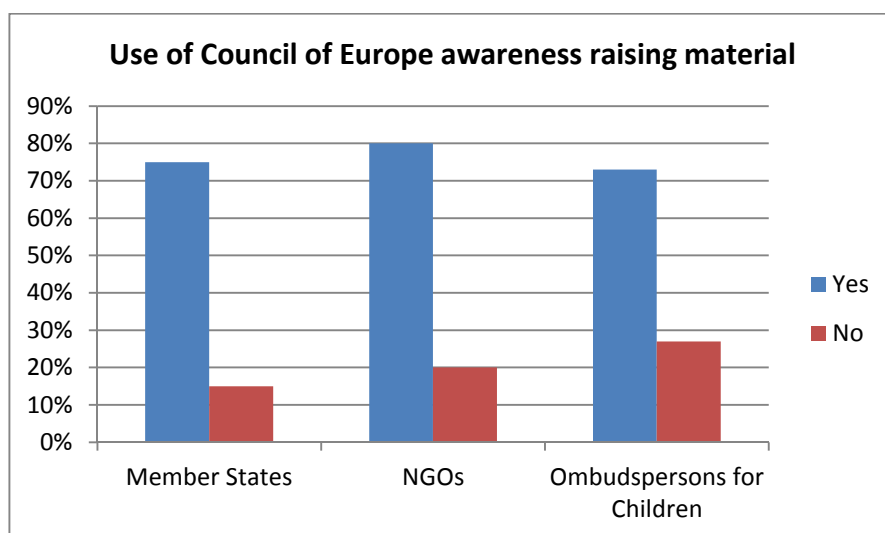


Figure 2

14. One of the key concerns is to make the Council of Europe standards and tools accessible in national languages (see table 1). Systematic efforts have been made, often thanks to member States' voluntary contributions, to translate standards and other products into a good number of non-official languages, including regional and minority languages.

Table 1

<b>Selected standards and products - number of languages available</b>	
<b><i>Legal Standards</i></b>	
Recommendation on policy to support positive parenting (2006)	9
Guidelines on integrated strategies for the protection of children from violence	9
Guidelines on child-friendly justice (2010)	22
Charter on Education for Democratic Citizenship and Human Rights Education (2010)	9
Guidelines on child-friendly health (2011)	6
Recommendation on child-friendly social services (2012)	8
<b><i>Publications and audio-visual material</i></b>	
TV spot "Raise your hands against smacking"	11
Booklet "Discover your rights"	12
Booklet "Passport to your rights"	20
Leaflet "I have rights"	26
Online game "Through the Wild Web Woods"	27
Children's book "Kiko and the hand"	33
Video spot "Kiko and the hand"	37

15. Particular efforts were made to reach out to children directly through creating child-friendly versions of standards. Child-friendly online tutorials were developed on both the Guidelines on child-friendly justice as well as the Lanzarote Convention. The child friendly comic version of the Charter for Democratic Citizenship developed by the Education Sector became a highly successful product. In the framework of the ONE in FIVE Campaign to stop sexual violence against children, the TV spot "The Underwear Rule" and the children's book "Kiko and the Hand" were developed for young children and their parents and translated into 37 and 33 languages, respectively. And finally, the comic booklet "Tell

me, what is the European Social Charter?” has been translated into 5 non official languages and is used to promote social rights in Council of Europe member States with children as a target audience.

16. The experience of the Council of Europe shows that building the capacity of policy makers and professionals is key in making sure that legal standards are applied in practice. Therefore, the Council of Europe developed training tools, delivered trainings, organised study visits and conducted many other capacity building measures targeted at a wide spectrum of professionals. These include parliamentarians and government officials, judges and prosecutors, police officers, teachers, caregivers, social workers and – through the work done by the Youth Sector – many young people themselves. Most of these activities would not be possible without the close involvement of member States or institutional partners such as the European Union, other international organisations and NGOs.

#### 1.4. Capacity building through co-operation projects

17. A great potential for the promotion of children’s rights by the Council of Europe lies in co-operation projects with member States and countries in its neighborhood. As table 2 shows, activities on children’s rights were implemented in a broad variety of projects cutting across various policy areas. However, there is certainly potential for a more systematic approach and a greater number of co-operation projects on children’s rights under the next Strategy.

Table 2

<b>Joint Projects with the European Union (JP) and projects financed by Voluntary Contributions (VC) with major components on children’s rights</b>
JP: Increasing access to education and intercultural understanding: EU/CoE support in field of education to forced returnees and to Roma, Ashkali and Egyptian (RAE) communities in Kosovo (2013-2015)
JP: Promoting European Standards in the Ukrainian Media Environment (2008-2012)
VC: Protecting child rights of religious minority groups in Armenia: combating intolerance online (2013-2014)
VC: Strengthening the capacity of the judiciary as regards the implementation of the ECHR in Bosnia and Herzegovina (2012 – 2014)
VC: Promotion of Judicial Reform, and Human and Minority Rights in Georgia (2010 – 2013)
VC: Equal before law: Access to Justice for vulnerable groups in Central Asia (2011 – 2013)
VC: Children’s Rights in Ukraine (2014-2015)

18. Upon the request of the Ukrainian authorities, the project “Strengthening and protecting children’s rights in Ukraine” was implemented during 2013-2015 with the financial support of the Norwegian Government. The project’s primary aim was to provide assistance to the Ukrainian authorities to combat child abuse, focusing particularly on sexual violence. Despite the political situation, the project managed to enhance the capacity of national institutions to develop child-

friendly services and systems in that respect. It also succeeded in increasing awareness of violence against children among professionals working for and with children in line the Lanzarote Convention and other standards of the Council of Europe. More than 3500 persons, including 700 children, participated in the project's activities and 100 trainings for police offers and other professionals on interviewing children victims and witnesses of violence were carried out.

19. Upon the request of the Moldovan authorities a needs assessment was conducted to support the national authorities in implementing the Lanzarote Convention, as well as the Guidelines on child friendly justice. The needs assessment was conducted with the financial support of the Principality of Liechtenstein. The purpose of this inception phase was to map out recent developments and contribute to the understanding of how the provisions of the Lanzarote Convention could be further implemented in this country.

20. In the framework of a Venice Commission co-operation project 2012-2013 for Central Asia children's rights, including the protection from violence, were promoted in Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. The project "Equal before the law: access to justice for vulnerable groups" was supported by the Ministry of Foreign Affairs of Finland and had a specific focus on the promotion of rights of groups that are easily excluded and discriminated, such as children and persons with disabilities, and the promotion of equal opportunities for participation.

21. Support has also been provided to the Albanian authorities through the development of a White Paper setting the framework for an integrated child protection system in the country. The White paper was requested by the Albanian authorities to provide an analysis of the current child protection system and recommendations to be incorporated into the new comprehensive child protection legislation.

22. In the framework of the co-operation established with neighboring countries and to further strengthen the political and institutional reforms undertaken on children protection in the Southern Mediterranean, region awareness raising and capacity building events have been organised in Rabat, Marrakech, Tunis, Cairo, Jerusalem, Amman and Strasbourg for representatives of ministries, parliaments, civil society, media, academics and international organisations in the region. Delegations from Jordan, Morocco and Tunisia were also invited to participate in events organised in Europe (Brussels, Strasbourg, The Hague, Madrid). As a result, Morocco became the first South Mediterranean country to be invited by the Committee of Ministers to accede to the Lanzarote Convention. Additionally, the Council of Europe contributed to framing the Integrated Public Policy for the protection of Children in Morocco and in Tunisia. The Council of Europe's input was important in ensuring that child protection is included in the Constitution. Relevant documents were translated in Arabic and widely disseminated to promote greater knowledge and awareness.

23. The Council of Europe Development Bank, over the period 2012 – 2015, has approved several loan requests by its member countries for the benefit of children. They include, for example, a loan for the partial financing of the creation of a sport and disability centre and the creation/renovation of maternal and child care structures as well as schools and facilities in Seine Saint-Denis (France), the creation of education infrastructure, including day-care centres for children in the city of Helsinki (Finland), the rehabilitation of pre-school infrastructure and facilities (Montenegro) and activities promoting equal access to quality education for Roma children (Romania).

### 1.5. Mainstreaming children's rights

24. The Programme "Building a Europe for and With Children" was the first Council of Europe transversal programme launched in 2006. Since then, it has paved the way for transversal working methods in the organisation, which are now increasingly being considered as a standard.

25. Children's rights are a transversal topic that touches upon almost every aspect of human rights. Hence, the Council of Europe Strategy for the Rights of the Child 2012-2015 is a policy document that guided the work of the entire organisation. Co-ordinated by the Children's Rights Division under the leadership of the Council of Europe Children's Rights Co-ordinator, over 35 institutions and entities of the organisation implemented activities targeted at children and young people under the age of 18. The number of participants of the meetings of the Intra-Secretariat Task Force on Children's Rights increased from around 25 in 2010 to over 40 in 2014. In addition to updating and exchanging information, the Task Force meetings sometimes have a thematic focus to raise awareness of pressing issues related to the rights of children.

26. The comprehensive approach of the Council of Europe Strategy also had an effect on the shape of member States' strategies in the field of children's rights. In the survey conducted with member States on implementation of the past Strategy, 87% of respondent member States reported that the Council of Europe Strategy has been used in their country "to inspire a national strategy or action plan(s) to further children's rights". Another indicator for the fact that the Council of Europe's transversal approach is reflected in member States is that most replies to the survey were based on input from at least five different ministries and government agencies.

#### ***Bulgaria's strategic approach to children's rights***

In Bulgaria, the State Agency on Child Protection translated and published the Council of Europe Strategy in a booklet that was disseminated among relevant government and non-government organisations. The Chair of the State Agency invited all relevant ministers to apply the Strategy in their own strategic planning. In 2013 and 2014 the objectives of the Council of Europe Strategy were integrated into the annual National Programme for Child Protection.

### 1.6. Monitoring children's rights

27. The Strategy gave priority to the implementation of Council of Europe standards through a more proactive mainstreaming of the rights of the child into the Council of Europe monitoring bodies and human rights mechanisms. During the reporting period, Council of Europe monitoring bodies showed an unprecedented interest in furthering their children's rights agendas. Already at the launching Conference on the Strategy, held in Monaco in 2011, representatives from various monitoring mechanisms indicated the important potential their own mechanisms could achieve and further develop.

28. Exceptional progress was made in this area as figure 3 shows. The European Committee of Social Rights, the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment (CPT), the Group of Experts on Action against Trafficking in Human Beings (GRETA), the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) and the Committee of Experts of the European Charter for Regional or Minority Languages (ECRML) have all made significant efforts in ensuring a more child centered agenda in their work. The CPT, the ACFC and the ECRML developed specific reports on the protection of children's rights within their respective mandates.



29. Protecting and promoting the human rights of children continues to be one of the priorities of the Commissioner for Human Rights. In the framework of his work on the impact of the economic crisis on human rights, Commissioner Muižnieks pointed out the specific vulnerability of children and young people, including the impact of austerity measures on juvenile justice systems. He also addressed the persisting problem of statelessness of children and paid special attention to the rights of Roma children, of migrant children and of lesbian, gay, bisexual, trans and intersex (LGBTI) children in both his country and thematic work.<sup>6</sup>

30. The European Committee of Social Rights is constantly reviewing contracting parties' compliance with the provisions of the European Social Charter protecting the rights of children. Decisions during the reporting period concerned, *inter alia*, inclusive education for children with autism, the protection of unaccompanied migrant minors, the rights of Roma children, and corporal punishment of children. The ECSR conclusion on the 4th thematic group of charter rights (children, families and migrants) are to be published in January 2016.

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<sup>6</sup> See <http://www.coe.int/en/web/commissioner/thematic-work/children-rights>.

### ***The European Committee of Social Rights on corporal punishment***

In 2013 the Association for the Protection of All Children (APPROACH) lodged six complaints regarding the prohibition of corporal punishment of children with the European Committee of Social Rights. In five cases the Committee found a violation of Article 17§1 of the Charter on the ground that not all forms of corporal punishment are explicitly prohibited in the home, in schools or in institutions. The cases concerned France, Ireland, Slovenia, the Czech Republic and Belgium. In the case of Italy, the Committee found no violation of the Charter.

31. The Council of Europe Venice Commission developed a study in 2014 that examines whether the framework provided by current constitutions is sufficient to afford effective protection of children's rights and respond to new needs and realities. As a conclusion, the Venice Commission recommends that member States should provide, according to their constitutional system, constitutional guarantees for the recognition and protection of children's rights.<sup>7</sup>

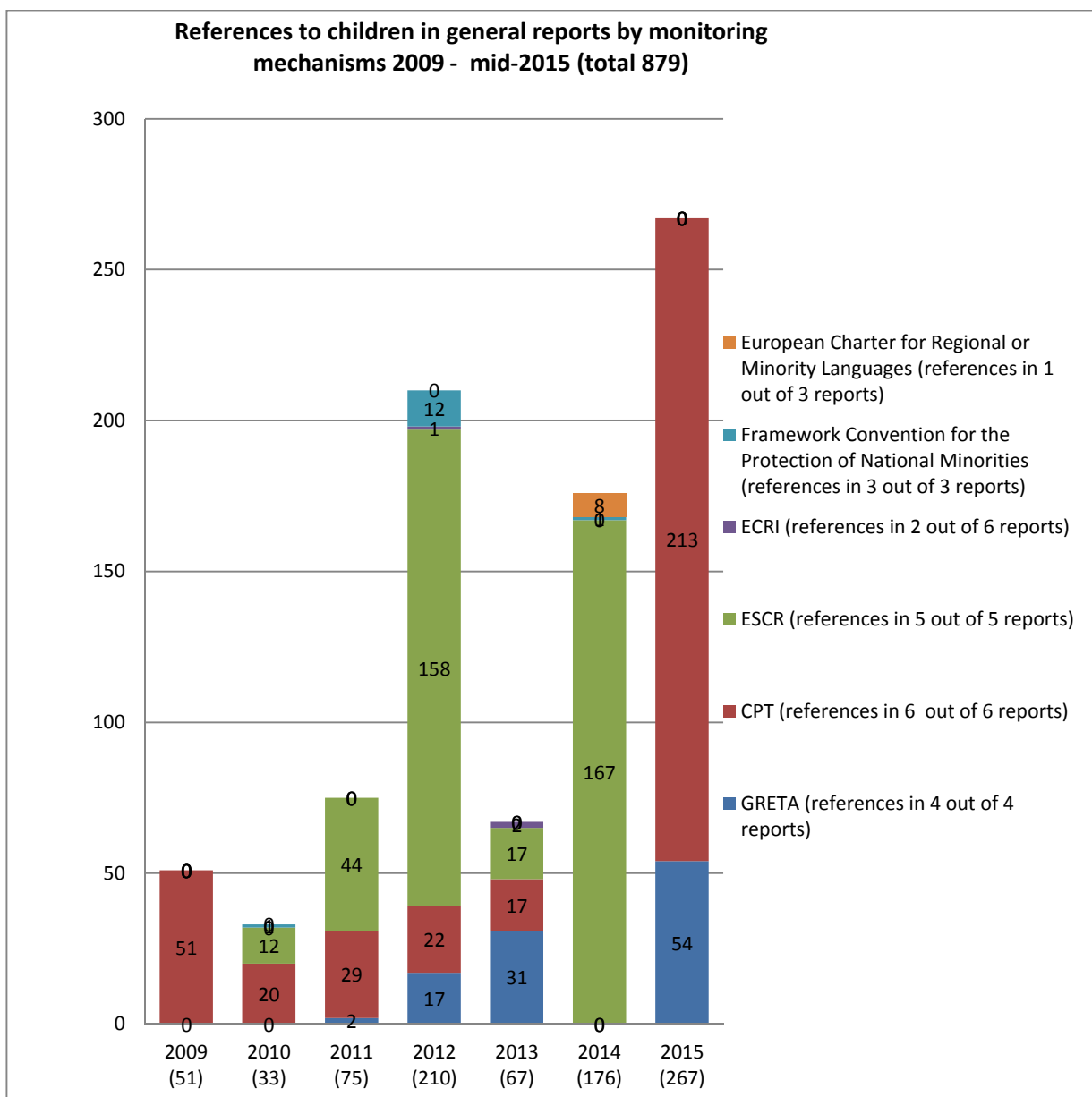


Figure 3

<sup>7</sup> European Commission for Democracy through Law (Venice Commission) (2014), [Report on the protection of children's rights: international standards and domestic constitutions](#).

### *European Court of Human Rights*

32. With the European Court of Human Rights, children in Council of Europe member States have the privilege of a supranational court that applies the European Convention on Human Rights to everyone, regardless of their age. The Court is continuously referencing the UNCRC in its judgments concerning children (see figure 4), which is an indicator for the significance of this UN Convention in connection with the European Convention on Human Rights.

33. A Handbook on European children’s rights case law was prepared in co-operation with the European Court of Human Rights and the EU Fundamental Rights Agency and is **was** launched on 20 November 2015. This tool will make the case law of the European Court of Human Rights and of the European Committee of Social Rights more accessible to professionals and the public at large.

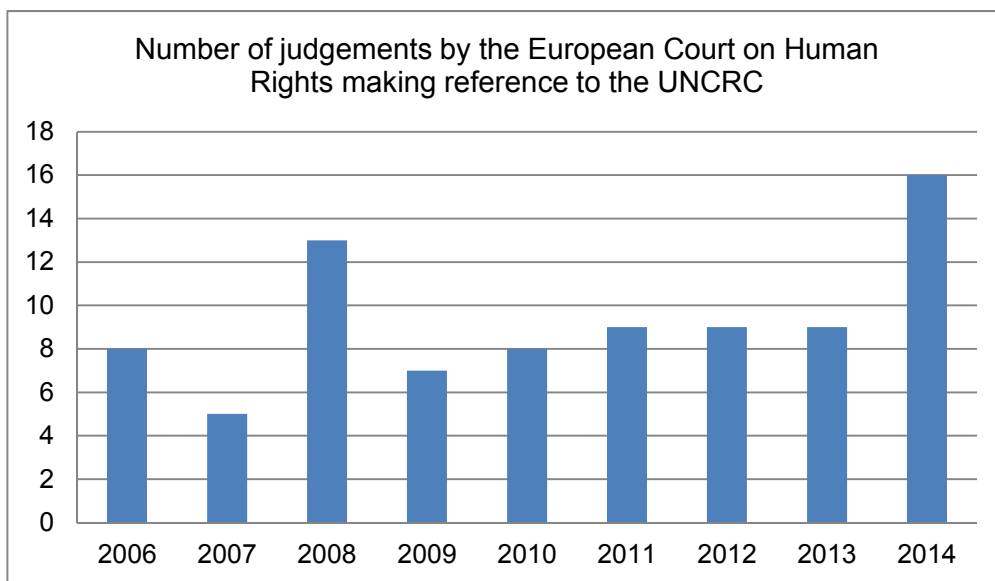


Figure 4

### *Ombudspersons for Children*

34. The Strategy called for increased outreach to national institutions responsible for monitoring compliance with the right of the child, i.e. ombudspersons for children and other national human rights institutions having a focus on children’s rights. This objective was reached through close co-operation with the European Network of Ombudspersons for Children (ENOC) as well as through direct co-operation with national institutions in member States such as Ukraine (national seminar, 2012), Finland (national seminar, 2013), Serbia (legal advice on draft-law on the rights of the child, 2012-2013). In addition, the establishment of a Consultative Council for Family and Childhood in Morocco was supported through a co-operation project. Ombudspersons have also participated actively in the Strategy Conferences of the Council of Europe, the last one being the Mid-Term Review Conference “Growing with Children’s Rights” in Dubrovnik in March 2014.

35. A survey conducted with members of European Network of Ombudspersons for Children (ENOC) showed positive results: The vast majority (91%) of the 13 respondents replied that the Council of Europe Strategy for the Rights of the Child had an impact on the work of their institutions. 83% of respondents reported using Council of Europe standards, policy documents or reports in their work and 73% said they have used information and awareness raising material produced by the Council of Europe. 80% of respondents said that the Council of Europe’s “current set-up for co-operation with Ombudspersons for children is effective”.

### *UN Committee on the Rights of the Child*

36. The UN Convention on the Rights of the Child, being at the heart of the Strategy, the focus on supporting the UN Committee for the Rights of the Child (“the UN Committee”) is an important anchor in the Council of Europe’s work. During the reporting period, support was given to the UN Committee’s general days of discussion in Geneva. Council of Europe standards and tools assisted member States and the UN Committee in evaluating compliance with the UNCRC. The UN Committee is currently in the process of revising the format of the monitoring the UNCRC. The next steps of concrete co-operation will be to organise a capacity building for policy makers in Council of Europe member States on the effective preparation to UNCRC reporting and on following up its conclusions during a session of the UN Human Rights Council.

37. To mark the 25th anniversary of the United Nations Convention on the Rights of the Child (UNCRC) in 2014 the Council of Europe organised and contributed to organising several activities to support progress in protecting children’s rights across its member States, which included:

- an expert meeting on the topic of “Good Parenting”, organised by the Norwegian Ministry of Children, Equality and Social Inclusion in Oslo.
- a conference on “Progress in protecting children’s rights, challenges and opportunities”, organised by the Ministry of Social Security and Labour of the Republic of Lithuania and the Council of Europe (CoE) in Vilnius.
- a side event to the 69<sup>th</sup> Session of the General Assembly of the UN on “Guaranteeing children’s right to participate: the BIG STEP needed”, organised in co-operation with the Finnish government, the UN Special Representative of the Secretary General on Violence against Children and the UN Committee on the Rights of the Child.
- a European Conference “The best interests of the child: a dialogue between theory and practice” in Brussels under the auspices of the Belgian Chairmanship of the Committee of Ministers.

## **2. Progress achieved under the four strategic objectives**

### **2.1. Promoting child-friendly services and systems**

38. Based on a range of legal instruments, the Council of Europe promoted children’s right to equal access to the justice system, to social and health care services and in the framework of policies on the family, education, sport and youth.

#### *Child-friendly justice*

39. The Council of Europe Guidelines on child-friendly justice<sup>8</sup> are available in 22 languages thanks to joint efforts of the European Commission and the Council of Europe. A total of 83% of member States responding to the survey stated that they have taken measures to implement the Guidelines.

40. A regional approach is being taken in the promotion of the Guidelines for member States. A first such event was organised in 2015 together with the Council of Baltic Sea States on handling child evidence (see box). Further regional events of a similar nature are envisaged. An informal network on child friendly justice was set up in the framework of the European Committee on Legal Co-operation

<sup>8</sup> Guidelines of the Council of Europe on child friendly justice, adopted by the Committee of Ministers on 17 November 2010.

(CDCJ). Numerous national events were also organised on the topic of child friendly justice, bringing the guidelines closer to the key stakeholders who are expected to influence law reform and practice in member States.

### ***Handling Child Evidence***

A regional activity on child evidence within the framework of a child-friendly justice system in the Baltic Sea region is currently being undertaken in collaboration with the Council of Baltic Sea States (CBSS). The aim of this activity is to discuss best practices in the region on the gathering, taking and testing of evidence from children in legal proceedings (criminal, civil and administrative) with an aim to facilitating their transposition from one legal system to another. As a first step, a comparative analysis was undertaken and presented at a Conference in Tallinn (Estonia) on 19-20 February 2015. As a follow-up, a project on the creation of an avatar-based training tool on interviews with children has been launched with the CBSS.

41. A module on children's rights and child-friendly justice has been included in all courses on family law and human rights delivered by the European Programme for Human Rights Education for Legal Professionals (HELP). Pilot distance learning courses were implemented in four member States. Two co-operation projects (Ukraine and Central Asia) included components on child-friendly justice.

42. Online audiovisual presentations for children and young people on the Guidelines are being developed together with children and young people by the Council of Europe in co-operation with the NGO Investing in Children and the European Children's Rights Unit at the University of Liverpool (both UK).

43. The Guidelines have received considerable attention by the European Commission and the EU Fundamental Rights Agency (FRA). The European Commission commissioned a study on children's involvement in criminal, civil and administrative judicial proceedings in EU member States, which uses the Council of Europe Guidelines on child-friendly justice as a template for the study.<sup>9</sup> The FRA initiated a project that looks at the treatment of children in the justice systems of 10 EU member States. The research identifies forms of child participation in criminal and civil judicial proceedings and collects promising practices.<sup>10</sup> One of the findings of the FRA field research was the lack of knowledge by professionals of the Council of Europe Guidelines on Child-friendly Justice. Over half of the respondents had not heard of the Guidelines and only 72 out of 544 professionals showed familiarity with them. This shows that further efforts are needed to make professionals at national and local levels aware of this standard. Another report on the children's perspectives and experiences will follow in 2016.

### ***Child-friendly health care***

44. The promotion of the Guidelines on child-friendly health care (2011) proved to be challenging as the Steering Committee on Health as well as the respective Division in the Secretariat ceased to exist in 2011. Possibilities for co-operation with the World Health Organisation on child-friendly health care were explored, but did not advance as expected. With a view to potential future activities addressing the children's rights challenges of new technologies in the health and bioethics field, a children's rights expert was invited to the International Conference "Emerging Technologies and Human Rights" (Strasbourg, 4-5 May 2015) and a literature review on this topic completed.

<sup>9</sup> For the first set of findings of this study (on criminal justice) see: [http://ec.europa.eu/justice/fundamental-rights/rights-child/friendly-justice/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/rights-child/friendly-justice/index_en.htm).

<sup>10</sup> European Union Fundamental Rights agency (2015), [Perspectives and experiences of professionals on children's participation in civil and criminal judicial proceedings in 10 EU Member States](#).

### ***Belgium makes use of “child-friendly guidelines”***

The National Commission on Children Rights in Belgium used the Council of Europe Guidelines on child-friendly justice, child-friendly health care and the Recommendation on child-friendly social services in the development of national indicators on the rights of the child. These national indicators will be used for the periodic reporting to the UN Committee on the Rights of the Child, which is due for Belgium in 2017.

### ***Child-friendly social services***

45. The Recommendation on child-friendly social services<sup>11</sup> received increased attention in the wake of the economic crisis and its effects on children and their families. The Recommendation is a tool to help social services achieve better results through a child rights oriented approach. In order to evaluate the state of implementation of this Recommendation in member States and the particular impact of the economic crisis, a questionnaire was sent to the Steering Committee on Social Cohesion, Dignity and Equality (CDDECS) and will result in a study on this topic to be published in early 2016. Two seminars on children’s rights and social services were organised in the Russian Federation in 2012.

46. In many member States, children’s access to these services and systems were negatively affected by the economic crisis and subsequent austerity measures.<sup>12</sup> The Council of Europe Commissioner for Human Rights pointed out in an Issue Paper<sup>13</sup> that “austerity measures related to child and family benefits, generalized unemployment and rising food prices are central issues affecting the well-being of children”. The Parliamentary Assembly of the Council of Europe reacted with a Recommendation on “Ending child poverty in Europe”<sup>14</sup>, which called for increased attention to child poverty and children’s participation in social services under the next Strategy cycle. The Congress of Local and Regional Authorities adopted in October 2015 a Recommendation on “Championing children’s rights in times of austerity”.<sup>15</sup>

### ***Austerity Bites***

Children’s views on the impact of the economic crisis on their lives were at the centre of a project co-funded by the Council of Europe and organised by the European Network of Ombudspersons for Children (ENOC). More than 30 children from 8 countries got the possibility to produce video clips together with a team of professional filmmakers. Through these clips, the children have been provided with a creative channel to express their views on how austerity is affecting the realisation of their rights. The videos were screened in five member States as well as during an exhibition in the Council of Europe premises throughout 2014 and 2015.

### ***Family law and family policies***

47. In the field of family law, parental disputes over child relocation have become an increased concern in recent decades. To encourage the prevention and resolution of disputes on child relocation as a means of reducing the incidence of child abduction, the Committee of Ministers adopted the Recommendation on child re-location in 2015<sup>16</sup>. It is meant to provide guidance to the member States

<sup>11</sup> [CM/Rec\(2011\)12](#).

<sup>12</sup> UNICEF Office for Research Innocenti (2014), [Children of the Recession: The impact of the economic crisis on child well-being in rich countries](#).

<sup>13</sup> Commissioner for Human Rights (2013), [Safeguarding human rights in time of economic crisis, Issue Paper](#).

<sup>14</sup> Parliamentary Assembly Report Doc. 13458 (2014), [Ending Child poverty in Europe](#).

<sup>15</sup> [Recommendation 382 \(2015\)1](#).

<sup>16</sup> [CM/Rec\(2015\)4](#).

on what can be done to deter a parent or other holder of parental responsibilities with whom a child resides from unilaterally relocating with the child, and to avert an unlawful relocation.

48. As a follow-up to the Recommendation on policy to support positive parenting<sup>17</sup>, the Council of Europe organised and contributed to several meetings and conferences, all of them bringing together policy makers, researchers and practitioners. The co-operation with the Eurochild Thematic Working Group on Family and Parenting Support proved to be particularly fruitful in this area. A school on family and parenting support was organised in co-operation with Eurochild, the UNESCO Child and Family Research Centre and the UNICEF Office of Research Innocenti in December 2015 in Galway, Ireland.

### *Democratic citizenship and human rights education*

49. To promote human rights and democracy at school the Council of Europe supports peer-to-peer learning among its member States through a pilot projects scheme "Human Rights and Democracy in Action", in co-operation with the European Union. The Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education provides a framework for this co-operation. The scheme contributes to the development of an overview of citizenship and human rights education in the Council of Europe member States and a database of tools for further use and adaptation in the countries, in accordance with their needs and priorities. Since 2013 five projects have been realized with the participation of 17 countries.

50. "Democracy and Human Rights Start with Us – Charter for All" is an awareness-raising toolkit which explains how the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education is connected to everyday life at school. The toolkit was developed in 2012 and is translated into 17 languages. It contains a brochure for children, guidelines for educators, a poster, an exhibition and video animations promoting the Charter (based on a comic strip competition for children) in a fun and friendly way. The development and promotion of these materials is an excellent example of co-operation between Education Sector, Youth Sector and Children's Rights Division.

#### ***"Beat bullying"***

The video "Beat Bullying", which demonstrates the role of citizenship and human rights education in preventing violence at school, was launched in January 2014 and is now available on YouTube in English, French, German and Russian. The French version alone received more than 234 000 views since January 2014.

51. At the initiative of the Polish Permanent Representation to the Council of Europe, the first two editions of the newly launched Janusz Korczak Seminars series took place in 2012 and 2014. The series is organised by the Council of Europe in co-operation with the Polish Permanent Representation, and aims to stimulate a debate on current challenges in the area of education for democracy, while honouring the legacy of Janusz Korczak - an outstanding Polish and European personality. National representatives for citizenship and human rights education highlighted the need for schools to include activities and lessons about children in all types of vulnerable situations, and developed with participation of such children, at their meeting in Baku in the framework of Azerbaijan's Chairmanship of the Council of Europe's Committee of Ministers.

### *Training of education professionals*

52. The Pestalozzi Programme, the Council of Europe's training and capacity building programme for education professionals, has developed and carried out a range of training programmes focusing on highly relevant aspects of children's rights. These include a trainer training module series on

<sup>17</sup> [CM/Rec\(2006\)19](#).

“Sex/sexuality education – Personal development, prevention of discrimination and violence” in 2014<sup>18</sup>. The resulting training material, which was published in September 2015 is also a contribution of the Education Sector to the Council of Europe ONE in FIVE Campaign to stop sexual violence against children (see below). Another training Unit was developed on “Education for the prevention of violence in schools”, which was published in 2012.<sup>19</sup>

### *Sport*

53. The Enlarged Partial Agreement on Sport (EPAS) carried out a number of awareness-raising and co-operation activities promoting diversity in and through sport, focusing notably on the protection of children: a European conference titled “Inclusion and Protection of Children in and through Sport” was held in Budapest in 2013, in co-operation with the ONE in FIVE Campaign to stop sexual violence against children. The work resulted in the development of the Pro Safe Sport (PSS) toolkit. This set of educational tools to promote a safe and healthy sport environment for children and adolescents was launched in May 2015 in Rome.<sup>20</sup> The equal access of girls and boys to sports facilities and ways to prevent gender-based violence in sport, were addressed by a Recommendation on gender mainstreaming in sport adopted by the Committee of Ministers in 2015.<sup>21</sup> A Recommendation on the protection of child and young athletes from dangers associated with migration<sup>22</sup> addresses the risks of trafficking and abuse of children and young people migrating from southern countries in pursuit of a career in sport.

### *Youth policies*

54. The “No Hate Speech Movement” is a youth campaign of the Council of Europe for human rights online, to reduce the levels of acceptance of hate speech and to develop online youth participation and citizenship, including in Internet governance processes. Originally scheduled to end in 2015, the campaign was prolonged as part of the Council of Europe Action plan to fight against violent extremism and radicalisation leading to terrorism (in the aftermath of the attacks to the French magazine “Charlie Hebdo”). By August 2015, the campaign network consists of 3671 young people in 36 member States, 21000 followers on Facebook and 13000 on Twitter. The campaign has dedicated specific activities to cyber bullying and has published an educational manual, “Bookmarks”, to support awareness-raising and action by children and young people.

55. International reviews of national youth policies including child policies have been conducted in Belgium (2012), Ukraine (2013) and Greece (2014).

56. The European Drug Prevention Prize was awarded in 2012 and 2014 to drug prevention projects that fully involve young people, either in the development and implementation of activities, the decision-making, the project management and/or the evaluation.

<sup>18</sup> Council of Europe Pestalozzi Programme (2014), [External report of the trainer training module series on sex/sexuality education – Personal development, prevention of discrimination and violence.](#)

<sup>19</sup> Council of Europe Pestalozzi Programme (2012), [Education for the prevention of violence in schools.](#)

<sup>20</sup> Council of Europe (2015), [Pro Safe Sport toolkit.](#)

<sup>21</sup> [CM/Rec\(2015\)2.](#)

<sup>22</sup> [CM/Rec\(2012\)10.](#)



## 2.2. Eliminating all forms of violence against children

57. The message that children’s protection from violence requires a strategic approach<sup>23</sup> is increasingly implemented by governments of Council of Europe member States. In the Strategy survey conducted in early 2015, all 39 member States who replied indicated that measures have been taken to adopt a strategic and integrated approach to protecting children from violence. An analysis of 27 European replies to the global progress survey carried out by the UN SRSG in 2011 also revealed, however, the remaining challenges. These are in particular gaps in legislation, conflicting policies, lack of co-ordination between the various governmental actors and with other stakeholders, failures to define the role of key institutions and insufficient budgetary allocations.

58. The highlights of the Council of Europe’s work in this area in the reporting period were a high-level conference in Ankara in 2012 and the Cross-regional round table of regional organisations and institutions for the elimination violence against children, held in June 2015 in Strasbourg. Convened by the UN SRSG on Violence against Children and the Council of Europe, the latter meeting gathered participants from regional organisations from Asia, Africa, Latin America, the Caribbean, and Arab States. Organised back-to-back with the Octopus Conference against Cybercrime and the meeting of the Lanzarote Committee, the Cross-Regional meeting provided a unique platform to share knowledge on how to prevent and respond to children’s exposure to sexual violence and to fight impunity for this serious child rights violation, including when associated with the use of information and communication technologies.

59. The Ankara conference in 2012 concluded a series of Council of Europe high-level awareness raising events across Europe which have been followed by the development and implementation of bilateral co-operation projects in member States (Albania, Republic of Moldova, Ukraine) to device effective integrated strategies to protect children from all forms of violence (see co-operation activities).

### *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*

60. The entry into force of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) in 2010 was a milestone in the Council of Europe’s efforts to better protect children from this serious crime. In the meantime, all member States have signed and 39 have ratified the Convention.

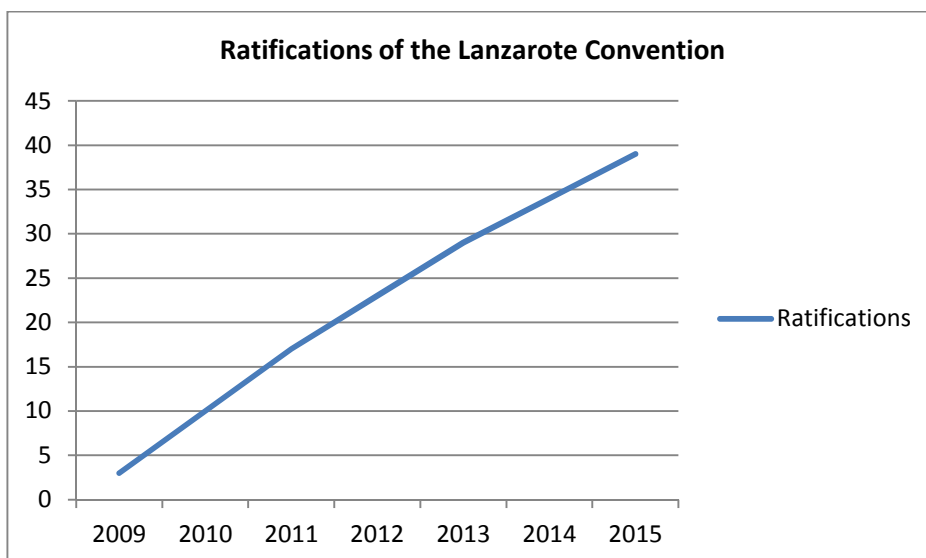


Figure 5

<sup>23</sup> [CM/Rec\(2009\)10](#).

61. The Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee) met 13 times since September 2011. The number of participants in its meetings raised regularly, up to a maximum of about 70 at its 11th meeting in March 2015, which shows an increasing interest to the work carried out by the Committee. The Lanzarote Committee has two principal tasks: monitoring the implementation of the Convention by the States Parties, and operating as a platform to exchange information, experiences and good practices on the protection of children against sexual exploitation and sexual abuse.

62. The monitoring of the implementation of the Convention is carried out according to a thematic approach. The theme of the first monitoring round is “the protection of children against sexual abuse in the circle of trust” since available data indicate that most sexual abuse inflicted on children in the Council of Europe member States is committed within the family setting, by persons close to the child or by those in the child’s social environment. The first monitoring round concerns the 26 States Parties which had ratified the Convention at the time the monitoring round was launched. The Committee will adopt two implementation reports in this 1st monitoring round. The first concerns the effective enforcement of the applicable legislation and judicial procedures, the second the effects of the measures and procedures adopted for preventing sexual abuse of children in the circle of trust as well as their protection.

63. In June 2015, the Lanzarote Committee adopted an Opinion on the “Solicitation of children for sexual purposes through information and communication technologies (Grooming)”. Acknowledging that the Lanzarote Convention (Article 23) may not meet today’s and, more importantly, tomorrow’s challenges with regard to online grooming, this Opinion provides guidance for states wishing to go one step further in fighting this phenomenon and in criminalising it.

64. The Lanzarote Committee has also set up a working group to draft a reflection paper on Trends in Sexual Exploitation and Sexual Abuse.

65. In addition to its monitoring work, the Lanzarote Committee has held the following capacity-building activities:

- A study visit to Iceland (May 2012) to study the Children's House (*Barnahus*) model, an interdisciplinary and multiagency approach which makes the best interest of the child the core of investigative procedures, thereby avoiding any secondary victimisation of the child.
- A conference on the role of international co-operation in tackling sexual violence against children (Rome, Italy, November 2012) provided a forum for pooling and presenting good practices worldwide and thus revealed the concrete potential of Article 38 of the Lanzarote Convention on international co-operation.
- A conference on preventing sexual abuse of children (Madrid, Spain, December 2013) which was an opportunity to examine in more detail, the specific aspect of preventing sexual abuse of children and to share good practices in this field, particularly between representatives of European states and civil society.
- A study visit to Europol (The Hague, Netherlands, March 2015) to gain better understanding of the activities carried out by Europol’s European Cybercrime Centre in its fight against child sexual exploitation, especially in the fields of commercial distribution of child abuse material, victim identification and transnational child sexual offenders.

- In addition, representatives of the Lanzarote Committee have participated in various national or international round tables or events in order to facilitate the exchange of views and experiences on the implementation of the Convention.<sup>24</sup>

### ***Impact of the Lanzarote Convention***

A number of member States have amended their legislation to bring it in line with the the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Portugal, for example, amended its criminal code in 2015 providing for the explicit criminalization of grooming of minors for sexual purposes using information and communication technology, such as online social networks. Spain explicitly used the Lanzarote Convention wording “abuse of a recognised position of trust, authority or influence over the child” in its recently revised criminal code to enable criminalisation of sexual abuse committed by someone in the child’s circle of trust.

### ***ONE in FIVE Campaign to stop sexual violence against children***

66. The Council of Europe ONE in FIVE Campaign was launched in 2011 and has since resulted in an unprecedented mobilisation in member States to stop sexual violence against children. Upon the initiative of the Parliamentary Assembly of the Council of Europe, the Campaign was extended for another year until November 2015.

67. National campaigns are run in 26 member States and in Mexico, through a partnership with the Council of Europe. The Secretariat supported its various partners (national and regional authorities, universities, independent bodies, NGOs) through capacity building activities, translation of Campaign materials, provision of expertise and support in the organisation of events. Campaign materials are now available in 33 languages and the “Kiko and the Hand” TV spot exists in 37 languages. Throughout the Campaign there were over 100,000 unique visits to the main ONE in FIVE site<sup>25</sup>, principally from Italy, Croatia, Mexico, France, Turkey, Greece, Spain and Portugal. Four language version sites (English, French, Italian and Dutch) for accessing materials on [www.underwearrule.org](http://www.underwearrule.org) were logged as receiving over 600,000 unique visitors for the same period.

68. A web documentary “Keep me safe”<sup>26</sup> was launched in November 2012 providing visibility to good practices in a number of member States. The Secretariat continues to receive requests worldwide for permission to use the Campaign material from institutions, professionals working with children, media and NGOs. A Facebook page for the Campaign was launched towards the end of 2013 generating an increased interest in the Campaign.<sup>27</sup> The EPAS drew the attention on several occasions to its members and partners, for the need to protect children from sexual violence in and through sport. Council of Europe offices in the field, as well as a number of UNICEF country offices, have also supported national launches of the Campaign.

69. The ONE in FIVE Campaign has a strong parliamentary dimension implemented by the Parliamentary Assembly of the Council of Europe.<sup>28</sup> The Parliamentary Assembly Network of contact parliamentarians to stop sexual violence against children is composed today of 52 parliamentarians including representatives of the Parliamentary Assembly of the “Francophonie”, the Mexican Senate, the Canadian Parliament and the Moroccan Parliament. Since the launch of the Campaign in November 2010, the Network has organised 25 meetings on various topics, including on sexual abuse of children

<sup>24</sup> For more information on the activities carried out by the Lanzarote Committee: [www.coe.int/lanzarote](http://www.coe.int/lanzarote)

<sup>25</sup> [www.coe.int/1in5](http://www.coe.int/1in5).

<sup>26</sup> [www.coe.int/t/dghl/standardsetting/childjustice/News/Keepmesafe\\_en.asp](http://www.coe.int/t/dghl/standardsetting/childjustice/News/Keepmesafe_en.asp).

<sup>27</sup> <https://www.facebook.com/pages/Council-of-Europe-One-in-Five-Campaign/658853527465601?ref=profile>.

<sup>28</sup> [www.assembly.coe.int/oneinfive](http://www.assembly.coe.int/oneinfive).

by their peers, sexual violence against refugee children, recovery of survivors of sexual violence against children and treatment of offenders. This regular parliamentary action aimed at promoting the Lanzarote Convention at national level has certainly also helped to reach the 39 ratifications achieved.

70. In this context, the Parliamentary Assembly also adopted Recommendation 2013 (2013) "Parliaments united in combating sexual violence against children: mid-term review of the ONE in FIVE Campaign", Resolution 1926 (2013) on fighting "child sex tourism" and Recommendation 2045(2014) "Combating sexual violence against children: towards a successful conclusion of the ONE in FIVE Campaign", next to other specific reports relating to children's rights and child protection.

71. A highlight of the Campaign in 2013 was the production of a video spot for adolescents, "The Lake"<sup>29</sup>, raising their awareness on the need to call for help from people close to them and the right to find protection against sexual violence via hotlines. An estimated 6 million people have seen the film (by July 2015) on a number of European TV stations, and around 1.2 million more online. This video is one of the most popular videos on the Council of Europe's YouTube channel. The video won the social marketing EACA (European Association of Communication Agencies) Care Award in June 2015.

### ***ONE in FIVE Campaign in Cyprus***

A pilot project launched in Cyprus in 2013 to closely follow the national implementation of the ONE in FIVE Campaign in one specific country, which has proved to be a great success. After a data collection phase undertaken in collaboration with the University of Cyprus, and promotional action leading up to the ratification of the Lanzarote Convention in February 2015, the pilot project has now entered into a year-long training programme for key stakeholders, in particular professionals of different backgrounds (judges, prosecutors, police, social services etc.). In this framework, a meeting for all stakeholders involved in case-management at policy-making level took place in May 2015. Participants discussed best practices in the field of child-friendly justice such as a "one-stop-shop" for child victims of sexual violence based on the Icelandic "children's house" (Barnahus) model, and how these could be adapted to the Cypriot context.

72. The Council of Europe Congress for Local and Regional Authorities (the Congress) concentrated its activities principally on raising awareness on the ONE in FIVE Campaign among local authorities.<sup>30</sup> In 2012, the Congress adopted Resolution 350(2012) and Recommendation 332(2012) on regional action and legislation to combat sexual exploitation and abuse of children. The Congress's Thematic Spokesperson on Children paid visits to local and regional elected representatives in the United Kingdom, Belgium, Austria and the Czech Republic and hosted a seminar for national associations of local and regional authorities from Council of Europe member States in June 2015 to raise their awareness of the issue.

73. The Congress developed a very concrete tool, the Pact of towns and regions to stop sexual violence against children which is a guide to implementing the provisions of the Lanzarote Convention at local and regional levels. 45 cities and regions and 28 organisations have signed the Pact which is accompanied by a Campaign's "Toolkit", available for download from the Congress website in 37 languages.

### ***The Pact of Towns and Regions in Serbia and Turkey***

The city of Nis (Serbia) signed the Pact of Towns and Regions to Stop Sexual Violence against Children on 14 October 2014. The Mayor of Nis then formed a working group, consisting of representatives of the

<sup>29</sup> <http://www.assembly.coe.int/oneinfive/video/default-EN.asp>.

<sup>30</sup> <http://www.congress-1in5.eu/en/>.

local police, representatives of the judicial system and of all relevant institutions in the city, to work on the implementation of the Pact. A Local Action Plan has been drafted on the basis of the Pact guidelines and adopted by the City Assembly in June 2015. The City is now working on brochures and videos explaining the danger of sexual violence on children.

In Turkey, the Union of Municipalities of Turkey and the International Children's Centre, committed to the implementation of the ONE in FIVE Campaign at the local level in Turkey, have respectively distributed thousands of Kiko kits to the municipalities and set up a website dedicated to the campaign, where the Pact can be downloaded in Turkish<sup>31</sup>.

### *European Day on the protection of children against sexual exploitation and sexual abuse (18 November)*

74. The Committee of Ministers of the Council of Europe agreed on 12 May 2015 to a European Day on the protection of children against sexual exploitation and sexual abuse. This Day will be celebrated each year on 18 November in every member State from 2015 onwards and will therefore, come as a continuation of the ONE in FIVE Campaign which ended in November 2015.

75. The objectives of the European Day are to raise awareness on sexual exploitation and sexual abuse of children, and the need to prevent such acts, to promote the Lanzarote Convention's ratification and implementation, and finally to contribute to facilitating open discussion on this issue which would work towards the elimination of the stigmatisation of victims. National partners in over 30 member States conducted actions and initiatives at the occasion of the first edition of the European Day on 18 November 2015. An animation video designed for 9-13 years old children, raising their awareness of the protection provided by the Lanzarote Convention, was released on the occasion of that day and met the interest of a great number of member States.<sup>32</sup>

### *Sweden involves children in campaign against sexual violence*

In 2014, the Swedish government launched a national action plan in order to protect children from trafficking, exploitation and sexual abuse. The action plan included 14 measures with focus on protecting the rights of the child from these violations.

One of measures made were an information campaign with the aim of raising awareness among children about sexual abuse. The information campaign was based on the Council of Europe One in Five Campaign, and translated into Swedish conditions and launched as a website [www.dagsattprataom.se](http://www.dagsattprataom.se). The website was produced in cooperation with children, some of them with personal experience of being victims of sexual abuse. The government has recently decided on funding the development of the campaign in order to support friends of the victim since the children stated during the making of the campaign that they often tell a friend, rather than an adult about being abused.

### *Trafficking in children*

76. The Council of Europe Convention on Action against Trafficking in Human Beings is the first legally binding document at international level taking a child-sensitive approach and prescribing a

<sup>31</sup> [www.5te1.cocukhaklariizleme.org](http://www.5te1.cocukhaklariizleme.org).

<sup>32</sup> [www.coe.int/en/web/children/end-child-sex-abuse-day](http://www.coe.int/en/web/children/end-child-sex-abuse-day).

number of special measures to be implemented by States if the victims of trafficking are children. The Group of Experts on Action against Trafficking in Human Beings (GRETA) monitors the implementation of the Convention by the Parties and completed its first evaluation round in 2014. During this first round, GRETA has identified a number of shortcomings as regards the protection of child victims of trafficking. In 31 countries out of the 35 evaluated countries, for example, GRETA has urged the authorities to take measures in order to improve the identification of and assistance to child victims of trafficking. During the second evaluation round of the Convention, GRETA will pay particular attention to measures taken to address the vulnerability of children to trafficking.

### *Corporal punishment*

77. The 2012-2015 Strategy called for the Council of Europe to “continue to facilitate a culture of zero tolerance of violence towards children” and to promote the effective elimination of violent discipline and corporal punishment of children in all settings, including within the family/home.

78. During the reporting period there has been progress towards universal prohibition of corporal punishment of children. At present a total of 28 member States of the Council of Europe have introduced a legal ban on corporal punishment in all settings, with the most recent addition of Andorra, Estonia, Ireland Malta and San Marino (see figure 6). Nine other governments in Europe have expressed a commitment to achieve full prohibition.<sup>33</sup> In the context of the 25th anniversary of the UNCRC in 2014, several events addressed the issue of a childhood free of corporal punishment. An international conference was organised by the Government of Sweden in Stockholm, also on the occasion of the 35th anniversary of Sweden’s pioneering ban on corporal punishment of children. A follow up conference “Towards childhoods free from violence” will be organised by the Austrian government on 2-3 June 2016. The Council of Europe’s contribution to this global initiative will be to provide capacity building to those member States which express a commitment to achieve a legal ban.

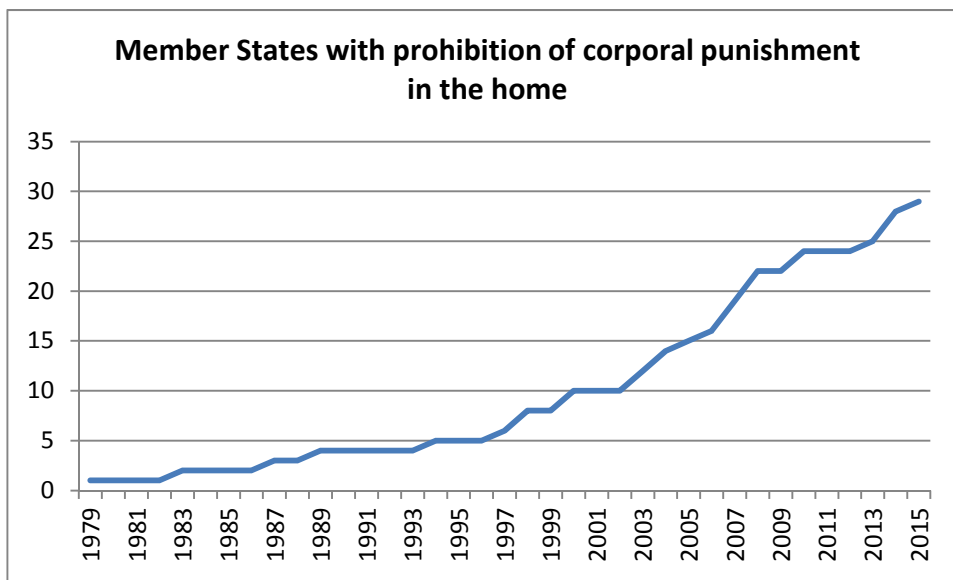


Figure 6

79. The Council of Europe has also developed, in co-operation with the European Commission, a web-based toolbox of educational and awareness raising tools promoting positive and non-violent parenting. This initiative was taken following the recent European Parliament Resolution on the Rights of the Child which calls on the Member States “to uphold their obligations and combat any form of

<sup>33</sup> [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

violence against children, including by formally prohibiting and sanctioning corporal punishment against children”.

### *Violence in schools*

80. The burning issue of violence in schools was addressed at several meetings, including a side event to the UN Human Rights Council in Geneva in 2012. The Council of Europe Charter on for democratic citizenship and human rights education “Charter for All” (2010) is a key tool addressing violence in schools. Teachers are the target group of a training module developed by the Council of Europe Pestalozzi Programme on “Education for the prevention of violence in schools” in 2011 and 2012. To raise awareness of school violence, the film „Beat Bullying“ demonstrates the harmful effects of bullying in a child-friendly manner and how citizenship education programmes can equip children with the necessary understanding and skills to stop bullying (see 2.1 Promoting child-friendly services and systems).

### *Violence against girls and domestic violence*

81. On 1 August 2014, the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) entered into force. The Convention is currently ratified by 18 member States and signed by another 20. It addresses various forms of violence against women, including violence typically directed against girls, such as female genital mutilation and forced marriage. In as far as domestic violence against children is concerned, the Convention makes it possible for States Parties to apply its provisions also to boys. The Committee of the Parties to the Istanbul Convention held its very first meeting in May 2015 in Strasbourg. It elected the first ten members of GREVIO - the Group of Experts on Action against Violence against Women and Domestic Violence – who will meet/met on 21-23 September 2015. Monitoring the implementation of the Istanbul Convention will bring to light invaluable information on measures taken at national level to protect children from abuse.

## **2.3. Guaranteeing the rights of children in vulnerable situations**

82. The third strategic objective of the Strategy concerned the protection of the rights of children in vulnerable situations. Figure 7 gives an overview of the replies provided by member States in the survey on the implementation of the Strategy.

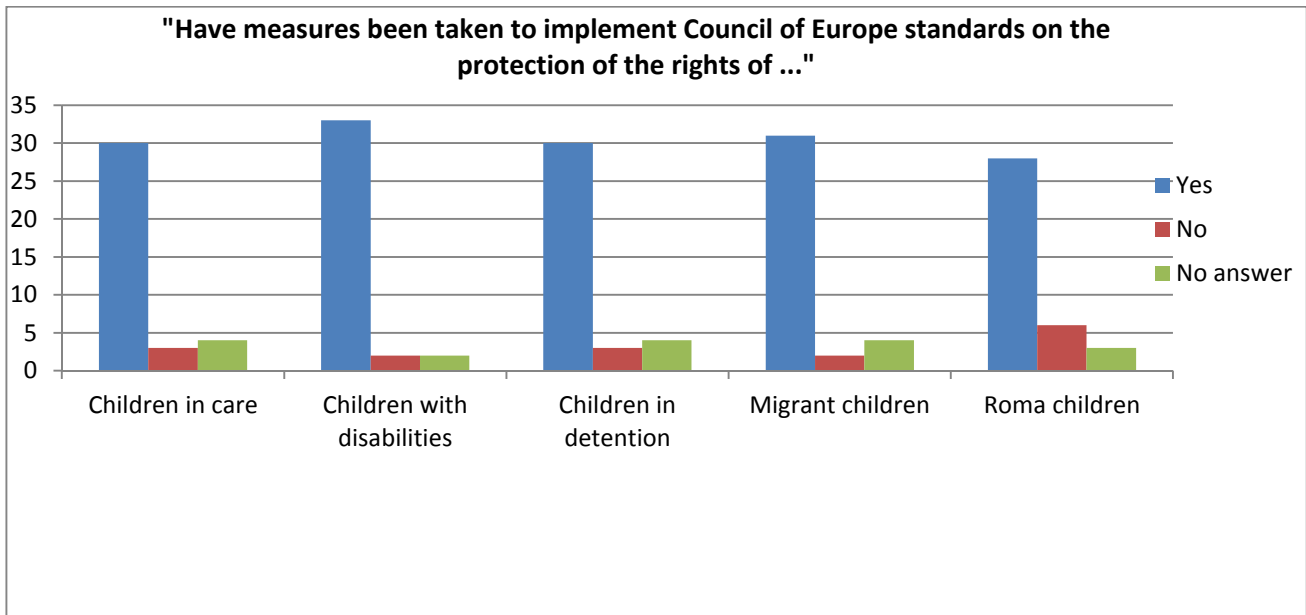


Figure 7

### *Children in alternative care*

83. Guaranteeing the rights of children in alternative care has been a key concern for the Council of Europe during the reporting period. This work is based on the UN Guidelines for the Alternative Care of Children, Recommendation on the rights of children living in residential institutions<sup>34</sup> and Recommendation on children's rights and social services friendly to children and families<sup>35</sup>. With the support of professionals and young people having lived in care, the Council of Europe produced the booklet "Discover your Rights!" to help children in care understand their rights. This tool continues to be translated and disseminated. It is complemented with the training manual "Securing their rights" addressed to professionals working with children in care. Again, professionals, young people in care and many other experts were involved in the development of the tool. In the framework of an EU-funded project, SOS Children's Villages is developing training materials based on this booklet to train professionals working with children in care across the continent.

### *Children with disabilities*

84. A Recommendation on ensuring full inclusion of children and young persons with disabilities into society was adopted in 2013. This instrument sets out the need to promote the full belonging of children and young persons with disabilities to society through participation, choice and decision-making, and details the support required to empower them. The Recommendation was first presented and promoted at the conference "Full inclusion of children and young people with disabilities into society" in Brussels on 21-22 November 2013.

85. Six training courses for carers and social workers, including those working with children with disabilities, were organised in Bosnia and Herzegovina, Georgia, Republic of Moldova and the Russian Federation using the Council of Europe training kit "Getting started" in 2012-2014, which aims at providing care staff with skills and knowledge to exercise their daily duties from the perspective of human rights-based approach to disability and principles set out in the international instruments. A range of events was organised with a view to raise awareness of national stakeholders about the international standards and examples of their practical application connected with specific situations and risks of discrimination that may be faced by children with disabilities.

<sup>34</sup> [CM/Rec\(2005\)5](#).

<sup>35</sup> [CM/Rec\(2011\)12](#).



86. The evaluation of the Disability Action Plan's 2006-2015 implementation and corresponding outlook to the future reiterate the importance of providing adequate support and services, removing barriers and fostering inclusion in a systematic way from the earliest age possible and with particular attention to the transition stages in life in order to ensure maximum independence and dignity in adulthood.

### *Children deprived of liberty*

87. The European Committee for the Prevention of Torture (CPT) has an important role in monitoring the situation of children deprived of liberty, be it in detention, in residential care or in other closed institutions. Responding to the report "Children's Rights and the Committee for the Prevention of Torture" (2012),<sup>36</sup> the CPT set up a working group within the Committee in 2013 to review the CPT's standards in relation to children in detention. An updated version of the CPT's standards on this issue was included in the 24th General Report of the CPT published in February 2015.<sup>37</sup> Also as a follow-up to this report, a specific training session for CPT members on interviewing children deprived of their liberty was held.

88. The Council for Penological Co-operation (PC-CP) focused on the important theme of violence in juvenile detention institutions. A report on violence in institutions for juvenile offenders<sup>38</sup> was released in 2014. The report concluded that placement of juvenile offenders in institutions constitutes a form of deprivation of liberty with a significant impact on their lives and development, including the risk of being subjected to violence or of becoming involved in the perpetration of violence. This underscores the need to deprive juveniles of their liberty only as a measure of last resort and for the shortest appropriate period of time. The report recommends that the Council of Europe raise further awareness and provide assistance in the implementation of the European Rules for juvenile offenders subject to sanctions or measures<sup>39</sup> and the Council of Europe Guideline for child friendly justice.

89. The the HELP Programme supports the Council of Europe member States in implementing the European Convention on Human Rights at the national level by enhancing the capacity of judges, lawyers and prosecutors to apply it in national proceedings. In the reporting period, the HELP Programme designed a distance learning course on children's rights for judges and piloted it in Bosnia and Herzegovina and in Ukraine. Furthermore, it implemented distance learning courses on family law and child-friendly justice for lawyers in Austria, Italy and the Russian Federation. Children's rights modules were also developed for the e-learning course on alternative measures to detention and for the e-learning course on anti-discrimination. Through the HELP Programme, in total, 451 legal professionals received training that included children's rights modules between 2012 and 2015.

### ***Children behind bars***

The Council of Europe is supporting partner to the EU-funded project "Human rights of children deprived of liberty: improving monitoring mechanisms" implemented by Defence for Children International (DCI) Belgium. The purpose of the project is to develop practical guidelines to properly monitor living and conditions for children deprived of liberty. There are currently no harmonised criteria in Europe for the assessment of the situation for those children. The practical guide is to be used by professionals when visiting centres where children are being deprived of their liberty, in particularly juvenile detention facilities.

<sup>36</sup> Council of Europe (2012), [Children's Right and the Committee for the Prevention of Torture](#).

<sup>37</sup> Council of Europe (2015), [24th General Report of European Committee for the Prevention of Torture](#).

<sup>38</sup> European Committee on Crime Problems, PCCP (2014), [Report on Violence in Institutions for Juvenile Offenders](#).

<sup>39</sup> [CM/Rec\(2008\)11](#).

### *Children affected by migration*

90. Migration is, like children's rights, a transversal issue which the Council of Europe addresses from various angles. Monitoring bodies such as the European Committee of Social Rights (ECSR) and the European Commission on Racism and Intolerance (ECRI) as well as the Commissioner on Human Rights raise public awareness of discrimination of migrant children in member States. In 2014, the Parliamentary Assembly clearly denounced immigration detention of children.<sup>40</sup> The Council of Europe has assisted member States in developing appropriate age assessment procedures which simultaneously focus on more accurate results and on respecting the human dignity of youth and adolescents when assessing their age. The transition to adulthood was the subject of a Round Table with the participation of young migrants, organised by the European Youth Centre in Budapest and the UNHCR in January 2013 and Parliamentary Assembly Resolution 1996 (2014) on "Migrant children: what rights at 18?" adopted in 2014.<sup>41</sup> While the situation of children affected by migration has not been a core focus under the Strategy, it is obvious that in the present context of migratory flow into Europe it is crucial to include a stronger focus on the needs of migrant children, notably unaccompanied migrant minors.<sup>42</sup>

### *Roma children*

91. The rights of Roma<sup>43</sup> children and in particular girls are high on the agenda of the Council of Europe's work on Roma and Travellers. During the reporting period, the Ad hoc Committee of Experts on Roma Issues (CAHROM) paid eight thematic visits to member States on different issues relating to Roma children's rights to education, legal status of undocumented children, trafficking, and gender equality with a focus on early/child marriage. The Council of Europe translated several child-friendly materials into the Romani language in order to involve and empower Roma teachers and parents in promoting children's rights.

92. The Support Team of the Special Representative of the Secretary General for Roma Issues has set up a database of policies and good practices, which includes a range of innovative and transferrable projects to support Roma children.<sup>44</sup> Both CAHROM and the Committee of Experts on the Council of Europe Strategy for the Rights of the Child (DECS-ENF) appointed rapporteurs on Roma children.

#### ***"Every child matters: High quality education for all"***

The Roma Education Support Trust in partnership with Babington Community College, United Kingdom has a partnership with primary schools in the Czech Republic. Babington Community College is an outstanding secondary school in Leicester with 13 percent of Roma pupils on roll - mostly from Czech Republic. The purpose of the partnership is to share information and practice so that other schools can deliver better education to their Roma pupils and become centres of knowledge and best practice in inclusive education strategies and engaging with the Roma community. The project is based on the principle of peer mentoring. Through a voluntary contribution from Finland, this project will be pursued and also extended to Ostrava, Czech Republic as well as Prešov in the Slovak Republic.

<sup>40</sup> Parliamentary Assembly Report and Resolution 2020 (2014) and Recommendation 2056 (2014) on "The alternatives to immigration detention of children".

<sup>41</sup> Parliamentary Assembly Resolution 1996 (2014).

<sup>42</sup> See Information Document by the Secretary General (SG/Inf(2015)33) for the Thematic Debate of the Committee of Ministers on 15 September 2015 on "Migration challenges for Europe: need for collective action".

<sup>43</sup> The term "Roma" used at the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Travellers and the Eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned, including persons who identify themselves as Gypsies.

<sup>44</sup> <http://goodpracticeroma.ppa.coe.int>.

## *Gender equality*

93. In line with the Council of Europe Gender Equality Strategy 2014-2017 and following a mainstreaming approach, the organisation worked on four highly relevant contexts with respect to gender equality: violence<sup>45</sup>, justice, education, and sports. In 2013, a hearing on access to justice for women victims of violence was organised together with the French authorities, where participants stressed the need to apply the Guidelines on child-friendly justice to boys and girls who are witnesses and victims of domestic violence. Following up to the Recommendation on gender mainstreaming in education<sup>46</sup>, a compilation of good practices was compiled and disseminated to promote an education free from gender stereotypes. Also, a factsheet on “Combating gender stereotypes and sexism in and through education” was produced and disseminated. Lastly, a Recommendation on gender mainstreaming in sport adopted by the Committee of Ministers in 2015 addresses the equal access of girls and boys to sports facilities and ways to prevent gender-based violence in sport.

## *LGBTI children*

94. The rights of Lesbian, gay, bisexual, trans and intersex (LGBTI) children were prominently addressed at three conferences in 2013, in which the Council of Europe actively participated to present the Recommendation on combating discrimination on grounds of sexual orientation or gender identity<sup>47</sup>: A conference on tackling homophobic and transphobic bullying in school (Dublin), a conference on homophobia and transphobia in education (Ljubljana), and a conference on the right of the child and of the adolescent to his/her sexual orientation and gender identity (Sion). A report “An insight into respect for the rights of trans and intersex children in Europe” (December) was published in 2014.

## **2.4. Promoting child participation**

### *The right to be heard and taken seriously*

95. Children’s participation is a cross-cutting approach throughout the whole strategy. Mainstreaming child participation as a working method and as an attitude into Council of Europe’s standard-setting, monitoring and co-operation activities has been a priority. This is exemplified by consulting children in the drafting of the forthcoming Council of Europe Strategy on the rights of the child as well as in the development child friendly materials on Council of Europe standards. Children and young people were involved as experts by experience and as actors of change in several meetings and conferences. Finally, the Council of Europe supports a children and a young people’s initiative to prevent sexual violence against children, the “Our Voices” Project<sup>48</sup>.

96. The Recommendation on the participation of children and young people under the age of 18 guides member States in the implementation of Article 12 of the UN Convention on the Rights of the Child. As a next step, the Council of Europe Child Participation Assessment Tool has been developed to provide specific and measurable indicators to measure progress in implementing the Recommendation. Throughout 2014 and 2015, the tool has been tested in Estonia, Ireland and Romania. The outcomes from the testing phase will result in a finalised tool with accompanying materials enabling states to use the Child Participation Assessment Tool recurrently to measure progress over time. The next phase of implementation will focus on a regional approach to support member States in measuring progress on child participation through the use of the tool.

<sup>45</sup> See “Violence against girls and domestic violence”, page 22.

<sup>46</sup> [CM/Rec\(2007\)13](#).

<sup>47</sup> CM/Rec (2010)5.

<sup>48</sup> <http://www.beds.ac.uk/intcent/current-projects/our-voices>.

### *Protecting and empowering children in the media environment*

97. During the reporting period, the Committee of Ministers adopted two Recommendations that are highly relevant for the empowerment and protection of children in the digital environment: The Recommendation on the protection of human rights with regard to social networking services<sup>49</sup> calls for better protection against harmful content and behaviour. The Recommendation on a Guide to human rights for Internet users<sup>50</sup> promotes respect for existing human rights and fundamental freedoms in the context of Internet use. It also specifically states that children and young people are entitled to special protection and guidance when using the Internet.

98. Based on these and other legal standards, the Council of Europe continued to disseminate existing and develop new awareness raising tools for children, parents and teachers. The online game “Through the Wild Web Woods” is available in 27 languages. The Internet Literacy Handbook, a guide has been updated and adapted to the latest technological developments. Projects have been launched to develop a tablet application for elementary school children on safely navigating the Internet as well as to undertake participatory research on the digital lives of children with disabilities.

## **3. Co-operation with member States and other stakeholders**

99. The successful implementation of the Strategy would not have been possible without a multitude of committed and reliable partners. A multitude of joint events, projects and activities was realised thanks to efficient and trusting co-operation with member States and other institutional stakeholders such as the European Union, various UN bodies, regional organisations and a wide spectrum of NGOs.

### *Member States*

100. Co-operation with member States was facilitated through the Council of Europe Network of National Co-ordinators (former: Focal Points) on the Rights of the Child. The Network met one to two times per year and held general as well as thematic exchanges. The Network also served as a tool for the Secretariat to disseminate information. Consultations with the members of the Network showed, however, that its functioning was not found entirely satisfactory. The relatively informal nature of the Network and the lack of a clear mandate by the Committee of Ministers were perceived as reasons.

### *European Union and international organisations*

101. The European Commission and the FRA have been indispensable partners for the Council of Europe in moving forward the children’s rights agenda in EU member States and beyond. Co-operation ranged routine exchange of information and collaboration on concrete projects at working level to mutual attendance of events and political commitment at the highest levels. The “success story” of the co-operation in promoting the Guidelines on child-friendly justice is just one of the many areas of common concern.

102. The Council of Europe also profited from excellent relationships with many UN bodies. Contacts with UNICEF for the CEE/CIS region are intense at all levels: the CEE/CIS Regional Office in Geneva, the EU Liaison Office in Brussels and country offices in Council of Europe member States and

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<sup>49</sup> [CM/Rec\(2012\)4](#).

<sup>50</sup> [CM/Rec\(2014\)6](#).

neighboring countries in Central Asia. The UNSRSG on Violence against Children, Marta Santos Pais, has been a highly important partner in the Council of Europe's action in this area. Numerous events were organised jointly with the UNSRSG, which culminated in the Cross-regional round table of regional organisations for the elimination violence against children, held in June 2015 in Strasbourg. Furthermore, the Council of Europe was in regular exchange and organised a range of activities together with the UN Special Rapporteur on the sale of children, child prostitution and child pornography, with the UNHCR office in Strasbourg, and with the UN Committee for the Rights of the Child (see page 10).

103. Regional organisations such as the Council of Baltic Sea States (CBSS) and the Organisation of the Francophonie (OIF) were also active partners of the Council of Europe in implementing the Strategy. The co-operation with the CBSS focused particularly on the issues of child-friendly justice and of children at risk of losing parental care or in alternative care. A seminar for ombudspersons from French speaking countries worldwide was organised with the OIF in 2015 in Paris.

### *Nongovernmental Organisations*

104. Nongovernmental organisations (NGOs) have been a key partner in implementing the Strategy for the Rights of the Child. Umbrella organisations such as Eurochild, NGOs working at European or international level as well as national NGOs are involved in all stages of the Council of Europe's policy cycle. NGOs participate in the development of legal standards and policies, are important sources of information for monitoring mechanisms, act as partners in implementing projects on the ground and help to develop and disseminate awareness raising material as well as tools for professionals based on Council of Europe standards.

105. The Council of Europe Conference of INGOs played a more active role in the field of combating sexual violence of children. With a view to contributing to the Council of Europe Strategy for the Rights of the Child 2012-2015, the Conference of INGOs chose to focus on the ONE in FIVE Campaign to stop sexual violence against children and the Lanzarote Convention. A working group was set up within the Human Rights Committee of the Conference of INGOs. Given the wide range of practices and of legislation in Council of Europe member States, the group carries out its work in specific geographical areas and works with stakeholders in the sectors concerned.

106. A survey with NGOs gave the following results: 75% of the 34 respondents said that the Council of Europe Strategy for the Rights of the Child "had an impact on the work" of their organisation. Comments showed that some NGOs explicitly aligned their organisational strategy to that of the Council of Europe and events, including the high-level conferences, were referred to as useful for exchanging with other stakeholders on children's rights. 80% of respondents report using Council of Europe legal standards as reference documents and 80% reported having used information, awareness raising and campaign tools produced by the Council of Europe.

107. NGOs, however, seem to be less satisfied with the mechanisms of co-operation with the Council of Europe. 74% of respondents found that the current setup for co-operation with NGOs should be revisited under the next Strategy. Respondents referred to a need for more extensive exchange of information and good practice, both in formal and more informal settings. One suggestion was to create strategic partnerships between the Secretariat and national umbrella organisations advocating for children's rights in member States. A partnership of this kind with Eurochild and its national networks is currently being developed.

108. In certain fields, co-operation has been materialised in the contexts of projects, such as, with SOS – Children's Villages International, through the elaboration of a handbook on "Securing Children's Rights" as well with Defence for Children International (DCI), through the elaboration of the handbook

“Children Behind Bars”. Both handbooks aim at supporting professionals working directly with children. Long-term co-operation is envisaged in order to guarantee their wide dissemination and use across member States. Both projects are co-funded by the European Commission and thus provide a good example of how non-governmental organisations can build on the co-ordinated support of the Council of Europe and the European Commission.

#### 4. Concluding remarks

Much progress has been made during the reporting period in implementing children's rights standards and bringing the "pieces of the puzzle" together. However, huge challenges remain and more are coming to light, which will have to be taken up in the next Council of Europe Strategy for the Rights of the Child.

- The wide spectrum of thematic areas the Council of Europe was working on entails a certain risk not to achieve the necessary impact. Priority and more emphasis may have to be given to some areas in particular - at the expense of doing less in some other areas.
- New children's rights issues have come to the forefront, which haven't been considered a priority under the 2012-2015 Strategy: Children's rights in the digital environment, the effects of the economic crisis and austerity measures, and the current refugee crisis.
- The shift from standard setting to more emphasis on monitoring and implementation has worked, but there is much potential for continued efforts. There is a lack of data to evaluate in more detail whether and how standards are effectively applied at national, regional and local levels.
- The area of co-operation projects with member States has great potential, but needs streamlining and strategic orientation. More member States request co-operation than the organisation has resources to respond.
- There is a need to work closer with professional networks and educational institutions in order to achieve a greater impact and understanding of Council of Europe standards and tools.