

# A LIFE FREE FROM VIOLENCE FOR ALL CHILDREN

Report on action taken  
by the Council of Europe  
and member States

French edition :

*Une vie sans violence pour tous les enfants*

*Rapport sur les mesures prises  
par le Conseil de l'Europe  
et les Etats membres*

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## EXECUTIVE SUMMARY

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This report focuses on the third priority area of the Council of Europe Strategy on the Rights of the Child (2016-2021): “A life free from violence for all children”.

Part A of the report is dedicated to Council of Europe action within this Strategy priority area. It provides an overview of the mechanisms, standards and other tools across the Council of Europe, which play a role in tackling the various expressions and settings of violence against children. In particular, this part of the report focusses on the Council of Europe’s contribution to implementation of international standards relevant to violence against children and its promotion of an integrated approach to the protection from violence.

Part B is based on a survey conducted among Council of Europe member States in the last quarter of 2018 in the framework of intergovernmental activities carried out within the Ad hoc Committee for the Rights of the Child (CAHENF). The survey aimed to take stock of responses by member States to different forms of violence against children, notably through the development and implementation of integrated national strategies for the protection of children from violence, as defined by Council of Europe Recommendation CM/Rec(2009)10 on Policy Guidelines on integrated national strategies for the protection of children from violence (“Policy Guidelines” hereafter), as well as through other actions addressing specific forms of violence against children and violence in different settings at national level.

The report provides an analysis of the member States’ answers to the survey and confronts these answers with the operational and general principles set forth by the Policy Guidelines. Firstly, the commitment of member States to international standards to protect children from violence, as well as the existence of integrated strategies or other relevant integrated measures to tackle violence against children are assessed. Secondly, the content of such strategies or measures is analysed against the backdrop of principles such as the best interests of the child, child participation, non-discrimination and gender equality. The survey also aims at finding out how member States take into consideration the multidimensional nature of violence, by developing specific measures to tackle different forms and manifestations of violence, to address certain groups of children, or to develop measures adapted to specific settings in which violence may occur. In the final chapter of the report, particular attention is paid to member States’ efforts to tackle violence taking place within the family setting, the school environment, and in the institutional setting.

The report shows that important progress has been made since the adoption of the Policy Guidelines ten years ago. Today, a majority of the member States has significant measures in place, both at the legislative and at policy level, to protect children from violence. Areas in which the greatest progress can be seen are the domestic setting and the school environment, and there is a clear trend to focus on the digital environment in many member States. Also, with regard to services for children who are victims of sexual violence, steps taken by member States are noteworthy. A true understanding appears to have developed regarding the need to have a multi-stakeholder approach and an intersectoral cooperation in place to be able to provide children with adequate protection from violence and responses when it occurs.

At the same time, it is clear that children continue to fall victim of violence in Europe, and the battle is not yet won. There are many areas in which member States still have ample space for improvement, and where efforts need to be intensified. The Council of Europe Policy Guidelines on integrated national strategies for the protection of children from violence remain a highly relevant tool to assist member States in developing a strong and sustainable framework to protect children and to prevent and respond to violence against them. Ten years after their adoption, a reminder of their relevance appears timely.

This report also highlights a number of implementation measures taken by member States that could inspire others. There are surely many more such examples; those listed here stem from information provided by member States themselves. Making sure that member States become aware of concrete existing examples and providing opportunities to exchange experiences and learn from one another can represent an important step towards building stronger systems to protect all children in Europe from all forms violence.

## INTRODUCTION

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1. Since 2006, three consecutive Strategies have framed and guided the Council of Europe work on the Rights of the Child. The current Council of Europe Strategy on the Rights of the Child (2016-2021),<sup>1</sup> also called the “Sofia Strategy”, identifies five priority areas: Equal opportunities; Child participation; A life free from violence for all children; Child-friendly justice; and Rights of the child in the digital environment.
2. This report focusses on the third priority area: A life free from violence for all children. An overview of the mechanisms, standards and tools of the Council of Europe for the purpose of tackling violence against children, provided in Part A of this report, aims to highlight the action being taken at the Council of Europe.
3. Part B is based on a survey conducted among Council of Europe member States in the last quarter of 2018 in the framework of intergovernmental activities carried out within the Ad hoc Committee for the Rights of the Child (CAHENF) and its Group of Experts on responses to violence against children (CAHENF-VAC).
4. The survey, discussed in part B of this report, aimed to take stock of how member States are addressing both the phenomenon of violence and its manifestations in specific settings, using as a reference the Policy Guidelines on integrated national strategies for the protection of children from violence (included in the Council of Europe Recommendation CM/Rec(2009)10).<sup>2</sup> By the spring of 2019 (extended deadline), 38 member States had participated in the survey by providing consolidated national responses (often coming from different ministries and services) to a detailed questionnaire and by providing relevant documents and web links to national instruments.
5. The objectives of this report are twofold:
  - ▶ Firstly, the report illustrates the level of commitment by the Council of Europe and its member States to international and regional legal and policy instruments for the protection of children from violence, highlighting their relevance for the implementation of Agenda 2030 linked to the Sustainable Development Goals (SDG) and addressing in particular member States’ efforts to meet SDG target 16.2 “Ending abuse, exploitation, trafficking and all forms of violence against and torture of children”.<sup>3</sup>
  - ▶ Secondly, the report provides an overall view of states responses regarding the implementation of Priority area 3 of the Council of Europe Strategy for the Rights of the Child (“A life free from violence for all children”), in particular by:
    - assessing the implementation by member States of the Council of Europe Policy Guidelines on integrated national strategies for the protection of children from violence;<sup>4</sup>
    - addressing more targeted measures aimed at preventing and combating different forms violence against children in specific settings, namely violence against children in a) family settings, b) schools, and c) institutions.

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<sup>1</sup> See <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168066cff8>.

<sup>2</sup> The Policy Guidelines on integrated national strategies for the protection of children from violence will be explained in more detail in Part BII of this report.

<sup>3</sup> See <https://www.un.org/sustainabledevelopment/peace-justice/>

<sup>4</sup><https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046d3a0> .

### **Violence against children**

In accordance with Article 19 of the United Nations Convention on the Rights of the Child ("UNCRC" hereafter), "violence" is defined as including "all forms of physical or mental violence, injury and abuse, neglect and negligent treatment, maltreatment or exploitation, including sexual abuse".<sup>5</sup>

This definition covers the exposure of children to violence in the home and elsewhere. Violence is understood to occur not only between adults and children but also between children.

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<sup>5</sup> See <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

## PART A: COUNCIL OF EUROPE ACTION

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6. *In its 6<sup>th</sup> meeting,<sup>6</sup> the Ad hoc Committee for the Rights of the Child (CAHENF) approved the production of a comprehensive report on responses to violence against children, which includes an overview of the mechanisms and the work of the Council of Europe relating to this priority area. Part A of this report has been prepared in fulfilment thereof.*

### I. STANDARDS AND INSTRUMENTS OF THE COUNCIL OF EUROPE ON THE ELIMINATION OF VIOLENCE AGAINST CHILDREN

7. Since launching its Programme “Building a Europe for and with Children” in 2006, the Council of Europe has kept the rights of the child high in the organisation’s agenda, with the specific objective of mainstreaming children’s rights across all of its policies and interventions. As a result, states can now rely on standards and implementation tools to prevent and respond to violence in areas such as education, migration, youth, the digital environment, data protection, bioethics, health, justice, sport, social services, minorities and protection from torture. Issues addressed include sexual violence, corporal punishment, bullying, grooming, discrimination, domestic violence, gender-based violence and trafficking.

8. To guide this work, the Council of Europe has implemented strategies over a series of policy cycles. The current Strategy for the Rights of the Child (2016-2021) was adopted in April 2016. It was developed by a committee of experts (DECS-ENF) and its implementation has been guided by the CAHENF. The Strategy contains five priority areas for the rights of the child, one of which is a life free from violence for all children. To advance progress in this area, the Council of Europe has committed to undertaking specific actions to promote an integrated approach to protection from violence and protecting children from violence in various settings and forms. Three years after the launch of the Strategy, this report sets out a brief overview of the action taken so far.

9. The Council of Europe seeks to involve all relevant stakeholders in tackling violence against children, including intergovernmental and international bodies, such as the European Union and the United Nations, international and national non-governmental organisations, ombudspersons, particularly through the European Network of Ombudspersons for Children (ENOC), and children themselves. The Council of Europe carries out a number of co-operation activities within and across member States, as this report details.

10. A number of Conventions and monitoring mechanisms within the Council of Europe are of particular relevance to the protection of children against violence (selection):

#### The European Convention on Human Rights

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11. The European Convention on Human Rights<sup>7</sup> (ECHR) has been ratified by all 47 member States of the Council of Europe. The Convention secures fundamental civil and political rights for everyone within the jurisdiction of Council of Europe member States. Of particular relevance are Articles 3 (freedom from torture an inhuman or degrading treatment or punishment – which includes corporal punishment)<sup>8</sup> and 4 (freedom from slavery and forced labour). The European Court of Human Rights (ECtHR) is an international court which was established in 1959. It rules on individual or state applications which allege violations of the rights set out in the ECHR. Its judgments are accessible through the HUDOC database.<sup>9</sup>

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<sup>6</sup> Held 21-22 May 2019.

<sup>7</sup> Convention for the Protection of Human Rights and Fundamental Freedoms, ETS No. 005.

<sup>8</sup> See e.g. *A v. United Kingdom* (100/1997/884/1096).

<sup>9</sup> See <https://hudoc.echr.coe.int/eng#%20>.



## The European Social Charter

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12. The revised European Social Charter<sup>10</sup> (ESC) has been signed by 45 member States and ratified by 34. It contains an extensive catalogue of social and economic rights, some of which have particular relevance for children. Article 17(1)(b) ESC covers issues such as protection against violence (including corporal punishment in all forms and settings)<sup>11</sup> and exploitation of children.

13. The European Committee of Social Rights monitors Parties' compliance with the Charter, based on reports by Parties and collective complaints. The Committee makes conclusions on the basis of Parties' reports and decisions as to complaints lodged through the collective complaints procedure,<sup>12</sup> both of which are accessible through the European Social Charter's database (HUDOC-ESC).<sup>13</sup> For monitoring purposes, the Charter is divided into 4 thematic groups. Group No. 4 concerns children, families and migrants. The most recent Conclusions of the European Committee of Social Rights on this thematic group have been published for the year 2015.<sup>14</sup> The European Committee of Social Rights is currently in the process of adopting Conclusions on this thematic group, to be published in 2020.

## The Lanzarote Convention

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14. The Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse<sup>15</sup> (the Lanzarote Convention) entered into force in 2010. It has been signed by all 47 member States and ratified by 44.<sup>16</sup> The Convention provides that Parties shall establish specific legislation, structures and other necessary measures to:

- ▶ Prevent sexual violence against children;
- ▶ Protect child victims;
- ▶ Prosecute perpetrators, even when the crime is committed abroad; and
- ▶ Promote international cooperation to tackle sexual violence against children.

15. The Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Committee) was established to monitor implementation of the Convention by the Parties. It is also mandated to facilitate the collection, analysis and exchange of information, experience and good practices to improve capacity to prevent and combat sexual exploitation and sexual abuse. The Lanzarote Committee carries out thematic monitoring rounds through questionnaires to the Parties, as well as other relevant stakeholders, and monitors all Parties simultaneously, to produce implementation reports.

## The Convention on Action against Trafficking in Human Beings

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16. The Convention on Action against Trafficking in Human Beings<sup>17</sup> entered into force in 2008. It has been ratified by 46 member States and Belarus. The Convention contains a number of provisions which are particularly relevant for the protection of children against trafficking, including prevention measures (Articles 5(5) and 6) and special protection measures for child victims (Articles 10(4), 16(7) and 28(3)).

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<sup>10</sup> European Social Charter (Revised), ETS No. 163.

<sup>11</sup> See e.g. *Association for the Protection of all Children (APPROACH) v. France* (Complaint No. 92/3013).

<sup>12</sup> Under the Additional Protocol providing for a system of collective complaints, ETS No. 158. The Additional Protocol has been ratified by 15 member States.

<sup>13</sup> <https://hudoc.esc.coe.int/eng>.

<sup>14</sup> See further [here](#).

<sup>15</sup> CETS No. 201.

<sup>16</sup> Tunisia became the first non-member State of the Council of Europe to accede to the Convention on 15 October 2019.

<sup>17</sup> CETS No. 197.

17. Implementation of the Convention by Parties is evaluated by the Group of Experts on Action against Trafficking in Human Beings (GRETA). GRETA conducts country monitoring rounds through questionnaires, sent to both the Parties and civil society actors active in the field, and a visit to the country concerned. On this basis, it draws up country reports, which are considered by the Committee of the Parties - the Committee may adopt recommendations to the governments of the Parties concerned.

### **The Convention on Preventing and Combating Violence against Women and Domestic Violence**

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18. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)<sup>18</sup> entered into force in 2014 and has been ratified by 34 member States to date. Particular regard is given to violence against girls, including forced marriage and female genital mutilation (Articles 37, 38). The Convention requires that, if any of the offences are committed against or in the presence of a child, this shall be taken into consideration as an aggravating circumstance when determining the sentence (Article 46(d)). Moreover, the best interests of the child shall be a primary consideration when determining custody, visitation rights and the withdrawal of parental rights (Articles 31, 45). Special support services and protection measures for children should also be provided (Articles 22, 26, 56(2)). The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) monitors implementation of the Convention, through monitoring rounds and individual country reports.

### **The Cybercrime Convention**

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19. The Convention on Cybercrime (Budapest Convention)<sup>19</sup> is dedicated to crimes committed through the internet and other computer networks. It contains specific provisions on offences related to child pornography (Article 9). The Cybercrime Convention Committee (T-CY) aims to support implementation of the Convention and the exchange and sharing of good practices.

### **Other contribution by various institutions and bodies**

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20. The Council of Europe also creates legal standards relating to violence against children in the form of Recommendations adopted by the Committee of Ministers. Of particular relevance are the Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence.<sup>20</sup> The Parliamentary Assembly of the Council of Europe (PACE) regularly passes Resolutions and Recommendations (based on adopted reports); many of these texts have addressed issues of violence against children over the past years. These and other texts are discussed throughout Part A.

## **II. CONNECTING THE EUROPEAN AND THE GLOBAL AGENDAS TO STOP VIOLENCE AGAINST CHILDREN**

### **The UN Convention on the Rights of the Child**

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21. The UN Convention on the Rights of the Child (UNCRC) represents the most comprehensive international legal instrument for the political, social and cultural rights of the child. Complemented by its Optional Protocols on the sale of children, child prostitution and child pornography, on the involvement of children in armed conflict, and on a communications procedure, it provides a solid international legal framework for the rights and the protection of all children, including the right of the child to freedom from all forms of violence.<sup>21</sup>

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<sup>18</sup> CETS No. 210.

<sup>19</sup> ETS No. 185.

<sup>20</sup> CM/Rec(2009)10.

<sup>21</sup> UNCRC, Article 19.

22. Other notable United Nations standards and documents in this field include: the UN Secretary General's Study on violence against children;<sup>22</sup> the UN Committee on the Rights of the child's conclusions and other publications; the UN Special Representative of the Secretary-General on Violence against Children (SRSG) to prevent and address all forms of violence against children in schools' Global Report on tackling violence in schools<sup>23</sup> (following a high-level expert meeting on "Tackling violence in Schools" held jointly by the SRSG and the Council of Europe in 2011);<sup>24</sup> and the Guidelines for Alternative care of children,<sup>25</sup> among others.

23. The Council of Europe seeks to align all of its work on children's rights with the obligations laid out under the UNCRC, to ensure implementation and to take children's rights even further at the pan-European level.

## **The UN Agenda for Sustainable Development**

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24. In addition to these legal instruments, the UN has been instrumental in bringing its member States to commit to eliminating all forms of violence against children by 2030. Adopted in 2015, the 2030 Agenda for Sustainable Development<sup>26</sup> contains a number of targets that are particularly relevant for the elimination of violence against children, in particular Target 16.2 "ending the abuse, exploitation, trafficking and all forms of violence against and torture of children".

25. The Council of Europe contributed to the process which led to the adoption of the 2030 Agenda and is fully committed to support its implementation through its efforts to protect and promote human rights, democracy and the rule of law. As seen, several Council of Europe conventions are of particular relevance for the protection of children from violence. They complement UN standards, "upgrading" states' commitments and reviewing their implementation through various monitoring mechanisms. Additional guidance is offered through non-binding legal instruments and tools (for instance, though handbooks for professionals, awareness-raising materials and training kits). A mapping exercise of the relevant UN SDGs and targets, alongside priority actions planned under the third pillar (a life free from violence against all children) of the Council of Europe Strategy for the Rights of the Child (2016-2021), is provided below.

## **Integrated approaches to violence**

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26. The UN Committee on the Rights of the Child's General Comment 13 addresses violence against children (Article 19 CRC) and provides guidance on overcoming isolated, fragmented and reactive initiatives to address child protection, proposing comprehensive and coordinated protection measures.<sup>27</sup>

27. In November 2009, the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec(2009)10, with the aim of promoting integrated approaches, in national legislation, policy and practice, to protecting children from violence. The Recommendation, which was made in the light of findings and recommendations contained in the UN Global Study on Violence against Children<sup>28</sup> and an in-depth policy review undertaken in four Council of Europe member States, acknowledged that violence against children "exists in every state and cuts across boundaries of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, state of health, disability or other status".

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<sup>22</sup> Paulo Sérgio Pinheiro (2006). World report on violence against children. See also the UN Special Representative of the Secretary-General on Violence against Children (2013), *Toward a world free from violence: Global survey on violence against children*.

<sup>23</sup> UN Special Representative of the Secretary-General on Violence against Children (2012) *Tackling violence in schools: A global perspective – Bridging the gap between standards and practice*.

<sup>24</sup> See Council of Europe (2011), *Tackling violence in schools: High-level expert meeting co-organised by the Government of Norway, the Council of Europe and the UN Special Representative of the Secretary-General on Violence against Children – Final report of the meeting*.

<sup>25</sup> Resolution 64/142, adopted by the UN General Assembly (24 February 2010).

<sup>26</sup> See <https://sustainabledevelopment.un.org/>.

<sup>27</sup> UN Committee on the Rights of the Child, General Comment 13 (2011): *The right of the child to freedom from all forms of violence*.

<sup>28</sup> See Paulo Sérgio Pinheiro (2006). World report on violence against children.

28. In the 2013 report of the SRSG on Violence against Children, "Towards a world free from violence", the importance of a "multi-faceted and systematic framework to respond to violence against children" is emphasised and it is recommended that a "national strategy, policy or plan of action on violence against children with realistic and time-bound targets, coordinated by an agency with the capacity to involve multiple sectors in a broad-based implementation strategy, should be formulated".<sup>29</sup> The SRSG on Violence against Children also makes this overarching recommendation a priority in her support to efforts towards the implementation of the 2030 Sustainable Development Agenda.<sup>30</sup>

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<sup>29</sup> Special Representative of the Secretary-General on Violence against Children (2013), Toward a world free from violence: Global survey on violence against children, p54.

<sup>30</sup> The recommendation reads: "the development in each state of a national comprehensive strategy to prevent and respond to all forms of violence, mainstreamed in the national planning process, coordinated by a high level focal point with leading responsibilities in this area, supported by adequate human and financial resources to support implementation, and effectively evaluated". See <https://violenceagainstchildren.un.org/content/overarching-priorities>. The SRSG has a longstanding cooperative relationship with the Council of Europe, and was involved in the preparation of CM/Rec(2009)10.

## Mapping of the UN SDGs and the Council of Europe Strategy for the Rights of the Child (2016-2021)<sup>31</sup>

| SDG  | Targets relevant to a life free from violence for all children   | Relation to the CoE Strategy  |
|--|--|---|
| 4. Quality education                       | 4.7 Ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including promotion of a culture of peace and non-violence                          | <b>3.4 Protecting children from violence in various settings and forms</b><br>[48] Addressing violence in schools, strengthening the role of education  |
|  | 4.A Build and upgrade education facilities that provide safe, nonviolent learning environments for all   |   |
| 5. Gender equality                         | 5.2 Eliminate all forms of violence against all women and girls in public and private spheres, including trafficking and sexual and other types of exploitation                              | <b>3.4 Protecting children from violence in various settings and forms</b><br>[49] Protecting girls from gender-based violence  |
|  | 5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation  |   |
| 8. Decent work and economic growth         | 8.7 Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour | <b>3.4 Protecting children from violence in various settings and forms</b><br>[50] Protecting children from trafficking and related violence  |
| 16. Peace, justice and strong institutions | 16.1 Significantly reduce all forms of violence and related deaths everywhere  | <b>3.1 Promoting an integrated approach to protection from violence</b><br>[43] Development of solid legal, policy and institutional frameworks<br><br><b>3.2 Combating sexual exploitation and abuse</b><br><br><b>3.3 Eliminating corporal punishment</b><br><br><b>3.4 Protecting children from violence in various settings and forms</b> |
|  | 16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children  |   |
|  | 16.A Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels to prevent violence   |   |
| 17. Partnerships for the goals             | 17.18 Enhance capacity building to increase significantly the availability of high-quality, timely and reliable disaggregated data   | <b>3.1 Promoting an integrated approach to protection from violence</b><br>[43] Promoting development of a national research agenda to prevent, address and respond to violence against children  |

<sup>31</sup> Extracted from Council of Europe (2019), Mid-term Evaluation Report of the Council of Europe Strategy for the Rights of the Child (2016-2021).

### III. PROMOTING AN INTEGRATED APPROACH TO PROTECTION FROM VIOLENCE

#### Policy Guidelines on integrated national strategies

29. The Council of Europe Policy Guidelines<sup>32</sup> are based upon eight general principles and four operative principles, which have been mainstreamed throughout national, regional and local action, education and awareness-raising measures, legal, policy, and institutional frameworks, research and data collection. The principles are:

| <u>General principles</u>  |   | <u>Operational principles</u>          |
|--|---|--|
| 1. <u>Protection against violence</u>                            | 5. <u>Child participation</u>                         | 1. Multidimensional nature of violence |
| 2. <u>The right to life and maximum survival and development</u> | 6. <u>A state's obligations</u>                       | 2. Integrated approach                 |
| 3. <u>Non-discrimination</u>                                     | 7. <u>Other actors' obligations and participation</u> | 3. Cross-sectoral cooperation          |
| 4. <u>Gender equality</u>  | 8. <u>Best interest of the child</u>                  | 4. <u>Multi-stakeholder approach</u>   |

30. Three core elements of the Policy Guidelines also stand out as of particular importance:

► **The development of an integrated national strategy for the protection of children from violence**

The strategy should have a specific time frame, outline realistic targets, be supported by adequate human and financial resources, and be coordinated and monitored by a single agency. By "integrated" (Operational Principle 2), it is intended that the approach to address violence against children be holistic, taking into account the combination of different factors in society which make it possible for violence to occur in different forms (Operational Principle 1), and also providing a comprehensive response to violence that includes all relevant disciplines and sectors, and all levels of society (local, regional, national) (Operational Principles 3 and 4).

► **The setting up of child-friendly services and mechanisms**

Such services and mechanisms shall safeguard the equal rights of all children (General Principles 3 and 4) and pursue the best interest of the child (General Principle 8). They should also listen to and take into account the point of view of children (General Principle 5). Only by engaging in a true dialogue with children and building a culture of respect for their views can services and mechanisms respond to the actual needs of children.

► **The establishment of mandatory reporting of violence against children**

Any mandatory reporting mechanisms should include all relevant professional groups working with and for children and cover all forms and incidents of violence against children. In national contexts where mandatory reporting procedures are controversial, reporting should at least be strongly encouraged, including through legislation to protect reporting professionals where needed.<sup>33</sup> Under-reporting of

<sup>32</sup> CM/Rec(2009)10.

<sup>33</sup> The Parliamentary Assembly Resolution 1980(2014) on Increasing the reporting of suspected sexual abuse of children provides some interesting guidance in this respect.

violence against children, in particular sexual violence, remains one of the major challenges to effectively protect children from violence (General Principle 1) and guarantee their healthy development (General Principle 2). Often, children do not disclose that they are victims of violence and having adults around who can detect the signs of violence and take the responsibility to report it is fundamental to protecting children.

Importantly, any legal and policy measures established to protect children from violence should also clearly set forth the state's and other relevant stakeholders' responsibility in effectively implementing such measures and guaranteeing that their impact is being monitored and evaluated (General Principles 6 and 7).

## Promotion of integrated strategies under the Strategy 2016-2021<sup>34</sup>

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### *Development of integrated strategies*

**Strategy:** [43] *Addressing violence against children calls for an integrated and strategic approach (...) The Council of Europe will support member States in implementing the Committee of Ministers Recommendation on integrated national strategies for the protection of children from violence (...) The Council of Europe will act as a clearing house providing access to existing national strategies in this field and providing a platform for peer-to-peer support in their development, implementation and review, including on data collection, at national, regional and local levels.*

31. The Council of Europe has continued its work to promote an integrated and strategic approach to addressing violence against children under the Children's Rights Strategy (2016-2021). A Clearinghouse platform on responses to violence against children<sup>35</sup> has been launched, which provides access to existing national strategies in the field and a platform for peer-to-peer support in their development, implementation and review at national, regional and local levels. Specific tools were developed to establish an enabling environment for operating "Barnahus" (Children's Houses) through country projects.

32. The Council of Europe has provided technical assistance and support to member States in the development of integrated responses to violence against children through a number of projects and initiatives, including:

- ▶ **Ukraine:** project on "Combating violence against women and children in Ukraine (2017-2018)
- ▶ **Georgia:** Technical expert advice on the Georgian draft Child Rights Code and the draft Human Rights National Action Plan of the Government of Georgia (2018-2019).

### *Supporting the 2030 Agenda*

33. The Parliamentary Assembly of the Council of Europe passed a resolution in 2019 on Ending violence against Children: A Council of Europe contribution to the Sustainable Development Goals.<sup>36</sup> It recognises Target 16.2 to end abuse, exploitation, trafficking and all forms of violence against and torture of children as "one of the most important goals of all" and "one of the top targets for which the contribution of the Council of Europe (...) will prove most valuable". It calls on member States to ensure structures are effectively in place to tackle violence against children, including a national action plan on the implementation of the 2030 Agenda, and an integrated national strategy on addressing violence against children.

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<sup>34</sup> Extracted from the Mid-term Evaluation Report of the Council of Europe Strategy for the Rights of the Child (2016-2021).

<sup>35</sup> See <https://www.coe.int/en/web/children/clearinghouse-on-responses-to-violence-against-children>.

<sup>36</sup> Resolution 2294(2019).

## Content and implementation of integrated strategies

**Strategy:** [43] *The Council of Europe will contribute to the elimination of violence against children in all settings and in particular in the fields of education, media, justice, equality, family, migration, alternative care, and children with disabilities.*

34. The Strategy sets out the Council of Europe's aim to contribute to the elimination of violence in all settings and contexts. The following table highlights action taken so far in these fields:

| Field  | Action taken? | Example of specific output(s)   |
|--|---------------|---|
| Education  | ✓             | <ul style="list-style-type: none"> <li>- Outputs from the "Human Rights and Democracy in Action" pilot projects scheme</li> <li>- Free to Speak – Safe to Learn campaign</li> <li>- Dissemination of the video clip "Beat Bullying"</li> <li>- Translation, dissemination and promotion of the manual "Addressing violence in schools"</li> </ul>   |
| Media (and information and communication technologies, ICTs) | ✓             | <ul style="list-style-type: none"> <li>- No Hate Speech Movement</li> <li>- Free to Speak – Safe to Learn campaign</li> <li>- Publication – Media regulatory authorities and hate speech (2017)</li> <li>- Conference – Addressing hate speech in the media (2018, Zagreb)</li> <li>- Lanzarote Committee Opinion on the applicability of the Convention to sexual offences facilitated through ICTs and Opinion on sexually suggestive or explicit images and/or videos generated, shared and received by children</li> <li>- Lanzarote Committee Declaration on web addresses advertising child sexual abuse material or images or any other offences</li> <li>- Lanzarote Committee second thematic monitoring round on the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)</li> <li>- End Online Child Sexual Exploitation and Abuse @ Europe project (2018-2020)</li> </ul> |
| Justice  | ✓             | <ul style="list-style-type: none"> <li>- Continued promotion of the Guidelines on Child-Friendly Justice</li> <li>- GRETA monitoring round on access to justice and remedies for victims of trafficking in human beings</li> <li>- Country projects in Slovenia and Ukraine on Barnahus/Children's Houses</li> </ul>  |
| Equality   | ✓             | <ul style="list-style-type: none"> <li>- No Hate Speech Movement</li> <li>- Free to Speak – Safe to Learn Campaign</li> <li>- PACE Resolution 2159(2017) on Protecting refugee women and girls from gender-based violence</li> <li>- Factsheet on protecting the rights of migrant, refugee and asylum-seeking women and girls</li> <li>- Leaflet on the Istanbul Convention and children's rights</li> <li>- PACE report on "Female genital mutilation in Europe" (2016)</li> <li>- Analysis of the legal situation on combating and preventing FGM and forced marriage (2016)</li> </ul>  |



|                            |   |  |
|----------------------------|---|--|
|                            |   | - Report – Safe at school: Education sector responses to violence based on sexual orientation, gender identity/expression or sex characteristics in Europe (2018)  |
| Family                     | ✓ | - Establishing and updating the repository of good practices promoting non-violent parenting<br>- Leaflet on the Istanbul Convention and children’s rights   |
| Migration                  | ✓ | - PACE Resolution 2295(2019) to Stop violence against, and exploitation of, migrant children<br>- GRETA thematic monitoring chapter on children and trafficking and all country reports of the 2 <sup>nd</sup> evaluation round<br>- GRETA urgent monitoring report on victims of trafficking among unaccompanied children<br>- Special reports of the Lanzarote Committee on children affected by the refugee crisis at transit zones at the Hungarian/Serbian border |
| Alternative care           | ✓ | - Lanzarote Committee Declaration on protecting children in out-of-home care from sexual exploitation and sexual abuse<br>- Promotion and dissemination of the handbook on Securing Children’s Rights: A guide for professionals working in alternative care<br>- Technical assistance to assess existing legislation for responding to child abuse cases in alternative care institutions (Ukraine)   |
| Children with disabilities | ✓ | - Council of Europe Disability Strategy (2017-2023) chapter on violence  |

#### IV. PROTECTING CHILDREN FROM VIOLENCE IN SPECIFIC SETTINGS

35. During the elaboration of the survey underlying this report, the members of the Council of Europe’s expert group on violence against children (“CAHENF-VAC”, a sub-group of the CAHENF expressed the wish to focus on a few specific settings in which violence against children occurs. The group agreed on three: the family setting, the school environment and the institutional setting, which includes care and health institutions or detention facilities. Accordingly, this sub-section focuses on the Council of Europe’s action, including the action taking so far under the Strategy (2016-2021), in these three settings.

##### Violence against children in family settings

36. **Corporal punishment** of children, including in the home setting, is considered a violation of children’s right to freedom from torture or degrading and inhumane treatment (Article 3 ECHR)<sup>37</sup> and children’s right to protection against violence under Article 17(1)(b) ESC.<sup>38</sup> The Parliamentary Assembly passed a resolution in 2004 on a Europe-wide ban on Corporal Punishment,<sup>39</sup> while the Committee of Ministers have adopted a Recommendation on policy to support positive parenting.<sup>40</sup> The Council of Europe Commissioner for Human Rights has published several papers on the topic, making clear that corporal punishment should be abolished in all settings.<sup>41</sup>

<sup>37</sup> *A v. United Kingdom* (100/1997/884/1096).

<sup>38</sup> See e.g. *Association for the Protection of all Children (APPROACH) v. France* (Complaint No. 92/3013).

<sup>39</sup> Recommendation 1666(2004).

<sup>40</sup> CM/Rec(2006)19.

<sup>41</sup> See e.g. Council of Europe Commissioner for Human Rights (2010), Positions on children’s rights; Council of Europe Commissioner for Human Rights (2008), Issue Paper on children and corporal punishment: “The right not to be hit, also a children’s right”.

37. The Council of Europe has undertaken numerous efforts to monitor progress and has partnered with the Global Initiative to End All Corporal Punishment of Children<sup>42</sup> to this end. Guidelines for European parliaments on how to reform their laws<sup>43</sup> and a “Questions and answers” booklet<sup>44</sup> have been developed. The Council of Europe has run a highly successful campaign against corporal punishment, “Raise your hand against smacking!”.<sup>45</sup> Through the campaign, numerous awareness-raising and educational tools have been developed.

38. The Lanzarote Convention provides obligations for tackling **child sexual exploitation and abuse** in all circumstances, including in the family or home setting. Notably, under Article 28(d) of the Convention, Parties are obliged to take necessary legislative or other measures to ensure that, where an offence is committed by a member of the family, a person cohabiting with the child or a person having abused his or her authority, this shall be taken into consideration as an aggravating circumstance in the determination of sanctions. The Lanzarote Committee’s first thematic monitoring round was based on the protection of children against sexual abuse in the circle of trust. In 2015, the Committee published its first implementation report on member State frameworks for protecting children therein.<sup>46</sup> On the occasion of the first European Day on the protection of Children against Sexual Exploitation and Sexual Abuse (18 November 2015), the Council of Europe launched an awareness-raising video on sexual abuse committed within the circle of trust, “Tell Someone You Trust”.<sup>47</sup> An accompanying brochure is also available.

39. **Domestic violence witnessed by or against children** is covered by the Istanbul Convention. The Convention introduces a number of criminal offences for physical, sexual and psychological violence, for which harsher sentences are required when the offence is committed against or in the presence of a child.

### *Action under the Strategy 2016-2021<sup>48</sup>*

**Strategy** [47] *The Council of Europe will continue to promote the effective elimination of corporal punishment and other cruel or degrading forms of punishment of children in all settings, including within the home (...) Member States will be supported in legal reform to achieve a full ban and in attaining higher collective awareness about children’s right to equal protection from assault, the dangers of violent punishment, as well as in promoting non-violent discipline and positive upbringing in line with the Recommendation on policy to support positive parenting*

40. The Council of Europe has continued to promote the effective elimination of **corporal punishment** and other cruel or degrading forms of punishment of children in all settings, including within the home. In particular, it has promoted non-violent discipline and positive upbringing, in line with the Recommendation on policy to support positive parenting,<sup>49</sup> through the development of a repository of good practices and tools promoting non-violent parenting.<sup>50</sup> The repository currently contains 56 practices from 13 member States.<sup>51</sup>

41. Action has been taken to follow up on the relevant findings of the European Committee of Social Rights. In 2016, and following the 2015 Conclusions, the PACE held a Parliamentary seminar

<sup>42</sup> <http://www.endcorporalpunishment.org/>.

<sup>43</sup> Council of Europe (2008), Off the books! Guidance for Europe’s parliaments on law reform to eliminate corporal punishment. Available in English, French and Macedonian.

<sup>44</sup> Council of Europe (2007), Abolishing corporal punishment of children – Questions and answers. Available in Armenian, Croatian, English, Estonian, French, Greek, Italian, Lithuanian, Macedonian, Polish, Portuguese, Romanian, Russian, Serbian, Slovakian, Slovenian, Spanish, Turkish.

<sup>45</sup> See [https://www.coe.int/en/web/children/corporal-punishment#%2212441097%22:\[4\]](https://www.coe.int/en/web/children/corporal-punishment#%2212441097%22:[4]).

<sup>46</sup> Lanzarote Committee (2015), 1st Implementation Report: Protection of children against sexual abuse in the circle of trust: The framework.

<sup>47</sup> See <http://www.coe.int/en/web/children/-/tell-someone-you-trust>.

<sup>48</sup> Extracted from the Mid-term Evaluation Report of the Council of Europe Strategy for the Rights of the Child (2016-2021).

<sup>49</sup> CM/Rec(2006)19.

<sup>50</sup> See <https://www.coe.int/en/web/children/repository-of-good-practices>.

<sup>51</sup> Belgium, Bulgaria, Estonia, Finland, France, Germany, Malta, Norway, Romania, Slovak Republic, Sweden, Switzerland, United Kingdom (Northern Ireland).

on "the right of children and young people to social, legal and economic protection" to address the issues of children at work and corporal punishment within the member States concerned, with the aim of discussing remaining challenges and good practice examples.

42. To provoke a change in the social norms that condone or tolerate punishment, the Council of Europe continues to promote targeted campaign and educational material, particularly those relating to the "Raise your hand against smacking!" campaign. The material is currently available in 19 languages<sup>52</sup> and accessible through the Children's Rights webpage.

**Strategy [44]** *The Council of Europe will promote, monitor and support the implementation of the Council of Europe treaties aiming at preventing and addressing the various forms of sexual violence against children.*

43. The Lanzarote Committee has continued its work on protecting **children from sexual exploitation and abuse within the circle of trust**. The Convention's second implementation report, published in 2018, focuses on strategies for the protection of children against sexual abuse in the circle of trust. The "Tell Someone You Trust" video is currently available in 17 languages<sup>53</sup> and continues to be promoted.

44. More broadly, effort has been aimed at the ratification of the Lanzarote Convention by all member States. Since 2016, five further member States have ratified the Convention, with the remaining three taking concrete steps to enhance their ratification process.<sup>54</sup> Tunisia has also acceded to the Convention as a non-member State.

45. To mitigate against concerns regarding the accuracy of monitoring reports, which are based primarily on governmental submissions, the Committee has invested in checking information submitted by states, including through NGOs and other stakeholders: a revision in its rules of procedure<sup>55</sup> has strengthened NGO participation in monitoring rounds. It has also produced guidelines for implementation of child participation by states and other stakeholders within their contributions to the second monitoring round.<sup>56</sup>

46. The Committee has also continued its role as a platform for capacity building and collection of good practices: including through the organisation of numerous events and conferences.<sup>57</sup>

47. Three annual European Days on the Protection of Children against Sexual Exploitation and Sexual Abuse have been celebrated on 18 November since 2016. The days have been dedicated to raising awareness, sharing good practices and promoting ratification. The 2019 edition is themed "empowering children to stop sexual violence".<sup>58</sup> The Parliamentary Assembly has continued activities in this field through the PACE Network of Contact Parliamentarians to stop sexual violence against children. It has co-operated during each European Day through a number of awareness-raising and promotional initiatives.

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<sup>52</sup> Armenian, Croatian, English, Estonian, French, Greek, Hungarian, Italian, Lithuanian, Macedonian, Polish, Portuguese, Romanian, Russian, Serbian, Slovakian, Slovenian, Spanish, Turkish.

<sup>53</sup> Albanian, Catalan, Croatian, English, Estonian, French, Greek, Icelandic, Italian, Latvian, Polish, Portuguese, Russian, Slovak, Slovenian, Spanish, Ukrainian.

<sup>54</sup> Armenia, Azerbaijan and Ireland.

<sup>55</sup> Lanzarote Committee Rules of Procedure: adopted by the Committee at its 2nd meeting (29-30 March 2012) and revised by the Committee at its 14th meeting (15-17 March 2016).

<sup>56</sup> Lanzarote Committee (2019), Guidelines for implementation of child participation in the 2<sup>nd</sup> thematic monitoring round of the Lanzarote Convention on "The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)".

<sup>57</sup> See [https://www.coe.int/en/web/children/good-practices#{%2212443521%22:\[\]%7D}](https://www.coe.int/en/web/children/good-practices#{%2212443521%22:[]%7D).

<sup>58</sup> See <https://www.coe.int/en/web/children/2019-edition>.

48. The Council of Europe has provided support to member States in tackling sexual exploitation and sexual abuse of children, including in the family setting, through a number of initiatives and projects, including:

- ▶ **Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Serbia, Turkey and Ukraine** (focus countries): End Online Child Sexual Abuse @ Europe (2018-2020) (supported by the Fund to End Violence against Children)
- ▶ Armenia: Legal expert opinion on Armenian legislation with regard to the obligations under the Lanzarote Convention (2019)
- ▶ **Georgia**: Project on "Responding to child sexual exploitation and abuse in Georgia, Phase I (2017-2019)
- ▶ **Moldova**: Project on "Protecting children from sexual exploitation and sexual abuse in Moldova" (2018-2020)
- ▶ **Slovenia**: joint EU-Council of Europe project on "Barnahus/Children's House" in Slovenia (2019)
- ▶ **Ukraine**: Project on "Combating violence against women and children in Ukraine" (2017).

**Strategy** [49] *The Council of Europe will encourage all its member States to sign, ratify and implement effectively the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), in particular through the work of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), with a view to (...) apply the convention to all child victims of domestic violence*

49. Since 2016, 15 further member States have ratified the Istanbul Convention, bringing the current total to 34. In 2019, GREVIO published a leaflet which highlights the applicability of the Istanbul Convention to child victims of **domestic violence**.<sup>59</sup> More broadly, GREVIO adopted its first monitoring round on legislative and other measures giving effect to the provisions of the Istanbul Convention in 2016. Country monitoring reports have been adopted for 9 member States, and 8 further member States have submitted reports as part of an ongoing evaluation.

### **Violence against children in schools**

50. The Council of Europe Charter on Education for Citizenship and Human Rights Education<sup>60</sup> seeks to contribute to the prevention of violence in schools, particularly bullying and harassment, through educational measures. It has been adopted by all member States. In 2011, the Parliamentary Assembly adopted a resolution on education against violence in school,<sup>61</sup> which provides guiding principles for member States to adopt in their efforts to beat bullying.

51. Numerous awareness-raising and educational tools have been developed in relation to democratic citizenship and human rights, including child-friendly materials<sup>62</sup> and a video clip "Beat Bullying".<sup>63</sup> The Directorate of Democratic Citizenship and Participation also provides training for teachers. Other actions include the "No Hate Speech Movement",<sup>64</sup> which targets hate speech among young people both on- and offline.

<sup>59</sup> Council of Europe (2019), Convention on Preventing and Combating Violence against Women and Domestic Violence: Children's rights. The leaflet focusses on gender-based violence against girls.

<sup>60</sup> CM/Rec(2010)7.

<sup>61</sup> Resolution 1803(2011).

<sup>62</sup> See <https://www.coe.int/en/web/edc/charter-for-all>.

<sup>63</sup> See <https://www.coe.int/en/web/edc/beat-bullying>.

<sup>64</sup> See <https://www.coe.int/en/web/no-hate-campaign/no-hate-speech-movement>.

## Action under the Strategy 2016-2021<sup>65</sup>

**Strategy [48]** *The Council of Europe will continue to address the issue of violence in schools, notably on the basis of the Council of Europe Charter on Education for Citizenship and Human Rights Education.*

52. The Council of Europe has continued to address the issue of violence in schools under the Strategy. In particular, action has been carried out on the basis of the Council of Europe Charter on Education for Citizenship and Human Rights Education, including materials resulting from the “Human Rights and Democracy in Action” pilot projects scheme. The multi-lateral state project, jointly-funded by the European Union and Council of Europe, has developed several publications and tools, including:

- ▶ A strategy and tools for teacher and teacher trainings on developing competences for democratic culture in the digital era,<sup>66</sup>
- ▶ A training tool for school leaders/senior managers on handling controversial issues in and beyond the schools,<sup>67</sup>
- ▶ A report on educational policies and practices to address and prevent violence in school.<sup>68</sup>

53. A three-volume Reference framework of competences for democratic culture was completed in 2018, which is adapted for use in primary and secondary schools, as well as national curricula and teaching programmes.<sup>69</sup> The Council of Europe has supported awareness-raising actions and campaigns on democratic citizenship and human rights education, notably through the “Free to Speak – Safe to Learn: Democratic Schools for all” campaign. The campaign aims to raise awareness, collect and showcase good practices, and provide tools to support schools to implement human rights and democratic citizenship education.<sup>70</sup>

**Strategy [48]** *Pursuing a transversal approach, the Council of Europe will support strengthening the role of education in preventing specific forms of violence such as bullying in schools, homophobic bullying, cyber-bullying, and violence linked to radicalisation*

54. The Strategy provided the aim of strengthening the role of education in preventing specific forms of violence, such as bullying in schools, homophobic bullying, cyber-bullying, and violence linked to radicalisation. The following table provides a sample of relevant measures taken since 2016:

| Specific form of violence | Action to strengthen the role of education in prevention  |
|---------------------------|---|
| Bullying in schools       | <ul style="list-style-type: none"> <li>- Publication – Bullying: Perspectives, practice and insights (2017)</li> <li>- Publication – Addressing violence in schools (2016)</li> <li>- Resources platform on preventing violence and bullying (Free to Speak – Safe to Learn)</li> <li>- Training of 21 pilot schools on anti-bullying (2019)</li> </ul> |
| Homophobic bullying       | <ul style="list-style-type: none"> <li>- Publication – Safe at school: Education sector responses to violence based on sexual orientation, gender identity/expression or sex characteristics in Europe (2018)</li> </ul>  |

<sup>65</sup> Extracted from the Mid-term Evaluation Report of the Council of Europe Strategy for the Rights of the Child (2016-2021).

<sup>66</sup> Council of Europe (2017), Developing competences for democratic culture in the digital era: Strategy paper.

<sup>67</sup> Council of Europe (2017), Managing controversy: Developing a strategy for handling controversy and teaching controversial issues in schools.

<sup>68</sup> Council of Europe (2017), Addressing violence in schools through education for democratic citizenship and human rights education.

<sup>69</sup> Council of Europe (2018), Reference framework of competences for democratic culture - Volume 1: contexts, concepts and mode; Volume 2: Descriptors; Volume 3: Guidance for implementation.

<sup>70</sup> See further <https://www.coe.int/en/web/campaign-free-to-speak-safe-to-learn/what-the-campaign-will-do>.

|                                   |   |
|-----------------------------------|---|
|                                   | <ul style="list-style-type: none"> <li>- Resources platform on tackling discrimination (Free to Speak – Safe to Learn)</li> <li>- No Hate Speech Movement</li> </ul>  |
| Cyber-bullying                    | <ul style="list-style-type: none"> <li>- No Hate Speech Movement</li> <li>- PACE Resolution 22144(2017) on Ending cyber-discrimination and online hate</li> <li>- Publication – Digital Citizenship Handbook (2019)</li> </ul>  |
| Violence linked to radicalisation | <ul style="list-style-type: none"> <li>- PACE Resolution 2103(2016) on Preventing the radicalisation of children and young people by fighting the root causes</li> <li>- Reference framework of competences for democratic culture Volume 3 (2018), Chapter 6 building resilience to radicalisation leading to violent extremism and terrorism</li> <li>- Publication – Students as suspects? The challenges of counter-radicalisation policies in education in the Council of Europe member States (2017)</li> </ul> |

55. The No Hate Speech Campaign underwent its second phase in 2016-17, reaching up to 100,000 social media users across 45 countries on each of the campaign’s action days. The campaign has continued beyond 2017 through national campaign committees in 43 states. The “Free to Speak – Safe to learn campaign also focuses on addressing controversial issues to promote tolerance and human rights, prevent violence and deal with propaganda. Finally, the Parliamentary Assembly adopted a Resolution and Recommendation on ending cyber-discrimination and online hate, which recognise that children are particularly vulnerable to the negative effects of both.<sup>71</sup>

56. To promote digital literacy and citizenship skills, the Council of Europe has launched a pan-European project on digital citizenship education,<sup>72</sup> which builds on the achievements of the programme on Education for Democratic Citizenship and Human Rights Education. The project was based on a multi-stakeholder process, literature review and exchange of good practices. It has developed a set of 10 descriptors for democratic citizenship education competency and publication of a Handbook on digital citizenship education,<sup>73</sup> which is targeted at learners, teachers, parents and school managers, in particular. Digital citizenship education is also promoted in the Guidelines to respect, protect and fulfil the rights of the child in the digital environment.<sup>74</sup>

### Violence against children in institutions

57. The Recommendation on the rights of children living in residential institutions<sup>75</sup> provides guiding principles whenever a child is placed in **alternative care**, and particularly in a **residential institution**. It emphasises that the rights of children placed outside the family are to be fully respected: particularly the right to conditions of humane and non-degrading treatment and non-violent upbringing, such as protection against corporal punishment and all forms of abuse.<sup>76</sup> For children with disabilities, the Recommendation on deinstitutionalisation and community living of children with disabilities<sup>77</sup> calls on member States to take measures to replace institutional care with community-based services. It does so recalling member States’ commitment to eradicate all forms of violence against children.

<sup>71</sup> Resolution 2144(2017), paragraph 7.4.2.

<sup>72</sup> See, <https://www.coe.int/en/web/digital-citizenship-education/digital-citizenship-education-project>

<sup>73</sup> Council of Europe (2019), Manual on Education for Digital Citizenship.

<sup>74</sup> CM/Rec(2018)7, Chapter 3.5. The Guidelines provide Member States with global and comprehensive guidance on, inter alia, protecting children from risks, including violence, in the digital environment and enhancing their resilience to these risks.

<sup>75</sup> CM/Rec(2005)5.

<sup>76</sup> Paragraph 2. “specific rights for children living in residential institutions” (8th indent).

<sup>77</sup> CM/Rec(2010)2.

58. Educational materials have been developed with SOS Children's Villages International to empower and inform children living in alternative care about their rights<sup>78</sup> and to provide guidance and tools for professionals who work with children in care.<sup>79</sup>

59. The Council of Europe has numerous standards, mechanisms and tools for the purpose of protecting **children in detention**. In the first place, it does so by emphasizing that detention of children should be a last resort only, and for the shortest possible length of time; particularly in relation to pre-trial detention. The Council of Europe has also elaborated standards on the conditions of child detention. In particular, they should not be detained with adults<sup>80</sup> and regard should be had to children's vulnerability when determining whether treatment in detention qualifies as inhuman or degrading treatment.<sup>81</sup> These standards are covered by the Council of Europe Guidelines on Child-Friendly Justice,<sup>82</sup> the European Rules for juvenile offenders subject to sanctions or measures<sup>83</sup> and the Parliamentary Assembly's Resolution on Child-friendly juvenile justice: From rhetoric to reality.<sup>84</sup> The Council of Europe's Human Rights Commissioner has published an issue paper on Children and juvenile justice: Proposals for improvements.<sup>85</sup>

60. The administrative migration detention of unaccompanied migrant children has been condemned by numerous bodies across the Council of Europe, including the Special Representative on Migration and Refugees<sup>86</sup> and the Commissioner for Human Rights.<sup>87</sup> It has been the subject of an extensive campaign by the Parliamentary Assembly "End Immigration Detention of Children".<sup>88</sup>

61. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) monitors the conditions of detention facilities across member States (prisons, juvenile detention centres, police stations, holding centres for immigration detainees, psychiatric hospitals, social care homes, etc.), including those which hold children. It does so through conducting visits at these facilities and publishing reports on the basis of its findings. Its work is based on the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.<sup>89</sup>

### *Action under the Strategy 2016-2021<sup>90</sup>*

**Strategy** [43] *The Council of Europe will contribute to the elimination of violence against children in all settings, in particular (...) alternative care*

[31] *Where large residential care facilities (institutions) remain, the Council of Europe will promote the deinstitutionalisation of care of children, in particular of children under the age of three.*

62. The rights of children in all forms of **alternative care** have been furthered through continued promotion and dissemination of the materials jointly produced by SOS Children's Villages International and the Council of Europe. The Council of Europe provided technical assistance to Ukraine in assessing existing legislation for responding to child abuse cases in alternative care institutions. The Committee of Ministers Recommendation on Guaranteeing respect for the rights

<sup>78</sup> Council of Europe (2009), Children and young people in care – Discover your rights! Available in Albanian, Azeri, Bosnian, Bulgarian, Croatian, Czech, English, Estonian, French, Greek, Italian, Latvian, Polish, Romanian, Russian, Ukrainian.

<sup>79</sup> Council of Europe (2013), Securing Children's Rights – A guide for professionals working in alternative care.

<sup>80</sup> *Nart v. Turkey* (Application no. 20817/04).

<sup>81</sup> *Dushka v. Turkey* (Application no. 29175/04).

<sup>82</sup> Adopted by the Committee of Ministers on 17 November 2010.

<sup>83</sup> CM/Rec(2008)11.

<sup>84</sup> Resolution 2010(2014).

<sup>85</sup> (2009).

<sup>86</sup> See Special Representative of the Secretary General on migration and refugees (2017), Thematic Report on migrant and refugee children, chapter III.

<sup>87</sup> Commissioner for Human Rights (2010), Positions on the rights of minor migrants in an irregular situation.

<sup>88</sup> See <http://www.assembly.coe.int/nw/Page-EN.asp?LID=EIDC>.

<sup>89</sup> ETS No. 126.

<sup>90</sup> Extracted from the Mid-term Evaluation Report of the Council of Europe Strategy for the Rights of the Child (2016-2021).

of children living in **residential institutions**<sup>91</sup> continues to be promoted online and in the form of a brochure. In 2019, the Lanzarote Committee adopted a Declaration on protecting children in out-of-home care from sexual exploitation and sexual abuse.<sup>92</sup>

**Strategy [54]** *Council of Europe member States will be supported in avoiding and preventing deprivation of liberty and criminalisation of children (...) Material conditions and detention regimes should be improved in line with Council of Europe standards*

**[54]** *The Council of Europe will promote the implementation of the Standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) regarding the protection of children deprived of liberty from ill-treatment and violence*

63. Council of Europe member States have been supported in preventing **deprivation of liberty of children**. In particular, the Parliamentary Campaign to End Immigration Detention of Children entered its third phase in 2019. Activities within the framework of the campaign include, inter alia, the publication of a study on immigration detention practices and the use of alternatives to immigration detention of children.<sup>93</sup> A number of European Court of Human Rights judgments have ruled that the detention of unaccompanied minors violated their right to liberty and security under Article 5(1) ECHR.<sup>94</sup>

64. Action has been taken to seek to improve material conditions and detention regimes, in line with Council of Europe standards. Notably, The European Court of Human Rights has decided upon numerous cases condemning the living conditions of unaccompanied<sup>95</sup> and accompanied<sup>96</sup> minors as a violation of their right to freedom from inhuman and degrading treatment under Article 3 ECHR. Support has also been provided to member States in implementing the European Rules for juvenile offenders subject to sanctions or measures,<sup>97</sup> which are currently available in six languages.<sup>98</sup> The CPT have published a factsheet on immigration detention, which includes standards relating to children<sup>99</sup> and have undertaken over 20 monitoring visits in places where children are being held in detention since 2016. The Council of Europe provided support to the preparation of the UN Global Study on Children Deprived of Liberty, notably through a written contribution. The Council of Europe Criminal Law Cooperation has been undertaking activities on dealing with and improving support services for detained juveniles within the Balkans and Eastern Partnership countries.

65. Practical guidelines for monitoring places of deprivation of liberty of children have been developed. The Council of Europe co-funded a project led by DCI-Belgium, which resulted in a practical guide for monitoring places where children are deprived of liberty<sup>100</sup> and an explanatory note.<sup>101</sup> A Guide for Parliamentarians visiting places where children are deprived of their liberty as a result of immigration procedure has been produced within the remit of the Parliamentary

<sup>91</sup> CM/Rec(2005)5. Available in Albanian, Croatian, English, Estonian, French, Romanian.

<sup>92</sup> Adopted 18 October 2019.

<sup>93</sup> Council of Europe (2017), A study of immigration detention practices and the use of alternatives to immigration detention of children.

<sup>94</sup> See *Abdullah Elmi and Aweys Abubakar v. Malta* (Application nos. 25794/13 and 2815/13); *H.A. and Others v. Greece* (Application no. 19951/16); *Sh.D and Others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia* (Application no. 14165/16).

<sup>95</sup> Ibid.

<sup>96</sup> *A.B. and Others v. France* (Application no. 11593/12). See also the judgments delivered by the Court on the same day in the cases of *A.M. and Others v. France* (Application no. 24587/12), *R.C. and V.C. v. France* (Application no. 76491/14), *R.K. and Others v. France* (Application no. 68264/14) and *R.M. and Others v. France* (Application no. 33201/11); *S.F. and Others v. Bulgaria* (Application no. 8138/16).

<sup>97</sup> CM/Rec(2008)11.

<sup>98</sup> Azerbaijani, English, French, German, Lithuanian, Russian.

<sup>99</sup> CPT (2017), Factsheet on Immigration detention, part 10: care of vulnerable persons (in particular children).

<sup>100</sup> Defence for Children International (DCI) – Belgium (2016), Practical Guide: Monitoring places where children are deprived of liberty.

<sup>101</sup> Defence for Children International (DCI) – Belgium (2016), Introduction to the Practical Guide: Monitoring places where children are deprived of liberty.



Campaign to End Immigration Detention of Children.<sup>102</sup> It is available in three languages,<sup>103</sup> and has been accompanied by training sessions on monitoring places where children are deprived of their liberty.

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<sup>102</sup> Council of Europe (2017), Visiting places where children are deprived of their liberty as a result of immigration procedures: Guide for parliamentarians.

<sup>103</sup> Arabic, English, French.

## PART B: NATIONAL ACTION

### I. NATIONAL RESPONSES TO THE INTERNATIONAL COMMITMENT TOWARDS ELIMINATING VIOLENCE AGAINST CHILDREN

66. From a general viewpoint, many member States of the Council of Europe are obviously strongly committed to combating violence against children. With regard to international legal instruments, all 47 Council of Europe member States have ratified the Convention on the Rights of the Child and the Optional Protocol on the involvement of children in armed conflict. All but Ireland have ratified the Optional Protocol on the sale of children, child prostitution and child pornography. 26 member States have ratified the third Optional Protocol to the CRC on a communications procedure, while 7 have signed it, leaving only 14 member States that have taken no action.<sup>104</sup>

67. Considering legal instruments at the regional (European) level, 44 member States have ratified the Council of Europe Convention for the protection of children from sexual exploitation and abuse (Lanzarote Convention). Armenia, Azerbaijan and Ireland have signed the Lanzarote Convention but have yet to ratify.<sup>105</sup>

68. 34 member States have ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence and 12 have signed it, leaving only Azerbaijan and the Russian Federation without any action taken. Only the Russian Federation has not yet signed or ratified the Council of Europe Convention on action against trafficking of human beings, while all other member States have ratified this Convention.<sup>106</sup>

69. Beyond these legal treaties, it is also noteworthy that 32 of the 47 member States have a full domestic legal ban on corporal punishment of children, including in the home.<sup>107</sup>

70. The survey presented in this report showed that most responding member States have taken some form of specific action under UN mechanisms as well as under the SDG process to tackle violence against children. 34 out of the 38 respondents provided details on the state's commitment to international mechanisms and processes to eliminate violence against children, in particular the reporting mechanism related to the UN Committee on the Rights of the Child (UNCRC). Such commitments include designating a specific Government body with a mandate to work on child protection, to assess country-specific recommendations made by the UNCRC and to work towards their implementation. In some member States, recommendations from the UNCRC have been taken into account when drafting new national policies and legislation, or when developing guidance and recommendations for different settings and professional groups. In others, such recommendations have led to resources being allocated to enhancing the existing child protection system. Some states have conducted an in-depth process of reflection and drafted follow-up reports on how the UNCRC recommendations could be implemented, and yet others have included recommendations made by the UNCRC in national action plans or strategies. Commitments also include joining global initiatives such as the We Protect initiative or the Global Partnership to End Violence Against Children.

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<sup>104</sup> See <http://indicators.ohchr.org/>.

<sup>105</sup> See <https://www.coe.int/en/web/about-us/our-member-states>.

<sup>106</sup> See <https://www.coe.int/en/web/conventions>.

<sup>107</sup> See [https://www.coe.int/en/web/children/corporal-punishment#{%2212441097%22:\[\]}\]](https://www.coe.int/en/web/children/corporal-punishment#{%2212441097%22:[]}]).

### Some highlights

**Austria** has established a Monitoring Board for Children's Rights as an independent interdisciplinary advisory body comprising ombudspersons for children, representatives of the Network for Children's Rights and renowned experts in health care, pedagogics, law, child and youth welfare, new media, child psychiatry, demographics and relevant NGOs as well as involved ministries and state governments. The basis for its mission can be found in the Concluding Observations and the Monitoring Board will launch necessary initiatives to further develop children's rights in Austria towards the full implementation of the Convention on the Right of the Child.

In response to the observations from the UNCRC monitoring mechanism, **Estonia's** child protection council (a Government committee responsible for child protection policy) adopted a paper in which the UNCRC country-specific recommendations were divided between ministries and ministers that are expected to report to the committee in mid-term how they have fulfilled or are planning to fulfil the obligations.

In **Finland**, the implementation of the Committee's recommendations was reviewed and a mid-term report on the implementation of the recommendations is available in Finnish. Furthermore, the Ministry for Foreign Affairs has organised, in collaboration with the Central Union for Child Welfare, national follow-up seminars on the implementation of the Committee's recommendations. The most recent seminar was held in Helsinki in 2017.

**Serbia** made a decision in 2014 to establish a Council for Monitoring the Implementation of the Recommendations of the United Nations Mechanisms for Human Rights, ensuring a systematic method of monitoring all UN recommendations. The Council is aimed at a more efficient monitoring of all received recommendations from the UN and at the improvement of inter-sectoral cooperation in order to implement them.

71. With regard to the commitment towards the SDG process in particular, member States highlighted their work in relation to the abovementioned partnerships as well as their efforts to combat violence against children through measures such as legal reform, risk mapping studies, coordination mechanisms or centres for cases of children who are victims or at risk of violence, or public campaigns and trainings to end violence against children. SDG target 16.2 was also explicitly introduced in some states' 2030 development agendas, and one state has developed, in direct relation to SDG target 16.2, a second national action plan against trafficking in human beings, with a special focus on child victims of trafficking.

### Some highlights

In 2016, **Austria** organised the High-Level Global Conference "*Towards Childhoods free from Corporal Punishment*" during which a Resolution was adopted by ministers and state secretaries from 37 countries. With this initiative, the Austrian Government aimed at joining forces to propel renewed momentum towards the realisation of the right of every child to live free from fear of suffering violence, neglect, abuse and exploitation by, inter alia, monitoring progress in line with indicator SDG 16.2.1. The project "*Promoting violence-free upbringing for girls and boys – Violence-free zone Europe*" will be launched in 2019 and is meant to speed up the journey toward universal prohibition of corporal punishment through the states' fulfilment of Target 16.2 of the 2030 Agenda.

In **Moldova**, SDG Target 16.2. was nationalised and policy measures towards it were included in the draft national strategy of development „Moldova 2030“.

In **Romania** a Department for Sustainable Development was set up by the Government in 2017, in order to implement the 2030 Agenda with its 17 SDG. The main task of this new Department is to coordinate the implementation of activities necessary to transpose nationally the SDG, to report to the Government on the progress achieved for the specific measures adopted by each public administration authority and to propose adjustments on national objectives and monitor the sustainable development indicators established at UN, European or national level.

**Sweden** organised the first ever “*Agenda 2030 for Children: End Violence Solutions Summit*”, in Stockholm in February 2018 together with the Global Partnership and We Protect Global Alliance. The Summit gathered actors from all sectors and called for joint action to eliminate all forms of violence against children. A proclamation was prepared and concluded upon during the Summit and consists of five overarching conclusions for the Global community to work on.<sup>108</sup>

72. Out of the 38 respondents, 15 member States indicated that they are participating in the voluntary national review towards the High-Level Political Forum with regard to violence against children.<sup>109</sup>

## II. DEVELOPMENT OF INTEGRATED NATIONAL OR REGIONAL STRATEGIES ADDRESSING VIOLENCE AGAINST CHILDREN IN A CROSS-CUTTING MANNER

73. The following sections will address, through the lens of integrated strategies and other specific measures established by member States to protect children from violence, how this framework of General and Operational Principles is currently being implemented and in which areas there is a need for strengthened action.

### Prevalence of Integrated National Strategies in member States

74. In the survey presented through this report, 26 out of the 38 responding member States indicated that they have developed an integrated strategy on violence against children, thus responding to the first of the three abovementioned core elements of the Policy Guidelines. 18 of those 26 stated that they have adopted a separate and specific national or regional strategy on violence against children,<sup>110</sup> while the remaining respondents have their measures to tackle violence against children included in one or more other policy frameworks. In addition, 6 more respondents also indicated that they have adopted some other integrated approaches or measures through specific policy instruments, making a total of 32 out of 38 states (84%) that have either a national integrated strategy or other specific integrated policy measures in place to protect children from violence.

75. 24 of those 32 respondents indicated that they have already started the implementation phase of an integrated national strategy or of other specific policy instruments related to violence against children, while the remaining states replied that they have yet to implement the adopted measures.<sup>111</sup>

76. The survey showed that, for a majority of the states, national strategies to tackle violence against children are at least partially inspired by existing European and international standards on the rights of the child. Indeed, 19 out of the 26 member States that have a national strategy replied

<sup>108</sup> [http://www.end-violence.org/files/End\\_Violence\\_Solutions\\_Summit\\_Proclamation.pdf](http://www.end-violence.org/files/End_Violence_Solutions_Summit_Proclamation.pdf).

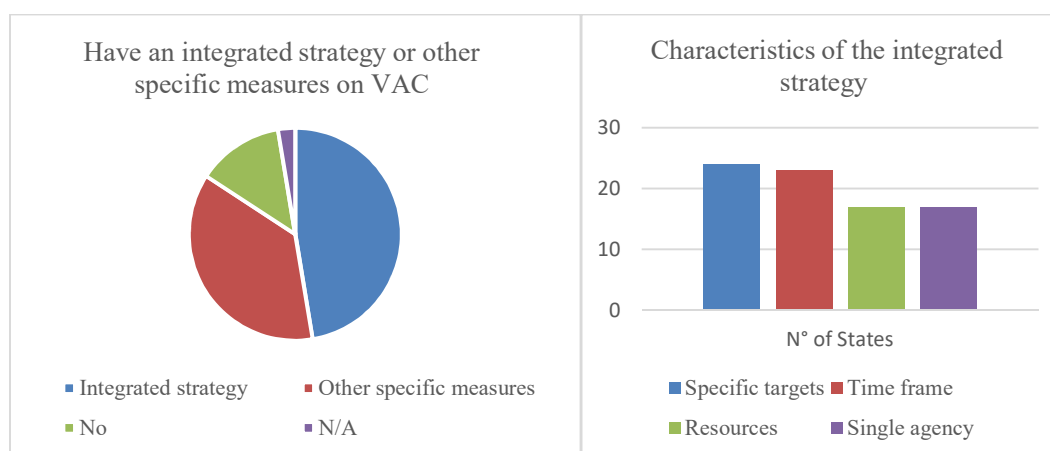
<sup>109</sup> Albania, Andorra, Armenia, Austria, Belgium, Denmark, France, Germany, Ireland, Italy, Monaco, Portugal, Romania, Switzerland, Ukraine. The official list of states participating in the Voluntary National Reporting in 2018 can be found here: <https://sustainabledevelopment.un.org/hlpf/2018#vnrs>.

<sup>110</sup> These states placed themselves in “group A” in the survey (question 3.1.1). Moreover, 14 states placed themselves in “group B”, indicating that they have some selected integrated approaches, principles and measures as suggested by the Council of Europe Guidelines (e.g. partnerships, child participation, professional training etc.) in more specific policy instruments (e.g. action plans) aimed at combatting violence against children (at national or regional level).

<sup>111</sup> One of the 28 states in question did not reply.

that it has been fully or partly inspired by the Council of Europe Policy Guidelines on integrated national strategies for the protection of children from violence, while 23 states mentioned that other European or international reference standards have inspired their strategies (thus in some cases alongside the Council of Europe Policy Guidelines). In addition, 14 member States indicated that international cooperation, whether on a bilateral or multilateral level, has served as inspiration to their national strategies.

77. Importantly, almost all member States that indicated that they have a national integrated strategy to protect children from violence confirmed that their strategy has got specific targets (24 out of 26), and 23 out of 26 confirmed that their strategy has a specific time frame. With regard to financial resources for the implementation of the strategy, 17 of the 26 states with an integrated strategy confirmed that such resources have been allocated to the implementation of the strategy, and 17 out of 26 also declared that a single government agency is in charge of the coordination and monitoring of the strategy.



78. On a broader level among the totality of responding member States (whether they responded that they have an integrated strategy or not), 26 out of the 38 respondents indicated that their policy instruments for the protection of children from violence include time-bound targets to be achieved, and one mentioned that a Strategy is being prepared and will include such timebound targets. 23 respondents also indicated that their policy instruments are equipped with specifically allocated human and financial resources to meet its targets and ensure full implementation of its objectives. Some indicated that financial contributions come from the state budget as well as from EU funding. One state indicated that the law foresees funding for child protection policies. One state respondent was able to provide a clear budget for ending violence against children and providing child-friendly services, with funding coming from the state budget as well as from external donors.

79. The survey showed that even if there are financial resources allocated to child protection policies and actions to protect children from violence, such resources are explicitly linked to specific activities or targets only in very few member States. Some countries point out that resources are still too scarce, or that not all activities or targets have specific resources allocated to their implementation. Moreover, funding is not always earmarked, but may be intended for a broader set of programmes and measures, of which activities aimed at protecting children from violence form part.

### Some highlights

In **Albania**, the objectives and measures envisaged in the National Agenda for the Rights of the Child 2017-2020 are budgeted and accompanied by the relevant deadlines for the implementation of the measures envisaged.

In **Bulgaria** the state agency for child protection has a National Programme for prevention of violence and abuse of children (2017-2020) and an Action plan with a time frame of 2 years. The National Programme (Strategy) is fully inspired by the Council of Europe Strategy on the rights of the child and relevant international child rights instruments. All Government and non-governmental institutions linked to child protection are included in the implementation of the Strategy.

In 2014, the Government of the **Slovak Republic** adopted a resolution on the National Strategy on the Protection of Children against Violence and creation of the National Coordination Centre for the Resolving the Issues of Violence against Children. Since the Strategy's adoption, the Centre has been responsible for the implementation of strategic goals through the fulfilment of its tasks aimed at building the national coordination framework and an integrated and coordinated approach for tackling issues of violence against children, safeguarding professional and high-quality implementation of policies for protection of children against violence, prevention of institutional and systemic infringement of the rights of the child and raising awareness about the topic of violence against children. In 2017, an updated version of the National Strategy on the Protection of Children against Violence was prepared in cooperation with representatives of relevant Government bodies, the General Prosecutor's Office and with the active participation of non-governmental organisations, and adopted. Within the further implementation of the Strategy it has been of utmost importance to continue the coordination on national and regional level with emphasis on prevention, identification and intervention, to continuously support the systematic education of employees of relevant entities as well as raising awareness on the problem, with focus on the promotion of tools for help as well as capacity building in the area of support services for child victims of violence.

In **Romania**, the Operational Plan for the implementation of the National Strategy has sources of financing for each of the measures and their corresponding actions, be it the state or the local budget, European structural funds or other sources (e.g. bilateral Cooperation Programs).

In **Russia**, the plan of activities, valid until 2020 and part of the "Decade of Childhood", established those who are to be responsible for the implementation of activities and their time frame.

80. A potential reason explaining that a single agency is not always in charge is that some states, which replied "yes" to the question "Does your country have an integrated national/regional strategy to protect children from violence?", have incorporated this topic into a broader framework, such as a national strategy on the rights of the child or a national strategy on domestic violence, in which one or more chapters or sections are dedicated to the protection of children from violence. The coordination and monitoring of the strategy might therefore be divided between several different Government departments or state agencies, depending on the topic.<sup>112</sup>

81. Although the Policy Guidelines on integrated national strategies for the protection of children from violence are developed with an aim to setting up a separate and specific strategy on this issue, what appears more relevant is that the spirit of the Policy Guidelines is reflected in existing national strategies, even if they are adopted as a broader framework, and that the relevant operational principles mentioned above are reflected therein.

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<sup>112</sup> In Cyprus, for instance, violence against children is covered in different strategies, coordinated by different agencies, such as for example the National Strategy for the rights of children in health, of the Ministry of Health, or the National Strategy for the Prevention and Responding to School Violence. There is also a National Strategy and Action Plan on Family Violence, as well as a National Strategy towards a safer internet for children.

## Violence in different settings and forms addressed by member States

82. To begin with, abovementioned Operational Principle 1 recognises the multidimensional nature of violence against children. In that regard, it is noteworthy that 36 out of the 38 responding member States indicated that their measures to protect children from violence include action aimed at violence in different settings, and that 33 respondents stated that such measures take into account different forms of violence. 29 respondents stated that they address violence against specific groups of children.

83. The most frequently mentioned settings were the digital environment (mentioned by 21 states) as well as the home/family setting (mentioned by 20 states) and the school environment (mentioned by 18 states). These settings were followed by alternative care institutions (mentioned by 12 states). Other specifically mentioned settings were the street, children victims of trafficking, the sports environment, media, and peer violence or violence in the community.

84. Regarding specific forms of violence, the most frequently mentioned ones were sexual violence (20 states mentioned this), physical violence and/or corporal punishment (mentioned by 18 states), as well as psychological violence (mentioned by 15 states). Other forms of violence against children mentioned by several<sup>113</sup> of the responding states were trafficking of children, neglect, and bullying /cyberbullying. A small number<sup>114</sup> of states also mentioned child and forced marriage, female genital mutilation, domestic violence, so-called "honour-based" violence, gender-based violence, peer abuse and gang violence. It is noteworthy that only one state explicitly mentioned that children witnessing violence is also seen as a form of violence against the child.

85. The most frequently cited specific groups of children that member States focus on were children with disabilities (mentioned by 13 states), children at risk of/living in poverty and children in the context of migration (mentioned by 6 and 8 states respectively). Other groups referred to were children in alternative/foster care, LGBTI children, Roma children, ethnic/religious minority children, children in conflict with the law, street children, children with special educational needs, children with addictions, adolescents, and children in armed conflict. A couple of states referred to "vulnerable children" or "children being discriminated against" without further specification.

86. The multi-dimensional nature of violence hence appears to be recognised in a majority of the member States, although the explicit focus on specific settings, forms of violence and groups of children varies quite broadly.

87. Moreover, many states indicated in the survey that their approach to tackle the abovementioned manifestations is integrated and foresees cooperation across sectors and between different relevant stakeholders, corresponding to Operational Principles 2, 3 and 4. For instance, member States provided examples of different levels of prevention actions (primary, secondary and tertiary prevention), as well as of how children's own voices and experiences from survivors of violence are increasingly taken into account in measures to prevent and tackle violence. In addition, states indicated how they collaborate across sectors and between different levels of governance (from national to regional to local level). The following sections of the report address those parts of the survey and show how the Operational Principles are implemented at state level.<sup>115</sup>

### Some highlights

**Hungary** mentioned a programme focusing specifically on supporting the development of Roma girls, hence including an important gender aspect that had been observed. A fundamental reason behind the social disadvantages of Roma women lies in their lower school qualification, which is strongly linked to an increased risk of becoming a victim of violence. It is a priority task to make

<sup>113</sup> 10 or less states mentioned these forms of violence respectively.

<sup>114</sup> Less than 5 states mentioned these forms of violence respectively.

<sup>115</sup> Thus how states address the multidimensional nature of violence, and develop integrated approaches, cross-sectoral cooperation and multi-stakeholder approaches.

sure that the initiative to increase their school and labour market opportunities is supported through efficient tools from the earliest years possible. Therefore, the programme is aimed at the development of disadvantaged, 10-18-year-old, primary or secondary school girls from the Roma community. The ultimate goal is to boost the motivation of girls exposed to school drop-out and to foster a learning enhancing behaviour among their families.

In **Italy**, a memorandum of understanding between the Department for Family Policies and the Ombudsperson for children included specific action focusing on children who witness violence and the traumatic effects this can have on them. Children who witness violence are hence recognised as victims in need of specific support measures.

In **Montenegro**, there is a Strategy for the Prevention and Protection of Children against Violence with its Action Plan 2017-2021. The Strategy is fully inspired by the Council of Europe Strategy on the rights of the child and relevant international child rights standards. The Strategy includes all forms of violence, such as physical violence, corporal punishment, neglect, psychological violence, sexual violence, peer violence and abuse, trafficking in human beings in different settings, including online.

In **Romania**, the legal regulatory framework in force is detailed in scope and aligned with the UNCRC, prohibiting all forms of physical or mental violence, corporal punishment, any other form of cruel or degrading punishment or treatment of children in all circumstances (e.g. home, schools, alternative care etc.), and include mechanisms to identify child maltreatment, referral and investigation, treatment and follow-up as well as judicial involvement. Compulsory reporting of all forms of violence and abuse of children to appropriate bodies by certain professional groups is also mandatory by law. Corporal punishment is banned by law in all settings.

## Child-friendly services and mechanisms

88. In line with the Council of Europe Guidelines on child-friendly justice<sup>116</sup> and on child-friendly health care,<sup>117</sup> and Recommendation on children's rights and social services friendly to children and families,<sup>118</sup> "child-friendly services" refer to policy and practice that are centred on children's rights, needs, characteristics, assets and evolving capacities, taking into account their own opinion. The aim of the child-friendly approach to services is to integrate the relevant rights of children into a practical framework that drives cultural change and consequent improvement in all services which contribute to the well-being of children. This approach should be applied at the level of policy development, at the service-delivery level and at the level of individual children and families.

89. With regard to child-friendly justice in particular, a child-friendly approach should span from before any judicial proceedings, from the first contact with legal or law-enforcement authorities, through-out the full process, and continue after the proceedings to ensure that any judicial decision is fully understood by the child, and to guarantee the implementation of rehabilitation and reintegration services that may be needed.

90. The setting up of child-friendly services and mechanisms represents another core element of the abovementioned Policy Guidelines on integrated national strategies for the protection of children from violence. In the survey, 30 out of the 38 responding member States (79%) indicated that they have set up child-friendly and accessible reporting mechanisms to report violence, and

<sup>116</sup> Council of Europe, Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies, edited version 31 May 2011: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804b2cf3>.

<sup>117</sup> Council of Europe, Guidelines of the Committee of Ministers of the Council of Europe on child-friendly health care, adopted by the Committee of Ministers on 21 September 2011 at the 1121st meeting of the Ministers' Deputies: <https://rm.coe.int/guidelines-of-the-committee-of-ministers-of-the-council-of-europe-on-c/16808c3a9f>.

<sup>118</sup> Council of Europe, Recommendation CM/Rec(2011)12 of the Committee of Ministers to member States on children's rights and social services friendly to children and families, adopted by the Committee of Ministers on 16 November 2011 at the 1126th meeting of the Ministers' Deputies; see Recommendation and implementation report of 2016: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680649301>.



that they promote child-friendly justice mechanisms (e.g. the *Barnahus* model)<sup>119</sup> for victims, witnesses or perpetrators of violence.<sup>120</sup>

91. While such services do indeed exist, it must be noted that existing child-friendly reporting mechanisms often take the shape of helplines or hotlines, to which children and/or their families can call or write online. Hence, it appears that there is not always a safe place, widely known to children, where they can go to speak to someone in person. However, some states also provide other alternatives, mentioned here below as examples of good practice.

92. Moreover, in several states, the *Barnahus* model or similar facilities are aimed specifically at children victims of sexual violence, and do not cover other forms of violence against children. Such services should ideally be available also for child victims of other forms of violence, which may cause serious harm and trauma to the child.

### Some highlights

In **Andorra** the Department of Social Affairs and the "*Raonador del ciutadà*" (Ombudsman) provide children and families with out-of-court reporting mechanisms, and can accompany children and their families in case of difficulties.

In **Finland**, the criminal justice system is adapted to children's rights and needs in the following ways:

If a person suspected of an offence is under 18 years old, the criminal investigation must be conducted urgently.

In the criminal investigation, a person under the age of 18 years must be treated in the manner required by his or her age and level of development. Particular care must be taken so that criminal investigation measures do not cause him or her unnecessary inconvenience at school, at work or in other environments important to him or her. If possible, investigation measures directed at persons under the age of 18 years shall be assigned to investigators particularly trained for this. When necessary, the criminal investigation authority shall consult with a physician or other expert on whether investigation measures may be directed at a person under the age of 18 years.

The court can appoint a trustee (a person to supervise the interests of a child) to a suspect or a victim of a crime under the age of 18 years. The appointment of a trustee is in force until the conclusion of the criminal proceedings. An application can be submitted by the head investigator, a prosecutor, a local register office or a social welfare authority. The costs of appointing the trustee and the fee and expenses of the trustee are paid by the state.

If the person being heard is under the age of 15 years, his or her parent or another person responsible for his or her care and custody has the right to be present during the hearing. When a person under the age of 18 years is suspected of a criminal offence, the social welfare authority shall be informed and reserved an opportunity to send its representative to the hearing.

A police officer in coordination with a prosecutor decides whether a victim of a crime or a witness under the age of 15 years shall be questioned by the police or by a psychologist at a forensic psychology center in a hospital. Most children are questioned by the police. In a forensic psychology center a psychologist specialised in interviewing children conducts the interview. A forensic psychology center compiles a written statement of the interview. The statement is a part of the criminal investigation documentation.

<sup>119</sup> The *Barnahus*, first launched in Iceland, is a "children's house" taking the form of a child-friendly, interdisciplinary and multi-agency centre notably aimed at receiving, hearing and supporting child victims and witnesses in investigation procedures; see for example: <https://childhub.org/en/promising-child-protection-practices/what-barnahus-and-how-it-works>.

<sup>120</sup> The Barnahus model has been promoted by the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ("Lanzarote Committee") in its first implementation report on sexual abuse in the circle of trust: <https://rm.coe.int/1st-implementation-report-protection-of-children-against-sexual-abuse-/16808ae53f>. Considerable work on the model as an element of child-friendly justice mechanisms and procedures was also done by the European Commission: [https://ec.europa.eu/info/sites/info/files/child-friendly\\_justice\\_20180625-26\\_background\\_paper\\_final.pdf](https://ec.europa.eu/info/sites/info/files/child-friendly_justice_20180625-26_background_paper_final.pdf) and the EU Fundamental Rights Agency: <https://fra.europa.eu/en/publication/2017/child-friendly-justice-childrens-view>.

Usually a child under the age of 15 is not heard in person in the court. Instead, the questioning of a victim and a witness under the age of 15 years is recorded in a video and audio recording. The recording is transcribed and the written version of the questioning is attached in the record of criminal investigation measures and the statement given by the forensic psychology center. The questioning of a child recorded in a video and audio recording can be watched in the court. A victim of a criminal offence aged 15-17 years can be heard the same way if he or she needs special protection.

The court must appoint a public defender to a suspect of a criminal offence who is under the age of 18 years. If a person under the age of 18 has been charged with a criminal offence which is punishable by more than imprisonment for six months, the court hearing shall be held within 30 days of the time when the criminal case became pending in the court.

In **Ireland** Tusla, the Child and Family Agency, can be contacted by phone, e-mail, in writing or in person. Tusla operates an out-of-hours social work service that can be contacted during the night and at the weekend.

In **Sweden**, *Barnahus* is the name for activities where police, prosecutors, social services and health and medical care collaborate in common premises during the investigation process in case of suspicion of violence or sexual abuse against children. The development of *Barnahus* in Sweden continues and currently there are over 30, compared to six in 2006.

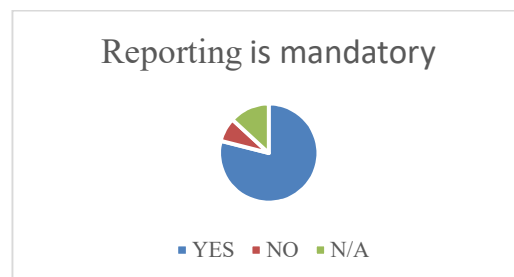
**Switzerland** has carried out a national study in order to assess the right of the child to express her/his own opinion in different sectors of society. Based on this study, data is being collected to identify the strengths and weaknesses of the implementation of this right of the child. Currently, one of the main preoccupations is the implementation of the child's right to be heard in judicial proceedings. Switzerland also provides financial support to organisations that work to disseminate and raise awareness around the CRC as well as the Council of Europe Guidelines on child-friendly justice.

93. 28 state respondents declared that they ensure that the child's right to be heard is guaranteed in all decisions concerning him or her. Moreover, 31 respondents have defined procedures and interagency cooperation in place for the referral of child victims, and 30 have developed recovery, rehabilitation and social integration services for child victims, witnesses or perpetrators of violence.

94. Such services take different shapes in the different member States, and through the examples provided in the survey it becomes clear that the focus is often on sexual violence or on juvenile justice.

95. Furthermore, some of the respondents states indicating that they have rehabilitation services in place pointed out that such services are aimed only for victims, while children witnesses or perpetrators of violence benefit from less specific support mechanisms.

96. Lastly, regarding the third of the abovementioned core elements of the Policy Guidelines, 30 out of the 38 responding member States (79%) indicated that they have made the reporting of situations of violence against children mandatory for professionals working with children.



97. Mandatory reporting is a crucial step towards the protection of children from violence. The possibility that adults might suspect or be aware of ongoing violence against a child and not report it does not only raise potential questions regarding complicity, but increases the risk that the child suffers even greater harm, that the situation is prolonged more than necessary, and that the child loses all faith that someone will be able to help her/him.

98. From the answers to the survey, it became clear that there is still some work to be done in this regard in the member States. Mandatory reporting is often required for a limited number of professions explicitly mentioned in the law, and is sometimes also limited by specific conditions, such as reservations for professions covered by professional secrecy or a certain level of gravity (i.e. only specific forms of violence) or a certain level of certitude that the acts have occurred (i.e. suspicion must be well-founded).

99. An ideal legal obligation to report violence against children would cover any professional activity that implies contact with children, and any form of act or omission that significantly harms the child. Moreover, when a child can be identified, professional secrecy should be no excuse to refrain from reporting, but adequate mechanisms should be in place to enable such professionals to safely report violence against children to a specifically mandated authority.

### Some highlights

In **Austria**, a comprehensive reporting obligation was introduced in 2013 as a primary preventive measure, requiring various groups of professionals to report any suspicion of children or young adults being subjected to grave neglect, maltreatment, torture, and sexual abuse. Section 37 of the Child and Youth Welfare Act concerning "Notifications of suspected endangering of a child" is addressed to judicial staff, child care providers, counseling facilities, providers of public or private child and youth welfare services, hospitals, members of statutory health professions and persons who are entrusted with the care or education of children.

In **Croatia**, all professional staff who, within the scope of their work (health, social welfare institutions, educational institutions, religious institutions, humanitarian organisations, civil society organisations), learn of the perpetration of a criminal offense of violence against the child, are obliged to report it to the police without delay. Also, all other citizens are obliged to notify the social welfare centre in the case of child rights violations, especially regarding all forms of physical or emotional violence, sexual abuse, neglect or negligent behaviour, abuse or exploitation of the child.

In **Denmark**, professionals in contact with children have a stricter obligation to report suspected violence.

In **the Netherlands**, the Mandatory Reporting Code Act applies to a large range of professionals. This means, in practice, that they have to work with a reporting code when they suspect domestic violence or child abuse (adapted code since January 2019). Professionals are being trained to work with the new code. Learning tables for professionals are formed in every region about the reporting code, with specific attention for information sharing. In collaboration with the organisation "Safe at Home", information about domestic violence and child abuse and the working method of "Safe at Home" will be given to schools, clubs and churches. A voluntary reporting code is developed for these groups.

According to **Slovenia's** Family Violence Prevention Act, all professionals in every field are obliged to report the cases of violence against children.

In **Switzerland**, the revision of the Civil Code (entry into force in January 2019) has brought a considerable improvement to the obligation to report abuse and violence: Anyone who, in the framework of their professional activity, is in regular contact with children is under the legal obligation to report cases of abuse and violence. Persons covered by professional secrecy under the Penal Code will have the possibility to turn to the child protection authorities if it is in the interest of the child.

## States with no integrated national strategy to protect children from violence

100. For those member States that do not have an integrated strategy, this does not necessarily mean that they are not working actively to tackle violence against children. Often, the absence of an integrated strategy only means that the state has chosen another way forward, for instance by developing ad hoc responses or specifically targeted measures to address violence against children, or by including such measures into broader national frameworks related to children's rights and/or human rights, domestic violence or similar. Hence, such states have developed instruments to combat violence against children, but are sometimes lacking a coordinated or proactive approach towards the issue.

101. Among the member States that indicate that they do not have an integrated national strategy, some explained the absence of such a strategy by the fact that specific targets and measures to protect children from violence are reflected in a more general national strategy and/or legal framework on the rights of the child, or that there is a national Strategy for the rights of the child, but which does not include specific targets or activities related to violence against children. Two states indicated that a strategy on violence against children is currently being planned, while another explained that, while no strategy has been adopted, there is a National coordination body for the protection of children from abuse and neglect, which includes representatives from relevant ministries and non-governmental organisations. One state also described a Government funded nation wide system of cross-sectoral cooperation to protect young children from violence. The system also includes a monitoring mechanism.

102. Moreover, the fact that some states do not have a specific integrated strategy on violence against children does not mean that they do not have legal provisions (e.g. in their Criminal Codes) or policy measures in place enabling action to protect children from violence.

### Some highlights

**Croatia** has a National Strategy on the Rights of Children, which, among others, contains a strategic goal to eliminate all forms of violence against children, including 1. Physical punishment, physical and psychological abuse and testimony of domestic violence, 2. Sexual exploitation and sexual abuse, 3. Violence in schools - bullying and violence by school staff and associates, 4. Violence outside the family and outside the school, in the media and violence in digital environment and 5. Protection against trafficking in children. The Strategy represents a multidisciplinary and systematic framework that needs to be integrated into all other national, regional and local documents and plans and represents immediate action related to children under the Convention on the Rights of the Child.

**Germany** has adopted a nationwide early childhood intervention (ECI) programme to effectively protect children from violence. The programme, which started in 2006 has established municipal cross-sectoral collaborative networks across the country and developed and implemented diverse voluntary psychosocial measures. The National Centre for Early Support (Nationales Zentrum Frühe Hilfen, NZFH) was established by the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth in 2007 to steer and provide technical monitoring and support for the ECI programme. In January 2018, with the establishment of the Federal Foundation for Early Childhood Intervention, federal funding for ECI became mandatory.

**North Macedonia** has established a National coordination body for the protection of children from abuse and neglect, which includes representatives from relevant ministries and non-governmental organisations. This enables an integrated approach to the issue despite not having a strategy in place.

103. It is noteworthy that certain states appear to take the view that national strategies or action plans with timebound targets are a good way to initiate work on a certain issue, such as violence against children, but that once the strategy/action plan has helped put a national legal and policy

framework in place and set up the necessary services and mechanisms, there is no longer a need to renew or prolong it. Indeed, a couple of states have previously had a national strategy or action plan on the rights of the child and/or to combat violence against children, but such instruments were not renewed or prolonged once the initial timeframe expired. It was also pointed out by one respondent that national strategies and action plans have been pushed very strongly by a large number of organisations for different kinds of topics, and that a certain “strategy fatigue” could be felt within Government.<sup>121</sup>

104. While the lack of a (continued) national strategy does not necessarily impede the functioning of the system that has been established, or even to work in an integrated manner, the question arises as to how well the state can assess and continue to make progress, and how it can adapt to and tackle newly arising challenges without a regularly updated strategy which identifies remaining gaps and provides a clear direction to all involved stakeholders.

105. A periodic review and renewal of specific targets, identification of new challenges and, in particular, the continued allocation of adequate resources as well as a periodic evaluation and assessment of the measures in place may easily fall behind when no integrated national strategy is in place. Moreover, it may be more difficult for state authorities to work in a joint and coordinated manner towards common goals unless an integrated and multi-disciplinary strategy underpins such efforts, ensuring regular communication and exchange of information between relevant Government agencies and departments, and establishing a clear division of responsibility between them.

### **Data collection on violence against children**

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106. The need for an integrated and well-coordinated approach to tackle violence against children becomes particularly clear in the case of data collection. Ensuring a systematic and coordinated collection of data, which is disaggregated with regard to victims, offenders, and types of violence, represents one of the major challenges for states in their work to protect children from violence. The survey showed that data collection is indeed a difficult matter. In particular where there is a lack of a national strategy to protect children from violence, which establishes a clear system for data collection and how and by whom data should be processed, the risk is that data is being collected by different institutions and agencies but without using the same coherent criteria or methodology and without providing the data to one coordinating agency which can cross-check data and avoid, on the one hand, cases falling in between and, on the other, the same case being counted more than once.

107. In addition, the survey showed that data is often partial (e.g. coming from police reports or court cases only) and seldom sufficiently solid, that sources vary broadly (care or health institutions, NGOs, helplines, police, etc.) and that there is a lack of systematic approach to gathering data. 30 out of 38 states replied that they disaggregate data related to violence against children, but as many as 24 states also indicated that there are challenges or difficulties related to the collection and/or disaggregation of data. This is a clear indication that further efforts are needed to enhance and improve existing data collection systems related to child protection.

108. states particularly pointed out the following difficulties:

- ▶ Lack of one single database and/or of a unified data collection methodology and system
- ▶ Lack of a common language/terminology with regard to definitions and categories in which data are registered
- ▶ Differences in how types of violence are registered in different municipalities (i.e. at local level)
- ▶ Different programmes and standards for collecting data between different entities within one country

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<sup>121</sup> Phone interview with member State representative.

- ▶ Low level of multisectoral cooperation and/or lack of coordination between different institutions
- ▶ Underreporting of cases of violence against children
- ▶ Manual collection of data, which means the risk of human error is significant
- ▶ Only cases of severe violence, which reach the judicial system, are documented. Lack of other sources of data
- ▶ Impossibility to use the collected data to evaluate a situation or the impact of a programme, because the way it has been collected is not coherent

109. Age, sex and type of violence represent the most frequently mentioned categories for disaggregation of data (mentioned by 22 states). Some states also mention that they disaggregate data according to the relationship between victim and perpetrator, age and sex of the perpetrator, the place of residence of the victim or the place of the offence, any disability, citizenship and immigration background, socioeconomic status of the family, or who reports the violence. One state also mentioned data on what support services are provided and a risk assessment.

110. A few states also pointed out that there are still many challenges in using data on violence against children in a meaningful manner, for instance due to the low level of reporting of cases and the low level of cooperation or coordination in this regard. Statistics are uneven and there is often no registration of children as victims of violence in cases where they testify as witnesses of violence.

111. While it is difficult to point to established good practice with regard to data collection on violence against children, some promising examples exist:

### Some highlights

**Austria** announced that, in view of the fact that accurate and comparable data on the extent of violence against children among European countries do not exist, a cross-country analysis of the problem will be undertaken in a joint initiative of the Austrian Government together with a selected group of European countries, based on harmonised survey methods and tools to be developed with the help of experts in the field.

**Cyprus** is conducting a national survey on School Violence with a special focus on gender, and a system is being built for collecting data on School Violence at local and national level. National priorities are also being set for research that can supplement the data collection system.

In **Germany**, one of the most important data collections is the "8a-Statistics". Since 2012, data collections on risk assessments under section 8a Social Code Book VIII are conducted by the youth welfare agencies. They present their reports to the statistical offices in the German federal states (Länder) on an annual basis. Part A of the statistical reporting form contains data on the age and sex of the child. Part B gathers data on the age of the child's natural or adoptive parents. Part C contains the character of the child's habitual residence. Part D gathers data about the person, agency or institution who/which informed the youth welfare agency about the suspected risk. Part E contains data about support services of the youth welfare system for the affected child. Part F firstly requires an overall evaluation of the risk situation, secondly documents the form of maltreatment, and thirdly gathers data about newly implemented support services as a result of the risk assessment. And finally there's Part G, which addresses the interface to the family court, if applicable in the particular case.

In **Poland**, in line with the monitoring system of the National Programme for the Prevention of Domestic Violence (2014-2020) and the indicators foreseen in the Programme, there is regular data collection from all institutions involved in the implementation of the Programme. Data on the number of children is included, inter alia, in the statistics on the number of people receiving assistance of interdisciplinary teams and working groups on counteracting domestic violence. This type of system could be applied or extended to violence against children.

112. As shown so far in this report, there have been considerable efforts made in the member States to establish integrated strategies or other integrated measures to protect children from violence. The survey shows that almost all of the responding states have put in place at least some degree of measures in this regard. At the same time, significant challenges remain, in particular regarding the collection of data on violence against children. If it is sufficiently well-elaborated and structured, providing a clear and uniform framework and methodology for the collection and disaggregation of data, this instrument can represent an invaluable element in understanding violence against children in more detail, hence enabling the development of more precise and adequate responses.

113. The next chapter will address in more detail how integrated national or regional integrated strategies addressing violence against children, or other relevant policy instruments, are implemented, for instance through a multi-stakeholder approach and cross-sectoral cooperation (Operational Principles of the Policy Guidelines). It will also address more closely the content of such strategies and policy instruments, for instance how states have included principles such as the state's responsibility, the best interests of the child and non-discrimination (General Principles of the Policy Guidelines).

### **III. CONTENT AND IMPLEMENTATION OF INTEGRATED NATIONAL OR REGIONAL STRATEGIES ADDRESSING VIOLENCE AGAINST CHILDREN OR OTHER RELEVANT POLICY INSTRUMENTS**

114. Whether member States have an integrated national strategy or not, the survey showed clearly that national measures in a majority of the responding states do focus on protecting children from violence.

115. With regard to the *content* of existing national and regional strategies, or other policy measures regarding the protection of children from violence, each member State has developed its own framework in line with its respective national context and specific needs. Nevertheless, some common key components of these policy instruments can be identified.

#### **Policy, legal and institutional frameworks**

116. The first thing to include in a national framework to protect children from violence is a set of relevant and adequate pieces of legislation and policy instruments which are firmly anchored within state institutions. Such instruments should clearly set forth the responsibilities of the state and of other relevant stakeholders, in accordance with General Principles 6 and 7 of the Policy Guidelines.

117. In the survey, 29 out of the 38 responding member States confirmed to have a legislative framework in place that allows for the whole range of legal interventions needed for prevention, protection, prohibition of violence against children, as well as sanctions for those who commit an offence. This leaves 9 states (24%) which may still not have a sufficient legal framework in place to guarantee that necessary interventions are made and that there is a clear legal responsibility to act (6 left the question unanswered while 3 replied in the negative).

118. With regard to integrated strategies or other policy instruments to tackle violence against children, the survey asked member States if such instruments are also integrated into or coordinated with other related policies. 23 responding member States replied that this is the case, providing examples such as links to national action plans for children (in general), national action plans against human trafficking, national human rights- and development strategies, education policies, child poverty policies and plans to combat violence against women or domestic violence.

### Some highlights

In **France**, several national strategies and action plans concern the issue of tackling violence against children, such as the National health strategy (2018-2022), the National strategy for parental support (2018-2019), the National strategy for sexual health (2017-2030), the 5<sup>th</sup> National plan to combat all forms of violence against women (2017-2019), the Strategy regarding autism and neuro-developmental disorders, the Interministerial strategy for poverty prevention (2018-2022). In addition, the French Government is currently elaborating a National strategy for child protection.

**Ireland's** "Better Outcomes, Brighter Futures" provides a good example of implementation of the Operational Principles of the Policy Guidelines. It is a "whole-of-Government" national policy framework for children and young people. There is a clear implementation and accountability structure designed into the framework, which drives consultation, cross-government implementation, measurement and monitoring.

In **Switzerland**, child- and youth policy is considered a transversal issue, which concerns several other policy areas, such as family policy, social policy, education policy, labour market policy, town planning policy, health policy, integration policy and equality policy.

In **Ukraine**, a national law on the prevention of domestic violence was adopted by Parliament in 2018, and to enable the implementation of the Lanzarote Convention certain amendments were made in the Penal Code. Ukraine is in the constant process of harmonising national legislation in order to implement international Conventions.

119. 27 member States also indicated that their policy instruments to protect children from violence are connected to policies aimed at supporting families to meet their parental responsibilities, such as positive parenting. However, a few states pointed out that positive parenting programmes are still rather scarce and not available to all parents or in all parts of the country. Sometimes, these programmes are run by NGOs rather than by state authorities, and may therefore be limited in scope.

### Some highlights

**France** has adopted a national strategy 2018-2022 to support parents and prevent risks to families, including intrafamilial violence.

In **Portugal** in 2019, the National Commission for the Promotion of the Rights and Protection of Children and Young People (Comissão Nacional de Promoção dos Direitos e Proteção das Crianças e Jovens, CNPDPCJ) will launch the "Adelia Project", which is aimed at supporting positive parenting, thus contributing to prevent child ill-treatment and corporal punishment. Within its objectives, one can find the following: preventing danger and risk situations through the promotion of positive parenting; assessing dynamics of risk, protection and possibilities of change; developing parental, personal and social competences, which may improve the parenting performance; and empowering families through the promotion and reinforcement of quality daily routines and relational dynamics.



In **Sweden**, a large part of the parenting support offered today is within the ordinary activities of municipalities and county councils. Maternal and child care centres offer parental groups, and in many municipalities there are family centres and open preschools. When the children get older, support can be offered through the preschool or school, and in many places structured parenting programs are also offered. The goal of the strategy is for all parents to be offered support during the child's entire upbringing. To assist municipalities, county councils, regions, civil society actors and others who work with support for parents, the Family Law and Parental Support Authority has been given the task of supporting implementation and following up the strategy.

120. 30 out of the 38 responding member States confirmed that different institutions have been assigned clear roles in the process surrounding national policy instruments to protect children from violence (in line with General Principles 6 and 7 of the Policy Guidelines), and indicated that all institutions, services and facilities responsible for the care and protection of children are accredited and registered with public authorities.

121. Moreover, 28 respondents stated that institutions, services and facilities responsible for the care and protection of children are encouraged to adopt and implement codes of conduct or other professional standards regarding the prevention, protection and prohibition of all forms of violence against children. Such institutions, services and facilities are subject to internal control and regular independent monitoring to ensure compliance with child care standards and respect for children's rights.

### Some highlights

In **Albania**, social services that provide childcare services must be licensed. Services offered should be in compliance with standards for child services. These are national standards adopted by decision of the Council of Ministers. One of the requirements is that each service has to adopt a code of conduct for all employees that work with children. Service providers are regularly monitored and inspected. Child protection workers at local level operate according to the same child protection standards adopted by the Council of Ministers. The work of child protection workers is monitored regularly by the state Agency for the Rights and Protection of the Child.

In **Andorra** all professional working in contact with children must present an extract from the criminal record regarding sexual offences.

In **Armenia**, the Human Rights Defender has a mandate to conduct independent monitoring in all child care institutions both public and private.

In **Ireland**, the Children First Act 2015 prescribes that all relevant services have to develop child safeguarding statements to demonstrate how they keep their children safe including dealing with child protection concerns, working safely with children, recruiting and managing staff, child safeguarding awareness aware and training and implementing safeguarding strategies. They also have to carry out risk assessments.

In **Romania**, all social services are regulated by minimum mandatory standards, irrespective of if they are state or private run, and an accreditation and licensing mechanism is in force to certify the quality of services delivered.

On the conduct of professionals, two types of regulations are in force: on the one hand, the professional associations (ex. National College of Social Workers, National College of Psychologists, etc.) have developed and approved Code of conducts/Ethical Codes for their members irrespective of the social services where they work, while on the other hand, all child protection services have internal procedures that regulate the conduct of their employees in relation to the children. Furthermore, the Child Act (Law 272/2004) foresees obligation for criminal checking for all professionals working with children and the interdiction of employing persons that committed certain criminal offences.

All the above-mentioned aspects are checked independently during the periodical inspection missions from the licensing mechanism. Professional associations can also run autonomous investigations on the conduct of their members. Also, control missions are conducted by the Control Body of the NAPCRA, on thematic that can include accreditation, licensing, conduct of employees. Different types of sanctions can be proposed, from administrative to penal ones, should the situation require such an investigation.

## **Cooperation and consultation**

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122. Regarding the question as to whether existing policy instruments to protect children from violence have followed a multi-stakeholder approach involving the cooperation of public authorities, civil society and the private sector in their elaboration and implementation, 32 states replied in the affirmative with regard to elaboration and implementation parts, showing a clear tendency for cross-sectoral cooperation. With regard to the monitoring of such instruments, 28 states confirmed that the approach has been based on multi-stakeholder cooperation.

123. While the private sector is rarely included in such multi-stakeholder approaches on the issue of violence against children, governmental agencies and civil society organisations were mentioned by almost all the respondents that confirmed to have such an approach.

124. 27 respondents confirm that national human rights institutions / ombudspersons for children had a particular role in the elaboration of policy instruments to address violence against children, while 21 indicated that such institutions were relevant in the implementation and monitoring of those instruments.

125. The survey showed that only 3 states separate implementation from monitoring. Hence, in many member States, there appears to be a risk that the same actors that implement are also the ones to monitor such implementation. In as much as 19 of the responding member States, human rights institutions / ombudspersons are involved in both the implementation and the monitoring of policy measures to protect children from violence.

126. To ensure that policies to protect children from violence are being monitored in an independent and neutral manner, it might be better to consider how the national human rights institutions / ombudspersons may be granted this task, or look at other ways to ensure that an entity is not monitoring its own work.

127. With regard to a systematic and effective collaboration across different government departments and services in the elaboration of the policy instruments to protect children from violence, 32 out of the 38 responding states Parties confirmed this to be the case, and 30 also confirmed this with respect to the implementation of such policy instruments. 26 indicated that such collaboration exists also with regard to monitoring.

128. More than half of the responding member States confirmed that a regular and sustainable dialogue exists with local and regional authorities regarding policy measures to protect children from violence, in particular with regard to the elaboration and implementation of such measures (24), but also concerning their monitoring (22).

129. Regarding children's own involvement in the elaboration, implementation or monitoring of policy measures to protect them from violence, this appears to be rarer. Only 17 of the 38 responding member States indicated that children had been involved in the elaboration phase, with even fewer confirming such participation in the implementation and monitoring phases (13). These figures point to a need to develop child participation further in this regard, and member States could do much more. But good practice does exist, showing that child participation can be included in different ways:

### Some highlights

In **Albania**, the National Agenda on Child Rights 2017- 2020 is the first policy document that has been elaborated in consultation with children in respect of their fundamental right to participation. The consultation was realised with the support of World Vision in the form of 5 focus groups, organised according to the World Café methodology, where the children expressed their views on each of the thematic areas contained in the National Agenda on Child Rights. The recommendations given by the focus groups were summarised in a report and were taken into consideration by the Agenda Drafting Group. Following this consultation, representatives of children's groups met in Tirana with the Minister and representatives of central and local institutions, sharing their recommendations regarding the Agenda. The children came from 10 different regions of the country.

In **Greece**, the priorities of the Action Plan were submitted to the Youth Parliament of 2016 for consultation and the results of this process were taken into consideration in the drafting of the revised Action Plan. In May 2018 a consultation with civil society organisations was held and the comments made were also taken into account. Importantly, a national monitoring mechanism for Drafting, Monitoring and Evaluation of Action Plans on the Rights of the Child was established by law in 2017. One of the most important functions of the mechanism is to involve both civil society organisations and children in the consultation process.

**Hungary's** Child Protection Act allows children placed in a residential institution to set up a children's self-government to represent their interests, whose members are elected by more than 50% of the children, irrespective of the head of the institution. The children's self-government may give an opinion to the head of the institution about the functioning of the institution and all the issues related to children and is represented in the interest representation forum of children in care.

**Ireland** collected the views of 66,705 children and young people in 2011 to inform the development of "Better Outcomes, Brighter Futures" and its related age-cohort strategies. Children and young people in every school and Youthreach centre in the country were invited to complete short questionnaires. The responses to these questionnaires helped to form the "Better Outcomes, Brighter Futures" framework. Consultation with children and young people also inform its ongoing implementation. Children and Young People Services Committees have a direct link with *Comhairle n'Og*, the Irish youth parliament. Furthermore, the mid-term review of the framework involved consultation with children and young people.

In **the Netherlands**, youth that have experienced childhood abuse and domestic violence are a part of the expert group that give feedback on the implementation of the strategy. Victims were also consulted in the preparation and monitoring of the strategy.

In **Romania** the consultative process to develop the Strategy, the draft strategy was submitted for consultation to the Federation of Local Authorities, the Association of Municipalities, the Association of Towns and the Association of Communes, as well as to the National Union of County Councils, all associative structures of the local public administration structures. The consultation process also involved representatives of the participative structures of children and youth (e.g. the National Council of Students) which directly contributed in drafting measures envisaged by the strategy, aimed primarily to ensure and increase the efficiency of the way the child's right to participation is implemented.

In **Turkey**, to put into practice the principles and provisions of Convention on the Rights of the Child and in order to ensure child participation, Provincial Committees on the Rights of the Child have been established in every Province within the coordination of DG Child Services. Provincial Committees on the Rights of the Child are a nationwide organisation and participation is voluntary. Every child can be a member of the organisation.

130. As shown by the abovementioned good practices, there are several different ways to ensure that children's voices are heard in the process of developing policy instruments that concern them directly. In order to make child participation meaningful, ways must be found to ensure not only that children's views are collected, but also that they are actually taken into account by decision makers. Results of consultation processes should therefore be made public and, ideally, Government institutions should be able to point to decisions and actions that have been influenced by children's voices, hence creating a form of accountability to the group of persons that will be directly impacted by the decisions made – the children.

## Prevention measures

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131. One of the main objectives for any state or organisation working to end violence against children is to manage to prevent that such violence occurs in the first place, or that, where it does occur, it cannot be repeated. Prevention strategies thus tend to be divided into three categories: primary, secondary and tertiary prevention measures.

132. In the context of violence against children, primary prevention aims to prevent such violence before it occurs. This is done by addressing the root causes of violence. For instance, it may be done by preventing the exposure of children and their families to risks or situations that cause violence to occur, altering unhealthy or unsafe behaviours that can lead to violence, while increasing resistance to such risks or situations if they should occur anyway. Examples may include:

- ▶ Legislation and enforcement to ban the use of violence in specific settings (such as the home or school) and promotion of safe and healthy practices such as positive parenting.
- ▶ Education and training of professionals working in contact with children about safe and pedagogical ways to address and care for children.

133. Secondary prevention aims to prevent violence against children considered to be at high risk. Examples may include:

- ▶ Family support to vulnerable families, such as families living in poverty or families with addiction issues.
- ▶ Special attention by medical and health professionals when examining children, to make sure that they can detect signs of violence as early as possible (even when there are no obvious physical marks).

134. Tertiary prevention aims to reduce the impact of violence against children that has already occurred. This may be done by identifying victims as soon as possible, encouraging personal strategies to prevent repetition, such as encouraging children to tell about any incidence of violence that they may be exposed to. Examples may include:

- ▶ Child-friendly rehabilitation services, including psycho-social support
- ▶ Children's houses (*Barnahus*) or "one-stop-centres"

135. 32 out of the 38 respondents (84%) stated that they have national instruments with an emphasis on the prevention of violence, including primary prevention (addressing root causes of violence), secondary prevention (e.g. for children at risk) or tertiary prevention (e.g. in victim support).

136. Specific prevention measures mentioned by member States in the survey include risk mapping, awareness raising and changing social norms, training professionals and developing competences, strengthening knowledge and skills of students, early victim identification and violence detection, national helplines, development of positive parenting skills, development of community support services for children at risk, support services for victims of sexual abuse, Children's houses (*Barnahus*), and reintegration services.

### Some highlights

**Moldova** described its prevention system as follows: In relation to **primary prevention**, the most relevant actions are oriented to the development of positive parenting skills and changing stereotypes, but also to increase the role and involvement of universal services (community healthcare and education) in systematic screening of children in order to identify concerns for child wellbeing early. In relation to **secondary prevention**, the most important scope is to implement fully functional community support services for families with children at risk, in order to prevent child harm or (re)victimisation, but also to condition the payment of poverty social benefits/monetary family support by securing that money received is spent first of all for children's needs. In relation to **tertiary prevention** the actions are oriented to the development of sustainable network of quality accessible specialised and highly specialise rehabilitation and psychotherapeutic services for children victims of violence, as well as integrated Centres of assistance for child victim involved in criminal proceedings (using the *Barnahus* model), but also for the rehabilitation of offenders, including sexual offenders.

In **Poland** the National Programme for the Prevention of Domestic Violence (2014-2020) addresses issues such as child maltreatment and youth violence. Types of action related to violence against children are: Conducting national and local social campaigns which promote educational methods without the use of violence and inform about the prohibition of corporal punishment on children by persons holding parental authority and care or custody; Promoting violence-free programmes addressed to children and young people in the mass media; Developing protective and educational programmes and carrying out activities related to the prevention of domestic violence, particularly against children, women, the elderly or the disabled; Developing and implementing preventive activities related to the promotion and implementation of educational methods in families at risk of domestic violence.

In the **Slovak Republic** the character and content of the strategic goals and relevant tasks determined in the National Strategy on the Protection of Children against Violence reflect emphasis on primary prevention (e.g. raising awareness of the topic of violence against children), secondary prevention (e.g. early identification of child victims of violence) as well as tertiary prevention (e.g. work on the national helpline).

### Best interests of the child

137. The concept of the best interests of the child constitutes one of the general principles of the Policy Guidelines on integrated national strategies for the protection of children from violence, as well as of the CRC,<sup>122</sup> in which the concept underpins the rights set out in the convention.<sup>123</sup> Article 3.1 of the CRC reads:

*"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."*

138. However, this principle, to which so much importance has been attributed, is of a rather vague nature, and the numerous requests for clarification of the concept led the Committee on the Rights of the Child to adopt, in 2013, General Comment No. 14.<sup>124</sup> In this General Comment, the Committee points out that the principle of the best interest of the child "expresses one of the fundamental values of the Convention" and that it is aimed at "ensuring both the full and effective enjoyment of all the rights recognized in the Convention and the holistic development of the child".

<sup>122</sup> CRC, Article 3.1.

<sup>123</sup> Council of Europe, The best interest of the child – A dialogue between theory and practice, 2016, p.28.

<sup>124</sup> UN Committee on the Rights of the Child, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), available at: [https://www2.ohchr.org/English/bodies/crc/docs/GC/CRC\\_C\\_GC\\_14\\_ENG.pdf](https://www2.ohchr.org/English/bodies/crc/docs/GC/CRC_C_GC_14_ENG.pdf)

139. The Committee continues by underlining that the best interest of the child is a “threefold concept”, namely a) a substantive right, meaning that the child has the right to have her/his best interest assessed and taken into account when different interests are being considered and confronted; b) a fundamental, interpretative legal principle, meaning that if a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child’s best interest should be chosen; and c) a rule of procedure, meaning that whenever a decision is to be made that will affect a child, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child concerned.<sup>125</sup>

140. In other words, in any situation in which a child is involved and in which there is a choice between two or more potential solutions, or in which there is a conflict between two or more rights, or when the situation concerns an issue not covered by existing rights, and in any situation in which the interests of other parties might otherwise jeopardise or unduly influence the outcome for the child,<sup>126</sup> the principle of the best interest of the child should be the underlying guiding principle for the assessment and decision made.

141. Half of the respondents provided details as to how the best interest of the child is taken into account and assessed in the relevant national strategy or policy framework. One state indicated that the best interest of the child is a guiding principle in all matters related to children’s assistance and protection services, and another that it is the core principle underpinning all its policy actions relating to children. One state indicated that the best interest of the child means the wellbeing of the child, and two states stated that this principle is applied in all legal and administrative procedures relating to the child. One state pointed out that the principle of the best interest of the child represents one of the guiding principles for its national strategy on children’s rights, and another mentioned that national legislation requires ensuring first and foremost the best interests of the child.

### Some highlights

In **Albania**, the application of the best interest of the child is foreseen in the law 18/2017 “On the Rights and Protection of the Child”. According to this law, other acts regulating issues related to the enforcement and protection of the rights of the child, and any other individual act issued based upon them, shall be subject to the principle of the best interest of the child. All authorities, including the court, shall consider the best interest of the child of primary importance in all decisions made concerning children.

In **Austria** the conceptual determination of the best interests of the child by the 2013 law amending child custody (Section 138 Austrian Civil Code) explicitly set forth key criteria for the best interests of the child in the law. First and foremost is the effective protection of the physical and psychological integrity of the child and safety from any danger, assault or violence to the child. Moreover, to safeguard the best interests of the child, any reasonable suspicion of violence against, maltreatment or abuse of a child must immediately be reported in writing to the responsible municipal or local child and youth welfare authority (Child and Youth Welfare Act, Section 37).

In **Belgium**, the best interest of the child is included as a general principle in the new « *Code de la prévention, de l’aide à la jeunesse et de la protection de la jeunesse* » of the Walloon-Brussels Federation, which entered into force on 1 January 2019.

In **Finland** legislation requires ensuring first and foremost the best interests of the child.

<sup>125</sup> Ibid.

<sup>126</sup> Council of Europe, The best interest of the child – A dialogue between theory and practice, 2016, p.25.

In **Malta**, the best interests of the child is one of the main guiding principles of the National Children's Policy which was launched in November 2017. The policy aims to ensure that the best interests of children are given primary consideration through the policy actions. The Office of the Commissioner for Children has been tasked to monitor the implementation of the National Children's Policy and therefore ensuring the best interest of the Child.

In the **United Kingdom**, the guidance "Working Together to Safeguard Children" covers the legislative requirements and expectations on individual services to safeguard and promote the welfare of children. The best interests of the child is central to the guidance.

## **Expertise of victims or survivors of childhood violence**

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142. A strong majority of respondents (30 out of 38, or 79%) indicated that strategies or policy instruments take into consideration the expertise of victims / survivors of childhood violence and recommendations made by them and/or any organisations representing them. Interest in listening to the views of victims and survivors appears to be growing, as the expertise of these groups of persons is gradually being acknowledged as key to developing measures that actually serve their needs and contribute to better response mechanisms.

143. Nevertheless, it is still rather uncommon for states to interact directly with survivor groups or organisations. As examples of how the expertise of victims and survivors is being considered, the respondents to the survey stated, for example, that their policies are based on international standards, which take into account good practice and experiences of both experts and victims, or that national laws have been developed in consultation with NGOs that are providing services for children victims of violence.

144. Hence, it appears that most member States rely on civil society organisations that provide services for victims and survivors to bring in the relevant expertise. One state mentioned that it had consulted with organisations representing victims, while another replied that it had organised public consultations before adopting the relevant policies. One respondent explained that organisations representing youth and survivors of violence are being consulted in the development of targets and actions within the National Action Plan for the promotion of safety for children, and one respondent mentioned that its National Action Plan on violence against children was developed in partnership with activists, researchers, as well as victims/survivors of sexual violence.

## **Gender differentiation**

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145. Less than half of the respondents<sup>127</sup> replied that they differentiate policies and related measures by gender, for instance to distinguish violence against boys and girls. One state mentioned that it has a specific focus on strengthening the rights of girls, while some other states explained that laws are the same for boys and girls but special attention is paid to gender related violence, such as female genital mutilation. One state pointed out that while its child protection policy is gender-neutral, the country also has a specific policy on gender-based violence, in which the protection of children from gender-based violence is included. Some states explained that while services are often gender neutral, data collection is differentiated by gender.

146. A frequently invoked reason for not having a gender differentiation in national policy instruments for the protection of children from violence is the principle of non-discrimination, which represents General Principle 3 of the Policy Guidelines. In accordance with this principle, which is also enshrined in article 2 of the CRC, "all children regardless of their sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, state of health, disability or other status, should be protected from all forms of violence and be provided with such care and assistance as to ensure to the maximum extent possible their survival and development".

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<sup>127</sup> 17 out of 38, or 45%.

147. However, the principle of non-discrimination does not imply that states should not pay attention to gender-based forms of violence against children, which may affect girls or boys differently, and thus require specific response mechanisms. Indeed, General Principle 4 of the Policy Guidelines is about gender equality, and sets forth that “gender aspects of violence should be addressed as part of the integrated approach to violence, and due account should be taken of the different risks girls and boys face in respect of violence and of the different consequences of violence for boys and girls”.

148. In order to ensure a truly integrated approach to violence against children, member States should pay more attention to General Principle 4 on gender equality, ensuring that their policy instruments to protect children from violence takes into adequate consideration how different forms of violence affect girls and boys in different manners, and reflect upon how response mechanisms may need to adapt to the different needs of girls and boys.

### **Respect and awareness for child protection**

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149. The survey raised the question as to whether member States have included, in their strategy or policy instruments on violence against children, any action aimed at increasing awareness for children’s specific needs and the importance of acting in their best interests, for instance through targeted education programmes or awareness raising campaigns for different groups.

150. 31 out of the 38 responding member States indicated that this is the case, mentioning mainly awareness raising campaigns for the general public, for instance to encourage people to report any suspicion of abuse and neglect of a child or to emphasise the importance of paying attention and listening to children who try to tell us something, and campaigns to sensitise and empower children, for example by knowing their own rights and learning about privacy. Several states also mentioned awareness raising and sensitisation efforts among parents and persons within the educational environment, such as school staff and teachers as well as students. One state pointed out that efforts to raise awareness could be more effective, and several respondents provided no concrete examples.

151. 27 out of the 38 respondents stated that they have programmes in place aimed at empowering children to stand up against violence concerning themselves or their peers in various contexts. Examples given include websites with child friendly information aimed at teaching children about their rights and empowering them to report abuse, a national conference for students on violence prevention, helplines, school programmes to help children recognise sexual abuse or other forms of sexually inappropriate behaviours, a “children’s rights package” to teach children about their rights, and empowering students to stand up to school violence.

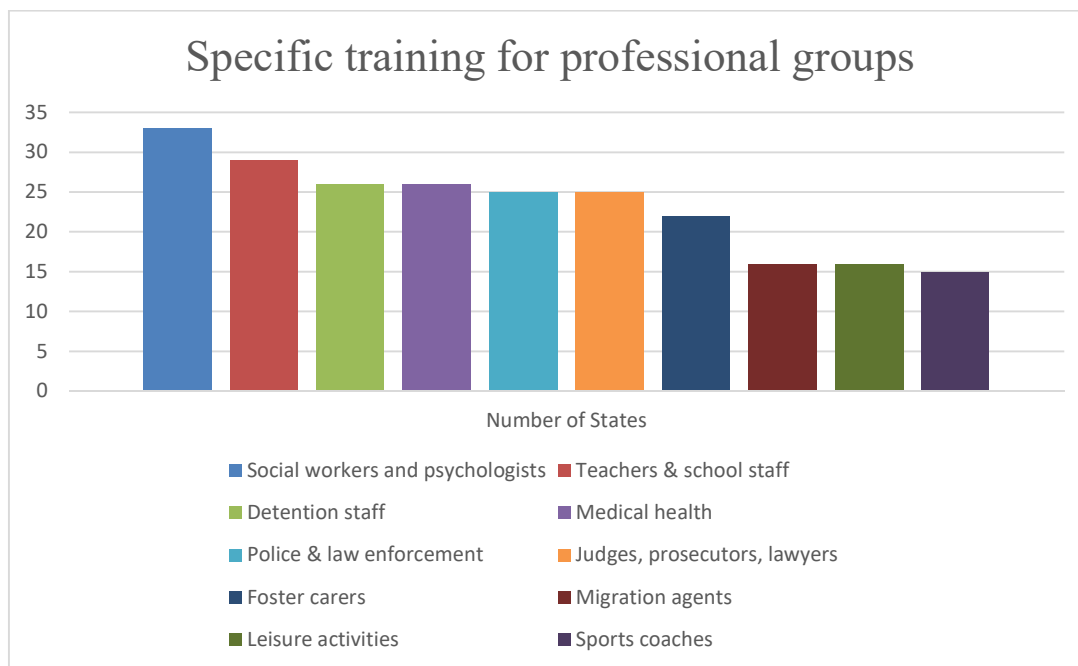
152. Almost all responding member States indicated that there are specific training programmes for certain groups of professionals working with children to prevent, detect, report and respond effectively to violence against children. The most frequently mentioned groups of professionals receiving such specific training are social workers and psychologists, which were mentioned by 33 states. This category was followed by teachers and other school staff (29 states), staff of facilities where children are deprived of liberty, as well as medical health professionals (both mentioned by 26 states), and professionals in the law enforcement and justice systems (police, judges, prosecutors, lawyers) (25 states).

153. Training for categories such as foster carers appear to be somewhat less common, with 22 states mentioning specific trainings for this group. With regard to migration agents and professionals, training is provided in only 16 states, and for staff working with children in leisure activities (culture etc.) or sports, training is also much less frequent (16 and 15 states respectively).

154. While training is of course crucial for professionals directly involved in the care and rehabilitation of children who fall victims of violence, such as social workers, psychologists and health professionals, it should not be forgotten that detecting the signs of violence and ensuring early reporting is often more easily done if professionals working with children in sports and leisure



activities have received the relevant training and know how to react. Member States should consider extending their training skills to cover all groups of professionals working in regular contact with children.



### Some highlights

**Belgium** has launched several actions aimed at strengthening and empowering children, such as the “no hate speech” movement, the campaign “time out against bullying in sport”, actions regarding cyber bullying, and a campaign for the helpline for children 1712.

In **Denmark**, the National Police has developed and is currently implementing an IT-tool called “*Socialsøg*”. The local police notifies the local authorities about incidents where they are concerned about children who are involved. “*Socialsøg*” enables the local police authorities to collect and systemise a wide range of information that may give rise to the concern that a child is not thriving, for instance because of its parents’ continued worrying behaviour, including the criminal history of the parents, if any. The IT-tool facilitates notification by the local police to the municipal authorities at a very early stage, in situations where the police authorities have no jurisdiction to react themselves.

In **Georgia**, in compliance with the new Juvenile Justice Code adopted in 2015, the Ministry of Internal Affairs (MIA) elaborated special curricula, provides training courses, and certifies professionals tasked to work with minors. The Chief Prosecutor’s Office and the MIA organise, together with partner organisations and governmental agencies, regular professional trainings for law enforcement professionals on cybercrime and trafficking in human beings, including child trafficking and pornography. In close cooperation with the Social Service Agency, joint trainings on the child protection referral mechanism and on children’s rights are provided for police and social workers. This is a good example of how different professional groups can be trained together, thus increasing the understanding of the roles and responsibilities of each stakeholder, and enhancing cross-sectoral communication and cooperation.

In **Greece**, the Hellenic Police are active on all media platforms in order to raise awareness among children and their parents.

In **Switzerland**, sport associations have given a clear signal that they condemn any sexual abuse or harassment of a child in the sports environment. Swiss Olympic and the Federal Sport Office (OFSP) provide awareness raising information and practical support on this issue to children and adolescents, to sports coaches and staff members of sport clubs, as well as to parents. An online platform, [www.spiritofsport.ch](http://www.spiritofsport.ch), provides specific information, guidance and practical prevention advice, as well as a list of relevant services available in the country. Swiss Olympic and the Federal Sport Office (OFSP) have also adopted a Charter with seven principles to promote a healthy and respectful sports environment. Among the principles is the obligation to refuse violence, exploitation and sexual harassment. Swiss Olympic and all sports federations must use at least 15 % of financial contributions from the Swiss confederation to implement this Charter. In the training curriculum for sports coaches, specific thematic trainings on sexual violence are also provided.

### Cooperation with the media

155. In the survey, member States were asked if and how cooperation with media and information and communication providers is included in the strategy or policy instruments to protect children from violence. 26 out of the 38 responding member States replied that such cooperation is foreseen to protect children from harmful online content. 23 states indicated that cooperation with media is aimed at facilitating the distribution of positive practice and messages in combating violence against children, and 15 states replied that it is intended to develop children's and/or families' media literacy skills.

156. Examples of cooperation with the media mainly regarded the broadcasting of thematic and informative films and videos to raise the awareness on the topic of violence against children or on sexual violence, for instance on specific days such as International Children's Day (20 November).

#### Some highlights

In **Albania**, the state Agency on the Rights and Protection of the Child proposed amendments to the media law to improve the ethics and the way of reporting child media cases. The proposed changes to protect children are reflected in the new Audiovisual Media Broadcasting Code.

In **Cyprus**, the collaboration with the media focuses on protecting students from media exposure that violates their rights.

## IV. RESPONSES TO VIOLENCE AGAINST CHILDREN IN SPECIFIC SETTINGS

157. For the three specific settings identified by the CAHENF-VAC (family settings, school environment, institutions – see further part A, above), member States were asked to provide more detailed information on how they work to tackle violence against children. The questions in the survey focused on specific programmes in place to prevent and address violence in the three respective settings, and the existence of targeted measures in those particular contexts.

158. From the replies to the survey it became clear that, in most states, such programmes and measures are overlapping and often cover more than one area. For instance, measures to protect children from violence in the digital environment often span over both the school environment and the family setting, and measures to protect migrant and refugee children concern both the school environment and the residential care facilities in which those children are living. Hence, the good practices listed below may concern more than one setting even if they are listed under only one of them in order to avoid repetition.

## Violence against children in family settings

159. The first question regarding violence against children in family settings asked if member States have put in place any specific programmes or policy measures at national, regional or local level in order to promote positive parenting and strengthen families, to provide family support services, to facilitate reporting of violence in the family, as well as to inform children and their families about potential risks in the digital environment.

160. 35 out of the 38 responding member States (92%) confirmed that specific programmes or measures are in place to provide family support services. 33 states indicated that measures exist to facilitate reporting of violence in the family (e.g. by children themselves and by professionals in contact with children), and 32 stated that they have programmes or measures aimed at informing children and their families about potential risks in the digital environment. 31 out of the 38 responding member States also replied that specific programmes or measures exist to promote positive parenting and strengthen families.

161. By way of example, states mentioned the existence of a government website on positive parenting topics, including in the digital world, the creation of a National Strategy on the Protection of Children in the Digital Environment aimed at raising awareness among parents, teachers and children on the importance of protection of children online as well as providing with guidance how to behave safely in the digital environment, civil society initiatives on positive parenting, and specific social support programmes for families with children at risk at local level.

162. states also mentioned National Strategies for parenting support and positive parenting, a National Children's Policy to strengthen awareness initiatives amongst parents and children and support families and out-of-home care providers to offer an environment that enhances the full and harmonious development of the child, and a National Strategy on the Prevention and Combating of Violence in the Family.

### Some highlights

In **Bosnia and Herzegovina** several initiatives to empower children online and professionals working with children were launched in the course of 2017, such as "Guidelines on dealing with violence against children in the digital environment in BiH" intended for professionals working with children; the Picture book "All you need to know about violence!" intended for children aged 6-11 years; the online application "Be a Cyber-Detective!" for use on social networks and an online platform [www.sigurnodijete.ba](http://www.sigurnodijete.ba) for children aged 12+. A children's quiz online was activated in December 2017 and lasted for 6 weeks, with the participation of 850 children. Each week, three participants with the highest number of points on the quiz were selected for an award and received the title Super Cyber-detective.

**France** has a specific National Strategy to support positive parenting (2018-2022).

In **Ireland**, the child protection agency, Tusla, has adopted a Parenting Support Strategy that builds on the High-Level Policy Statement on Parenting and Family Support by the Department of Children and Youth Affairs. Positive parenting and strengthening of families are at the heart of this strategy and the reform through the Prevention, Partnership and Family Support Programme. National and local information campaigns, a cross-sectoral professional network of Parenting Supporting Champions, seed funding initiatives and the development of multi-agency early intervention practice model (Meitheal) aim to enhance parenting and family support with a view to reducing and eliminating risks to children. Furthermore, the Department also recently established a Parenting Support Unit that will seek to provide strategic policy direction regarding parenting and family support.

There have also been several campaigns regarding online safety such as Be in Ctrl. The new Action Plan for Online Safety includes a number of measures including the Be Safe Online Campaign. Webwise-Youth Hub – representing the student voice for online safety, and the consolidation of resources for parents and addressing gaps. The National Parents Council is part

of the four co-ordinators of the Safe Internet Programme in Ireland and parents will also be represented on the new National Advisory Council for Online Safety.

**Malta** has launched a “National Strategic Policy for Positive Parenting 2016-2024” and a “National Children’s Policy”, which include actions such as strengthening awareness and education on the pros and cons of social media and, more specifically, the risks of bullying, sexting, grooming, abuse, privacy, etc.; strengthening awareness raising initiatives amongst parents and children to better protect them from online abuse and bullying; supporting families and out-of-home care providers to offer an environment that enhances the full and harmonious development of the child; strengthening support units within the community so as to coordinate family care plans, facilitate their implementation and serve as a source of referral for specialised services as may be required; enhancing the wellbeing of the child and the family through integrated cooperation between the providers of educational, recreational, judicial, social and health services.

In **Sweden**, several research-based programmes (based on at least one published controlled randomised study) exist to promote positive relationships between parents and children, such as “ABC” (Alla Barn i Centrum/“All Children in Focus”), “Komet”, “iKomet”, “COPE”, “Connect” and “De otroliga åren” (“The incredible years”).

163. The question was then asked as to whether or not the member States have a multi-stakeholder approach to addressing issues of violence against children in family settings. 35 member States confirmed having a multi-stakeholder approach with regard to the prevention of violence in the family setting, and 34 stated that they have such an approach with regard to the protection of children. With regard to the prosecution of perpetrators of violence in the family setting, 34 states also confirmed that they follow a multi-stakeholder approach.

164. To exemplify this, some states provided concrete approaches, such as a Manual of Interdepartmental Procedures guiding the cooperation of all relevant agencies, multi-stakeholder work between professionals in child protection, police, healthcare, and youth workers, or multi-stakeholder cooperation between Police, social services, medical services, schools, and courts.

165. One state mentioned that, related to protection, in the process of identification, assessment and case management, representatives of child protection, education, health, police, local public administration are involved, while with regard to prosecution, child-friendly hearing procedures are in place and a multi-disciplinary approach is being piloted and institutionalised. Another state took the *Barnahus* (Children’s house) as example, explaining that, when a child is subjected to crime, there is often a need for collaboration between different authorities at a Children’s house. These actors are usually social services, police, prosecutors, pediatricians, child and adolescent psychiatry and child welfare teams for consultation in the house, for planning of each individual case. The purpose of a Children’s house is to investigate situations of violence or abuse against children in one place in a child-friendly environment. Children and their families should also be offered crisis support and treatment at the Children’s house.

### Some highlights

**Cyprus** has developed a Manual of Interdepartmental Procedures which serves as the basis for cooperation between all agencies (i.e. the Social Welfare Services, the Police, the Attorney’s Office, the Ministry of Education and Culture, the Ministry of Health (Mental Health Services, etc.).

In **Finland** a multi-stakeholder / systemic approach is currently being trained throughout the Child Protection Services under the Government Key Programme.

In **Portugal**, measures adopted to prevent violence and protect children greatly rely on cooperation between state entities and private, non-governmental institutions of social solidarity and various cooperation protocols have been signed in this regard. Crimes committed against children and youngsters are a priority in crime prevention. In 2017, an Office on Family, Children and Youngsters has been created within the Prosecutor General's Office with the view to, inter alia, study and promote best practices enhancing the work of public prosecutors as advocates for the rights of children, fostering coordination and cooperation between the different judicial and other authorities working in this area, and improving procedures and data collection in this regard. Within the evaluation period of this report, public prosecution authorities have also signed protocols at the local and international levels with the view to share good practices and enhance cooperation in legal proceedings involving children. In March 2018, the Prosecutor General established a Working Group on Domestic Violence, with the view to outline the strategy of Public Prosecution against domestic violence, including the adoption of best practices and the standardization of procedures in criminal courts and in family and children's courts.

In the **Republic of Moldova**, regarding child protection, in the process of identification, assessment and case management, representatives of child protection, education, health, police, local public administration are involved. With regard to prosecution, child-friendly hearing procedures are in place, and a multidisciplinary approach has been piloted and is to be institutionalised (including the Barnahus model).

## **Violence against children in schools**

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166. The second setting identified by the CAHENF-VAC expert group to which more detailed focus should be granted was the school environment. Violence in schools is one of the most visible forms of violence against children, and can take many forms, ranging from physical violence to psychological violence. It is often expressed through acts of bullying, intimidation and repression. Violence in schools creates insecurity and fear which harm the general school climate and infringe pupils' right to learn in a safe, unthreatening environment.<sup>128</sup>

167. In the survey, member States were asked if they have any specific programmes or policy measures in place at national, regional or local levels to empower children and encourage them to report violence experienced or observed, whether such violence is inflicted by adults or by peers. 30 out of the 38 responding states confirmed the existence of such programmes or measures, and provided examples such as bullying or child abuse help lines, guidance on Keeping Children Safe in Education, which includes that all children should know what to do and who to talk to if they have a concern, the existence of psycho-social services for school students, as well as an Anti-Bullying Service within the Education Psycho-Social Services. Other measures included awareness raising and peer to peer activities, workshops on violence, and the promotion of an active role of students.

168. Secondly, states were asked if any such programmes or measures exist to facilitate the identification and/or encourage reporting of violence against children by adults working in the school environment, such as teachers and other school staff. 31 member States answered yes to this question, mentioning mainly training of teachers and other school staff as the key measure. For instance, it was pointed out that all staff should receive regular safeguarding and child protection training and know what to do if the suspect a child has been harmed or is at risk of harm, as well as trainings on reporting of violence against children and on violence, bullying, tolerance, and discrimination issues to raise awareness on violence for teachers and school principals. Some states mentioned the production of specific material for teachers and other staff members to prevent and address violence, and an online portal with information for teachers on sexuality issues including sexual violence, as well as awareness raising material on domestic violence and violence against girls and women.

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<sup>128</sup> Council of Europe, Violence in schools. See: <https://www.coe.int/en/web/children/violence-in-schools>.

169. With regard to the digital environment, Members states were asked to provide information on efforts to educate children and their families about risks that children may encounter online. 32 states indicated that they have policies or programmes in place for this purpose. Examples included trainings for children and teachers about risks that they may encounter in the digital environment, the introduction of media training in the school curricula of all students, and the production of specific learning material and activities to educate children about online risks.

170. Concerned with the current situation in many member States with regard to newly arrived migrant and refugee children, the survey included a question regarding states' efforts, if any, to address the situation of migrant and refugee children in the school environment specifically. 25 of the respondents stated that the situation of migrant and refugee children has been specifically taken into account, for instance by setting up working groups to address the situation of migrant children, or by creating special integration classes in schools and ensuring special language education to enable children to access regular schooling, or ensuring the inclusion of migrant children and granting them a safe and stimulating school environment.

171. Schools cannot fulfil their role as places of learning and socialisation if children are not in an environment free of violence. Hence, states were asked to provide information on how they work to establish and promote child protection policies or codes of conducts for safe schools. 27 states confirmed that this is something they promote, for instance by establishing that all schools should have an effective child protection policy.

172. Lastly, the questions were asked if states have put in place any programmes or measures to involve survivors or organisations representing their interests into the policy making process regarding violence against children in schools, as well as to enable children to participate in the design or provision of educational programmes to tackle such violence. Less than half of the respondents confirmed that this is the case.<sup>129</sup> One respondent mentioned efforts to strengthen the existing multidisciplinary approach model of services and promote school-community partnerships.

173. With regard to the multi-stakeholder approach to addressing issues of violence against children in the school environment, 31 states replied that they have a multi-stakeholder approach with regard to the prevention of violence in schools, and 29 states said that they have such an approach with regard to the protection of children. With regard to the prosecution of perpetrators of violence in the school environment, 27 states also confirmed that they follow a multi-stakeholder approach.

174. Examples of such multi-stakeholder approaches are schools cooperating with a series of relevant actors to ensure the welfare of students. Such cooperation can take place within the school structure, such as psycho-social services, a Commission of Ethics and a Disciplinary Commission, between the school administration, teachers, and resource officers of educational institutions, or between psychologists and school social workers' services and school health services. It can also be made up of multidisciplinary commissions of the educational institution.

175. Multi-stakeholder cooperation can also involve actors external to the school structure. This appears to be the case in particular with regard to prosecution, where cooperation is foreseen between police, the prosecutor and social, health care and child protection professionals, as well as with civil society organisations and Ministry departments. In some countries, in addition to the already mentioned stakeholders, universities as well as parent and teacher groups may also be involved.

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<sup>129</sup> 16 out of 38 for survivors or organisations representing their interests and 18 out of 38 with regard to child participation.

### Some highlights

In **Italy**, priority is given to the areas of bullying and cyberbullying and in 2017 a new law on cyberbullying was adopted. The Ministry of Education has the task of preparing guidelines for prevention and fight of cyberbullying, focusing, among other things, on the training of school staff and the promotion of an active role for students, while the individual institutions are responsible for the education of legality and the conscious use of the Internet. The Postal police and local associations will also be involved in school initiatives. In each institution, a contact person for initiatives against bullying and cyberbullying will be identified among the professors.

In **Luxembourg**, there is a strategy in place to protect children against the risks related to ICTs, including bullying, and the Police and the association Bee Secure run activities in all schools to raise awareness.

In **Monaco**, the national school system focuses on raising awareness on human rights. Different awareness raising events including civil society actors are organised on the occasion of international days, such as the day against bullying or the international children's day. The National Action Plan against bullying in school has three main pillars: prevent and detect bullying, train adults working with children (teachers and supervisors), and address concrete situations of bullying. The fight against bullying is part of a bigger framework to work for the well-being of children and strengthen their self-esteem.

In **Serbia**, within the National Programme "Child safety basics", implemented by the Ministry of Interior and the Ministry of Education, Science and Technological Development, elementary schools provide informative and educational workshops where police officers discuss with students of the first, fourth and sixth grade the subjects such as "Violence as a negative social phenomenon", and "Child safety on internet and social networks".

### Violence against children in institutions

176. The third and last specific setting that the CAHENF-VAC group of experts advised to grant particular focus to was that of violence against children within the context of institutions. Such institutions include alternative care institutions, health care institutions, as well as detention facilities for children.

177. Despite a growing tendency of deinstitutionalisation, moving from institutional to family- or community-based services for children, more than a million girls and boys in Europe are still spending a considerable amount of their childhood under the control and supervision of care authorities or justice systems<sup>130</sup>. It is today increasingly recognised that institutional care can have negative consequences on children's physical, cognitive and emotional development and that it affects their future life prospects.

178. With this in mind, one of the questions that was included in the survey concerned member States efforts to empower children and encourage them to report violence experience or observed within the institutions in which they live, whether it is inflicted by adults or by peers. 34 of the 38 respondents confirmed that they make efforts to empower children to report violence. They cited examples such as regular consultations with children in care through forums set up by the Empowering Children in Care programme, or talks in child care centres organised by Child Protection Services.

179. Children living in institutions are seen as potentially more vulnerable to online risks such as grooming or being lured to believe fake promises about better life opportunities, and educating these children in online safety should be a priority in all member States. 28 states replied that measures do exist to educate children about risks that they may encounter in the digital

<sup>130</sup> See for instance: <https://www.openingdoors.eu/institutional-care-in-europe/> or <https://ec.europa.eu/social/main.jsp?catId=1246&furtherNews=yes&langId=en&newsId=9056>.

environment. However, existing efforts to educate children about online risks appear to be limited to general programmes existing on the issue, and do not necessarily include specific measures targeting children in institutions in particular.

180. 33 states confirmed that specific measures are in place to facilitate the identification and/or encourage reporting of violence against children persons working within the institutional framework, such as carers, medical staff, or social workers. In this regard, one state mentioned the existence of minimum quality standards for child protection services, including standards for reporting violence and informing children about ways to report violence. One state pointed out that, despite the existence of some minimum legal standards, almost all cases of violence against children within the institutional settings remain unreported. With regard to the development and promotion of child protection policies or codes of conduct for safe care institutions, 28 states confirmed that they promote such measures, but no concrete examples were provided.

181. 25 member States replied that specific measures exist to address the situation of migrant and refugee children. Examples range from expressly allowing such children, independent of their formal status, to access the same health and social care as national children, and to take them into care (equity of care principle). Specific measures also exist to detect cases of trafficking of children in the migration context.

182. Lastly, 19 state respondents indicated that they have taken measures to involve survivors or organisations representing their interests into the policy-making process with regard to the protection of children from violence in institutional settings, and only 15 states enable the participation of children in the design or provision of educational programmes to tackle violence against children in institutions.

183. As with violence against children in the family setting and in the school environment, the question was asked regarding the existence of multi-stakeholder approaches to tackle violence against children in institutions. 27 states replied that they have a multi-stakeholder approach with regard to the prevention and the protection of violence in institutions. With regard to the prosecution of perpetrators of violence in the institutional environment, 24 states confirmed that they follow a multi-stakeholder approach. In several member States, the same approach is taken as towards situations of violence in other settings, e.g. the school environment.

### Some highlights

In **Austria**, the recommendations of the UN Committee on the Rights of the Child regarding the lack of uniform quality standards and control and insufficient statistical data for children in alternative care was brought up for discussion in 2012. A project for the development of quality standards for resident child and youth services was developed following this discussion.

In **Ireland**, only a minority of children who are looked after the state are in care institutions, as the majority is in foster care. Both residential care institutions and detention centres have to follow national standards to secure the safety of the children, and are under the requirement to have child safeguarding statements. There is a close collaboration between care institutions, Tusla (the Child and Family Agency) and the An Garda Síochána. Care institutions are regularly inspected by HIQA.

In **Malta**, child protection services are organising talks in child care centres, and care institutions are regulated by care authority standards.

In **Republic of Moldova**, the instructions on intersectoral cooperation mechanism for the identification, evaluation, referral, assistance and monitoring of child victims and potential victims of violence or neglect provides sectorial procedures related to prevention and reporting of violence against children in different institutions. Also, minimum quality standards for child protection services envisages standards for reporting violence and informing children about the ways to report violence.



184. In general, across the three settings examined above, it is noteworthy that member States provided abundant confirmation with respect to safeguarding measures to protect children from violence in the family setting and in the school environment, while far fewer assurances were provided with regard to protecting children in institutions from violence. This is also true for the concrete examples of specific programmes and measures that have been established, which were much fewer with regard to children in institutions.

185. Member States should extend the solid protection systems that exist for instance in the school environment also to the institutional environment for children. In addition, specific measures are needed to cover the particular situations that children living in alternative care or children having been deprived of liberty are facing.

186. There seems to be a strong trend among the member States to include considerations regarding the digital environment in policy measures to protect children from violence in all three settings addressed in this chapter. Nevertheless, such measures are often broad and generic, and fail to respond or adapt to the particularities of children who, for instance, are institutionalised.

## **PART C: COUNCIL OF EUROPE ACTION: MAIN FINDINGS, FUTURE COUNCIL OF EUROPE ACTION AND RECOMMENDATIONS TO MEMBER STATES**

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187. This report focused on the third priority area of the Council of Europe Strategy on the Rights of the Child (2016-2021): “A life free from violence for all children” and is based on the Council of Europe mechanisms and work on responses to violence against children and a survey conducted among Council of Europe member States in the last quarter of 2018 in the framework of intergovernmental activities carried out within the Ad hoc Committee for the Rights of the Child (CAHENF). As also outlined at the beginning, the survey and report aimed to take stock of responses by the Council of Europe and member States to different forms of violence against children, notably through integrated national strategies for the protection of children from violence, as defined by Council of Europe Recommendation CM/Rec(2009)10 on Policy Guidelines on integrated national strategies for the protection of children from violence, as well as specific action addressing violence against children in different settings. The exercise was also meant to identify good national practice in this area, and to formulate first proposals for recommendations to be conveyed to member States with regard to future legislative, political and administrative action to be taken.

188. In line with these objectives, amongst the main findings of the report and future action of the Council of Europe based thereon, are the following:

189. Member States seem to have made significant progress since the adoption of the Policy Guidelines on integrated national strategies for the protection of children from violence ten years ago. Today, a majority of the member States has significant measures in place, both at the legislative and at policy level, to protect children from violence. About two thirds of the member States have developed integrated strategies at national level to protect children from violence. Such strategies have, in most of the member States, been inspired by the Policy Guidelines, and contain clear targets, an established time frame, as well as resources for its implementation.

190. States showed clear commitment to respecting and upholding international standards on the rights of the child, and provided numerous examples on how observations and recommendations from monitoring bodies such as the UN Committee on the Rights of the Child were integrated. Among these, several member States also confirmed their commitment to the Sustainable Development Goals (SDG), in particular SDG 16.2 “Ending abuse, exploitation, trafficking and all forms of violence against and torture of children”. Member States are encouraged to report under 16.2 and to inform also of action taken through the relevant regional human rights mechanisms in their voluntary reporting. The Council of Europe will contribute to the attainment of the UN SDGs and in particular Target 16.2 through its work in the remaining years of the Strategy implementation and beyond. With the next Strategy (2022-2027) being designed and implemented at a crucial time for the 2030 Agenda, it will be important to ensure that the UN SDGs are comprehensively mapped onto priority areas and action points

191. Specific areas in which the greatest progress can be seen are the domestic setting and the school environment (including peer-to-peer violence). The Council of Europe will seek to take this even further, by developing tools and standards on measures and interventions aimed at preventing peer violence and sexual abusive behavior by children. In their replies, member States placed a strong emphasis on measures to combat domestic violence, and the home- and family-environment stand out strongly among the examples of good practice provided. Many such examples referred to positive parenting education and awareness raising, as a way to prevent domestic violence. There is also a clear trend, although more recent, to focus on the digital environment in many member States, and many have moved ahead rapidly to establish national strategies related specifically to this topic.

192. With regard to services for children who have been victims of sexual violence the steps taken by member States are noteworthy. Much of the awareness gained and progress made in this area over the past years, has certainly been also been supported by the targeted standard-setting and

monitoring activities undertaken within the Lanzarote Committee at Council of Europe level. The ratification and effective implementation of the Convention will continue to be promoted, particularly through the work of the Lanzarote Committee. A true understanding appears to have been developed regarding the need to have a multi-stakeholder approach and an intersectoral cooperation in place to be able to provide children with adequate responses. *Barnahus* and similar initiatives, which place the child at the centre of interventions, are increasingly recognised as the right way forward. The Council of Europe will continue to promote interdisciplinary and child-friendly provision of services to potential cases of violence against children, including through its cooperation projects.

193. In terms of forms of violence targeted, sexual violence was most frequently mentioned, followed by physical violence (including corporal punishment) and psychological violence. Amongst specific groups of children requiring specific attention, children with disabilities and children (at risk of) living in poverty were most frequently mentioned, followed by children in migration. The multi-dimensional nature of violence appears to be recognised in a majority of states, although the explicit focus on specific settings, forms of violence and groups of children varies. The Council of Europe will continue its work under the Strategy to tackle violence in all settings and forms, and for all groups of children.

194. With regard to the adequate training of professionals working in contact with children to support them in detecting, reacting and handling situations of violence, member States show a clear commitment. However, such training does not always seem to be extended to all relevant professional groups, and some more reflection on how to recognise signs of violence, to help children speak out and to facilitate early reporting could be useful in many countries. The obligation to report instances of violence against children exists in most member States, but with certain nuances. The Council of Europe will seek to assist member States in this regard, by developing tools and standards on systems for professionals to report violence against children.

195. While relevant actors from both the governmental and non-governmental sectors are generally involved in the protection of children from violence, be it at local, regional or national levels, there seems to be a lack of a structured and systematic private sector involvement. With trends being observed in many parts of Europe towards the privatisation of family-oriented public services, as well as an increasing significance of the digital environment for children's lives, solid private sector involvement becomes more and more important. The Council of Europe will, among other things, continue to foster relations with the private sector and assist member States to ensure that businesses are fulfilling their responsibilities in upholding children's rights.

196. The elaboration, implementation and monitoring of child protection policies involves a broad range of agencies at state level, including independent human rights institutions and ombudspersons. On the one hand, this is a clear sign of progress, and the protection of children is no longer seen as a task for one single government department alone. On the other hand, this raises potential issues with regard to the objectivity and neutrality of the assessment of existing measures. The survey showed that in a number of member States, the same actors are both implementing the measures and evaluating them. Some further reflection may be needed on how to maintain or even strengthen cooperation while ensuring that assessments are not biased but able to question prevailing systems.

197. With regard to fundamental principles stemming from the UNCRC, such as the best interests of the child and child participation, member States provided examples showing that these are taken seriously, and there is a broad array of good practice to enhance the primary consideration of the best interests of the child and to enable meaningful child participation. These good practices should be shared between the member States. At the same time, the survey clearly shows that in terms of development, implementation and monitoring of national strategies and measures to protect children, children themselves, and in particular survivors of violence, should have a greater role to play, thus child participation should be stepped up. The Council of Europe will take steps to strengthen child participation in all matters concerning them, both within its own work and that of

other stakeholders. It will also promote protection of children in these processes, through efforts to develop and implement adequate child-safeguarding policies.

198. In some cases, member States seem to assign strong weight to the principle of non-discrimination, sometimes at the expense of the principle of gender equality and truly integrated approaches that consider the different ways in which girls and boys are affected by violence and differentiated responses needed.

199. Almost all member States recognize the need to focus on the digital environment and reach out to children in this respect, and many examples were provided for training and awareness raising material on the risks related to the Internet and on strategies to ensure online safety. However, relevant material often seems to be designed for a broad public instead of being adapted to specific groups of children, including children in vulnerable situations (e.g. children with disabilities or children living in institutions), which may be more exposed to grooming or other forms of manipulation. Specific guidances for law and policy makers is provided through the Council of Europe Guidelines to respect, protect and fulfil the rights of the child in the digital environment, adopted in 2018.<sup>131</sup> The Council of Europe will continue its focus upon this area, including through publication of the findings of the Lanzarote Committee's thematic monitoring round on the protection of children against sexual abuse and sexual exploitation facilitated by ICTs and through following up on implementation of its new Guidelines to protect and fulfil the rights of the child.

200. The most problematic area in tackling violence against children seems to be data collection. Although member States show a certain progress in this area, no other issue gave rise to so many observations concerning difficulties involved. The persistent lack of a clear and coherent methodology for data collection, as well as the lack of one coordinating agency, lead to incomplete and/or overlapping data which remains difficult to rely upon as a basis for improving child protection policies. Efforts will be made to facilitate exchange of knowledge, good practices and experiences, including on data collection, through, inter alia, continued development of the Clearinghouse on responses to violence against children.

201. Member States' responses regarding the three specific settings addressed by the survey - family setting, school environment and institutional setting - showed that children living in institutions have not benefitted from the same attention as children in home and school settings. Despite the generally positive trend towards the deinstitutionalisation of children, more than a million girls and boys in Europe are still spending a considerable share of their childhood under the supervision of care authorities or justice systems. Violence against children in institutions is a prevailing issue and member States provide fewer examples of safeguards in this setting, rather pointing out that violence in institutions is less often reported than in other settings. The Council of Europe will continue to promote its standards and tools on children in alternative care and across various institutions. It will also follow up on the Lanzarote Committee's recently adopted Declaration on protecting children in out-of-home care from sexual exploitation and sexual abuse.

202. Lastly, also as a potential opening for future discussion, the question may be raised as to whether states having adopted an integrated strategy to protect children from violence perform better than states without, and hence whether the existence of a strategy leads to better results. From the present survey, it would appear (but cannot be firmly established) that the existence of a strategy – or at least of an integrated approach to legislative and policy measures aimed at protecting children from violence – does contribute to a more structured approach to the problem. Indeed, it appears likely that having an integrated strategy to protect children from violence would produce better results than having none if a Strategy:

- ▶ implies that state authorities put aside consistent and sufficient resources;
- ▶ involves specific and time-bound targets for preventing violence and providing assistance where it occurs; and

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<sup>131</sup> See <https://rm.coe.int/guidelines-to-respect-protect-and-fulfil-the-rights-of-the-child-in-th/16808d881a>.

- ▶ Leads to the fact that all stakeholders involved work towards those targets in a coordinated manner thanks to the existence of clear, binding and commonly agreed framework;
- ▶ Is based on research leading to consistent and differentiated data allowing relevant actors to intervene in a targeted, efficient and preventive manner;

203. In the light of the above results, the following recommendations are proposed to be conveyed to member States and may serve as a basis for further discussion:

- ▶ Where integrated national strategies or other integrated approaches exist, their regular monitoring is assigned to independent bodies (e.g. independent human rights institutions or ombudsperson) to ensure that child protection agencies do not assess their own work and results;
- ▶ Detecting the signs of violence and ensuring early reporting is likely to be improved if professionals working with children in sports and leisure activities have received sufficient and relevant training and know how to react. Member States should therefore consider regularly updating their training programmes and extending to include all groups of professionals working in regular contact with children;
- ▶ Legal obligations to report violence against children should engage any professional working in contact with children, possibly through mandatory reporting mechanisms. When a child can be identified, professional secrecy should be no excuse to refrain from reporting, but adequate mechanisms should be in place to enable such professionals to safely report violence against children to a specifically mandated authority;
- ▶ All policy instruments aimed at protecting children against violence and promoting children's rights in different contexts, should be equipped with specifically allocated, thus earmarked, sufficient and sustainable resources. Through the present survey, budgets dedicated to child protection policies have been found more solid when combining funds from different sources (e.g. EU and state budgets). Approaches aimed at "child-budgeting", such as the one promoted by UNICEF, have been found useful in some states in this context.
- ▶ In terms of specific settings of violence (home, school, institutions), there is a clear need for efforts to ensure that some of the positive practice reported by member States for combating violence in the home and in schools is pursued and consolidated, but also extended also to institutional settings where children are placed in care or under the supervision of judicial authorities;
- ▶ Following the multi-stakeholder and cooperation approaches promoted by the integrated strategies, member States should be encouraged to explore to a much greater extent how support services for child victims of sexual violence could be further improved, possibly also extending them to child victims of other forms of violence. In this area, the Council of Europe Guidelines on child-friendly justice and the Barnahus (children's house) concept could be useful tools to inspire further national action;
- ▶ Where appropriate, and particularly with regard to protecting children from violence encountered in the digital environment or facilitated by information and communication technologies, states should step up cooperation with the private sector, and also place obligations on business companies to be more proactive in the protection of children from violence;
- ▶ In the same manner, by following a multistakeholder approach, child participation should be stepped up through meaningful activities which ensure that children are truly being heard on matters and decisions of concern to them;
- ▶ If sufficiently well-elaborated and structured, providing a clear and uniform framework and methodology for collection and disaggregation (including by gender), specific data can represent an invaluable element in understanding violence against children in more detail, hence enabling the development of more precise and adequate responses; in the future,

member States should therefore step up their efforts to develop solid and coherent data collection systems allowing for the preparation of more targeted and effective public policies.

204. In conclusion, we may say that while significant action has been taken by the Council of Europe in the first years of implementing the Strategy on the Rights of the Child (2016-2021), the survey reveals significant progress made by member States in adhering to international and European standards and in developing integrated national strategies for the protection of children against violence in different forms and settings. However, the lack of a systematically followed national strategy does not necessarily impede the functioning of a child protection system that has been established, or even to work in an integrated manner. Nevertheless, the question arises as to how well the state can assess and continue to make progress, and tackle emerging challenges without a regularly updated strategy allowing to identify gaps and providing a clear direction to all stakeholders involved.

205. This report has placed a particular emphasis on bringing forward selected examples of good practice in the member States. There are surely many more such examples, and a real effort to ensure that member States know of these concrete examples and can learn from one another would represent an important step towards a stronger system to protect all children in Europe from all forms violence. Such an exchange of good practices should include a discussion on the interest and usefulness of having an integrated strategy in place.

206. Children continue to fall victim of various forms of violence in various settings across Europe, and the battle is not yet won. There are many areas in which member States still have ample space for improvement, and where efforts need to be intensified. The Council of Europe Policy Guidelines on integrated national strategies for the protection of children from violence remain a highly relevant tool to assist member States in developing a strong protection framework for children, and 10 years after their adoption, a reminder of their relevance appears timely, possibly to be completed with a reflection on how to make them more instrumental for member States.

## **ANNEX**

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### **LIST OF COUNCIL OF EUROPE MEMBER STATES THAT RESPONDED TO THE SURVEY BEFORE 31 DECEMBER 2018 (OR BEFORE THE EXTENDED DEADLINE IN 2019)**

*In alphabetic order*

1. Albania
2. Andorra
3. Armenia
4. Austria
5. Belgium
6. Bosnia and Herzegovina
7. Bulgaria
8. Croatia
9. Cyprus
10. Denmark
11. Estonia
12. Finland
13. France
14. Germany
15. Georgia
16. Greece
17. Hungary
18. Ireland
19. Italy
20. Luxembourg
21. Malta
22. Monaco
23. Montenegro
24. Netherlands
25. Poland
26. Portugal
27. Republic of Moldova
28. Romania
29. Russian Federation
30. Serbia
31. Slovak Republic
32. Slovenia
33. Sweden
34. Switzerland
35. North Macedonia
36. Turkey
37. Ukraine
38. United Kingdom

