

Council of Europe Strategy for the Rights of the Child (2016-2021)



” Second report on the implementation
of the Council of Europe Strategy
for the Rights of the Child

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Council of Europe Strategy for the Rights of the Child (2016-2021)

Second report on the implementation
of the Council of Europe Strategy
for the Rights of the Child

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Executive summary

1. This second report on the implementation of the Council of Europe's Strategy for the Rights of the Child (2016-2021) details the current situation in relation to the Strategy's priority areas and objectives, analyses commitments, implementation and impact between July 2017 and December 2019 and presents reflections for further action by the Council of Europe in the area of the rights of the child from 2020 to 2021 and beyond. The Council of Europe's Strategy for the Rights of the Child sets an ambitious and far reaching 5 years strategic vision for actions to reduce poverty, inequality and exclusion, strengthen the participation of children in all contexts, ensure a life free from violence for all children, promote child-friendly justice and children's rights in the family, protect children in the context of deprivation of liberty, and ensure their rights in the digital environment.
2. Overall, since the Strategy has been adopted, the Council of Europe has taken the necessary steps to support the delivery of this ambitious strategic vision, despite the Organisation's challenging financial context. The report highlights that significant progress has been achieved across each of the five priority areas of the Strategy. The Council of Europe and other relevant bodies have made sustained efforts to implement an overwhelming majority of the actions planned in the framework of the Strategy, with great emphasis being placed upon mainstreaming children's rights and ensuring multi-stakeholder collaboration to maximise synergies and impact. At the member State level, there has been measurable progress when considering the planned outcomes and the Strategy's identified performance indicators. There is a significant consensus among member States that more children are enjoying their rights across each of the five priority areas. This suggests that all actors' efforts are overall combining to produce a positive impact on children's rights across Europe.
3. The report also takes stock of lessons learned and areas requiring further work or action, taking into account the changed circumstances since the adoption of the Strategy and other existing risk factors, including the lack of financial and human resources and lack of political commitment. It identifies persisting challenges in each of the priority areas which will undoubtedly require the Council of Europe's attention throughout the remaining implementation period of the Strategy. While recognising progress made, the report also presents some reflections to inform the Council of Europe's work in this area going forward including for the development of a new Strategy for the Rights of the Child beyond 2022 under the lead of the newly established Steering Committee for the Rights of the Child.
4. The Council of Europe is committed to ensuring the implementation of its Strategy for the Rights of the Child by 2021 by supporting its member States in translating the priority areas into programmatic implementation, so that children in Europe fully enjoy their rights. This is being achieved through continued delivery of policy guidance, technical expertise, high-level advocacy, clear programme guidance and delivery and enhanced partnerships. The policy, legal and institutional transformation that the Strategy is seeking to achieve is a long-term endeavor that requires substantial investment by all stakeholders in implementing child rights standards, including strong political will and resources. Partnerships remain critical, and the Council of Europe will need to continue to expand them alongside deepening its collaboration with governments, independent institutions, donors, private sector, civil society organisations, and children.
5. As regards the Organisation's work, the report recommends sustaining efforts to mainstream children's rights in the Council of Europe policy-making agendas of relevant intergovernmental committees. Priority actions are clearly identified in these bodies' terms of reference for 2020-2021, with activities covering further standard-setting or, and policy guidance, and with targeted actions aimed at reviewing the implementation of existing binding instruments and recommendations.

6. Further action, such as child rights impact assessment, child-safeguarding policies, knowledge-sharing activities, development of tools aimed at policy makers, professionals and children and targeted communication materials (including translation different languages) are also recommended. Council of Europe monitoring bodies are invited to take steps to ensure that their thematic and in-country findings reflect children's views and that their reports identify systemic child rights aspects that need addressing. Programming and co-operation activities should continue to mainstream child rights issues taking account of countries' priorities and needs. The Steering Committee for the Rights of the Child will oversee the development of an updated action plan of the Council of Europe's activities, developments and expected achievements under each priority area for 2020-2021. A final report on the implementation of the Strategy will be presented in 2021.

Introduction

7. On 3 March 2016, the Committee of Ministers adopted the Council of Europe Strategy for the Rights of the Child (2016-2021) (hereinafter the Strategy), reaffirming its commitment to protect and promote the rights of the child in line with international and European standards.

8. The Strategy, which was formally launched during a high-level conference in April 2016¹, sets out a robust agenda for the Organisation's contribution to strengthen the protection and promotion of children's rights and of child protection systems in Council of Europe member States, through five priority areas for action:

1. Equal opportunities for all children
2. Participation of all children
3. A life free from violence for all children
4. Child-friendly justice for all children
5. Rights of the child in the digital environment

9. A first Implementation report setting out an overview of the Organisation's activities, developments and achievements under each thematic area from the Strategy's adoption date up to June 2017 was published in October 2017.²

10. This second Implementation report covers the developments and achievements from July 2017 to December 2019, as complemented by other related Council of Europe thematic action plans and strategies.³ The first part of the report attempts to assess the level of attainment of the overarching objectives of the Strategy while considering the need to further strategic partnerships and complementarity with external actors, including for the purpose of the implementation of the child rights dimension of the 2030 Agenda and the UN Sustainable Development Goals through Council of Europe's action (Chapter I). The second part of the report highlights the progress made in delivering the Strategy under each priority area, both at the level of the Council of Europe and at member State level, as reported by governments and relevant stakeholders (including children), alongside shortcomings and outstanding challenges (Chapter II). Finally, the report also presents some reflections from lessons learnt and areas requiring further work or consideration, to inform the development by the Committee of Ministers, through the Steering Committee for the Rights of the Child, of future strategies and action beyond 2020 (Chapter III).

1. See Report on the high-level launching Conference, presented to the Committee of Ministers on 1 June 2016 (CM(2016)71)

2. See the First report on the implementation of the Council of Europe Strategy for the Rights of the Child, presented to the Committee of Ministers on 17 October 2017 (CM(2017)114-final)

3. For a full overview, see also the Mid-Term Evaluation Report. A comprehensive list of implemented activities is regularly updated and examined by the child rights intergovernmental committee. These are available at : <http://www.coe.int/en/web/children/children-s-strategy>

Chapter I

Delivering the strategy for the rights of the child in member states

1. Achieving the objectives of the Strategy: where do we stand?

11. In line with the priorities of the Council of Europe, the overarching objective of recent years in the field of children's rights has been to promote the effective implementation of existing standards in member States.

12. While the pace of setting new standards has been reduced during this Strategy period, the Committee of Ministers nonetheless adopted the following highly relevant recommendations and decisions:

Instruments which concern children directly

- ▶ Recommendation CM/Rec(2019)11 of the Committee of Ministers to member States on effective guardianship for unaccompanied and separated children in the context of migration
- ▶ Recommendation CM/Rec(2019)10 of the Committee of Ministers to member States on developing and promoting digital citizenship education
- ▶ Recommendation CM/Rec(2019)1 of the Committee of Ministers to member States on preventing and combating sexism
- ▶ Recommendation CM/Rec(2018)7 of the Committee of Ministers to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment
- ▶ Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents
- ▶ Declaration by the Committee of Ministers on addressing child poverty (11/12/2019)
- ▶ Declaration of the Committee of Ministers on the need to intensify the efforts to prevent and combat female genital mutilation and forced marriage in Europe (13/09/2017)
- ▶ Other relevant instruments including specific provisions
- ▶ Recommendation CM/Rec(2019)4 of the Committee of Ministers to member States on supporting young refugees in transition to adulthood
- ▶ Recommendation CM/Rec(2019)2 of the Committee of Ministers to member States on the protection of health-related data
- ▶ Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters
- ▶ Recommendation CM/Rec(2018)2 of the Committee of Ministers to member States on the roles and responsibilities of internet intermediaries

13. Across the Council of Europe, member States and a range of other relevant stakeholders, impressive efforts have also been made to further implement the Strategy. **The Strategy is widely accessible at the national level.** To date, it has been translated into 19 languages⁴, the vast majority of which are accessible via the Council of Europe or national websites.

14. **The Strategy has been widely disseminated and promoted at member State level**, through translation into national languages, dissemination to relevant departments, authorities and members of civil society and through posting the Strategy on governmental, Ombudsperson and NGO websites. Approximately half of the member State respondents stated that they were aware of a translation in their national language(s). There is, however, room for greater coordination between the national and Council of Europe level. In some cases, translations have been made available by national institutions, but are not currently available on the Council of Europe website⁵, while at the same time, not all member States were aware of an existing translation

4. Azerbaijani, Bosnian, Bulgarian, Croatian, English, French, German, Italian, Latvian, Montenegrin, Polish, Portuguese, Russian, Serbian, Slovak, Slovene, Spanish, Turkish, Ukrainian.

5. See <https://www.coe.int/en/web/children/language-versions>.

in their national language(s), despite its presence on the Council of Europe website. While significant progress has already been made, it was also suggested that the Strategy could be made available in further languages.

15. **The Strategy has had a positive impact on strategic action at the national level.** 26 member States have indicated that the Strategy had been used in their country to inspire a national or regional strategy or action plan to further the rights of the child, others indicated that the Strategy had been used for example to inspire more general state action in this area. Others currently have in place national strategies that are based upon the previous Council of Europe Strategy 2012-2015. For others, still, action plans or national strategies for the rights of the child have been adopted which, although not explicitly relying on the Council of Europe Strategy, are aligned with its principles.

16. **Impact has been significant but varied across the five priority areas at the national level.** 20 member States indicated that the Strategy had been particularly positively implemented in the area of equal opportunities for all children; 20 in participation for all children; 17 in a life free from violence from all children; 18 on child-friendly justice; and 14 in the rights of the child in the digital environment. 13 member States felt that implementation of the Strategy had been particularly positive in all five priority areas.

17. **The rights of the child have successfully continued being mainstreamed across the Council of Europe's sectors.** Building on the achievements under the previous Strategy, **the rights of the child have continued to be addressed in thematic and country-based convention monitoring**, including by the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual (Lanzarote Committee); the Group of Experts on Action against Trafficking in Human Beings (GRETA); the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO); the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC); the European Committee of Social Rights (ESCR); the Committee of Experts of the European Charter for Regional or Minority Languages (COMEX); the European Committee for the Prevention of Torture (CPT).

18. **Actions to make the Strategy work for children have been undertaken.** For this purpose, the Council of Europe has concentrated its resources on the implementation of existing standards. It has followed up on implementation and supported further translation and promotion of, in particular, the Recommendation on child-friendly social services (CM/Rec(2011)12); the Recommendation on the participation of children and young people under the age of 18 (CM/Rec(2012)2); the Guidelines on integrated strategies on violence against children (CM/Rec(2009)10); the Recommendation on policy to support positive parenting (Rec(2006)19); the Recommendation on life projects for unaccompanied migrant minors (CM/Rec(2007)9); the Guidelines to respect, protect and fulfil the rights of the child in the digital environment (CM/Rec(2018)7).

19. Further work considering how the rights of the child are being respected and implemented at domestic level on a variety of issues has been undertaken by the Human Rights Commissioner, the Parliamentary Assembly of the Council of Europe (PACE), the Special Representative of the Secretary General on Migration and Refugees, the European Commission against Racism and Intolerance (ECRI), the Ad hoc Committee of Experts on Roman and Traveller Issues (CAHROM) and bodies under the Enlarged Partial Agreement on Sport (EPAS).

20. Over the period from 2017-2019 the Council of Europe has committed substantial efforts to building stakeholders' ownership, enhancing strategic programming and prioritising actions, taking into account the Organisation's difficult financial context. **Overall, nearly 300 activities have been commenced or completed by the Council of Europe which further the implementation of the Strategy since its launch in 2016**, spanning from legal standards, monitoring work and co-operation projects to studies and consultations, educational or practical tools and awareness-raising campaigns. **Increased efforts have been put into co-operation activities across and within countries:** the number of co-operation projects focusing on the implementation of the Council of Europe *acquis* in the field of children's rights has increased, reaching over 50, with actions being implemented in numerous Council of Europe member States and neighbouring regions, notably in Tunisia and Morocco.

21. 2019 was a milestone year. It marked the 30th anniversary of the adoption of the United Nations Convention on the Rights of the Child and the 10th anniversary of the adoption of the Committee of Ministers' Recommendation CM/Rec(2009)10 setting out Policy guidelines on integrated national strategies for the protection of children from violence. It also marked the mid-term evaluation of the implementation of the Council of Europe Strategy, which triggered a comprehensive review of progress made in the area of children's rights, in line with the priorities set out under the Strategy.⁶ On this occasion, the Council of Europe organised a high

6. For a full overview, see also the Mid-term Evaluation Report (2019) available at: www.coe.int/children

level Conference held on 13-14 November 2019 in Strasbourg, in the framework of France's Presidency of the Committee of Ministers, looking at what European states are doing to tackle both remaining and emerging challenges in children's rights protection, what gaps are still to be filled, and which opportunities are there to seize. Young delegates actively participated in the conference and acted as "challengers" in "Power Talks", an innovative format of dynamic debates on a range of thought-provoking issues.⁷

22. Action has been taken by the Council of Europe and jointly with member States **to raise awareness of children's rights among all stakeholders**. Efforts have been put into producing and disseminating numerous awareness-raising materials, such as video clips, across a range of sectors and projects. Meanwhile, the website www.coe.int/children has been further developed into a "European hub", notably through creation of a repository of good practices promoting non-violent parenting; and the establishment of a "Clearinghouse" (online platform) on responses to violence against children.

23. Among the Council of Europe's webpages, the Children's Rights page continues to attract one of the highest rates of traffic of the Organisation during this reference period. With respect to other audiences, the social media report on the communication related to the mid-term evaluation conference (13-14 November 2019) revealed that this strategic Council of Europe event has enabled to reach 14 million impressions over two days and 5 million unique profiles through the dedicated hashtags (#RedefiningPower and #CoE4Children), with a high engagement rate of retweets and shares (2729). Through this activity only, about 300 new followers are sensitized about Council of Europe's activities, including from outside Europe (United States of America, Canada, Australia). The Council of Europe has also developed and disseminated periodic newsletters to communicate developments in children's rights and upcoming events.

2. Involving all relevant stakeholders and widening strategic partnerships and co-operation with other international and regional organisations

24. From 2016 to 2019, the **implementation of the Strategy was guided and overseen** by the Ad hoc Committee on the Rights of the Child (CAHENF),⁸ which is composed of representatives of the Council of Europe member States and other relevant stakeholders. In pursuit of fostering co-operation and co-ordination with other international organisations, the meetings of the CAHENF have been regularly attended by representatives of, *inter alia*, the European Commission, the EU Agency for Fundamental Rights (FRA), the UN Special Rapporteur on the Sale and Sexual Exploitation of Children, the Special Representative of the UN Secretary-General on Violence against Children, the Office of the UN High Commissioner on Refugees; UNICEF, the World Health Organisation (WHO) and the Council of the Baltic Sea States (CBSS). The decision late 2019 by the Committee of Ministers to establish a Steering Committee for the Rights of the Child (CDENF), which will also continue this oversight and leadership role initiated by the CAHENF, is expected to give impetus to the implementation of the Strategy as of 2020. This decision will strengthen the intergovernmental ownership of this thematic area by our 47 member States. It provides the Organisation with an extraordinary regional platform to vehicle change in the area of the rights of the child and to support member States' efforts for the implementation of the UNCRC at pan European level.

25. Council of Europe bodies and over 30 administrative entities have actively continued to contribute to the implementation of the Strategy. Internal coordination and co-operation are led by the Children's Rights Coordinator together with the Children's Rights Division and facilitated by the Inter-Secretariat Task Force on the Rights of the Child. The Task Force met four times during the reporting period, allowing Council of Europe staff to share information, obtain insight from experts, agree on action, join forces and address specific issues. Topics addressed during this period included the Council of Europe's contribution to the implementation of the 2030 Agenda in the area of children's rights, assisted reproductive technologies and implementation of the rights of the child, the implementation of the CoE campaigns (Start to Talk, Free to speak, safe to learn), and the marking of the 30th anniversary of the UNCRC and the mid-term review of the implementation of the Strategy. As a result of this transversal and coordinated work, the Organisation gains in coherence, efficiency, effectiveness and impact.

26. The Parliamentary Assembly of the Council of Europe (PACE) has been a crucial partner in achieving the Strategy objectives: notably through actions within the remit of the PACE Campaign to End Immigration Detention, initiatives on social rights, children on the move or otherwise affected by migration, child participation and child sexual abuse and exploitation; meetings, reports, and the passing of resolutions and

7. See the Conference report, at <https://rm.coe.int/conference-report-en/16809c8c80>

8. <https://www.coe.int/en/web/children/cdenf>.

recommendations touching upon many aspects of the Strategy priority areas. The Congress of Local and Regional Authorities has taken focused action in relation to refugee children and in the promotion of town and regional efforts to stop sexual violence against children. The Council of Europe Commissioner for Human Rights has continued to monitor the rights of children belonging to disadvantaged groups, and in particular, the situation of children in detention and children in migration. Finally, the Council of Europe Conference of INGOs has notably organised initiatives to mark the annual International Day for the Eradication of Poverty, with a focus on child-poverty.

27. Co-operation efforts have continued with the Ombudspersons for Children and their European network (ENOC), as well as international and national NGOs as important implementing partners for the Council of Europe. For example, ENOC members have been trained on methods or routes for engaging with and using the European Social Charter and other Council of Europe monitoring mechanisms. Training on monitoring mechanisms has also been carried out for the Eurochild National Partner Networks.

28. The Council of Europe has continued its close co-operation with the European Union, as a key partner in promoting the implementation of Council of Europe standards, including through several major joint projects⁹, mutual participation in important events, such as the EU Forum on the Rights of the Child. Collaboration, in particular with DG-JUST and their Coordinator for the Rights of the Child have been regular and strategic. Close co-operation with the EU institutions and agencies continued to take place at the working level, for instance in the area of migration. Collaboration with the European Parliament Intergroup on Children's Rights has furthermore been strengthened.

29. Co-operation and coordination has continued with relevant UN bodies, including UNICEF, the United Nations Special Representative of the Secretary General on Violence against Children (UNSRSG VAC), the UN Special Rapporteur (UNSR) on the sale and sexual exploitation of children, the Office of the UN High Commissioner on Human Rights (OHCHR), the Office of the UN High Commissioner on Refugees (UNHCR), the International Telecommunications Union (ITU), UNESCO, and the World Health Organisation (WHO), through regular exchanges of information and mutual attendance at events, often at a very high level. **More systematic co-operation with the UN Committee on the Rights of the Child (CRC)** has been achieved, including through regular submission of the findings of Council of Europe monitoring bodies, for the purpose of the CRC's "concluding observations" on Council of Europe member State Parties to the UN Convention on the Rights of the Child (UNCRC) and its Optional Protocols. The annual exchange of views within the Committee of Ministers on the United Nations (human rights questions) with experts from capitals held on 15 February 2018 enabled discussion on the 72nd United Nations General Assembly session, as well as a thematic discussion on "protection of migrant children", with the participation of Ms Renate Winter, Chairperson of the UN Committee on the Rights of the Child. Participation to trainings and meetings of regional organisations, such as the Council of Baltic Sea States (CBSS), the Nordic Council of Ministers, and the International Organisation of La Francophonie (OIF), as well as active outreach to key NGOs to enhance the implementation of the Strategy have also been pursued.

3. Paving the way towards the implementation of the child rights dimension of the 2030 Agenda and the UN Sustainable Development Goals

30. The actions taken by the Council of Europe and its member States under each of the Strategy priority areas, contribute towards the fulfilment of the agenda's most vulnerable constituency: children.

31. The Council of Europe supports member States in their efforts to implement **the UN Sustainable Development Agenda 2030 and achieve its 17 Goals**. 44 child related indicators are integrated across the 17 Sustainable Development Goals (out of 232 individual indicators), which can be arranged in five dimensions, to ensure that every child: 1) survives and thrives (SDG 2, SDG3), 2) learns (SDG 4), 3) is protected from violence, exploitation and harmful practices (SDG 5, SDG 8 and SDG 16); 4) lives in a safe and clean environment (SDG 1, SDG 3, SDG6, SDG7, SDG 13), 5) has a fair chance in life (SDG 1).

32. **The Council of Europe has explicitly set out its contribution and its member States' commitment to the UN SDGs across various areas of its work, and in particular in the area of the rights of the child.**¹⁰ A mapping exercise of the relevant UN SDGs and targets, alongside priority actions planned under the Council

9. "Human Rights and Democracy in Action" pilot projects, Pro Safe Sport + (addressing child sexual abuse in sport), INSCHOOL, "Barnahus/Children's House" in Slovenia.

10. See further Council of Europe Contribution to the United Nations 2030 agenda for sustainable development goals, <https://www.coe.int/en/web/un-agenda-2030/home?desktop=true>.

of Europe strategy has also been completed during the midterm evaluation. Documents detailing the Council of Europe's sectoral contributions towards Goal 4 (Quality education), Goal 5 (Gender Equality) and Target 16.2 (Ending violence against children), among others, have also been published.¹¹ The PACE recently adopted Res 2294 (2019) on ending violence against children: a Council of Europe contribution to the Sustainable Development Goals. The Council of Europe annual programme and budget and the intergovernmental committees' terms of reference display clear references to their contributions towards the SDGs and include as of 2019 a specific task to review progress towards the UNSDGs, which should enable to track progress also of actions implemented in this respect.

33. The mid-term evaluation reveals that member States are taking the task of reaching the UN SDGs which concern children seriously. By contrast to other regions, European countries are on track, despite limited availability of data. Since 2016, nearly all member States have taken part in at least one voluntary national review for the purpose of the UN High-Level Political Forum.¹² Many member States have also reported taking action under specific areas in aid of various Goals related to children's rights.

34. The 2030 Agenda and the SDGs put a strong emphasis on partnerships, and in this context, the Council of Europe's action in the area of children's rights is likely to require more joint work with a strong emphasis on system-wide initiatives and multi-stakeholder outreach and partnerships. Building on successful past and ongoing collaborations between the UN, its bodies and the Council of Europe, initiatives to help member States achieve measurable results at scale for the child rights related indicators of the SDGs, will focus, but not be limited to widening and deepening partnerships in child rights policy development, advocacy, assessment of implementation of child rights, and capacity-building programme design and delivery at national and local level, under each of the Strategy's priority areas. The Council of Europe should also continue to contribute to the achievement of the UN 2030 Agenda for Sustainable Development and to the ratification and implementation of the UN Convention on the Rights of the Child Optional Protocols, among others.

11. See <https://www.coe.int/en/web/education/vision-for-a-quality-education>; Council of Europe (2018), *Achieving gender equality and empowering all women and girls: The Council of Europe's contribution to the UN 2030 Agenda and the Sustainable Development Goals*; Council of Europe, *Ending all forms of violence against children by 2030: The Council of Europe's contribution to the 2030 Agenda and the Sustainable Development Goals*

12. See <https://sustainabledevelopment.un.org/vnrs/>. Austria, Bulgaria, the Republic of Moldova, North Macedonia, the Russian Federation and Ukraine are scheduled to undertake their first voluntary national review in 2020.

Chapter II

Mid-term review of progress made on the five priority areas and outstanding challenges for implementing and enforcing child rights

1. Priority Area 1: Equal opportunities for all children

35. In line with relevant global and European standards, the Council of Europe's actions under this priority area aim at guaranteeing children's social rights and protecting and promoting the rights of children in vulnerable situations such as children with disabilities, children on the move or otherwise affected by migration, children from minorities, Roma children, LGBTI and intersex children.

Achievements, outcomes and impact

36. During this reference period, the Council of Europe and member States have taken numerous actions to guarantee children's social rights, such as activities following up on the conclusions and decisions of the European Committee of Social Rights (ECSR) on provisions relevant to children's rights, capacity building activities of ombudspersons and NGOs on advocacy on social rights, awareness-raising actions for Council of Europe tools and standards relating to child poverty and social inclusion, and promotion of inclusive education.

37. The ECSR has completed, and followed up on, a number of collective complaints decisions relating to inclusive education,¹³ standards of living for Roma families¹⁴ and the rights of unaccompanied children.¹⁵ Eradication of child poverty has been the focus of the European Social Cohesion Platform's workshop on family as a hub for social policies. A report¹⁶ was also issued in November 2019 on the role that children's rights and related mechanisms play in protecting children from poverty, and particularly those of the European Social Charter.

38. Regarding **children with disabilities**, the Council of Europe adopted the Disability Strategy: Human Rights, a reality for all (2017-2023), which dedicates sections to quality education, both on and for children with disabilities. The Council of Europe has commissioned an innovative study and report on the experiences of children with disabilities in the digital environment, which involved extensive consultation with children of varying ages and disabilities. The Human Rights Commissioner has issued several country reports examining the key challenges for protecting the rights of children with disabilities,¹⁷ and comments on respecting the human rights of persons with psychosocial and intellectual disabilities.¹⁸

39. The rights of **children in all forms of alternative care** have been supported through promotion and dissemination of a guide for professionals working in alternative care and a child-friendly brochure for children and young people in care, 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

13. Decision made in e.g. *Mental Disability Advocacy Center (MDAC) v. Belgium*, Complaint No. 109/2014, decision on the merits on 16 October 2017; Follow-up on e.g. *Mental Disability Advocacy Center (MDAC) v. Bulgaria*, Complaint No. 41/2007, decision on the merits of 3 June 2008; *Autism-Europe v. France*, Complaint No. 13/2002, decision on the merits of 4 November 2003; *European Action of the Disabled (AEH) v. France*, Complaint No. 81/2012, decision on the merits of 11 September 2013.

14. Decision made in e.g. *European Roma and Travellers Forum (ERTF) v. France*, Complaint No. 119/2015, decision on the merits on 5 September 2017; Follow-up on e.g. *European Roma Rights Centre v. Bulgaria*, Complaint No. 31/2005, decision on the merits of 18 October 2006; *International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Greece*, Complaint No. 49/2008, decision on the merits of 11 December; *European Roma Rights Centre v. Portugal*, Complaint No. 61/2010, decision on the merits of 30 June 2011.

15. *European Committee for Home-Based Priority Action for the Child and the Family (EUROCEF) v. France*, complaint No. 114/2015, decision on the merits on 24 January 2018

16. See further <https://rm.coe.int/protecting-the-child-from-poverty-the-role-of-rights-in-the-council-of/168098c54c>

17. See further <https://www.coe.int/en/web/commissioner/country-monitoring>.

18. Council of Europe Commissioner for Human Rights (2018), Comments on the draft Additional Protocol to the Convention on Human Rights in Biomedicine concerning the Protection of Human Rights and Dignity of Persons with Mental Disorder with regard to Involuntary Placement and Involuntary Treatment.

Rec(2005)5 on the rights of children living in residential institutions continues to be promoted online and through awareness-raising means. In October 2019, the Lanzarote Committee adopted a declaration on protecting children in out-of-home care from sexual exploitation and sexual abuse.¹⁹

40. Work to protect and promote the rights of **children on the move or otherwise affected by migration** has been prioritised under the mandate of the Special Representative of the Secretary General on Migration and Refugees (SRSG) and with the impetus provided under the Action Plan on protecting refugee and migrant children (2017-2019). Numerous Council of Europe bodies (i.e. ECRI, ECRML, CPT, GRETA, Lanzarote Committee) have contributed towards monitoring the situation of migrant children in Europe. GRETA conducted urgent monitoring rounds on victims of trafficking among unaccompanied children (Hungary, 2017) and produced a thematic monitoring and activity report chapter on trafficking and children.²⁰ The Lanzarote Committee conducted a fact-finding mission in transit zones at the Serbian/Hungarian border and adopted in 2017 a special report²¹ and in 2018 a declaration²² on protecting children affected by the refugee crisis from sexual exploitation and sexual abuse. The Recommendation CM/Rec(2007)9 on life projects for unaccompanied migrant minors has been followed up in 2019 by an implementation survey. Also, during his mandate, the SRSG conducted fact-finding visits in 11 member States, with the rights of migrant and refugee children forming the topic of a thematic report in 2017. A number of tools have been developed to support the work of legal professionals, frontline professionals, child protection services, and policy makers and uphold the rights of refugee and migrant children and are available in several languages.²³

41. The Council of Europe has continued to protect and promote the rights of **children from minorities**, through COMEX's work on the rights of children regarding the use of regional and minority languages, and particularly their right to speak regional and minority languages in the educational context, the ACFC's monitoring work on the protection of the rights of children from minorities.

42. **Inclusive education for Roma children** was the focus of recommendations issued by the Human Rights Commissioner²⁴ and of a joint Council of Europe-EU project "Inclusive schools: making a difference for Roma children" (INSCHOOL) across five countries. The ROMED joint programme has continued to train mediators and help to deliver mediation between the Roma community and local authorities. In accordance with the strategy performance indicators, child-friendly "Dosta!" campaign videos have been launched.²⁵

43. Fighting discrimination and promoting **gender equality between boys and girls** is a priority in the Council of Europe's Gender Equality Strategy (2018-2023). Gender equality continues to be mainstreamed in all activities on children's rights, while an intersectional approach to discrimination has been taken in work relating to the rights of girls in migration, including forced marriage and female genital mutilation. To address stereotypes and sexism, the Committee of Ministers adopted a Recommendation on preventing and combating sexism, while an online Wikigender discussion on "addressing gender stereotypes in the classroom" was organised in 2017, in partnership with UNESCO and other partners.

44. Steps have also been taken to address discrimination against **LGBT and intersex children**. In particular, on the basis of Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity, a research on "Safe at school: Education sector responses to violence based on sexual orientation, gender identity/expression or sex characteristics in Europe" has been issued in 2018.

45. **There is therefore clear evidence of positive outcomes at member State level under this priority area.** The vast majority of member States have reported a change in legislation or policy for the purpose of tackling child poverty and social exclusion. Nearly all reporting states indicated that they had used the standards and tools issued by the Council of Europe for these purposes, in particular the European Social Charter and the Committee of Ministers Recommendation on child-friendly social services. The Recommendation on child-friendly healthcare, meanwhile, is enjoying only moderate use, while the Recommendation on the access of young people from disadvantaged neighbourhoods to social rights is being used by a relatively small number of States.

19. <https://rm.coe.int/declaration-of-the-lanzarote-committee-on-protecting-children-in-out-o/1680985874>

20. GRETA (2018), Thematic Chapter of the 6th General Report on GRETA's activities.

21. Lanzarote Committee (2017), Special Report on Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse.

22. Lanzarote Committee Declaration on protecting migrant and refugee children against sexual exploitation and sexual abuse (adopted 28 June 2018).

23. For example: HELP Course on Refugee and migrant children, Handbook on how to convey child-friendly information to children in migration, Information for children in migration – your rights in age assessment procedures.

24. Council of Europe Commissioner for Human Rights (2017), Position Paper: Fighting school segregation in Europe through inclusive education. Available in Albanian, Bosnian, Croatian, English, French.

25. Available through the Council of Europe Human Rights Channel, <https://www.coe.int/en/web/human-rights-channel>.

46. While Council of Europe tools and standards have been used in many member States to foster initiatives which combat discrimination against children in alternative care and to promote gender equality, few initiatives have been reported by States with respect to actions regarding migrant children, children of national minorities, Roma children and relatively few initiatives have been reported on countering discrimination against LGBTI children.

47. **Overall, the evaluation report concludes that more children are enjoying their right to equal opportunities.** On average, member States felt that the situation of children in their country regarding social rights and social inclusion had “improved”. Only two member States felt that the situation had “somewhat deteriorated”. Civil society and international organisations were more conservative in their estimation of the state of affairs under this priority area. Some noted that changes in legislation and policy at state-level had not necessarily led to better social or educational inclusion of children. In particular, there was concern that the continued effects of austerity were hampering improvement to children’s social rights; particularly for vulnerable groups of children. Many of the children consulted said that they had experienced barriers and discrimination on grounds such as gender, race, sexuality, or disability and cited attitudes and prejudice as being a major issue.

Outstanding challenges

48. More than a decade since the economic crisis began, children continue to be particularly vulnerable to its effects, with member States citing a rise or persistence in child poverty as a major challenge. Some member States were concerned about the phenomenon of child homelessness and children living or working on the streets. Difficulties also continue in access to and availability of adequate services for children, including healthcare provision. Inclusive and quality education for all children has not yet been achieved and remains a particular challenge in relation children in vulnerable situations, including children with disabilities, minority and Roma children, as well as those facing poverty. Child mental health and well-being, as well as healthy life-styles, appear to be attracting increased concern in member States. Mental health issues among children appear to be fuelled, in part, by poverty, lifestyle factors, modern and social media. As evidenced by several recent Council of Europe reports, access to justice, education, social and health services, remain limited and there are clear gaps between the standards set by the various human rights instruments and these children’s experiences, which lead them to situations where they are denied both substantive and procedural rights. At the same time, there is increasing awareness of the risks which pollution and environmental degradation pose to a multitude of children’s rights, including their health.

49. While there have been significant efforts to reduce the number of children in residential care facilities, it is clear that Europe is still a long way from achieving complete deinstitutionalisation. Reducing and improving alternative care continues to present a challenge, particularly in relation to early intervention of a child in difficult life situations. Many children continue to be discriminated against on the basis of sex, sexual orientation or gender identity, “race”²⁶, ethnic or national origin, minority status or disability. Refugee and migrant children continue to be one of the most vulnerable groups in Europe today, and continue to remain exposed to particular and heightened risks. The children consulted felt that prejudicial attitudes and peer bullying, in particular, were serious problems. A disturbing rise in right-wing populism and nationalism has been reported across many member States rendering action to build cohesive societies even more urgent. Meanwhile, several years after the heights of Europe’s refugee and migrant crisis, member States are facing questions of how to ensure systemic and sustainable solutions for unaccompanied children, and the effective integration of children affected by migration more generally.

2. PRIORITY AREA 2: PARTICIPATION OF ALL CHILDREN

50. Child participation is one of the core principles of the Convention on the Rights of the Child. Children and young people have the right to freely express their views and to have them heard and taken into consideration in decisions affecting them, both as individuals and as a group.

26. Since all human beings belong to the same species, ECRI, the Council of Europe’s monitoring body specialised in the fight against racism and intolerance, rejects theories based on the existence of different “races”. However, ECRI has considered that the use of the term “race” as a ground for discrimination ensures that those persons who are generally and erroneously perceived as belonging to “another race” are not excluded from the protection provided for by law (see in particular ECRI’s General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, revised on 7 December 2017).

Achievements, outcomes and impact

51. The Council of Europe has supported member States in **embedding participation in practice in a systematic manner and in all contexts relevant for children**. Based on the Recommendation CM/Rec(2012)2 on the participation of children and young people under the age of 18, the Council of Europe has supported two annual work cycles of the Child Participation Assessment Tool (CPAT)²⁷ in six volunteer countries: Bulgaria, Italy and Latvia (2016-2017); Finland, Malta and Slovenia (2018-2019). The Council of Europe has also taken action to facilitate exchange of experiences on child participation, including through organisation of an evaluation seminar and capacity-building session in Bulgaria (2018) at the end of the second work cycle. The Child Participation Assessment Tool has been subject to ongoing assessment and consultation, including with children. Recommendation CM/Rec(2012)2 is currently available in 9 languages.²⁸

52. The Organisation has continued **to involve children and give due respect to their views in its research and for the purpose of informing the development of its tools and standards**. Child consultations were held in intergovernmental work (by the CAHENF and the Lanzarote Committee), and numerous activities, such as in the context of the implementation of the Child Participation Assessment Tool, of the preparation of tools under the Action Plan to protect migrant and refugee children, for the campaign materials on prejudice against Roma children, for the training tool on engaging children in advocacy work, for research on experiences of children with disabilities in the digital environment.

53. These collaborative efforts with children lend effectiveness and credibility to the resultant Council of Europe tools and standards. Numerous child-friendly tools and publications have been produced as the result of these consultation processes. Monitoring bodies have encouraged the participation of children during monitoring visits, while the PACE's Sub-committee on Children promoting child participation within the Assembly and beyond, through various initiatives.

54. As a mitigating action, the Children's Rights Division has developed a **Child Safeguarding Policy**, which is being implemented for all activities involving contact with children. A more comprehensive Policy is being prepared for the Organisation as a whole.

55. The Council of Europe has **strengthened the opportunities for children's participation in the school setting and the democratic governance of schools** by supporting the development of citizenship and human rights education in its member States, within the framework of the implementation of the Charter for Democratic Citizenship and Human Rights Education. A major conference, "Learning to Live Together", took place under the Czech Chairmanship of the Committee of Ministers of the Council of Europe in Strasbourg (June 2017) on the future of citizenship and human rights Education in Europe. Children's participation within the review of the implementation of the Charter was facilitated through consultation with children and parent's organisations.²⁹

56. **Peer-to-peer learning among member States** has been supported through the pilot projects scheme "Human Rights and Democracy in Action", jointly funded by the European Union and Council of Europe. The multilateral-state project has resulted in the development of several publications and tools in 2017, including: a report on the lessons learned and results of the implementation of the whole community approach for social inclusion; a strategy and tools for teachers and teacher trainings on developing competences for democratic culture in the digital era; a training tool for school leaders/senior managers on handling controversial issues in and beyond the schools; a report on educational policies and practices to address and prevent violence in school.

57. There have also been **positive outcomes at member State level for child participation**. 34 member States have changed legislation and policy to implement children's right to participation. More than half of member States said that had used Council of Europe standards and tools, including the CPAT in this regard. Of these, 7 member States have recently been, or are currently involved in official assessment rounds using the tool since 2016 (Bulgaria, Italy, Latvia (2016/2017), Finland, Malta, Slovenia (2018/2019) Armenia (2019/2020)). Since 2016, 13 member States³⁰ have ratified the Optional Protocol to the UN Convention on the Rights of the Child on a communication procedure.

27. Council of Europe (2016), Child Participation Assessment Tool: Indicators for measuring progress in promoting the right of children and young people under the age of 18 to participate in matters of concern to them.

28. Armenian, English, Estonian, French, German, Italian, Romanian, Russian, Turkish.

29. Council of Europe (2017), Learning to live together: Council of Europe report on the state of citizenship and human rights education in Europe.

30. Bosnia and Herzegovina, Croatia, Cyprus, France, Georgia, Italy, Liechtenstein, Luxembourg, San Marino, Slovenia, Switzerland, Turkey, Ukraine.

58. Other stakeholders have enhanced their efforts to reach out to children and to promote child participation within their work, in line with Council of Europe and UNCRC standards, and including through collaboration with the Council of Europe. Armenia's implementation of the child participation assessment tool, for example, is being supported by UNICEF Armenia and Save the Children.

59. Steps have been taken by policymakers and other stakeholders in member States to embed child participation in all contexts relevant for children, notably education, justice, healthcare, social services, sports, culture, leisure, and family policies. Given the Strategy's focus upon improving participation in and through schools, it is particularly positive to see high rates of action within the context of education. Sixteen member States responding to the survey said that action had been taken to further implement the Charter for Democratic Citizenship and Human Rights Education. While many of the children consulted said that they knew a little about human rights, however, most said that either they, or other children, could know more about them. This suggests that even further efforts are required in this area; particularly in raising awareness of children's rights as they apply to the five priority areas of the Strategy.

60. A reported high number of member States taking action in the context of justice is also to be welcomed, in light of the Strategy area four priority on promoting child-friendly justice.

61. **Overall, survey responses suggest that many more children are enjoying their right to participation.** On average, member States felt that the effectiveness of children's right to participation in their country had "improved". Civil society and other stakeholders including Ombudspersons, regional and international organisations, were more conservative in their estimation of improvements, with the vast majority stating that the situation had "somewhat improved". Only one respondent felt that the situation had "somewhat deteriorated". Many respondents felt that there had been much awareness-raising and discourse on taking child-participation to the next level: although not everyone felt that this was fully reflected by implementation in practice. The children consulted felt that they had the most opportunities to participate in the school context, although there were very limited options in other contexts. Notably, children felt that much more progress needed to be made in ensuring that adults take them, and their right to participate, seriously.

Outstanding challenges

62. Children in Council of Europe member States continue to face exclusion and barriers in expressing their views on decisions which affect them and having these accorded due weight, with fewest opportunities for participation in law, policy and decision-making, as well as in local and community life. There are particular challenges and barriers to the participation of so-called "seldom heard" children, including girls, children with disabilities, and minority children, as well as those on the move or otherwise affected by migration. At member State level, challenges are faced in the implementation of child participation, including in the capacity-building and training of professionals, as well as development of mechanisms to take children's views into account. Low awareness or knowledge of the right to participate, as well as negative attitudes, are unfortunately still present in both adults and children. With many member States witnessing challenges to human rights and democratic values, there is increasing need to step up efforts to empower, inform and engage children in civic life. In recent times it has also been noted that children acting as human rights defenders are subject to increased hate speech and harassment. Understanding the challenges that child human rights defenders face will be an important issue to explore further.

3. Priority Area 3: A life free from violence for all children

63. The Strategy on the Rights of the Child is designed to allow states and other stakeholders to achieve a number of goals that are crucial to children, in particular the elimination of all forms of violence against children. The Strategy's goal is very much aligned with Target 16.2 of the Agenda for Sustainable Development which calls for the elimination of all forms of violence against children by 2030.

Achievements, outcomes and impact

64. **The Council of Europe has continued its work to promote an integrated and strategic approach to addressing violence against children.** The Strategy sets out the Council of Europe's aim to contribute to the elimination of **all forms of violence in all settings**. Violence against children has been addressed in a number of key policy areas: education, media, justice, equality, family, migration, alternative care, as well as for children with disabilities, and a detailed list of outputs is available in the midterm evaluation report.

65. The Council of Europe has supported member States in implementing the **Committee of Ministers Recommendation on integrated national strategies for the protection of children from violence**. A **Clearinghouse platform on responses to violence against children**³¹ 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. Notably, the Council of Europe produced a comprehensive member State survey and report on the progress made by member States towards eliminating all forms of violence against children, with focus on implementation of the Recommendation on integrated national strategies.

66. The Council of Europe has also 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 in Ukraine (2017-2018), Georgia (2018-2019) and Moldova (2019-2020).

67. **Work has continued to promote, monitor and support the implementation of the Council of Europe treaties aimed at preventing and addressing the various forms of sexual violence against children.** The Lanzarote Committee’s second implementation report on the protection of children against sexual abuse in the circle of trust was adopted in 2018.³² The Committee has published two special reports³³ and a declaration on protecting migrant and refugee children against sexual exploitation and abuse.³⁴ In October 2019, it adopted a declaration on protecting children in out-of-home care from sexual exploitation and sexual abuse.³⁵ The second monitoring round on the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs) is nearing completion, with an implementation report planned for adoption by the Lanzarote Committee at the end of 2020. The second monitoring round is supported by a number of documents which clarify the applicability of the Lanzarote Convention to sexual offences facilitated through ICTs, including an opinion on sexual images generated, shared and received by children.³⁶ The Committee has also produced guidelines for implementation of child participation by states and other stakeholders to reflect children’s views in the second monitoring round.³⁷

68. 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.³⁸ In addition, an international conference “Strengthening civil society participation in the implementation and monitoring of the Lanzarote Convention” took place in Strasbourg in April 2019. Representatives from over 35 civil society organisations active in 20 member States took part in the conference.³⁹

69. Since 2017, the European Days **on the Protection of Children against Sexual Exploitation and Sexual Abuse** have been themed (the protection of children against sexual exploitation and sexual abuse facilitated by ICTs (2017); the protection of children against sexual abuse in sport (2018); “empowering children to stop sexual violence” (2019). The Parliamentary Assembly has been very active and has continued activities on the occasion of the Day and has contributed to each European Day through a number of awareness-raising and promotional initiatives at European and at national levels.

70. To address the need to change social norms that condone or tolerate corporal punishment, 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**, by promoting its campaign and educational material, particularly those relating to the successful “Raise your hand against smacking!” campaign (available in 19 languages⁴⁰), and non-violent discipline and positive upbringing, in line

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

32. Lanzarote Committee (2018), 2nd Implementation Report: Protection of children against sexual abuse in the circle of trust – the strategies.

33. Lanzarote Committee (2017), Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse; Lanzarote Committee Special Report further to a visit of a delegation of the Lanzarote Committee to transit zones at the Serbian/Hungarian border (5-7 July 2017), 30 January 2018.

34. Lanzarote Committee Declaration on protecting migrant and refugee children against sexual exploitation and sexual abuse (adopted 28 June 2018).

35. Adopted at its 25th meeting (15-18 October 2019).

36. Lanzarote Committee Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children (adopted 6 June 2019).

37. See further <https://www.coe.int/en/web/children/child-participation>.

38. See [https://www.coe.int/en/web/children/good-practices#{%2212443521%22:\[\]}\]](https://www.coe.int/en/web/children/good-practices#{%2212443521%22:[]}]).

39. See Council of Europe Conference Report on Strengthening civil society participation in the implementation and monitoring of the Lanzarote Convention, July 2019.

40. Armenian, Croatian, English, Estonian, French, Greek, Hungarian, Italian, Lithuanian, Macedonian, Polish, Portuguese, Romanian, Russian, Serbian, Slovakian, Slovenian, Spanish, Turkish.

with the Recommendation on policy to support positive parenting. Currently a total of 33 member States have a full legal ban on corporal punishment and since 2017 a total of 3 member States have obtained the ban including France, Georgia and Lithuania. It should also be noted that Scotland and Wales of the United Kingdom have recently introduced a full ban.

71. Pursuing a transversal approach, the Strategy aims **to strengthen the role of education in preventing specific forms of violence**, such as bullying, including in schools, homophobic bullying and cyber-bullying, as well as violence linked to radicalisation. Action has been carried out on the basis of the Council of Europe Charter on Education for Citizenship and Human Rights Education. 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. Awareness-raising actions have been implemented notably through the “Free to Speak – Safe to Learn: Democratic Schools for all” campaign⁴¹ which aims to raise awareness, collect and showcase good practices, and provide tools to support schools to implement human rights and democratic citizenship education.

72. Member States have been encouraged to sign, ratify and effectively implement the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Country monitoring reports have been adopted for 10 member States.⁴² To highlight the applicability of the Istanbul Convention to child victims of domestic violence and gender-based violence against girls, GREVIO published a leaflet in 2019.

73. The Council of Europe has supported member States in fulfilling their obligations under the **Convention on Action against Trafficking in Human Beings**, and GRETA’s urgent country monitoring reports on victims of trafficking among unaccompanied children, thematic monitoring and activity reports, including a focus on human trafficking for the purpose of labour exploitation. Its third monitoring round is on access to justice and effective remedies for victims of trafficking in human beings.

74. EPAS has continued to promote a **healthy and safe sports environment for children**. The project Pro Safe Sport (PSS) has been followed by a new EU-Council of Europe joint initiative, Pro Safe Sport + (PSS+), which focuses on sexual violence against children in sport. Through this initiative, the campaign “Start to Talk” has been launched, which calls on governments, sports clubs, associations and federations as well as athletes and coaches to pledge to take concrete measures to respond to abuse. A number of audio-visual products, a training kit, an online resource centre and an expert network are being used both by public authorities and those in sports institutions to prevent and respond to sexual violence in sport. The campaign has attracted much interest in Europe (active in 21 member States) and beyond (in Australia, Canada (Quebec), Uruguay and Chile). FIFA, UEFA and the International Olympic Committee are among the sports organisations supporting the campaign. Monitoring work has also been carried out by the EPAS in the implementation of the Recommendation CM/Rec(2012)10 on the protection of child and young athletes from dangers associated with migration.

75. The mid-term evaluation of the Strategy concluded that **the majority of the member States have significant measures in place, both at the legislative and at the policy level**. More than two thirds have developed integrated strategies at national level to protect children from violence, which in most member States have been inspired by the Policy Guidelines and contain clear targets, an established timeframe, as well as resources for its implementation. Through its actions and different bodies and committees working on violence-related aspects, the Council of Europe plays a critical role in further strengthening the capacity of member States to address violence against children. It acts as a convener of member States and other stakeholders in nurturing policy dialogue, as a facilitator of intergovernmental dialogue, in the identification of policy and implementation gaps, and dissemination of promising practices and the continued development of guidance in this area.

76. **There is evidence of positive outcomes at member State level for children’s right to a life free from violence**. Since 2016, 27 member States have put in place a national programme, action plan or strategy, or have introduced policy initiatives to improve **integrated measures on violence against children**. The review of implementation of this priority area found that approximately two-thirds of member States have developed an integrated strategy on violence against children, since the adoption of the Policy Guidelines on integrated national strategies for the protection of children from violence. However, not all member State responses to violence against children fully align with the essential elements and principles laid out in the Policy Guidelines (for example, in relation to dedicated specific resources, data collection, or mandatory reporting mechanisms).

41. See <https://www.coe.int/en/web/campaign-free-to-speak-safe-to-learn>.

42. Albania, Austria, Denmark, Finland, France, Monaco, Montenegro, Portugal, Sweden, Turkey.

77. **There have been significant steps forward in ensuring that all member States ratify relevant Council of Europe conventions.** Five further member States have ratified the Lanzarote Convention, with the remaining three taking concrete steps to enhance its ratification process.⁴³ Tunisia has also acceded to the Convention as a non-member State. 15 further member States have ratified the Istanbul Convention, bringing the current total to 34. Meanwhile, approximately half the member States said that they had taken action since 2016 to further implementation of the Lanzarote Convention and Istanbul Convention, through the adoption of new laws, dedicated strategies and action plans and the development of tools (including telephone or online helplines). There has been investment in relevant support services and initiatives have been carried out to improve the coordination of services and bodies involved in combating sexual violence.

78. Policies and legislation have also been changed to implement Council of Europe standards concerning **other forms of violence**. Greatest progress has been seen, over the past decade, in the domestic setting and the school environment, and stakeholders praised awareness-raising and educational initiatives against violence. However, children living in institutions have not benefited from the same level of attention. Moreover, certain efforts, including campaign and awareness-raising measures, often appeared not to be adapted to specific groups of children, including children with disabilities or those living in institutions.

79. **Overall, the majority of member States currently have significant measures in place, both at the legislative and at policy level, to protect children from violence.** A true understanding appears to have developed regarding the need to have a multi-stakeholder approach and an intersectoral co-operation in place to be able to provide children with adequate protection from violence and responses when it occurs.

80. **More children appear to be enjoying their right to be free from violence.** On average, civil society respondents felt that the effectiveness of children's right to a life free from violence in the European region had "somewhat improved", with none stating that it had worsened. However, while much of this was attributed to action at the European and national level, some felt that external factors, such as the ease in irregular migration flows across Europe, had contributed to this. Moreover, with children continuing to fall victim to violence in Europe, the battle is yet to be won. This is supported by the views of children and the findings of the Council of Europe monitoring bodies. In spite of the laudable efforts to tackle violence in schools, the children consulted said that they felt most concerned about violence in the school context, with bullying being a major problem. They also felt said that violence happened in public places and online. There was widespread acknowledgment that vulnerable groups of children are more susceptible to violence than others.

Outstanding challenges

81. The risk of violence against children persists in all settings and forms, with girls and vulnerable groups of children at greatest risk. Some of these vulnerable groups are also being overlooked when it comes to specific policies and action (children in institutions), including in contexts like the digital environment (children with disabilities). Although much action has been taken in the area, children continue to experience violence by peers and in school. Disturbing trends of sexual violence carried out by other children have been facilitated by the digital environment. In light of several scandals and investigations across Europe and the rest of the world, there has been increased awareness of the risk of violence against children in institutions, including in the field of sports and in leisure activities. Several challenges also remain in providing frameworks for tackling violence against children. In particular, systematic reporting of incidents, as well as collection, disaggregation and sharing of data, continue to be found wanting.

4. PRIORITY AREA 4: CHILD-FRIENDLY JUSTICE FOR ALL CHILDREN

Achievements, outcomes and impact

82. **The Council of Europe has promoted the implementation of the Council of Europe Guidelines on child-friendly justice** by supporting member States in strengthening access to, treatment in and participation of children in civil, administrative and criminal justice proceedings. In 2017, the Programme on Human Rights Education for Legal Professionals (HELP) and the Children's Rights Division developed a training course aimed at lawyers, judges, ombudspersons and other stakeholders on child-friendly justice. The course is currently available in six languages.⁴⁴ This, and other related HELP courses simultaneously serve as action to **mitigate**

43. Armenia, Azerbaijan and Ireland.

44. Albanian, English, Georgian, Montenegrin, Romanian, Ukrainian.

the risk of Council of Europe guidance and tools being met with resistance in national justice systems, through awareness-raising for those within the judicial system.

83. Regional meetings and national conferences have also taken place to exchange **good practices on child-friendly justice**, including in Hungary, Georgia and the Ukraine. The Consultative Council of European Prosecutors (CCPE) has adopted an opinion on the role of prosecutors in relation to the rights of victims and witnesses in criminal proceedings,⁴⁵ which includes specific protections and considerations for child victims and witnesses.

84. One of the key areas of work under co-operation projects is focused on the improvement of practices and procedures to uphold the rights of child victims and witnesses within investigations and prosecutions relating to child sexual abuse and exploitation (see also EndOCSEA@Europe project⁴⁶ focusing on online child sexual abuse and exploitation). Measures have been undertaken to develop a “Barnahus/Children’s House” in Slovenia, as part of a joint EU-Council of Europe project, which led to the development of National Guidelines for Barnahus in Slovenia, and a roadmap towards establishing, operating and evaluating them. A feasibility assessment on Barnahus in Ukraine has also been conducted. within the remit of the project “Combating violence against women and children in Ukraine”.⁴⁷ A leaflet explaining the concept and benefits of Barnahus has also been published to raise awareness about this multidisciplinary and interagency response.⁴⁸

85. **Preventing deprivation of liberty of migrant children** has also been a main area of action. The Parliamentary Campaign to End Immigration Detention of Children entered its third phase in 2019. Activities within the framework of the campaign includes, *inter alia*, the publication of a study on immigration detention practices and the use of alternatives to immigration detention of children, and dedicated trainings for parliamentarians and ombudspersons. 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) of the European Convention on Human Rights (ECHR).⁴⁹

86. **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 decided upon numerous cases condemning the living conditions of unaccompanied⁵⁰ and accompanied⁵¹ minors as a violation of their right to freedom from inhuman and degrading treatment under Article 3 ECHR. 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 have been promoted and numerous activities were implemented on dealing with and improving support services for detained juveniles within the Balkans and Eastern Partnership countries.

87. During the reference period, the CPT has undertaken over 20 monitoring visits in places where children are being held in detention. The CPT’s annual reports also contain thematic monitoring findings, which are relevant to juveniles in detention. The CPT has found that children apprehended due to suspicions of having committed criminal or other offences could face a higher risk of ill-treatment than adults, due to their particular vulnerabilities.⁵² It emphasised the need to take special measures, in order to ensure that complaints mechanisms are more accessible to juveniles, as well as those with disabilities and difficulties in understanding or communicating in the official language of the country concerned.⁵³ In many member States, the CPT found that juveniles on remand, in particular, were frequently held in prisons for adults, even if this was usually in a designated juvenile unit. While there had been significant improvements in recent years in terms of material conditions in juvenile units, it also noted concerns as to small numbers of juveniles being held on remand in

45. CCPE Opinion No. 12 (2017) on “The role of prosecutors in relation to the rights of victims and witnesses in criminal proceedings”.

46. See <https://www.coe.int/en/web/children/endocsea-europe>.

47. See <https://www.coe.int/en/web/children/ukraine>.

48. Council of Europe (2018), Protection of children against sexual exploitation and abuse: Child-friendly, multidisciplinary and inter-agency response inspired by the Barnahus model.

49. ETS No.005. 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).

50. 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).

51. *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)

52. CPT (2018), 28th General Report of the CPT, para 67.

53. CPT (2017), 27th General Report of the CPT, para 83.

given establishments or units, which could amount to *de facto* solitary confinement, and a lack of purposeful activity offered to juveniles in remand detention.

88. The Council of Europe has also contributed to the preparation of the **UN Global Study on Children Deprived of Liberty**, through a report on the status of progress at pan-European level, reflecting the Council of Europe standards, activities and results in this area. Member States will be encouraged to proceed with the implementation of the Study's relevant recommendations, including with the support of the Council of Europe.

89. **The Council of Europe has promoted the implementation of its standards on family law.** For example, the European Commission for the Efficiency of Justice (CEPEJ) working group on mediation (CEPEJ-GT-MED), which resumed its work in 2017, has conducted a study on, *inter alia*, the impact of the Committee of Ministers Recommendation on family mediation, produced a toolkit on mediation development to ensure effective implementation,⁵⁴ and a handbook for mediation law-making.⁵⁵ A collection of good practices from member States is provided on the CEPEJ platform and through the repository of good practices and tools promoting non-violent parenting. The Committee of Ministers CM/Rec(2015)4 recommendation on preventing and resolving disputes on child relocation has been further supported by a Resolution Res 2194(2017) of the Parliamentary Assembly on cross-border parental responsibility conflicts.

90. **Action on the best interests of the child in family matters has been undertaken in the context of new family forms and bioethics.** Notably, in the area of donor-assisted human reproduction, the PACE has adopted a Recommendation 2156 (2019) on anonymous donation of sperm and oocytes: balancing the rights of parents, donors and children. A study and roadmap have been published on the rights of children in the biomedical field.⁵⁶ They found particular challenges relating to 1) consent, autonomy and legal representation of children by parents or others in relation to healthcare, 2) child participation and the need for child-friendly healthcare and 3) children's access to justice in the field. The Committee on Bioethics (DH-BIO) have incorporated a children's rights dimension in a Strategic Action Plan on addressing key human rights challenges raised by new developments in the new biomedical field, which is pending adoption. The Council of Europe also contributed to the International Social Service consultation on draft principles for the protection of the rights of the child in the context of surrogacy.

91. Particular attention has been paid to the assessment process of the best interests of the child in family matters, including in removal from parental, care, placement and reunification decisions. The PACE adopted Resolution 2232 (2018) on striking a balance between the best interest of the child and the need to keep families together and a conference for shared parenting was held under the auspices of the Secretary General in November 2018, with a focus on children's rights and the role of states in safeguarding the best interests of the child after parental separation or divorce. Work in this area is being planned jointly by the child rights intergovernmental committee and the European Committee on Legal Co-Operation (CDCJ).

92. An Issue Paper was issued in 2017 by the Human Rights Commissioner on realising the right to family reunification of refugees in Europe, which elucidate the important role of the best interests of the child, followed by a Council of Europe Handbook Family Reunification for refugee and migrant children: standards and promising practices in 2019.

93. **There have been positive outcomes at member State level under this pillar.** 28 member States said that they had changed legislation and policy to **implement the Guidelines on child-friendly justice**: six have either completed, or are currently undergoing, implementation of the HELP course on child-friendly justice.⁵⁷ A number of member States have established or committed to the creation of Children's Houses.

94. 13 member States have indicated taking steps to **decrease the number of children deprived of liberty**, while 4 said that they had taken steps to **improve deprivation of liberty conditions** for children. In both cases, however, action in relation to deprivation of liberty was focused upon children in conflict with the law, rather than children in or at risk of migration detention.

95. Meanwhile, a significant majority of member States said that they had **strengthened the realisation of the rights of the child, including the best interest determination, within the family context.** Action

54. CEPEJ (2019), Mediation development toolkit: Ensuring implementation of the CEPEJ Guidelines on mediation. Available in English, French and Italian.

55. CEPEJ (2019), European handbook for mediation law-making.

56. Zillén K., Garland J. and Slokenberga S. (2017), The rights of children in biomedicine: Challenges posed by scientific advances and uncertainties; Liefgaard T., Hendriks A. and Zlotnik, D. (2017), From law to practice: Towards a roadmap to strengthen children's rights in the era of biomedicine.

57. Albania, Georgia, Republic of Moldova, Romania, Montenegro, Ukraine.

had been taken to improve early intervention responses and support, encourage and streamline adoption procedures, as, for example, an alternative to residential institutions, to improve contact between children and incarcerated parents, and to establish specialised courts, judges and services in family law cases involving children.

96. **Overall, survey responses suggest that children are better enjoying their rights in the justice system.** All responding member States felt that the situation had improved to varying extents, and on average, they felt that the child-friendliness of the justice system in their country had “improved”. Civil society and other stakeholders were slightly less positive, with the majority stating that the situation had “somewhat improved”. These modest findings are in line with the 2018 and 2019 EU Justice Scoreboard results, which found, for example, an increase in the availability of targeted online and child-friendly information relating to justice systems. Several felt that the situation had deteriorated to some degree, particularly in relation to family law matters. The children consulted under the pillar of child-friendly justice had all come into contact with the justice system. Their report, unfortunately, reflected a largely negative experience: the children felt that they had been given little information about or opportunity to be involved in processes, and that the judges involved in their cases were “loud” and even “terrifying”.

Outstanding challenges

97. While significant action has been seen under this priority area, European justice systems continue to face difficulties in adapting to the needs of children. Many felt that there were specific challenges in implementing the best interests of the child in judicial proceedings, particularly in the family law context, and where parents’ rights may be perceived as conflicting with those of the child. Children continue to be excluded from meaningful participation in decisions which affect them across the entire board of legal issues.

98. Too many children in conflict with the law are still being deprived of their liberty, indicating a need for greater attention to alternative measures. Meanwhile, children in migration are still subjected to administrative detention, frequently in unsuitable conditions. Several countries in Europe have moved towards the use of detention instead of child welfare protection, while the case-law of the ECHR has identified numerous violations resulting from the detention of migrant children, both accompanied and unaccompanied⁵⁸. With a rising number of children, or children born to parents who are seeking to return from conflict areas abroad, adequate safeguards and legal protections in cases involving children should be applied, and effective policy solutions identified.

5. Priority Area 5: The rights of the child in the digital environment

Achievements, outcomes and impact

99. All children should be able to safely access Information and Communications Technologies (ICTs) and digital media, and be empowered to fully participate, express themselves, seek information and enjoy their rights fully, whether online or offline. This priority area of the Strategy focuses on provision for, as well as participation and protection of, children in the digital environment.

100. **Guidelines to respect, protect and fulfil the rights of the child in the digital environment** were adopted by the Committee of Ministers in 2018, which provide comprehensive and holistic guidance to member States in maximising the full range of children’s rights in the digital environment. The Guidelines are currently available in 19 languages. A child-friendly version has been produced, while a Handbook for Policymakers, under preparation, will provide concrete measures for implementing the Guidelines.

101. **The Council of Europe has promoted and protected children’s access, information, expression and participatory rights in the digital environment in co-operation with other stakeholders.** A tablet application game, “Online with the Websters”, has been produced with gaming developers DUBIT, which aims to raise awareness of safe and responsible behaviour online.⁵⁹ Other communication tools have been developed and disseminated to children, parents and educators on making full and safe use of ICTs and digital media, including a fully revised, third edition of the “Internet Literacy Handbook” (2017). Particular attention has been paid to empowering children in vulnerable situations: children with a diverse range of disabilities were consulted

58. See the regularly updated Factsheet “Accompanied migrant minors in detention”, and “Unaccompanied migrant minors in detention” on the ECHR’s webpage.

59. Scheduled release for early 2020.

on their experiences of the digital environment and a follow-up report makes practical recommendations for increasing their access and inclusion in the digital environment. It found that, while the digital environment opened up a range of possibilities and can be an “equaliser” for some children with disabilities, they were also disproportionately disadvantaged in terms of their ability to access and make use of its benefits. Drawing on the Recommendation on policy to support positive parenting and other relevant standards, several publications have been produced, which contain rights-based parenting in the digital age, on topics relating to online child sexual violence and empowering children as digital citizens.⁶⁰

102. To promote digital literacy and citizenship skills, the Council of Europe has launched a pan-European project on digital citizenship education which builds on the achievements of the programme on Education for Democratic Citizenship and Human Rights Education. It has developed a set of 10 descriptors for democratic citizenship education competency and published a Handbook on Digital Citizenship Education (2019) which is targeted at learners, teachers, parents and school managers, in particular. Numerous summer schools, workshops and training events have taken place within member States in relation to democratic citizenship education (e.g. in Estonia, France, Germany, Georgia, Lithuania, Republic of Moldova, Montenegro, the Netherlands, Poland). A number of educational tools were developed for the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse, including 6 tutorial videos for parents on aspects of sexual violence facilitated by ICTs and a digital parenting guide on the topic.

103. The Council of Europe has taken action to counter the use of internet and social media in advocating hate speech, radicalisation and terrorism among young people. 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: Democratic Schools for all” campaign was launched in 2018, with a focus on addressing controversial issues to promote tolerance and human rights; preventing violence; and dealing with propaganda. The Parliamentary Assembly also adopted a Resolution and Recommendation on ending cyber-discrimination and online hate, which recognises that children are particularly vulnerable to the negative effects of both.⁶¹

104. At member State level, there is significant evidence of positive outcomes under this priority area. Since 2016, 34 member States have changed legislation or policy to protect children in the digital environment. National strategies, action plans or other policy mechanisms have been introduced to protect or provide for children online in 8 member States.

105. In spite of their recent adoption, a number of respondents said that there had been, or would soon be, action taken in their country in relation to the Guidelines to respect, protect and fulfil the rights of the child in the digital environment. This included translation and dissemination of the Guidelines to relevant stakeholders (e.g. NGOs and National Human Rights Institutions) as well as the development of national strategies or action plans, based upon the Guidelines. NGOs and other stakeholders had also engaged with the Guidelines and other relevant Council of Europe tools and standards, including through translation and dissemination, as well as organising thematic conferences. They have also taken significant action in the field, notably through awareness-raising campaigns and materials, online helplines and reporting mechanisms, and the development of guidelines for relevant actors.

106. Overall, survey responses suggest that children are better enjoying their rights in the digital environment. All member States responding to the survey felt that the situation had improved to varying extents, with the majority stating that respect for the rights of the child in the digital environment in their country had “improved”. Civil society and other stakeholders were less positive, however, with the majority stating that the situation had only “somewhat improved”. A few Ombudspersons and national human rights institutions felt that the situation had “somewhat deteriorated” in their respective countries, particularly in relation to privacy. Most of the children consulted said that they knew a lot about the internet, although less about their rights online; not all of them felt completely safe in the digital environment. They were concerned, in particular, about the prevalence of exposure to offensive, violent and pornographic content. Many felt that their parents could not support them in all situations relating to the digital environment, and many did not know where to turn to for help online.

60. Council of Europe (2017), Parenting in the digital age: Parental guidance for the online protection of children from sexual exploitation and sexual abuse; Council of Europe (2019), Digital citizenship...and your child – What every parent needs to know and do.

61. Res 2144(2017), paragraph 7.4.2.

Outstanding challenges

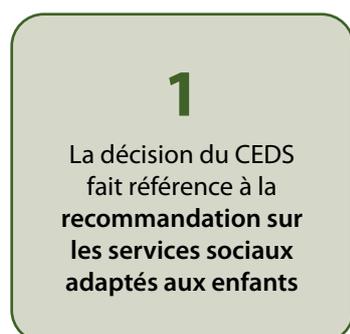
107. Children, as well as their teachers and parents, continue to lack awareness and knowledge of children's rights online and on how to maximise these. In particular, education on literacy, risks and citizenship in the digital world continue to be lacking in classrooms and on national curricula. Not all children have equal access to the internet and digital tools and limits to child participation in the digital environment continue to persist, through a lack of adapted content and platforms. Education in the use of digital tools is also a key factor in acquiring essential skills for future vocational training. It is a condition of equal opportunities, including between girls and boys, while women are underrepresented in the digital professions.

108. A significant concern cited by a range of stakeholders, in relation to the digital environment, involves children's access or exposure to harmful or illegal content, including child sexual abuse or exploitation materials, pornography, fake news and extremist material. There is also concern about protecting children's online privacy, whether in relation to data collection and processing, or self-generated content, particularly where it is sexually explicit. Other negative effects of the digital environment, such as isolation and over-use, are also seen as challenges. The rapid development of new technologies and the rise of smart or connected products, among other things, are creating concerns about the future of children's rights in the digital world, with legal frameworks and enforcement already struggling to keep up. A lack of robust, scientific research on the possible effects of the digital environment also presents an ongoing challenge. Increasingly, the necessity of ensuring that business and industry are fulfilling their responsibility towards children, as well as the need to increase coordination and collaboration with the private sector and other stakeholders, is becoming evident.

109. The issue of children's rights in the digital environment should be approached from the angle of opportunity as much as from the angle of risk. There are many opportunities in terms of exercising the right to education, the right to participate or even the rights of children with disabilities.

6. The rights of the child through the lens of the case-law of the European Court of Human Rights and the European Committee of Social Rights' conclusions and decisions (2016-2019)

What are the figures?



Poverty & social exclusion

110. Between April 2016 and December 2019, the ECSR made 8 conclusions of non-conformity with Article 30 (Poverty), involving **child or family-based poverty**.⁶²

111. Inadequate access to **housing** for children has been a significant source of concern for the ECSR: Decisions have criticised not just the availability and quality of housing, but also the insufficiency of housing policies (*International Federation for Human Rights (FIDH) v. Ireland (ECSR)*).

62. Belgium, Ireland, Italy, Latvia, Turkey, Serbia, Slovak Republic, Ukraine (Conclusions 2017).

112. **Access to education** for certain groups of children has been a further source of case-law, particularly in relation to the segregation or lack of provision for facilities for **children with disabilities** (*Mental Disability Advocacy Center (MDAC) v. Belgium (ECSR)*; *Lupica v. Italy* (Court – communicated)⁶³ and the exclusion of **Roma children** (*European Roma and Travellers Forum (ERTF) v. France (ECSR)*). There is a significant number of earlier Court judgments on Roma children's education, a number of which have not yet been fully executed and are under enhanced supervision (*D.H. and Others v. Czech Republic*; *Horváth and Kiss v. Hungary*). On the other hand, in 2017, the Committee of Ministers issued a final resolution with regard to relevant cases on Roma education against Greece. The Committee of Ministers considered that the required measures were taken.⁶⁴

Freedom from discrimination

113. **The detention, and conditions thereof, for migrant children** (and particularly unaccompanied migrant children) has been a major source of case-law since the launch of the Strategy.⁶⁵ Countries have also been criticised for providing **insufficient shelter and care** to unaccompanied foreign children (*Khan v. France* (Court), which has exposed them in some cases to life on the streets (*European Committee for Home-Based Priority Action for the Child and the Family (EUROCEF) v. France (ECSR)*).

114. An application relating to state obligations under Article 3 ECHR to **repatriate child nationals** from conflict zones was recently lodged before the Court.⁶⁶

115. A number of Court cases have concerned interferences with freedom of expression, which relate to information on **LGBTI** issues aimed at children (*Bayev v Russia, Klimova v Russia* (communicated) (Court)). Other cases have involved alleged discrimination in relation to the rights of Rainbow families and LGBT parents (*X v. Poland* (Court – communicated), *Pajić v Croatia* (Executed)).

4

Court judgments refer to the **Lanzarote Convention**

A life free from violence for all children

116. There has been a significant body of alleged violations of the Convention relating to **violence in particular settings**, including in alternative care (*L.R. v. North Macedonia*; *X and others v. Bulgaria* (cases pending)), in schools (*V.K. v. Russia*) and religious institutions (*J.C. and others v. Belgium* (communicated)), and which follow previous cases that have not yet been fully executed (*O'Keeffe v. Ireland*).

117. The ECSR has found non-conformity with the European Social Charter for failure to prohibit **corporal punishment** in all settings,⁶⁷ while the Court upheld domestic decisions to remove parental authority as a consequence of religiously-justified corporal punishment (*Tlapak v. Germany*; *Wetjen v. Germany*).

118. In its dismissal of a case involving parents' ability to withdraw their children from **sexuality education**, the Court accepted the government's arguments that it can protect children against sexual violence (*A.R and L.R. v. Switzerland*).

4

Court judgments refer to the **Child-friendly justice Guidelines**

Child-friendly justice & Participation

119. **The lack of effective investigations and procedures** involving sexual violence against children (see eg. *A and B v. Croatia, M.M.B. v. Slovakia*) and domestic **violence** (*D.M.D v. Romania*) has been a significant source of case-law before the Court.

120. The Court has found rights violations relating to **parental separation and custody proceedings**, *inter alia* for failing to take due account of the best interests of the child, lack of adequate representation before the court, including direct **participation**, and failure to make decisions on the basis of updated information relating to the child (see e.g. *N.Ts v. Georgia, Strand Lobben v. Norway, Babayeva v. Azerbaijan*). A joint dissenting opinion

63. See also *Enver Sahin v. Turkey* – failure to conduct concrete individual assessment of disabled student's needs regarding access to university premises: potential applicability to school students.

64. *Sampani v. Greece*; *Lavida v. Greece*

65. See Court's thematic factsheets on accompanied migrant minors in detention and unaccompanied migrant minors in detention.

66. See e.g. France 24, France faces legal challenge for refusing to allow jihadists' children to return (7 May 2019).

67. Georgia – although note subsequent legal reform to introduce a full ban.

called for the Court itself to reconsider the appropriateness of parents representing their children's interests before the Court in certain circumstances.⁶⁸ A number of cases have also addressed the issue of contact between the child and their grandparents (*Khusnutdinov and X. v. Russia, Bogonosovy v. Russia*).

121. At the same time, a significant number of cases in this field were executed in the relevant time period, including in relation to child abduction (*M.A v. Austria, Frisancho Rerea v. Slovak Republic*), paternity proceedings (*Grönmark v. Finland, Călin v. Romania*) and lack of **enforcement** of parental visiting rights (*Kuppinger v. Germany, Eberhard and M. v. Slovenia*).

122. Several Court cases have considered failure to account for or protect against **domestic violence in the context of parental custody** (*OCI v. Romania*) and during supervised visits (*Penati v. Italy* (communicated)).

123. The Court has considered the issue of children's rights and best interests in the **biomedical field**, particularly relating to the issue of surrogacy (*Paradiso and Campanelli v. Italy, Foulon and Bove v. France, Laborie v. France*, – further cases communicated). In 2019, it issued its first Advisory Opinion on the matter at the request of the French Court of Cassation, noting that best interests of the child were of paramount importance. It also considered the best interests of the child in decisions to withdraw life-preserving treatment, against the wishes of the parents (*Charles Gard v. UK*). In December 2019, several applications concerning the compulsory vaccination of children were relinquished in favour of the Grand Chamber (*Vavříčka and others v. the Czech Republic*).

Rights of the child in the digital environment

124. The challenges of tackling child sexual abuse materials while respecting a potential abuser's rights were considered in a number of cases: the Court found a violation of Article 8 for seizure of a computer or information from an Internet Service Provider without prior authorisation (*Trabajo Rueda v. Spain, Benedik v. Slovenia*).

⁶⁸. Joint dissenting opinion of Judges Koskelo and Norden, *Strand Lobben v Norway* [GC].

Chapter III

Looking forward - planning actions in 2020 and beyond

125. The Council of Europe Strategy for the Rights of the Child has successfully pinned down priority areas and specific actions which, at this three-year juncture, have stood the test of time, illustrating the transversality of this Strategy and the impact of the coordination and mainstreaming efforts both within the Organisation and in member States.

126. It is important to highlight that the midterm evaluation revealed that **the Strategy's vision and priority areas remain relevant and appropriate and address member States' needs and priorities**. Its clear set of achievable outcomes, expected impacts and performance indicators, should enable to make an assessment of its effectiveness upon completion.

1. Lessons learnt and aspects in need of further action

127. Going forward, **there are some specific action-points enumerated within the Strategy which have not yet been fully addressed** in the first three years of the Strategy, and which are not currently or comprehensively covered by foreseen actions. This includes:

- ▶ **Equal opportunities:** Stepping up action to promote deinstitutionalisation in all forms, in particular of children under the age of three (and including for children affected by migration) and protecting the rights of children in alternative care; LGBTI children and children affected by poverty; concretising action to support and encourage member States' ratification of the third Optional Protocol to the UNCRC; stepping up promotion and monitoring of implementation and use of standards and tools relating to children on the move or affected by migration.
- ▶ **Violence against children:** Supporting member States in developing, implementing and reviewing integrated national strategies on violence against children;⁶⁹ stepping up efforts to support remaining member States in achieving a full legal ban of corporal punishment through identifying particular challenges and how these may be overcome, and promoting non-violent discipline and positive upbringing; addressing the important gaps identified in international coordination and state responses to sexual violence, in particular given the digital and connected risks for children
- ▶ **Child-friendly justice:** Measures to promote and encourage the use of alternative measures for children in conflict with the law.
- ▶ **Transversal:** Strengthening the Council of Europe's strategic co-operation with certain stakeholders through specific joint actions; stepping up action on children's rights at the local level, including through the Congress of Local and Regional Authorities.
- ▶ **Strategy evaluation:** Further tailoring survey/consultation questions to match Strategy criteria and performance indicators for the full-term evaluation.

128. The Council of Europe may consider whether it wishes to incorporate measures on these areas over the remaining years of the Strategy, in order to maximise its implementation.

129. Additionally, there are **matters which are not covered by the Strategy or achieved and foreseen action, but which may easily be accommodated by the Council of Europe's planned work:**

- ▶ **Information disorder:** The rise in disordered information is not explicitly covered by the Strategy. Although some future action is foreseen in this area, it is not specifically geared towards children. The issue can be encompassed by efforts to promote digital and media literacy, but effort could be made to ensure that information disorder is explicitly addressed therein.

⁶⁹. And possibly in contexts beyond violence against children, in line with Target 17.18 of the UN SDGs.

- ▶ **Children and access/exposure to age-inappropriate content:** There is increasing concern over, and proposed responses to, the effects of child exposure or access to online, age-inappropriate content, particularly pornography. Although illegal or harmful content and its effects are explicitly mentioned in the Strategy, greater focus could be placed on this issue, by the child rights intergovernmental committee, in the context of follow-up to the implementation of the Guidelines to respect, protect and fulfil the rights of the child in the digital environment, in close co-operation with other Council of Europe committees and bodies and with the involvement of relevant business enterprises.

130. There have been some other developments, as enumerated by member States and stakeholders, which are not fully covered by the Strategy and achieved or foreseen action thereunder:

- ▶ **Environment:** There is increasing concern and urgency with regard to the effects of environmental degradation and exposure to toxins upon children, their rights and their future. Environmental action is not explicitly covered in the Strategy and, although there is some future action foreseen on this point, efforts could be increased, by the Council of Europe's child rights intergovernmental committee and/or the Steering Committee for Human Rights (CDDH), as well as others: particularly bearing in mind the numerous SDGs which touch on health and the environment.
- ▶ **Child mental health and wellbeing:** There is increasing concern regarding the mental health and well-being of children and young people. This is not explicitly covered by the Strategy and, although some future action is foreseen, it is not specifically targeted towards children. Focus in this area could be increased by the Council of Europe's child rights intergovernmental committee and/or DH-BIO, particularly bearing in mind UN SDG Targets 3.3. and 3.5.
- ▶ **Advances in machine learning and artificial intelligence (AI):** There is increasing interest, along with concern, over advances in AI and its potential impact upon children and their rights. AI is not explicitly addressed in the Strategy. Some action has been taken specifically in relation to children and emerging technologies, in the context of actions on the rights of the child in the digital environment. The Council of Europe will undertake work with respect to the feasibility of a legal framework on AI-related issues as a priority within the newly established CAHA. However, it is recommended that any future Strategy and action points in intergovernmental work ensure adequate and gender-sensitive focus on the risks and opportunities of AI in relation to children and their rights, while bearing in mind the work of other initiatives at the international level.
- ▶ **Child activists and rights defenders:** The subjection of child activists and rights defenders to abuse and discrimination raises difficult questions about how we protect children when exercising their right to participation in civic life. Although the Strategy has as a priority area participation of all children, this dimension creates a new perspective for this area.

131. The Council of Europe may wish to take these matters into account when drafting the fourth Strategy for the Rights of the Child (2022-2027) and/or considering future, cross-sectoral collaboration and mainstreaming.

132. Finally, awareness of the importance of **meeting the UN 2030 Agenda** is increasing. The UN SDGs, although mentioned within the Strategy, were not as such comprehensively mapped out in relation to children's rights and the accompanying, requisite actions. The Council of Europe has, and will continue to make, significant efforts to support the achievement of the UN SDGs under the current Strategy. However, with the next Strategy (2022-2027) being implemented at a crucial time, it will be important to ensure that these are comprehensively mapped onto priority areas and action points.

2. Summary of reflections for future strategic planning

133. Much progress has been achieved in the first three years of the Council of Europe Strategy for the Rights of the Child (2016-2021), with significant action being taken at both the pan-European and member State level. There is widespread agreement that the situation for children and their rights across all five of the priority areas has improved to some extent.

134. At the same time, it is clear that much work remains to be done. In the reporting period, there were a number of developments and areas where the respect and implementation of children's rights fall short of the obligations set out under global and Council of Europe standards. Significant challenges are faced by all stakeholders and at all levels in fully implementing children's rights. The lack of adequate financial and other resources was a commonly-cited concern; as was a lack of training and knowledge for those who work with or care for children (whether parents or carers, doctors, social service providers, judges or other legal professionals). Across many member States, there are gaps in legal frameworks and policies and limited investment

in assessing the impact of law and policies upon children and their rights. Further, these frameworks, even when in place, are not always implemented and monitored in an effective and child rights-sensitive manner. Some member States are becoming increasingly aware of the need for, and challenges of, sustainable solutions to ensuring and upholding the rights of the child. Data collection, disaggregation and sharing remains problematic across a range of activities: from ensuring and assisting children's access to services and support, to pursuing justice and carrying out research. Related to this, there is continued room for improvement in coordination and co-operation at all levels and between various sectors, including at local levels. Finally, despite much progress in recent years, children continue not to be perceived fully as human rights bearers, while awareness of children's rights, among all stakeholders, remains low.

135. Some of these are not new challenges, such as coordination, funding, capacity-training and attitudes towards children's rights, yet they require systematic and sustainable solutions which are proving difficult to fully implement. At the same time, and in the context of an increasingly global, connected and digitalised world, new trends are arising which threaten children's enjoyment of their rights.

136. Partnerships and strategic engagement with a range of stakeholders have helped raise the Council of Europe's profile and impact on the ground in a number of member States. The Strategy's foreseen actions for the remaining years are well-placed to deal with some of the most significant challenges which children and their rights face today. It is incumbent upon member States to ensure that these challenges are overcome, staying alert to new developments and remaining flexible enough to respond to them, while moving towards full achievement of the UN 2030 Sustainable Agenda.

Implementation of the Strategy's priorities

137. There is a need for continued efforts to raise the profile and awareness of the Council of Europe's work on the rights of the child, including about the Strategy itself and through the strategic role of the Steering Committee for the Rights of the Child, also as a solid platform for the exchange of good practice sharing and peer to peer support, in co-operation and coordination with other intergovernmental committees and bodies. Continued promotion of other Council of Europe standards and tools is required to ensure that they are sufficiently utilised. For these purposes, further engagement in information-sharing and dialogue with member States and other relevant stakeholders will be important. It should ensure co-operation and synergies with relevant UN bodies, notably the UN Committee on the Rights of the Child, as well as with the European Union, the OECD, UNESCO, and other international organisations and civil society. Given its position as an intergovernmental, pan-European body, the Council of Europe must keep influencing the global agenda and driving for positive change, complementing and supporting the work of other actors in the field. Finally, efforts must also continue to concretise the Strategy aims and goals, through practical tools and guidance, so that these are readily implementable within member States.

138. The Council of Europe should continue to support member States in increasing knowledge, training and capacity, through enabling exchange of good practices and provision of training. Efforts will be made to continue to mainstream children's rights in legal standards and practices, both at the Council of Europe and member State level. The Council of Europe intergovernmental committees' adopted terms of reference identify the prioritized policy actions which address children for the upcoming biennium 2020-2021, and where appropriate with the support of child rights Rapporteurs. Member States will be supported in introducing and enhancing the quality and effectiveness of child rights impact assessments. Further steps should be considered by all Council of Europe monitoring bodies to ensure that where appropriate they take account of children's views in their processes, through outreach, and that their reports reflect on systemic child rights aspects (particularly under priority areas 1, 3 and 4).

139. The Council of Europe will continue to contribute to the achievement of the UN 2030 Agenda for Sustainable Development. In particular it will review progress as evidenced by monitoring mechanisms and promoted through standard-setting and exchange of experiences and good practices. Efforts will continue in raising awareness of all stakeholders in relation to children's rights, including through online and audio-visual communication.

Equal opportunities for all children

140. The Council of Europe will contribute to the achievement of UN SDG Goal 1 (no poverty), 3 (good health and well-being) and 4 (quality education). It will encourage member States to follow and implement the Committee of Ministers Recommendations on the access of young people from disadvantaged neighbourhoods to social rights, on child-friendly social services and on child-friendly healthcare, as well as the Recommendation of the Congress of Local and Regional Authorities on the social reintegration of children living and/or working on

the streets.⁷⁰ Policy makers and education actors in member States will be encouraged to engage in work for the development of open and inclusive learning environments. The Council of Europe will carry out a study on good practices in mental health care and the promotion of voluntary measures. In relation to environmental concerns, the Council of Europe will update the Handbook on Human rights and the Environment and, if appropriate, develop a non-binding instrument (recommendation, guidelines).

141. The Council of Europe will continue to take due account of a gender perspective, building cohesive societies and promoting and protecting the rights of persons with disabilities within its actions. It will contribute to the achievement of UN SDGs 5 (gender equality) and 10 (reduced inequalities). Amongst others, the CDADI will review the implementation of relevant recommendations of the Committee of Ministers Recommendation on measures to combat discrimination on grounds of sexual orientation or gender identity and hold regular exchanges with the Network of European Governmental LGBTI Focal Points.

142. The Council of Europe will continue to take due account of a gender perspective, building cohesive societies and promoting and protecting the rights of persons with disabilities within its actions. It will contribute to the achievement of UN SDGs 5 (gender equality) and 10 (reduced inequalities). Amongst others, the CDADI will review the implementation of relevant recommendations of the Committee of Ministers, including Recommendation CM/Rec(2010)5⁷¹ and hold regular exchanges with relevant European the Networks and NGOs.

Participation of all children

143. The Council of Europe will contribute to achievement of UN SDG Goal 16 (peace, justice and strong institutions) and 17 (partnerships for the goals), in particular. Steps will be taken to strengthen effective participation of children in decision-making, both within the Council of Europe and member States, and taking into account the particular difficulties faced by vulnerable groups of children. A study will be carried out and good practices in member States identified on the active political participation of national minority youth. The Council of Europe will promote reforms of education systems and policies to further develop democratic competences as well as participation and inclusion. Member States will continue to be supported in the promotion and implementation of the Child Participation Assessment Tool. The Council of Europe will also support youth participation and youth work as a way of increasing the possibilities for children to contribute actively to society in their living environment, with special emphasis on relevant Council of Europe standards. A child-friendly version of the Lanzarote Convention will be created, again through a child participation process and contributions by children will be taken into account in the report of the second monitoring round of the Lanzarote Committee. Under the EndOCSEA@Europe project, tools and materials on online child sexual and abuse and exploitation will be developed with the participation of children and promoted together with the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse.

A life free from violence from all children

144. The Council of Europe will continue to work to enhance the implementation of international and Council of Europe standards on the protection of children from violence in member States and contribute to the attainment of the UN SDG Target 16.2 (end all forms of violence against children), in particular. It will continue to promote the effective implementation of the Guidelines on integrated national strategies for the protection of children against violence, including through consideration of the findings of the VAC Report. This will include the development of tools and standards on systems for professionals to report violence against children, and on measure and interventions aimed at preventing peer violence and sexual abusive behaviour by children. Efforts will be made to facilitate exchange of knowledge, good practices and experiences in the area, including through continued development of the Clearinghouse on responses to violence against children. A revised version of the "Gender Matters" manual on combating gender-based violence in youth work recently published will be actively promoted.

145. In the context of the work of the Lanzarote Committee, the current monitoring cycle will be completed, and a new monitoring round launched. The European Day on the Protection of Children from Sexual Exploitation and Sexual Abuse (18 November) will continue to be the annual opportunity for the Council of Europe, its member States and key stakeholders to continue raising awareness and proposing actions to protect and prevent

⁷⁰ Recommendation 254 (2008) of the Council of Europe Congress of Local and Regional Authorities.

⁷¹ In accordance with CM/Rec(2010)5 "on measures to combat discrimination on grounds of sexual orientation or gender identity"; several delegations made declarations upon adoption of this Recommendation at the Deputies' 1081st meeting (31 March 2010); the Russian Federation expressed its position on this Recommendation in its corresponding interpretative statement made at the time of adoption of the Recommendation.

sexual violence against children. The 2020 edition will focus on raising awareness about the phenomenon of self-generated child sexual images and videos, which mirrors the current monitoring cycle.

Child-friendly justice for all children

146. The Council of Europe will continue to promote and support implementation of the Guidelines on Child-friendly Justice and contribute to the achievement of UN SDG Goal 16 (peace, justice and strong institutions), in particular. Work will be carried out to develop and promote tools and standards on the protection of the best interests of the child in situations of parental separation and child-care proceedings, as well as the rights of children and children's participation in the decision-making process within the biomedical sphere. Phase II of the joint EU-Council of Europe project in Slovenia will move towards the establishment of a "Barnahus/Children's House" in the country. Capacities of the judiciary and law enforcement authorities in selected member States are being reviewed with a view to developing actions on how to effectively address online child sexual abuse and exploitation, including through dedicated training modules being made available for relevant professionals as part of the EndOCSEA@Europe project. Member States will continue to be supported in promoting and implementing the child-friendly justice guidelines on deprivation of liberty and the CPT will continue to carry out monitoring work in places where children are held in detention. The Council of Europe will organise thematic visits and/or exchanges to follow up and support the implementation of new tools for children in the context of migration. Activities will also be carried out to address welfare and child protection challenges relating to child returnees.

Rights of the child in the digital environment

147. The Council of Europe will contribute to the achievement of UN SDG Goal 4 (quality education), 9 (industry, innovation and infrastructure), 16.2 (ending violence against children) and 17 (partnerships), in particular. It will take action to follow up on the implementation of the Guidelines to respect, protect and fulfil the rights of the child in the digital environment, including through events and/or exchanges on the topic and initiate preparations for the review planned in 2023. The Lanzarote Committee will continue to promote effective implementation of the Lanzarote Convention, including in its application to the digital environment, through the adoption of a report under the second thematic monitoring round. Digital citizenship education will be developed as an integrated and sustainable part of formal education systems in Europe. Research will be carried out on new trends and challenges to social cohesion and social rights in relation to digitalisation and IT developments. The Council of Europe will develop and promote tools and standards relating to children's privacy and data protection rights and education policies will be developed to meet the opportunities and challenges of new developments in the digital environment, including in relation to artificial intelligence. The newly established Ad hoc Committee on Artificial Intelligence (CAHAI) will examine, on the basis of broad multi-stakeholder consultations, the feasibility of a legal framework for the development, design and application of artificial intelligence, based on Council of Europe standards. The Council of Europe will continue to engage with and strengthen relationships with business enterprises, promote their responsibilities in upholding children's rights, and encourage and support member States to do likewise.

Concluding remarks

148. The Council of Europe should continue and strengthen its efforts to ensure that member States reach the heights for the rights of the child, through the proposed actions outlined in this report and beyond. The Steering Committee for the Rights of the Child will oversee the continuous implementation of the Strategy to 2021, with the possibility of providing for the minor adjustments suggested here. This will assist in maximising implementation of the Strategy and ensuring that the full range of challenges posed to children and their rights are comprehensively reflected within the Council of Europe's work, both up to 2021 and beyond.

149. This report takes into account the understanding that progress in delivering on the Strategy will also form part of the comprehensive performance review that will be undertaken in 2021. The newly established Steering Committee for the Rights of the Child will oversee the development of an updated action plan of the Council of Europe's activities, developments and expected achievements under each priority area for 2020-2021, and ensure that the rights of the child are adequately mainstreamed into all relevant Council of Europe committees and bodies. A final report on the implementation of the Strategy will also be produced and follow-up to this mid-term evaluation report will be ensured, through the drafting of the fourth Council of Europe Strategy for the Rights of the Child (2022-2027).

Appendix I. List of acronyms

CAHENF	Ad hoc Committee for the Rights of the Child
CAHENF-IT	Drafting group of specialists on children and the digital environment
CAHENF- Safeguards	Drafting Group of Experts on Children’s Rights and Safeguards in the context of migration
CAHROM	Ad hoc Committee on Roma Issues
CBSS	The Council of Baltic Sea States
CDENF	Steering Committee for the Rights of the Child
CEB	Council of Europe Development Bank
The Congress	Congress of Local and Regional Authorities of the Council of Europe
CRC	UN Committee on the Rights of the Child
DCE	Expert group on Democratic Citizen Education
DH-BIO	Committee on Bioethics
ECSR	European Committee of Social Rights
ECRI	European Commission on Racism and Intolerance
EPAS	Enlarged Partial Agreement on Sport
ENOC	European Network of Ombudspersons for Children
FRA	Fundamental Rights Agency of the EU
GRETA	Group of Experts on Action against Trafficking in Human Beings
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
HELP Programme	Council of Europe Human Rights Education for Legal Professionals
ICT	Information and Communication Technologies
LGBTI	Lesbian, gay, bisexual, transgender and intersex
NGOs	Non-governmental organisations
PC-CP	Council of Europe Council on Penological Co-operation
SRS	The Special Representative of the Secretary General
UNCRC	United Nations Convention on the Rights of the Child

Since launching the Programme "Building a Europe for and with children" in Monaco in 2006, the Council of Europe has implemented strategies over a series of policy cycles to guide its work on strengthening child rights protection in Europe. This document – adopted by the Committee of Ministers of the Council of Europe – contains the text of the Strategy for the Rights of the Child which will be implemented for the period 2016-2021. It covers priority areas to guarantee all children their rights, namely in the areas of equal opportunities, participation, a violence-free life, child-friendly justice and their rights in the digital environment.

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.