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# **Ad hoc Committee for the Rights of the Child (CAHENF)**

## **Meeting Report**

5<sup>th</sup> meeting

Strasbourg, 16-18 October 2018

Council of Europe, Palais de l'Europe, Room 7

Prepared by the Children's Rights Division  
Directorate of Anti-Discrimination

## Table of Contents

Introduction.....	3
Agenda items 1 & 2: Opening of the meeting and adoption of the agenda and order of business .....	3
Agenda item 3: Information by the Chair, Vice-Chair and Secretariat.....	3
Agenda item 4: Implementation of the Council of Europe Strategy for the Rights of the Child (2016-2021) .....	4
Agenda item 5: CAHENF's ongoing work .....	4
Agenda item 6: CAHENF opinions for the Committee of Ministers .....	9
Agenda item 7: CAHENF priorities and work plan in 2018-2019.....	10
Agenda item 8: Relevant Council of Europe actions and activities and possible future contributions or follow-up by the CAHENF .....	11
Agenda item 9: Election of the Chair and Vice-Chair .....	12
Agenda item 10: Working methods and contributions through Rapporteurs for specific tasks .....	12
Agenda item 11: Role of the Gender Equality Rapporteur .....	12
Agenda item 12: Information on relevant work at European and international level .....	13
Agenda item 13: Co-operation activities and projects in the field of child rights.....	13
Agenda item 14: Date and place of the next meetings .....	14
Agenda item 15: Any other business .....	14
Agenda item 16: Adoption of the list of decisions and close of the meeting.....	14
APPENDIX I - AGENDA.....	15
APPENDIX II-LIST OF PARTICIPANTS.....	18

## Introduction

1. The Ad hoc Committee for the Rights of the Child (“CAHENF” or “the Committee” hereinafter) held its fifth meeting in Strasbourg from 16 to 18 October 2018. The meeting was chaired by Ms Maria-Andriani Kostopoulou (Greece). The agenda and order of business (as adopted) and the list of participants appear in Appendices I and II.

### **Agenda items 1 & 2: Opening of the meeting and adoption of the agenda and order of business**

2. The meeting was opened by Ms Maria-Andriani Kostopoulou, Chair of the CAHENF, who welcomed all experts and thanked the Secretariat for the organisation of the meeting.
3. The Committee **adopted** the agenda and order of business as it appears in Appendix I.

### **Agenda item 3: Information by the Chair, Vice-Chair and Secretariat**

#### **3.1 Meeting of Chairs of intergovernmental Committees (20 September 2018) and evaluation of the CAHENF**

4. The Chair informed the CAHENF on the outcome of the **first meeting of the Chairs of intergovernmental committees**. The objective of the meeting was to hold a discussion on the relevance and importance of intergovernmental committees in the architecture of the Council of Europe and in member states. The Chairs discussed ways of strengthening the visibility and impact of the work and outcomes of intergovernmental committees. It was highlighted that the committees contributed positively to the dialogue among member States, thanks to their ability to adapt to emerging changes. The standards that they are developing were considered to be useful for the Organisation’s bodies and institutions, such as the European Court of Human Rights, as well as for countries, in particular policy makers, legislators and legal professionals. The Chair indicated that she had mentioned as a good example the CAHENF’s capacity to combine continuity and flexibility, stressing its work based on the [Council of Europe Strategy for the Rights of the Child \(2016-2021\)](#) but, at the same time, its decision to adapt to emerging challenges, not always fully covered by the Strategy, in order to respond to new requests by the Committee of Ministers. At the meeting, the Chair proposed to set up a common entry point for all intergovernmental committees to provide consolidated information (list of members, standards that were underway, terms of reference etc.) in order to increase transparency and also help coordinate transversal issues. The Chair concluded by stating that it had been a very fruitful exchange that Chairs wished to pursue. A meeting report would be sent to all delegations and a joint statement including main proposals would be addressed to the Secretary General.
5. The Chair, Co-Chair and the Secretariat also informed the experts about the on-going evaluation of Council of Europe intergovernmental committees, undertaken on the basis of responses by members and observers to an online survey of the Council of Europe Directorate of Internal Oversight (DIO) and interviews with selected representatives.

#### **3.2 Mainstreaming of the area of the rights of persons with disability into CAHENF’s mandate**

6. Ms Regina Jensdottir, Head of the Children’s Rights Division, informed the CAHENF of the Committee of Ministers’ decision in April 2018 suspending the Ad hoc Committee of Experts on the Rights of Persons with Disabilities, due to budgetary constraints. As a result, relevant committees were invited to mainstream or consider the situation of persons with disabilities in their work, including the CAHENF, whose terms of reference were revised. Reference was made in this context to the work currently undertaken in collaboration with Queen’s University Belfast exploring the views and experiences of children with disabilities of their rights in the online environment.

### 3.3 Information on elections

7. The Secretariat provided information on the required elections of the Chair and Vice-Chair of the CAHENF that were going to be held on Thursday and on the rules applicable to the voting procedure.

### 3.4 Information on proposals for appointments of rapporteurs

8. The Secretariat presented a proposal aimed at revising the current working methods of the CAHENF by appointing thematic rapporteurs in selected working areas: the implementation of the [Recommendation on life projects for unaccompanied migrant minors](#), the analysis of national responses to violence against children (VAC), the set-up of a “clearinghouse” (online platform) on violence against children, and the implementation of the [Recommendation on Guidelines to respect, protect and fulfil the rights of the child in the digital environment](#). In addition, after the withdrawal of Ms Petra Kalenská, Czech Republic, from the Committee, one of the two functions as Gender Equality Rapporteur was now vacant. One delegation suggested also having a rapporteur for disability issues.

## **Agenda item 4: Implementation of the Council of Europe Strategy for the Rights of the Child (2016-2021)**

### 4.1 Exchange on recent developments and challenges with respect to children’s rights and the implementation of the Strategy

9. The CAHENF **noted with interest** the information provided orally by Albania, Belgium, Bosnia and Herzegovina, Cyprus, Finland, Greece, Iceland, Ireland, Italy, Lithuania, Luxembourg, Portugal, Romania, Slovenia, Sweden and Ukraine on recent developments and challenges with respect to the implementation of children’s rights.
10. The Secretariat **invited member States** that had not yet done so to send their completed form to the Secretariat by the end of the following week (i.e. by 26 October) so that the information document would be up-to-date. The Chair highlighted that the information on recent developments in member States was also very relevant for the mid-term evaluation of the Strategy.
11. Other participants and observers to the CAHENF, such as the delegation of Morocco, the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee), Defence of Children International (DCI), the European Network of Ombudspersons for Children (ENOC) and the Council of Europe Committee on Bioethics (DH-BIO) also reported on their recent activities in the area of children’s rights.

### 4.2 Action plan for the implementation of the Council of Europe Strategy

12. The Secretariat presented the updated version of the Action Plan, reflecting all activities undertaken at Council of Europe level until October 2018 and upcoming ones in every priority area of the [Council of Europe Strategy for the Rights of the Child](#).

## **Agenda item 5: CAHENF’s ongoing work**

### 5.1 Elaboration of guidelines

*Draft Recommendation CM/REC(201x)x of the Committee of Ministers to Member States on guiding principles and guidelines for an effective guardianship for unaccompanied and separated children in migration*

13. The Committee **heard an update** by the Secretariat on the results of the 4<sup>th</sup> meeting of the CAHENF-Safeguards, on the progress made since then with respect to the guidelines and on the updated roadmap for the remaining tasks to be carried out, including the guidelines on

age assessment standards and the review of the [Recommendation on life projects for unaccompanied migrant minors](#).

14. The CAHENF-Safeguards had completed the draft text of the Recommendation CM/REC(2018)x of the Committee of Ministers to Member States on guiding principles and guidelines for an effective guardianship for unaccompanied and separated children in migration. The draft text was circulated to all delegations for a last round of comments. The Secretariat included all comments received and invited the CAHENF to discuss them and agree on a final text.
15. The CAHENF examined and approved unanimously the draft Recommendation on guiding principles and guidelines for an effective guardianship for unaccompanied and separated children in migration, after discussing a number of outstanding issues and making clarifications to the text.
16. Important issues raised and decided upon included:
  - agreeing on the role of a guardian, which was understood to be **different to that of a legal representative** of the child, taking into account that the guardian should facilitate the child's access to legal counsel and representation. Nevertheless, in the countries where it is provided by law, the guardian could also complement the limited legal capacity of the child. It also agreed on the need for the text not to include very strict qualification requirements for guardians, in order to accommodate all possible ranges of situations;
  - although there was no consensus on a notion of a "temporary guardian", the CAHENF agreed that in exceptional cases involving a delay in the designation or appointment of a guardian, the state should ensure that there was no vacuum or gap in the possible exercise of rights and protection of the child through an adequate mechanism;
  - agreeing on the use of the term "**should**" generally in the text and of the term "**shall**" only when the content of the provision came from other already binding international standards for all Member States. It was also agreed never to use "may";
  - including a general reference to **children with disabilities and gender sensitiveness** in the preamble so as not to mention those causes of discrimination in every provision;
  - introducing changes to certain provisions to enable the text's applicability in all member States, including those with specificities in their guardianship system;
  - including a new provision on identifying sustainable rights based solutions, including the possibility of restoring family links and family reunification, whenever in the child's best interests;
  - formulating a recommendation on the creation of a **pan-European platform of experts** to promote the implementation of the guidelines and cross-border co-operation on guardianship, taking into account available resources;
  - ensuring **consistency throughout the text on the terminology used** (appointment or designation of guardians, the use of the term "authority" and not "agency" or "legal entity", mentioning always "unaccompanied or separated" children, etc.) and coherence with terminology used in relevant UNCRC documents;
  - retaining in the text provisions on the **three different levels of monitoring**: the guardianship system, the guardians and the guardianship arrangements for children;
17. The CAHENF instructed the Secretariat to verify the terminology applied for consistency purposes, to undertake a thorough check of the French translation against the English text, and implement the changes agreed to the text, following which the text should be communicated to the Committee of Ministers for adoption.
18. The Committee members expressed their appreciation to Ms Rebecca O'Donnell for her substantive contribution and expertise, in her capacity as an independent expert of the

Committee, which greatly facilitated the work during the preparation of the text. It also commended the excellent work carried out by the members of the CAHENF-Safeguards, with the support of the Secretariat, and to the Chair for the efficient manner in which she had fulfilled her role, enabling the Committee to complete this important task.

19. The Committee was subsequently informed that one delegation whose representative could not attend the meeting had communicated additional written comments after the text was discussed and approved by the CAHENF. The secretariat informed the Committee of the comments received by e-mail and the Chair invited the members to express their views. In the absence of delegations supporting re-opening the discussion, the Committee invited the Secretariat to take into consideration the comments received, as far as possible, so that they were reflected in the explanatory memorandum whenever they did not contradict the text agreed by the Committee.

*Explanatory memorandum to the draft Recommendation CM/REC(201x)x of the Committee of Ministers to Member States on guiding principles and guidelines for an effective guardianship for unaccompanied and separated children in migration*

20. The CAHENF discussed the elements of the draft explanatory memorandum, taking into account that it should also reflect the discussions and consensus reached at this plenary on a number of issues, such as:
  - an explanation about the scope of guardianship and the additional issue of legal counsel and representation;
  - a clarification on the general reference to children with disability and gender sensitiveness;
  - a mention of the value of the role other key stakeholders play in the system and the governments' role in coordinating them;
  - a clarification of some terms, such as the scope of sexual violence, including sexual exploitation, child marriage and so-called "honour" crimes; the scope of individual complaint mechanisms available for children; the three levels of monitoring guardianship and the purpose of independent monitoring; and of child-friendly information and the means to verify if children understood the information provided;
  - a definition of qualification requirements for guardianship that was not strict, and included a list of topics, cultural competences and expertise areas in which guardians should be trained;
  - a clarification of the types of mechanisms to ensure that a guardian is appointed in exceptional cases involving a delay (i.e. pool of guardians to deploy), on how to ensure that temporary guardians have the same qualifications as ordinary guardians and on the meaning of "exceptional cases", which should indicate a very short period;
  - an explanation of the limits of state authorities' and guardians' responsibilities in cases where the child absconds and an encouragement to consider harmonized procedures for cases of children going missing, suffering from violence, abuse, trafficking or exploitation;
  - a clarification of situations where disclosures of information on the child are prohibited and where reporting is mandatory, including examples applicable; and of the mechanisms for communication and networking among guardians, while ensuring they are not burdening;
  - examples of situations and types of international co-operation (judicial, police and administrative co-operation).
21. The CAHENF requested the Secretariat, to further elaborate, in co-operation with the consultant, the draft explanatory memorandum to the draft recommendation, and submit it for discussion and comments to the CAHENF-Safeguards. It also decided to entrust the Secretariat and the CAHENF Bureau to finalise the draft explanatory memorandum in the light of comments received and submit it for approval through an online procedure.

22. The Secretariat updated the CAHENF on the progress achieved concerning the **draft guidelines on age assessment**, stressing the need for further input from CAHENF delegations to be able to complete the revision work, on a number of specific questions both on the structure and the content of the text.
23. There was also a brief oral discussion concerning the concept of “reasonable doubts” on the person’s age and about the situation in which private actors develop age assessment procedures. The Secretariat also informed delegations that EASO had issued a practical guide on age assessment, publicly available in several languages, which could be a document of interest in the finalisation process.
24. The CAHENF decided that delegations should provide further instructions and comments on the outstanding questions and revised text of the draft guidelines on age assessment by 9 November 2018.

## **5.2 Review of Recommendation CM/Rec(2007)9 of the Committee of Ministers to member States on life projects for unaccompanied migrant minors: progress and workplan**

25. The Secretariat informed the CAHENF on the state of progress as a result of the circulation of the online questionnaire for the review of implementation of the [Recommendation on life projects for unaccompanied migrant minors](#) and the budgetary constraints for completing this review in 2018. As only one member State had met the deadline for responding to the survey, the Secretariat decided to extend it until the end of October. The CAHENF discussed and agreed that the deadline for submission of responses by member states should be extended to 31 October 2018.

## **5.3 Implementation of standards on the protection of children from violence in member States: update on the CAHENF-VAC’s work and workplan**

26. The CAHENF was updated on the results of the 2<sup>nd</sup> meeting of the CAHENF-VAC held on 18-19 September 2018. The Secretariat provided information on the work undertaken since this meeting, especially on the upcoming survey on national strategies to combat violence against children (VAC) and on the plans for setting up a “clearinghouse”, i.e. an online platform for the exchange of information on responses to VAC. The Secretariat also proposed new working methods for completion of this work, which consisted mainly of appointing two new thematic rapporteurs.
27. Ms Susanna Greijer, Council of Europe expert, explained (*via videolink*) the purpose, structure, content and timeline of the survey. Its purpose was to take stock of responses that member States provided to different forms of VAC, notably through integrated national and regional strategies and specific national actions addressing VAC in different settings. Replies would help understand main challenges across member States and give visibility to good practices that might be replicated. Finally, the resulting progress report on responses to violence against children would also contribute to the mid-term evaluation of the Strategy.

## **5.4 Implementation of existing standards and tools**

28. The CAHENF heard an update on the work undertaken regarding the implementation of the [Recommendation on Guidelines to respect, protect and fulfil the rights of the child in the digital environment](#). Following the adoption of the guidelines last July, the Children’s Rights Division was now working on developing an implementation guide in collaboration with three international consultants specialising in this field. The Secretariat presented a general outline envisaged for the guide, addressed two specific questions to the CAHENF (regarding challenges and particularly sensitive or controversial issues to be covered by the guide) and

called for volunteers to provide written replies by 5 November, to review the final draft text of the guide and to be appointed as thematic rapporteurs on this activity.

29. The Secretariat and the Bulgarian delegation explained the work undertaken during the second implementation round of the **Child Participation Assessment Tool (CPAT)** in Bulgaria, Italy and Latvia, which was presented at an evaluation seminar held in Sofia in July 2018. Bulgaria highlighted that the knowledge acquired by agents of the State Agency for Child Protection at a subsequent capacity-building session specially provided to them would be useful for them in stimulating legislative and political action. The third implementation round of the CPAT tool supported by the Council of Europe would see the involvement of Finland, Malta, and Slovenia. The delegation of Armenia informed the CAHENF that they would do the assessment at their own initiative, in partnership with UNICEF and Save the Children.

#### **5.5 Support in strengthening child friendly services, in particular access, social and health services - Thematic exchange: Children's rights, mental health and child-friendly healthcare**

30. The CAHENF held a thematic exchange on children's rights, mental health and child-friendly healthcare and heard different presentations by consultants and representatives of observer organisations, moderated by Ms Ana Isabel Guerreiro, Council of Europe expert.
31. The session started with three presentations from experts. Dr Martin Weber, Programme Manager, Child and Adolescent Health at the WHO Regional Office for Europe, presented the recent results of the [Situation of Child and Adolescent Health in Europe](#). Ms Polina Atanasova, member of the secretariat of the European Network of Ombudspersons for Children (ENOC), presented the key findings of the network's publication [Child and Adolescent Mental Health in Europe](#). Thirdly, Mr Paul Gilligan, Clinical Psychologist and Chief Executive of St. Patrick's Mental Health Services and Adjunct Assistant Professor in Trinity College Dublin, presented [ENOC's Position Statement on Child and Adolescent Mental Health in Europe](#).
32. Ms Guerreiro commended the work undertaken by the Council of Europe on developing the [Guidelines on child-friendly healthcare](#), the [Recommendation on children's rights and social services friendly to children and families](#) and the [Guidelines on child-friendly justice](#). Concerning the developments in member States, Ms Guerreiro underlined that the best interest of the child was enshrined in most member States' legislation, but that there was still a lack of tools for health professionals on how to implement the principle. She concluded that there was a need to enhance accountability mechanisms at country level and invited national delegations to share how mental health concerns were taken into account in their national public health strategies and in specific practices addressing mental health and to express to what extent children were involved in relevant decision-making processes.
33. Mr Weber welcomed this opportunity to pursue the exchange of knowledge and experience between the WHO and the Council of Europe. He focused on the main WHO document on children mental health: [the European Child and Adolescent Health Strategy 2015-2020](#), which was adopted by 52 States of the European region. The purpose of the Strategy was to enable children to realise their full potential for health, development and wellbeing and to reduce their burden of avoidable disease and mortality. He referred to the most outstanding issues from the [2018 Strategy Progress Report](#), which was a result of a survey amongst national ministries of health on various topics such as the existence of an ombudsman for children with a mandate on health or the collection of information and development of statistics. Mr Weber also presented the [Health Behaviour in School-age Children Survey](#) which took place every four years in 44 countries and the [European child maltreatment prevention action plan 2015-2020](#). He concluded by stating that a lot still needed to be done in the area of children and adolescents' mental health.
34. Ms Atanasova presented the [ENOC Report on child and adolescent mental health in Europe](#) and its main findings. She highlighted that most respondents to the underlying survey had affirmed that there was an excessively broad approach to mental health in national systems,



with a lack of specific definitions of child mental health. Ms Atanasova also referred to the lack of homogeneous data with very few studies on mental health in general and even less on child mental health. Besides, the vast majority of respondents had reported that policies on mental health existed but that most of them failed to address child mental health specifically. There was also insufficient coordination among stakeholders. Most replies showed the extreme complexity of the national mental health sector. Ms Atanasova put forward the issue of child consent to health treatment, highlighting that there was only one country that required consent as of the age of 12, while many only required it as of the age of 14 or 16. Finally, she discussed the topics of right to information, delays in receiving hospitalisation services in psychiatry, the presence of children in adult services and mental health of children on the move.

35. Mr Gilligan pointed to the fact that over the last years there had been increasing awareness of children's mental health issues, with reports and studies indicating the existence of a mental health crisis. He also referred to the ENOC [position statement on "child mental health in Europe"](#), where ENOC indicated that mental health services for children were insufficient or even non-existent and issued seven recommendations that, if implemented, would create a substantial impact, including by developing comprehensive national strategies, issuing mental health legislation and standards and creating child-centred, mentally healthy and inclusive schools. He concluded that the position statement was one of the most important documents of ENOC, being both comprehensive and instrumental to empower, protect and enhance children's rights. Mr Gilligan considered that children themselves should be given the opportunity to take the lead, as they were the ones who knew best what negatively impacted their mental health and what helped when they experienced difficulties.
36. The expert presentations were followed by an exchange of experiences between national delegations and observers, where they discussed several issues such as :
  - the lack of national definitions for child mental health, and that child and adolescent mental health should be understood in a broad sense, encompassing not only mental health disorders, but also children's well-being;
  - the limited collection and reliability of data at national level;
  - the complexity of the system for the provision of child and adolescent mental health services;
  - the availability of comprehensive legislation in member states for ensuring rights-based standards in services, although a significant gap remained in the translation of legislation and policies into child-friendly services;
  - the issues of deterioration of young people's mental health, of parents' fear to address mental health problems and of the problems deriving from "labelling" patients.
37. At the end of the exchange, member states considered that work in the area of children's rights, mental health and child-friendly healthcare should be pursued. The Bureau was instructed to report back to the Committee with suggestions for further action, taking into account the identified needs and the CAHENF's mandate.

#### **Agenda item 6: CAHENF opinions for the Committee of Ministers**

38. The Secretariat informed delegations of the outcome of the CAHENF's opinion to the request for comments of the Committee of Ministers on the PACE Recommendation 2137 (2018) "International obligations of Council of Europe member States: to protect life at sea" and next steps.
39. The CAHENF invited the Secretariat to provide further updates on the response by the Committee of Ministers to PACE Recommendation (2137)2018 on "International obligations of Council of Europe member states: to protect life at sea".

40. It also instructed the Bureau, when similar requests for comments were received, to prepare draft opinions for its approval through electronic communication in case of urgency, or otherwise for approval at a next plenary.

### **Agenda item 7: CAHENF priorities and work plan in 2018-2019**

41. Mr Jeroen Schokkenbroek, Director of Anti-Discrimination, addressed the Committee for the first time since his appointment. He congratulated the CAHENF for having finalised the guidelines on guardianship and, in general, for being able to regularly adapt to emerging issues and for the way it co-operated with other stakeholders, such as the UN and civil society organisations. Mr Schokkenbroek also pointed to the important high-level event coming up in 2019 for the mid-term evaluation of the Strategy. He finally mentioned the current difficult situation of the Council of Europe which required financial adjustments and stressed the importance of setting priorities within available resources.

#### **7.1 Preparation of the mid-term evaluation of the Strategy for the Rights of the Child: process and High-Level Conference (June 2019)**

42. The Secretariat provided information about the mid-term evaluation process of the Strategy and the related High-Level Conference. The draft concept note presented to the Committee covered these two dimensions:
- the evaluation process as such would take stock of any progress made at European and national levels under different priority areas; a survey would be undertaken amongst CAHENF delegations, based on the questionnaire still to be examined and approved by the Committee;
  - the High-Level Conference would be the occasion of giving visibility to and discussing the progress achieved, to assess whether the priority areas were still valid and to identify emerging challenges. The exact date and venue of the conference would be soon confirmed to national delegations (on the basis of two tentative dates). The Secretariat also informed the CAHENF that it would hold a one-day plenary meeting prior to or after the Conference. The CAHENF was invited to communicate to the Secretariat about any child-related events taking place in 2019, so as to avoid overlaps with the High-Level Conference, as well as to provide the names of Ministers to be invited to this event.
43. The CAHENF examined the draft questionnaire aimed at assisting the Secretariat in undertaking the mid-term evaluation of the Strategy. National delegations were invited to share the questionnaire with national civil society organisations and also to collect their replies. At a practical level, members were reassured that only few questions contained in the online questionnaire would be mandatory and that, after a distribution of the questionnaire in the second half of November, the deadline for response would be set at early January 2019, although earlier replies would be more than welcome.
44. The issue of child participation in the mid-term evaluation process was raised. The Secretariat explained that it would be undertaken with the support of Eurochild. A call was issued inviting governments to support the involvement of the children in the evaluation of the Strategy and any related activities carried out by NGOs based in their countries in this respect. A separate dimension of child participation in the High-Level Conference would be developed in collaboration with partners who were yet to be identified.
45. Finally, the Secretariat referred to the new child safeguarding policy developed by the Children's Rights Division applying to any person working with children in the framework of the Division's activities.
46. The CAHENF noted the information provided by the Secretariat on the organisation of the mid-term evaluation of the Strategy and endorsed the concept note (CAHENF(2018)09rev). The CAHENF noted the state of play regarding the preparation of the High-Level Conference and invited the Secretariat to communicate as soon as possible the dates and venue of the

event and to prepare the concept note and programme of the High-Level Conference, in co-operation with the Bureau of the CAHENF.

47. The CAHENF noted also the information provided on the child participation process to be launched in October 2018 in the framework of the mid-term evaluation of the Strategy and the call and

## **7.2 Draft work plan for 2019**

48. The Secretariat presented a comprehensive document (CAHENF(2018)12) setting out an overview of the Committee's areas of work, also highlighting the working methods applied. The activities were organised in five areas: strategic action of overseeing the strategy, policy making, review of Committee of Ministers' recommendations, implementation of child rights standards and tools and other areas of action. The CAHENF warmly thanked and commended the Secretariat for this important work undertaken and asked for further actions to be included in the overview.

## **7.3 Participation of CAHENF representatives in other events (2018-2019)**

49. The Committee heard an update on key events and committee meetings to which CAHENF representatives had contributed since the previous plenary meeting. The Chair mentioned her participation in the Council of Europe Committee of Experts on Administrative Detention of Migrants (CJ-DAM), which was tasked with codifying standards of administrative detention of migrants, including children. She informed them of recent developments and the European Commission's proposal on behalf of EU member states to limit the scope of the draft recommendation and the implications of this proposal on children's rights. Civil society organisations present at the CAHENF expressed their concern about the developments and enquired whether there would be any possible future consultations of civil society on the draft text.

## **Agenda item 8: Relevant Council of Europe actions and activities and possible future contributions or follow-up by the CAHENF**

### **8.1 Council of Europe Action Plan on protecting migrant and refugee children (2017-2019)**

50. The Committee **welcomed** the information provided by Mr Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees (SRSG), on his recent activities. He updated on the progress made since last meeting, including results achieved and lessons learned during the first 16 months of the implementation of the [Action Plan on Protecting Refugee and Migrant Children in Europe](#). Mr Boček informed the CAHENF that all activities foreseen for 2017 had been successfully developed, initiated and completed. Concerning the 2018 on-going activities, he mentioned the intergovernmental work on guidelines on effective guardianship, age-assessment and transition to adulthood and the implementation of child-friendly tools in member States. He also pointed to the two fact-finding missions that took place in 2018 (Bulgaria and Spain) and outlined the work on enhancing the protection of Roma women and girls, the focus of the European Commission against Racism and Intolerance (ECRI) on integration policies of migrants and the Council of Europe's intercultural cities programme.
51. A lesson learned was that migration was reshaping in societies in Europe and world-wide and that attempts to stop migration had clearly failed and created more despair. He stated that the protection of children's rights was transversal and had to be tackled by different sectors. He proposed that the Council of Europe could establish a more direct dialogue with national migration authorities. He finally invited national delegations to take home their experience working at the CAHENF and the information about transversal programmes such as this Action Plan, as this was the only way to achieve a real impact for refugee and migrant children in all member States.
52. The CAHENF **expressed** its interest in continuing this dialogue at regular intervals. The Secretariat informed the Committee about the upcoming event in December which consisted

of a follow-up meeting on country visit recommendations by the SRSG. Ms Jensdóttir recalled the thematic exchange held on children's rights and mental health and proposed to the SRSG to explore the access of unaccompanied and separated children to mental health services during the following fact-finding visits. The CAHENF took note of the SRSG's invitation to focus on identifying good practices on how to ensure that the principle of the best interest of the child is upheld in the context of age assessment processes.

53. The Committee **took note** of the call to member States for expressions of interest to pilot and contribute to the implementation of the [Project on Child-Friendly Migration Related Information and Life Projects for Unaccompanied Children \(2017-2019\)](#). The Secretariat provided information about the [PACE Campaign to End Immigration Detention of Children](#), which had now been prolonged for a third phase focused on raising awareness of existing practices in member States and upholding the rights of the child in the context of migration. There was an on-going call to run child-participation workshops to provide input and opinions to support the policy-making work on age assessment. CAHENF delegations were invited to participate in these workshops.

## **8.2 Council of Europe Counter-Terrorism Strategy (2018-2022)**

54. The CAHENF took note that the planned conference dedicated to the roles played by women and children in terrorist organisations in the framework of the Council of Europe Counter-Terrorism Strategy (2018-2022) was now scheduled in 2020 and decided to resume discussion on its possible contribution at one of its next meetings.

### **Agenda item 9: Election of the Chair and Vice-Chair**

55. The Committee held elections for the positions of Chair and Vice-Chair. The CAHENF **re-elected unanimously** Ms Maria-Andriani Kostopoulou as Chair and Ms Satu Sistonen as Vice-Chair by acclamation. The CAHENF **warmly thanked** the Chair and Vice-Chair for their commitment during the period 2017-2018.

### **Agenda item 10: Working methods and contributions through Rapporteurs for specific tasks**

56. The CAHENF examined the proposal to complete its working methods. The Secretariat sought volunteers to take on additional tasks as Rapporteurs for specific tasks. Following this proposal, the Committee appointed the following rapporteurs:
- Mr Radim Hueber (Czech Republic) as Rapporteur for the implementation of the Recommendation on children in the digital environment,
  - Ms Alma Tandili (Albania) as Rapporteur for the review of the Recommendation on life projects and
  - Ms Ružica Boškić (Slovenia) as second Gender Equality Rapporteur (GER).
57. The Committee decided to invite after the meeting members to express their interest for being appointed as rapporteurs concerning responses to violence against children, one to support the analysis of national responses to violence against children (including under the upcoming survey) and another one to support the set-up of the "clearinghouse" (online exchange platform) and to entrust the Bureau through the Secretariat with the confirmation of nominations.

### **Agenda item 11: Role of the Gender Equality Rapporteur**

58. Mr Kyrlo Dombrovskiy (Ukraine), Gender Equality Rapporteur, gave a presentation on the need and importance of gender mainstreaming the work of the Committee in order to promote gender equality. The Secretariat presented a note to support the reflection by the CAHENF on sharpening the role of the Gender Equality Rapporteur and mainstreaming gender equality issues into the Committee's work. The CAHENF adopted the mandate of the GER as set out in document CAHENF(2018)13.

## **Agenda item 12: Information on relevant work at European and international level**

59. The CAHENF heard with great interest the presentation by Ms Maud de Boer-Buquicchio, UN Special Rapporteur on the Sale and Sexual Exploitation of Children, on the [Thematic study on combating and preventing the sale and sexual exploitation of children through the implementation of the SDGs from a children's rights-based perspective](#) undertaken for the UN General Assembly, which focused on SDG targets 5.3, 8.7 and 16.2, all related to violence against children. She recalled that it was important that the whole process of the preparation of voluntary national reviews (VNR) under the SDG process was not separated from other activities related to children's rights. SDGs had a greater emphasis on Human Rights than the Millennium Development Goals (MDG) as there was no more separation between the development and sustainability agenda and the Human Rights' one. Concerning the High Level Political Forum (HLPF) that would take place in 2019, 51 States had already signed up for presenting voluntary national reviews (VNR), but only nine of them were members of the Council of Europe; hence, there was a margin for further improvement. 2019 would also see the celebration of the 30<sup>th</sup> anniversary of the UNCRC, which should be an occasion to place children's rights at the heart of the 2030 Agenda.
60. Having analysed the VNRs submitted, she had found that insufficient attention was given to the rights of children and the right to protection from violence, in particular from sale and sexual exploitation. The biggest challenge for tracking progress was the lack of sufficient data. Without generating data it was impossible to make adjustments and measure the impact of the implementation of SDGs. Ms de Boer-Buquicchio observed that without national data there were no accountability mechanisms at the national level either. She had found that only 1 in 5 countries had sufficient measures to assess data, with the exception of the area of child marriage, which was the only data collected in a systematic and reliable manner.
61. She also underlined that global indicators needed to be reviewed in order to better address all forms of violence against children. Ms de Boer-Buquicchio invited the CAHENF delegations and the Council of Europe to develop their own national and regional indicators. Another problem was that Terminology and definitions varied widely among continents; she therefore invited delegations to use the [Luxembourg Terminology Guidelines For The Protection Of Children From Sexual Exploitation And Sexual Abuse of 2016](#). She finally raised a recommendation for the HLPF: to review the handbook on the guidelines for VNR drafting by making statistical responses compulsory, including a human rights approach and giving much more attention to children. Ms de Boer-Buquicchio concluded by stating that the current follow-up procedure should be improved to ensure that no-one was left behind and by praising the strong interaction between the Council of Europe and the UN. She invited the Council of Europe to strengthen its role as a driver towards the implementation of SDGs among its member States.
62. Ms Jensdóttir underlined the published document on the [Council of Europe work contributing to the 2030 Agenda and the SDG process](#). The Chair invited national delegations to encourage their governments to report to the next High Level Political Forum.

## **Agenda item 13: Co-operation activities and projects in the field of child rights**

63. The Secretariat provided updated information on **co-operation projects** in the field of children's rights, including:
- a project in Georgia focused on strengthening child-friendly justice and combating child sexual exploitation and abuse;
  - an upcoming project in Moldova, with a similar focus;

- a Project on a Children's House (Barnahus) in Slovenia, financed by the European Union structural reform support programme. The Secretariat invited other member States to apply for this funding opportunity.
64. The Council of Europe **HELP Unit** gave a brief update on new online courses available for legal professionals at national level, such as the family law course, the course on radicalisation prevention (under development) and the course on child-friendly justice and children's rights.

**Agenda item 14: Date and place of the next meetings**

65. Pending the confirmation by the French authorities of the dates and venue of the High-Level Conference, the CAHENF decided as a tentative date to hold a one-day meeting on the margins of the High-Level event, and a second 2-day meeting, possibly during the week of 7 October 2019. Several delegations raised the issue of ensuring that the dates of the High-Level Conference take into account any constraints that may appear in respect of children's school holidays and their participation in the event.

**Agenda item 15: Any other business**

**Agenda item 16: Adoption of the list of decisions and close of the meeting**

66. The CAHENF adopted [the list of decisions](#).

## APPENDIX I - AGENDA

Tuesday, 16 October (9.30-18.00)	
<b>1. Opening of the meeting by Ms Maria-Andriani Kostopoulou (Greece), Chair of CAHENF</b>	
<b>2. Adoption of the agenda and order of business</b> <ul style="list-style-type: none"> <li>- Draft Agenda and Order of Business</li> <li>- Draft Annotated Agenda and Order of Business</li> </ul>	CAHENF(2018)OJ2rev2 CAHENF(2018)OJA2rev2
<b>3. Information by the Chair, Vice-Chair and Secretariat</b> <ul style="list-style-type: none"> <li>- Meeting of Chairs of intergovernmental Committees (20 September 2018) and evaluation of the CAHENF</li> <li>- Mainstreaming of the area of the rights of persons with disability into CAHENF's mandate</li> <li>- Information on elections</li> <li>- Information on proposals for appointments of rapporteurs</li> </ul>	CAHENF(2018)07
<b>4. Implementation of the Council of Europe Strategy for the Rights of the Child (2016-2021)</b>	
<b>4.1 Exchange on recent developments and challenges with respect to children's rights and the implementation of the Strategy</b> <ul style="list-style-type: none"> <li>- Compilation of replies and <i>Tour de table</i> on recent developments and challenges</li> <li>- National strategies and action plans: recent developments, lessons learnt from implementation and strategic priority areas</li> </ul>	CAHENF(2018)08
<b>4.2 Action plan for the implementation of the Council of Europe Strategy</b>	CAHENF(2018)11
<b>5. CAHENF's ongoing work</b>	
<b>5.1 Elaboration of guidelines</b> <ul style="list-style-type: none"> <li>- Update on the results of the 4<sup>th</sup> meeting of the CAHENF-Safeguards (7-8 June 2018)</li> <li>- Draft guidelines on guardianship</li> </ul>	CAHENF-Safeguards(2018)PV2 CAHENF-Safeguards(2017)3rev6 CAHENF-Safeguards(2017)7rev6A CAHENF-Safeguards(2018)10
Wednesday, 17 October (9.00-18.00)	
<b>5.1 Elaboration of guidelines (continued)</b> <ul style="list-style-type: none"> <li>- Draft guidelines on guardianship (continued)</li> <li>- Draft explanatory memorandum or guidance for the implementation of the guidelines on guardianship</li> <li>- Draft guidelines on age assessment</li> </ul>	CAHENF(2018)05 CAHENF-Safeguards(2018)2rev3 CAHENF-Safeguards(2018)9
<b>5.2 Review of Recommendation CM/Rec(2007)9 of the Committee of</b>	<a href="http://a.cs.coe.int/team21/childrights/Forms/CMRec2007-">http://a.cs.coe.int/team21/childrights/Forms/CMRec2007-</a>



<b>Ministers to member states on life projects for unaccompanied migrant minors: progress and workplan</b>	<a href="#">9_review.aspx</a>
<b>5.3 Implementation of standards on the protection of children from violence in Member States: update on CAHENF-VAC's work and workplan</b> <ul style="list-style-type: none"> <li>- Report of the 2<sup>nd</sup> meeting of the CAHENF-VAC and updated roadmap</li> </ul>	CAHENF-VAC(2018)PV2 CAHENF-VAC(2018)05rev
<b>5.4 Implementation of existing standards and tools</b> <ul style="list-style-type: none"> <li>- Children's rights in the digital environment</li> <li>- Child participation assessment tool</li> </ul>	CAHENF(2018)INF2
<b>Thursday, 18 October (9.30-18.00)</b>	
<b>7. CAHENF priorities and work plan in 2018-2019</b> <ul style="list-style-type: none"> <li>- Address by Mr Jeroen Schokkenbroek, Director of Anti-Discrimination</li> </ul>	
<b>7.1 Preparation of the Mid-term evaluation of the Strategy for the Rights of the Child: process and High-Level Conference (Paris, June 2019)</b> <ul style="list-style-type: none"> <li>- Preparatory steps for the organisation of the mid-term evaluation of the Strategy and of the High-Level Conference.</li> <li>- Draft questionnaire prepared for the mid-term evaluation of the Strategy</li> <li>- Examination of the Concept Note "Delivering the Strategy: Mid-Term evaluation process and High-Level Conference of the Council of Europe Strategy for the Rights of the Child (2016-2021)"</li> </ul>	CAHENF(2018)09 CAHENF(2018)10
<b>7.2 Draft work plan for 2019</b> <ul style="list-style-type: none"> <li>- Presentation of the updated work plan</li> </ul>	CAHENF(2017)12 CAHENF(2018)12 CAHENF(2018)03rev2
<b>7.3 Participation of CAHENF representatives in other events (2018-2019)</b> <ul style="list-style-type: none"> <li>- Update on key events and committees to which CAHENF representatives have contributed since the last plenary meeting.</li> </ul>	
<b>5.5 Support in strengthening child friendly services, in particular access, social and health services - Thematic exchange: Children's rights, mental health and child-friendly healthcare</b> <ul style="list-style-type: none"> <li>- Presentation by Dr Martin Weber, Programme Manager, Child and Adolescent Health, WHO Regional Office for Europe, Ms Geneviève Avenard, Children's Defender (France) and ENOC Chair Elect, Children's Rights Defender, Deputy to the Defender of Rights, France and Mr Paul Gilligan, Clinical Psychologist and Chief executive of St. Patrick's Mental Health Services, Adjunct Assistant Professor in Trinity College Dublin, moderated by Ms Ana Isabel Guerrero, Council of Europe expert</li> <li>- Thematic exchange of views on children's rights, mental health and child-friendly care</li> </ul>	CAHENF(2018)INF3 <a href="#">ENOC report on Child and Adolescent Mental Health in Europe</a> and <a href="#">Statement</a> CAHENF(2018)14



<p><b>8. Relevant Council of Europe actions and activities and possible future contributions or follow-up by the CAHENF</b></p>	
<p><b>8.1 Council of Europe Action plan on protecting migrant and refugee children (2017-2019)</b></p> <ul style="list-style-type: none"> <li>- Presentation by the Special Representative of the Secretary General on Migration and Refugees</li> <li>- Implementation of the Project on Child Friendly Migration Related Information and Life Projects for unaccompanied children (2017-2019) in member States</li> </ul>	<p>SG/Inf(2018)28</p>
<p><b>8.2 Council of Europe Counter-Terrorism Strategy (2018-2022)</b></p> <ul style="list-style-type: none"> <li>- Future contribution to various events and projects which touch upon children's rights in the context of terrorism</li> <li>- Conference dedicated to the roles played by women and children in terrorist organisations</li> </ul>	<p>CM(2018)86-addfinal</p>
<p><b>12. Information on relevant work at European and international level</b></p> <ul style="list-style-type: none"> <li>- Address by Ms Maud de Boer-Buquicchio, UN Special Rapporteur on the Sale and Sexual Exploitation of Children</li> </ul>	<p><a href="#">A/73/174</a></p>
<p><b>9. Election of the Chair and Vice-Chair</b></p>	<p>CAHENF(2018)07</p>
<p><b>10. Working methods and contributions through Rapporteurs for specific tasks</b></p> <ul style="list-style-type: none"> <li>- Review working methods</li> <li>- Appointment of Rapporteurs</li> </ul>	
<p><b>11. Role of the Gender Equality Rapporteur</b></p> <ul style="list-style-type: none"> <li>- Background note to support the reflection on strengthening the mainstreaming of gender equality in the committee's work</li> <li>- Information note with details on the role of gender equality rapporteurs.</li> </ul>	<p>CAHENF(2018)13 <a href="#">Information note</a></p>
<p><b>6. CAHENF opinions for the Committee of Ministers</b></p>	<p>CAHENF(2018)06 Text of <a href="#">the decision</a> of the Committee of Ministers <a href="#">PACE recommendation 2137(2018)</a></p>
<p><b>12. Co-operation activities and projects in the field of child rights</b></p> <ul style="list-style-type: none"> <li>- Update by the Secretariat</li> </ul>	
<p><b>13. Date and place of the 6<sup>th</sup> and 7<sup>th</sup> meetings of the CAHENF</b></p>	
<p><b>14. Any other business</b></p>	
<p><b>15. Adoption of the list of decisions and close of the meeting</b></p>	<p>CAHENF(2018)LD2</p>

## APPENDIX II - LIST OF PARTICIPANTS

### MEMBERS / MEMBRES

#### ALBANIA/ALBANIE

Ms Alma Tandili  
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State Agency for the Protection of Children's Rights

#### ANDORRA/ANDORRE

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#### ARMENIA/ARMÉNIE

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Federal Ministry of Family and Youth  
Vienna

#### AZERBAIJAN/AZERBAÏDJAN

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#### BELGIUM/BELGIQUE

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Chargée de recherche  
Observatoire de l'Enfance, de la Jeunesse et de l'Aide à la Jeunesse  
Ministère de la Fédération Wallonie-Bruxelles

*Apologised / excusée*

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Federal Government - Ministry of Justice

Mr Joost van Haelst  
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Division for Youth - Department for Culture, Youth and Media  
Flemish Government

#### BOSNIA AND HERZEGOVINA/BOSNIE ET HERZÉGOVINE

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University of Sarajevo

## **BULGARIA/BULGARIE**

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Ms Milena Dyankova  
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## **CROATIA/CROATIE**

Ms Margareta Mađerić  
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*Apologised / excusée*

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Ministry for Demography, Family, Youth and Social Policy

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## **CYPRUS/CHYPRE**

Ms Leda Koursoumba  
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## **«THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA» / «L'EX-REPUBLIQUE YOUGOSLAVE DE MACEDOINE»**

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## **UNITED KINGDOM/ROYAUME-UNI**

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## **PARTICIPANTS**

### **Parliamentary Assembly of the Council of Europe (PACE) / Assemblée Parlementaire du Conseil de l'Europe (APCE)**

Apologised (represented by the PACE Secretariat)  
*Excusé (représenté par le Secretariat de l'APCE)*

### **Committees or other bodies of the Council of Europe engaged in related work / Comités ou autres organes du Conseil de l'Europe engagés dans des travaux similaires**

***Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee) / Comité des Parties à la Convention du Conseil de l'Europe sur la protection des enfants contre l'exploitation et les abus sexuels (Comité de Lanzarote)***

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### **European Social Cohesion Platform (PECS) / Plateforme européenne de cohésion sociale (PECS)**

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*Apologised / excusée*

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**Countries concerned with the Council of Europe policy towards neighbourhood regions / Pays concernés par la politique du Conseil de l'Europe à l'égard des régions voisines**

**JORDAN / JORDANIE**

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Ministère de la Famille, de la Solidarité,  
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**TUNISIA/TUNISIE**

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### **International Association of Youth and Family Judges and Magistrates / Association Internationale des Magistrats de la Jeunesse et de la Famille (AIMJF)**

M. Daniel Pical  
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## **EXPERTS**

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Ms Susanna Greijer  
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