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Steering Committee for the Rights of the Child (CDENF)

Opinion on PACE Recommendation 2206 (2021) on the “Impact of the Covid-19 pandemic on children’s rights”

*Document prepared by the CDENF Secretariat, approved by the
Bureau and revised by the CDENF via written procedure*

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Introduction

Following the adoption by the Parliamentary Assembly of the Council of Europe of [Recommendation 2206 \(2021\) on the “Impact of the Covid-19 pandemic on children’s rights”](#), the Committee of Ministers (CM), at its 1409th meeting on 7 July 2021, adopted the decision to “communicate [the Recommendation...] to the Steering Committee for the Rights of the Child (CDENF), for information and possible comments by 24 September 2021” (see *text of the Recommendation in the Annex*).

This document contains a draft opinion as prepared by the CDENF Secretariat and approved by the Bureau of the CDENF via written procedure and tacit approval; the Bureau has also authorised the same procedure to be followed for the approval by the CDENF according to Article 13 b of the Rules of Procedure for Council of Europe intergovernmental Committees as set out in Resolution [CM/Res\(2011\)24](#). The written consultation of the CDENF then took place between 12 August and 9 September.

Opinion

By the Steering Committee for the Rights of the Child (CDENF)

on Recommendation 2206(2021) of the Parliamentary Assembly of the Council of Europe (PACE) on the “Impact of the Covid-19 pandemic on children’s rights”

1. Following the adoption on 22 June 2021 of [Recommendation 2206\(2021\) on the “Impact of the Covid-19 pandemic on children’s rights”](#) (see Appendix) by the Parliamentary Assembly of the Council of Europe (“PACE”), the Committee of Ministers [adopted the decision, at its 1409th meeting on 7 July 2021](#), *“to communicate it [...] to the Steering Committee for the Rights of the Child (CDENF), for information and possible comments by 24 September 2021”*.
2. Due to the short deadline given and the absence of Committee or Bureau meetings before its expiration, the Bureau of the CDENF examined the Recommendation by applying the procedure set out in Article 13 of [CM/Res\(2011\)24](#), approved the following comments concerning those aspects of PACE Recommendation 2206(2021) which are of particular relevance to the CDENF’s Terms of Reference and shared them with the CDENF for tacit approval.
3. The CDENF subsequently examined the Recommendation and the draft opinion prepared by the Bureau via written procedure set out in Article 13 of [CM/Res\(2011\)24](#), and approved the **following comments**, that it would like to share with the Committee of Ministers, starting with some general remarks, followed by observations addressing the content of specific paragraphs of the Recommendation:
4. The CDENF generally welcomes the fact that the PACE has paid explicit attention to the impact of the Covid-19 pandemic on children’s rights, dedicating a report to this important issue. Indeed, children have been in the first line of societal groups affected by the pandemic: they have suffered, amongst others, from social isolation, from the lack of access to education or health services and equal opportunities in these areas, or from increased levels of economic and social pressure on their families, often resulting in higher stress levels and increased levels of domestic violence. Children have also been more often victims of sexual abuse and exploitation, both online and offline. Notably children in particularly vulnerable situations have paid a high toll, including children deprived of liberty, children in alternative care, children undergoing judicial proceedings concerning visitation rights, custody and in general divorce proceedings of their parents. Such judicial processes have been postponed and delayed and the views of children have not been considered in the same way as they would have under more normal circumstances. Generally, children’s participation in decisions on issues concerning them has decreased and little or no consultations were held to mitigate any negative impact on children of measures taken to contain the spread of the virus and when putting in place alternative ways to deliver services to children.
5. The CDENF was one of the first Council of Europe bodies to dedicate an exchange of views to the subject matter in July 2020; it has compiled a collection of good practices in response to the pandemic via a dedicated [Covid-19 webpage](#) and has launched, in early 2021, a series of webinars on “Covid-19 and children’s rights”, the first of which in March 2021 looked into [“Overcoming educational challenges”](#) and the next of which will combine the examination of the pandemic’s impact on intrafamily violence and mental health issues (on 22 November 2021).

6. The CDENF would also like to recall to the Committee of Ministers the [statement on stepping up protection of children against sexual exploitation and abuse in times of the COVID-19 pandemic](#) made on 3 April 2020 by the Lanzarote Committee's Chairperson and Vice-Chairperson, and its call to all State Parties to the Lanzarote Convention, observers on the Committee and other partners to share relevant initiatives taken following the lock-down to ensure protection of children against sexual violence. Subsequently, the Lanzarote Committee's Bureau asked for more specific information (including relevant data), on the effect of the crisis response on the maintenance of child safeguarding and support measures, the possible creation of new mechanisms, as well as the ways in which children were heard concerning their protection against sexual abuse and exploitation during the crisis and will be heard when it comes to the evaluation of measures. To enable the sharing of experiences and to join forces in eradicating sexual violence against children at all times, the Lanzarote Committee agreed to also publish all relevant information collected in the above exercises on the dedicated [Covid-19 webpage](#).

7. The CDENF in particular takes note of the specific invitation by the PACE (in paragraph 4.5 of the Recommendation) to promote "the use of child rights impact assessments, and child rights budgeting mechanisms for any national policies applied in response to future crisis situations, through the work of the Council of Europe, including under the upcoming Strategy for the Rights of the Child (2022-2027)". Both child rights budgeting and child rights impact assessments have been punctually addressed by the CDENF under its current 2020-2021 mandate; they will certainly be further promoted under the upcoming mandate (2022-2025) through more specific activities in collaboration with internal and external partners, and a collaboration with the Parliamentary Assembly will be welcome in this respect.

8. The CDENF equally commends the "[examination] of possibilities of further extending participation of the non-member States of the Council of Europe in its co-operation programmes on the rights of the child, with special focus on low-income countries" (in paragraph 4.4. of the draft Recommendation). The Council of Europe has always been an important place for the exchange of good practices and the transfer of knowledge and should further step up its relevant action to generate a substantial impact and added value in the field, notably in countries where such support is needed. In this respect, the CDENF is confident that the Children's Rights Division's co-operation unit will have the particular needs of non-member states and low-income countries in mind when implementing co-operation projects and will certainly look into how to possibly involve them in relevant activities and make the results of its work more easily available to them.

9. The PACE also recommends the Committee of Ministers to consider "a possible review of the post Covid-19 pandemic recovery programmes of Council of Europe member States from the perspective of the rights of the child, based on the UN Convention on the Rights of the Child, and the legal standards agreed upon in the framework of the Council of Europe" (paragraph 4.1 of the Recommendation). While such a review would be of interest, the CDENF fears that the Council of Europe cannot dedicate the resources needed to accomplish such an ambitious and complex task, which would require that the post Covid-19 pandemic recovery programmes of all Council of Europe member States would have to be submitted to a "children's rights screening", not only under one, but several international and European instruments. In the absence of a realistic and manageable approach and methodology for such a review, the CDENF would rather focus its resources, in the upcoming mandate, on the priorities tasks identified in the draft Terms of Reference already submitted to the Committee of Ministers. However, implementing the priority tasks will incorporate a focus on addressing the impact of the pandemic on children and the CDENF will therefore continue its important work it started in relation to Covid-19 and children's rights in 2020.

9. In addition, certain delegations of the CDENF consider it necessary to underline that some of the documents that are listed in paragraph 3 of the Recommendation have not been signed or ratified by all member states and do not reflect general state practice in Europe. Accordingly, regarding paragraph 4.1 of the Recommendation these members of the CDENF consider it necessary to underline that references to “legal standards” that are mentioned both in Recommendation 2206(2021) and in Resolution 2385(2021) should not be considered as a reason, which would bind the member States to implement the mentioned treaties until these states agree to recognise the obligation of these treaties in accordance with the international law.

10. Finally, with regard to the “[promotion of] collaboration and co-operation between the European Parliament, the European Commission and the Council of Europe“ (paragraph 4.6 of the Recommendation), the CDENF is aware of the close contacts and co-operation of the Council of Europe Children’s Rights Division and its Coordinator for the Rights of the Child with the Coordinator for the Rights of the Child of the European Commission (DG JUST), and is regularly updated on synergies and co-operation opportunities under the current and future Council of Europe Children’s Rights strategies and the Strategy on the Rights of the Child adopted by the European Commission (in March 2021).

Annex

Recommendation 2206 (2021) Provisional version¹

Impact of the Covid-19 pandemic on children's rights

Parliamentary Assembly

1. The Parliamentary Assembly refers to its Resolution 2385 (2021) "The impact of the Covid-19 pandemic on children's rights".
2. The Assembly is convinced that considering the rights of the child in all measures taken to tackle the pandemic and its consequences is essential for the future of our societies. The Council of Europe should support its member States in building resilient social protection systems and promote equal opportunities within and solidarity between countries.
3. The Assembly notes that a solid foundation for addressing the impact of the pandemic on children is provided by Council of Europe instruments, such as the European Convention on Human Rights (ETS No. 5), the European Social Charter (ETS No. 163), the Convention on preventing and combating violence against women and domestic violence (CETS No. 210, "Istanbul Convention"), the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, "Lanzarote Convention"), the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108), the Convention on Cybercrime (ETS No. 185, "Budapest Convention") and the Convention on Action against Trafficking in Human Beings (CETS No. 197).
4. The Assembly thus recommends that the Committee of Ministers:
 - 4.1. consider a possible review of the post Covid-19 pandemic recovery programmes of Council of Europe member States from the perspective of the rights of the child, based on the UN Convention on the Rights of the Child, and the legal standards agreed upon in the framework of the Council of Europe;
 - 4.2. endorse the proposals of the Secretary General of the Council of Europe on reinforcing the European Social Charter system; convene the Conference of the Parties without delay; integrate a parliamentary dimension in this reform process, including with a view to making all of the provisions of the Turin Protocol (ETS No.142) applicable; and ensure that children's rights are duly taken into consideration in the process;
 - 4.3. assess the application of the European Social Charter for improving the protection of children and their families in times of pandemic and in subsequent socio-economic recovery, and consider a possible additional protocol on effective social protection in situations of crisis;
 - 4.4. examine possibilities of further extending participation of the non-member States of the Council of Europe in its co-operation programmes on the rights of the child, with special focus on low-income countries;
 - 4.5. promote the use of child rights impact assessments, and child rights budgeting mechanisms for any national policies applied in response to future crisis situations, through the work of the Council of Europe, including under the upcoming Strategy for the Rights of the Child (2022-2027);
 - 4.6. call a Pan-European seminar to actively promote collaboration and co-operation between the European Parliament, the European Commission and the Council of Europe with the aims of consolidating how they might support a strategy for pro-active and concrete suggestions for future action on the impact of Covid-19.

¹ Assembly debate on 22 June 2021 (18th sitting) (see Doc. 15311, report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Baroness Doreen Massey). Text adopted by the Assembly on 22 June 2021 (18th sitting).