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COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 22 October 2020

CDEFN-GT-VAE(2020)PV2

Steering Committee for the Rights of the Child (CDEFN)

Working Group on responses to violence against children (CDEFN-GT-VAE)

Meeting report

2nd Meeting by videoconference
5-6 October 2020

Prepared by the Children's Rights Division

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Second meeting of the CDENF-GT-VAE

Part I of the meeting (5 October)

Agenda item 1: Opening of the meeting

1. **Matthew Vella** (Malta), chair of the Working Group in his capacity as member of the Steering Committee on the Rights of the Child (“CDENF” hereinafter) Bureau, opened the second online meeting. The Working Group was a real opportunity to induce change in the area of violence against children, also from his experience as a practitioner and Chief Executive Officer of the Maltese Social Care Standards Authority. **Rosário Farmhouse**, President of the National Commission for the Promotion of the Rights and Protection of Children and Young People of Portugal and CDENF member, continued to chair the meeting as Matthew Vella was excused due to compelling COVID-19 related issues in his jurisdiction.
2. **Elda Moreno**, Head of the Department of Children’s Rights and Sports Values, presented her welcome to the Working Group, thanked all experts present for their continuous commitment and recalled some of the cornerstones of any current work undertaken on violence against children:
 - The weaknesses of child protection systems were more visible after the Corona crisis, which has further exacerbated any flaws;
 - Since the [Pinheiro study](#) in 2006, the Council of Europe (“CoE” hereafter) had started promoting integrated approaches against violence as the most appropriate responses; the items on the VAE agenda were very relevant in this respect and addressed some of the transversality of the challenges related to violence against children (“VAC” hereafter);
 - In preparing CoE Strategies and responses to VAC, children have regularly been consulted through dedicated consultation processes; the priorities expressed by them relating to violence regularly included corporal punishment, children in IT environment and sexual violence; these issues have always been covered to by subsequent CoE strategies;
 - The activities of the Working Group also constituted a contribution to fulfilling target 16.2 of the UN SDG Agenda.
3. **Regína Jensdóttir**, Head of the Children’s Rights Division, equally welcomed the Working Group and underlined its significance in supporting the work of the CDENF, including towards a new Strategy for the Rights of the Child (2022-2027). The current Strategy had been praised by the CoE Directorate of Internal Oversight (DIO) as a good example, with only few aspects to be improved. For any upcoming work on VAC, including within the Working Group, it will be crucial to continue referring to the work of monitoring bodies and the case law of the Court, as well as to systematically consider children in vulnerable situations. Whilst the CoE had excellent tools at hand (recommendations, guidelines, campaigns etc.), it remained important to involve external stakeholders and partners of the organisation.
4. **Maren Lambrecht-Feigl**, Programme Officer at the Children’s Rights Division, thanked all VAE experts and observers, and recalled the programme of the meeting for each day. For both focus themes, exchanges of views with invited experts and CoE staff members would allow to reflect the previous more “theoretical” considerations against substantive field experience.

Agenda item 2: Adoption of the revised draft agenda

5. The agenda was adopted as it appears in Annex I.

Agenda item 3: State of play of CDENF-GT-VAE activities

6. The secretariat briefly recalled the state of play of the Working Group’s activities as reflected in the revised workplan (CDENF-GT-VAE(2020)01rev), and the focus of the present meeting on (1) reporting mechanisms on VAC and (2) on harmful sexual behaviour by children, as well as the new Strategy and thematic debates related to Covid-19. Other items which had initially be envisaged for the present meeting, such as the possible contribution of the Working Group and the CDENF to the SDG process and the launch of the *VAC Clearinghouse* as the new online platform on responses to violence against children (and related updating procedures), would rather be discussed at the next meeting in December 2020.

Agenda item 4: Contribution to the development of non-binding instruments or tools containing guidance for member states

7. With a view to contributing to the development of non-binding instruments or tools, exchanges of views with external experts invited as guest speakers were held on the two focus topics: (1) reporting mechanisms on violence against children and (2) harmful sexual behaviour by children.

Agenda item 4.1: Towards a draft Recommendation on the Development of effective mechanisms for professionals to report violence against children

8. **Professor Mariëlle Bruning**, presented the outline for a feasibility study (CDENF-GT-VAE(2020)06) on a draft Recommendation to be submitted to the Committee of Ministers for adoption in 2021.¹
9. The Working Group discussed the outline of the feasibility study presented, and notably the scope of a draft Recommendation on reporting mechanisms. All participants agreed that the instrument should cover all forms of violence, as even the lightest forms were worth being reported, if the objective was to achieve zero-tolerance for violence against children. However, some national delegations noted that if the threshold of severity of reported violence was very low, reporting systems could become ineffective for the most serious cases of violence, if overloaded with all types of cases. Indeed, one national delegation argued that having a higher threshold of severity would avoid system overloading issues; and for the lighter forms of violence, “reports of concern” were still possible under the threshold. Another delegation argued that the threshold of severity could be left to subjective evaluation by professionals, and that, in practice, any considerations in this respect would also include professionals’ perception of not being able to secure the safety of the child otherwise than through reporting. The Working Group agreed to once again look at the issue of possible thresholds in more depth at the upcoming meeting in December, as this aspect of reporting violence seemed to be controversial. Examining this issue again and more closely would have to include the questions of how to define possible thresholds and for which categories of professionals they may be useful.
10. Another crucial point regarding the scope of violence was the setting in which violence took place. The Working Group unanimously agreed that a draft Recommendation should cover violence against children in the ‘wider circle of trust’, which included the extended family (with friends and neighbours) as well as institutional contexts where children are being looked after by adults, e.g. schools, sports, faith-based organisations, as opposed to violence against children in the ‘inner circle of trust’, i.e. at home.
11. **Regína Jensdóttir** added to the discussion by presenting the following advice and comments:
 - The **prevention of violence against children** was crucial and should be clearly stated as an objective at the beginning of a draft Recommendation; however, any advice provided to member states should support the latter to take a balanced approach aimed at developing both prevention and reporting mechanisms;
 - It was crucial to ensure that professionals and citizens would not report violence against children only to the judicial system but rather to the **social services** (or to both);
 - Among the most hidden forms of violence, was **violence between siblings**, which was rarely spoken about but was known to reach intense levels;
 - It was important to discuss the challenges of professionals subject to a legal duty to report and their **liability** for not complying with such a duty.
12. The Working Group then heard three presentations, the first two by practitioners dealing with reports on violence against children to identify key challenges and good practices, the third one from the representative of the World Health Organization (WHO) to hear how the issue of reporting was addressed there.

¹ [Presentation](#) by Professor Bruining

13. **Robinetta de Roode**, Advisor for Health Law at the Royal Dutch Medical Association, contributed with a presentation on the technicalities of reporting violence against children through the Dutch Health system.² She highlighted that the country did not dispose of a legal duty to report but provided for a statutory reporting code, which was a step-by-step approach to guide health practitioners on reporting decisions. This approach produced positive outcomes, especially in terms of early intervention without involving the criminal justice system and retaining follow-up capacities including specialised care. It was also found to provide for a solid basis on how to deal with information sharing among different agencies.
14. **Colette McLoughlin**, agent of the Irish Child and Family Agency (Tusla), presented the organisation's experience on the follow-up given by the Irish social services to reports on violence against children.³ She pointed out that, despite the little impact of the mandatory reporting law on the quantity of reports received, the sources of such reports were more diverse now. The importance of planning activities and providing guidance before the adoption of the mandatory reporting law was identified as crucial in order to raise awareness and train practitioners concerned; moreover, throughout the reporting process, interagency collaboration had been fundamental.
15. **Berit Kieselbach**, Technical Officer on the Prevention of Violence at the World Health Organisation (WHO), presented the WHO Guidelines on the Health sector response to child maltreatment.⁴ She explained their scope and highlighted the lack of evidence about the effectiveness of mandatory reporting on improving child health and well-being after reporting. She concluded that the question of whether mandatory reporting could further reduce VAC was particularly worth exploring.
16. Based on the information received, the Working Group held an in-depth exchange of views with the aim of exploring different aspects of the issue of reporting mechanisms, and heard notably the following comments: **Michele Clarke**, from Ireland which had recently made reporting mandatory by law, pointed out that professionals in Ireland had not been in favour of the legal duty, but that it had eventually been introduced by political decision. This decision had also led to much higher awareness amongst citizens and the general public, along with the improvement of training and tools.
17. On the other hand, the Dutch system was considered inspiring by many participants, given its lack of a legal mandatory duty and the existence of a 'reporting code' for professionals, prescribed by law, with obligations and rights which guides practitioners to take appropriate decisions about reporting step-by-step. Robinetta de Roode further explained that the law was also useful to stimulate reporting. Finally, the secretariat underlined the importance of interagency collaboration in matters of reporting violence against children, which chiefly included information sharing and communication among professionals before reporting while maintaining an adequate level of confidentiality; both country examples presented had illustrated this.
18. Following the presentation of the **outline for a feasibility study** by Mariëlle Bruning, and the **exchange of views** with invited experts, the secretariat also presented a **draft questionnaire** on reporting mechanisms that was suggested for dissemination amongst CDENF-GT-VAE members, to explore challenges and good practices met in different countries in more depth.
19. The Working Group was finally invited to approve the content of both the outline for a feasibility study and the questionnaire, pending possible further comments to both to be presented in writing by **Monday 19 October 2020**, with a view to presenting the state of play of this activity to the CDENF at its plenary meeting on 16-18 November. The Working Group was also invited to participate in the upcoming survey, for which it was agreed that responses would be expected **by 31 December 2020**.

² [Presentation](#) by Robinetta de Roode.

³ [Presentation](#) by Colette McLoughlin.

⁴ [Presentation](#) by Berit Kieselbach.

The Working Group agreed that the upcoming draft Recommendation should focus on:

- All forms of violence with a possible **threshold of severity** for professionals (but which remained an aspect to be examined in more depth first);
- Violence against children in **all settings, but notably in the 'wider circle of trust'** (i.e. including the extended family, friends and neighbours, as well as institutional contexts where children are being looked after by adults, e.g. schools, sports, faith-based organisations etc.).

The Working Group suggested the following elements to be included or better underlined in the feasibility study:

- **Prevention measures** (including in school, in the form of psycho-social treatment for peers, perpetrators, parents, etc.);
- **Family support** after reporting (including attention to children who are separated from their parents following a removal decision);
- **Awareness-raising measures** for the general public;
- **Training** for professionals and guidance for citizens on how to communicate when having suspicions on a child having fallen victim to violence.

It was also agreed to expand the focus of the draft Recommendation to include both **legal** and **political requirements** for the effective implementation of reporting mechanisms and procedures in different professional areas.

Part II of the meeting (6 October)

Agenda item 4.2: Measures and interventions aimed at preventing peer violence and harmful sexual behaviour by children

20. **Gioia Scappucci**, Executive Secretary of the Lanzarote Committee, presented the Committee's Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children.⁵ She established the link with the issue in focus by explaining that sexually suggestive images could constitute harmful behaviour when shared without the consent of the child depicted.
21. **Françoise Kempf**, Adviser at the Office of the Commissioner for Human Rights, presented the recent Human Rights Comment by the Commissioner on comprehensive sexuality education,⁶ in which such education was considered as "a powerful tool to combat violence, abuse and discrimination".
22. Following these two presentations, members of the Working Group heard two presentations by invited experts who supported children displaying harmful sexual behaviour in their professional capacities.
23. Firstly, **Anna Newton**, treatment provider for children with harmful sexual behaviour in Iceland, made a presentation on the "Assessment and treatment of children with harmful sexual behaviour in Iceland".⁷ The expert outlined the framework of the treatment provided to children with sexual harmful behaviour, and presented the types of behaviours which were referred for treatment, the characteristics of children who receive treatment, the treatment model, and the challenges faced when addressing sexual harmful behaviour. Children who were referred for treatment in Iceland were often younger than expected (as early as four years old), and the proportion of girls being referred was increasing recently, though remaining a significant minority. The core treatment provided by the facility focuses on healthy sexuality, by working with children on consent, sexuality education and social skills for example.

⁵ [Lanzarote Committee Opinion](#)

⁶ [Human Rights Commissioner's Comment](#)

⁷ [Presentation](#) by Anna Newton

24. Secondly, **Stephen Barry**, Clinical Team Manager and Lead Clinician at “Be Safe”, presented the work of “Be Safe”, a multi-agency partnership service working with children and young people with problematic/harmful sexual behaviour in Bristol (UK).⁸ This partnership, which has been developed under the National Health System, offers different types of interventions and programmes aimed at addressing harmful sexual behaviour displayed by children, such as therapeutic intervention for individuals and families, group and family interventions for children with problematic sexual behaviour, group and family interventions for children with mild to moderate learning difficulties who display harmful sexual behaviour, community support groups and a restorative justice programme.
25. Evidence showed that the most common reason for referral was sexual touching, that most children referred were boys, and that a significant proportion of children had special needs (learning disabilities, ADHD, learning difficulties, or autistic spectrum conditions (ASC)). Moreover, it appeared that sexual experiences between siblings were a common form of intrafamily sexual transgression.
26. The Working Group also took note of several available resources on sexual harmful behaviour recommended by the expert.⁹
27. The Working Group then agreed on follow-up actions in the area of harmful sexual behaviour; it notably considered important to continue exploring the issue, including through a possibly survey in 2021, with a view to preparing the grounds for any guidance to be developed by the Council of Europe in the future.
28. The Working Group agreed that sexual harmful behaviour remained one of the most significant taboos that child protection agencies had to address, not least because of the evident challenge of avoiding the criminalisation of children who display such behaviour; states therefore needed to step up their action in preventing such behaviour, including through comprehensive sex and relationship education.
29. Pursuant to the presentations, the Working Group held an exchange of views aimed at exploring different aspects of the issue of harmful sexual behaviour, and:
- noted the lack of evidence-based treatment for “low risk” behaviour (NB: harmful sexual behaviour at the lower end of [the “continuum” proposed by Prof. Simon Hackett](#)), which was the most common type of harmful sexual behaviour displayed by children, and the subsequent danger of “overtreating” children;
 - discussed how families could be supported when the child displaying harmful sexual behaviour and the child victim were related;
 - underlined the need for a guided and individual approach when responding to children displaying harmful sexual behaviour; and
 - underscored the need to consult children when developing sex education material.

⁸ [Presentation](#) by Stephen Berry

⁹ Bristol Safeguarding Child Board, BSCB (KBSP) Protocol: Children who Display Harmful Sexual Behaviour, 2018, available [here](#);

National Institute for Health and Care Excellence, Harmful sexual behaviour among children and young people - NICE guideline [NG55], 2016, available [here](#);

UK government, Statutory guidance – Keeping children safe in education, 2020, available [here](#);

Contextual Safeguarding, Beyond referrals – Harmful sexual behaviour in schools: a briefing on the findings, implications and resources for schools and multi-agency partners, 2020, available [here](#);

E. Archer et al, Parents’ perspectives on the parent – child relationship following their child’s engagement in harmful sexual behaviour, Journal of Sexual Aggression, 2019, available [here](#); and

S. Barry, E. Harris, The children’s programme: a description of a group and family intervention for children engaging in problematic and harmful sexual behaviour and their parents/carers, Journal of Sexual Aggression 25(2), 2019, available [here](#).

The Working Group requested the secretariat to **continue gathering information** on children who display harmful sexual behaviour by complementing the [study by Prof. Hackett on harmful sexual behaviour](#), and possibly by **collecting good practice** in member states through a survey to be undertaken in 2021, in order to further explore the need for and opportunity of specific guidance and tools related to the matter which would also take into account children's views.

The Working Group also agreed to **support the proposal** for future work to be undertaken towards a **draft Recommendation on sex and relationship education** under the upcoming Strategy for the Rights of the Child (2022-2027).

Agenda item 5: Other tasks of the Working Group

Agenda item 5.1: Contributing to the preparation of proposals for elements to be included into a draft Council of Europe Strategy for the Rights of the Child (2022-2027)

30. The Working Group heard a presentation by the secretariat on the upcoming process towards a new Strategy for the Rights of the Child and was invited to contribute notably to the revision of the priority area 3 "A life free from violence for all children".
31. Some experts of the Working Group suggested the following topics to be maintained in the new Strategy or to be added if they had not been covered previously:
 - the protection of children from online violence, including online sexual violence;
 - violence against children in migration and refugee children;
 - mental health of children, including the impact of violence on mental health.

The Working Group was informed that **further written comments** proposing key challenges and issues that could be included into a new Strategy in the area of violence against children could be submitted to the secretariat in writing **by 2 November 2020**.

Agenda item 5.2: Supporting the organisation of thematic exchanges on specific challenges of violence, as a follow-up to the COVID-19 pandemic

32. Following the CDENF plenary session (17 September 2020), it was recommended to hold webinars on children and COVID-19 as part of the CDENF's response to the pandemic. In this regard, the members of the Working Group suggested the following topics to be considered for such exchanges:
 - issues related to identifying at-risk children who are not yet in the child protection system and maintaining contact with them;
 - upholding the rule of law in child protection processes, for example when parents had to sign documents but were not able to be physically present – this raised the question of interplay between law and digital technologies;
 - ensuring compliance with contact orders between children and their parents;
 - the mental health of children and their families; and
 - education challenges.

The Working Group was informed that **further written suggestions for webinars to be organised as a CDENF response to the pandemic** could be submitted to the secretariat in writing **by 2 November 2020**.

Agenda item 5.3: Supporting the implementation of CDENF activities in related areas, e.g. the rights of the child in the digital environment and child participation

33. The Working Group heard a presentation by the secretariat of its upcoming publications: The “Handbook for policy makers on the rights of the child in the digital environment” and the “Handbook on children’s participation for professionals”. Members and observers on the Working Group were invited to propose any follow-up activities aimed at promoting these new tools at the national level.

Agenda item 6: Dates envisaged for the next meetings of the Working Group in 2020

34. The Working Group took note of the dates of its **next meeting on 1-2 December 2020**, which, like all Council of Europe meetings before the end of 2020, would again be held in an online format.

Agenda item 7: Any other business

35. The secretariat announced that a reminder of upcoming deadlines, both for comments to the questionnaire and the outline for a feasibility study and for submitting written comments to other items, would be sent out by email after the meeting.

Annex I

AGENDA

1. Opening of the meeting
2. Adoption of the draft agenda and order of business
3. State of play of CDENF-GT-VAE activities
4. Contribution to the development of non-binding instruments or tools containing guidance for member states
 - 4.1 Towards a draft Recommendation on the Development of effective mechanisms for professionals to report violence against children
 - 4.2 Measures and interventions aimed at preventing peer violence and harmful sexual behaviour by children
5. Other tasks of the Working Group
 - 5.1 Contributing to the preparation of proposals for elements to be included into a draft Council of Europe Strategy for the Rights of the Child (2022-2027)
 - 5.2 Supporting the organisation of thematic exchanges on specific challenges of violence, as a follow-up to the COVID-19 pandemic
 - 5.3 Supporting the implementation of CDENF activities in related areas, e.g. the rights of the child in the digital environment and child participation.
6. Dates envisaged for the next meetings of the Working Group in 2020

3rd meeting: 1-2 December 2020, Strasbourg (virtual)
7. Any other business

DRAFT ORDER OF BUSINESS

Monday 5 October	10h-13h	1, 2, 3, 4.1
Tuesday 6 October	10h-13h	4.2 and 5, 6, 7

Annex II

PARTICIPANTS LIST / LISTE DES PARTICIPANTS

MEMBERS	
Chairperson (Malta)	Mr Matthew Vella CDENF Bureau Member Chief Executive Officer Social Care Standards Authority
Belgium	Mr Tim Stroobants Director Flemish Expertise Center on Child Abuse
Croatia	Ms Tatjana Katrić Stanić Head of Sector Coordination of Policies and Improvement of Social Welfare Centres Expert Work
Czech Republic	Ms Diana Šmidova Lawyer Human Rights Department, Office of the Government of the Czech Republic Children's Rights Committee's Secretary, representation of the Czech Republic before the UNCRC and preparation of periodic reports
Iceland	Ms Heiða Björg Pálmadóttir General Director Government Agency for Child Protection, Ministry of Social Affairs of Iceland
Ireland	Ms Michèle Clarke Chief Social Worker Department of Children and Youth Affairs
Italy	Mr Marino Di Nardo Expert Office of the Department for Family Policies of the Presidency of Council of Ministers
Portugal	Ms Rosário Farmhouse President National Commission for the Promotion of the Rights and Protection of Children and Young People
Russian Federation	Ms Olga Opanasenko Counsellor of the Human Rights Department Ministry of Foreign Affairs
OBSERVERS	
United Nations Office of the Special Representative of the Secretary-General on Violence against Children	Mr Mánu De Barra Child Protection Officer
Defence for Children International	Ms Emmanuelle Vacher Child Protection Officer
Global Partnership to End Violence Against Children	Ms Sabine Rakotomalala Program, Policy & Training Specialist
Missing Children Europe	Ms Aagje Ieven Secretary General
Mexico Observer state to the Council of Europe	Ms Lorena Alvarado Quezada Deputy of the Permanent Observer of Mexico

INVITED EXPERTS
Professor Mariëlle Bruning Professor of Child Law at Leiden University, Netherlands
Robinetta de Roode Advisor for Health Law at the Royal Dutch Medical Association, Netherlands
Colette McLoughlin Agent of the Child and Family Agency (Tusla), Ireland
Anna Newton Treatment provider for children with harmful sexual behaviour, Government Agency for Child Protection, Iceland
Stephen Barry Clinical Team Manager and Lead Clinician at “Be Safe” (NHS), multi-agency partnership service working with children and young people with problematic/harmful sexual behaviour in Bristol, United Kingdom
Berit Kieselbach Technical Officer on the Prevention of Violence at the World Health Organisation (WHO)
OTHER PARTICIPANTS
Gioia Scappucci Executive Secretary of the Lanzarote Committee
Françoise Kempf Adviser at the Office of the Commissioner for Human Rights
Stephanie Olsohn PhD student, Leiden Law School, Leiden University, Netherlands
SECRETARIAT
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Regína Jensdóttir Head of the Children’s Rights Division
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