

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CDENF-GT-VAE(2021)PV1

5 May 2021

Steering Committee for the Rights of the Child (CDENF)

Working group on responses to violence against children (CDENF-GT-VAE)

4th Meeting by videoconference

22-23 April 2021

Meeting report

Meeting times:

Day 1:

Thursday 22 April

9:30-12:00 / 14:00-16:30 hrs

Day 2:

Friday 23 April

9:30-13:00 hrs

Prepared by the Children's Rights Division

www.coe.int/en/web/children/cdenf-gt-vae

children@coe.int

Fourth meeting of the CDENF-GT-VAE

Meeting report

Part I of the meeting (22 April 2021) 09:30 – 12:00 / 14:00 – 16:30 hrs

Agenda item 1: Opening of the meeting

1. **Rosário Farmhouse** (Portugal), Vice-Chair of the Steering Committee for the Rights of the Child (CDENF) and Chair of the Working Group on responses to Violence against Children (CDENF-GT-VAE), opened the 4th online meeting of the CDENF-GT-VAE (“Working Group” hereinafter). She welcomed members, observers and invited experts to the meeting, recalling that most of the meeting would be dedicated to the preparation of a draft recommendation on mechanisms for professionals to report violence against children (VAC) and inviting all participants to actively contribute to the discussions ahead.
2. **Elda Moreno**, Head of the Children’s Rights and Sports Values Department, congratulated the Working Group for the progress made on the draft recommendation which would represent an added value amongst the Council of Europe’s standards and an important tool for member states to prevent, report and follow up on VAC cases. She pointed to some sensitive issues yet to be addressed including, *inter alia*, the formulation of an all-encompassing definition of violence. Such a definition could provide for guidance to member states when legislating on VAC and would encourage professionals to act upon all different types of actions or omissions made towards children.
3. **Regína Jensdóttir**, Head of the Children’s Rights Division, equally welcomed all participants and supported the objective of proposing an innovative definition of violence. She recalled the importance of keeping in mind the key deliverables to be achieved by the end of 2021, when the Working Group’s current mandate would expire. She also suggested that the Working Group could present comments on the new draft Strategy for the Rights of the Child (2022-2027), in particular priority area 1 “Freedom from violence for children”, before it would be submitted to the CDENF on 18 May.
4. **Maren Lambrecht-Feigl**, Programme Officer at the Children’s Rights Division, recalled some of the technical aspects linked to the meeting and platform, and welcomed representative of Bulgaria, George Ivanov, as a new member on the Working Group. He had been selected in consultation with the Chairs of the CDENF and the CDENF-GT-VAE from the list of candidates formally established in spring 2020 and had joined to fill the vacant place left by the Maltese expert most recently.

Agenda item 2: Adoption of the draft agenda and order of business

5. The agenda was adopted as it appears in Annex I; the draft Strategy for the Rights of the Child (2022-2027) was shared with the Working Group as an element coming under the workplan (item 3).

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

6. **The Secretariat** gave an overview of the state of play of the Working Group’s activities as reflected in the updated workplan 2020/2021 ([CDENF-GT-VAE\(2020\)01rev3](#)). The draft Strategy was shared with the Working Group and attention drawn to the first priority area covering VAC issues. The Working Group was invited to present any comments to this chapter in writing by Monday 17 May or to pass them on to their respective national delegations on the CDENF to have them presented at the CDENF meeting on 18 May.

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

7. The Chair recalled that the present meeting was aimed at making substantial progress with the work on the draft Recommendation and Guidelines concerning mechanisms for professionals to report violence against children (VAC); she welcomed the consultants supporting this activity, gave them the floor for their presentations and led through the subsequent discussions.

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

8. **Mariëlle Bruning**, Professor of Child Law at Leiden University (NL), and Independent child protection expert, presented an overview of the draft Recommendation¹ highlighting the remaining substantive gaps to be addressed, along with specific issues to be considered by the Working Group, including:
 - **Title of the draft recommendation** – reviewing the current working title;
 - **Definition of violence** – formulating an all-encompassing definition of VAC;
 - **Threshold for professionals to report VAC**– dealing with suspicions or concerns;
 - **Settings of violence** –reporting VAC in the “circle of trust” as a possible focus;
 - **Sanctions** – addressing the issue of sanctions (e.g. for non-reporting);
 - **Confidentiality issues** – addressing confidentiality issues.
9. **Simona Florescu**, PhD student at Leiden University and independent expert, presented the results of the limited survey submitted to the member states represented in the Working Group ([CDENF-GT-VAE \(2021\)02](#))², aimed at assessing how states implement the relevant national legislation or policy instruments relating to reporting of VAC. In particular to ensure the relevance and applicability of the upcoming draft Recommendation to all member states’ different systems, it was proposed to address a shorter survey to the full CDENF. The new questionnaire would not contain the full set of questions, but notably address the evidence gaps to be filled to prepare a meaningful draft Recommendation.
10. **Alfonso Montero**, Executive Director of the European Social Network (ESN), presented the work of the ESN on VAC from the perspective of public social services, highlighting the key lessons learnt from the implementation of their projects. VAC remained a widely hidden phenomenon and the answers to it were still fragmented, very local and not always well-documented. His organisation had also addressed some of the relevant aspects of social service organisation in 2016, including protocols and conference calls for interservice cooperation to report any concerns, helplines for children. He underlined the importance of: 1) clear national guidelines easy to implement by local authorities, focusing on reporting by children themselves, providing family support and adequately training social services agents; 2) cross-sectoral dialogue between different services and levels (national, regional and local); and 3) victim support. Moreover, he encouraged the Working Group to assess the key role played by social services in addressing VAC, and to explore possibilities for involving children and the availability of child-friendly reporting mechanisms in public places, such as schools and hospitals. With regard to the upcoming draft Recommendation and Guidelines, he would stand ready to provide any peer support through his network as needed.

¹ Professor Bruning’s [presentation](#).

² Simona Florescu’s [presentation](#).

11. **Seamus Carroll**, Chair of the Committee of Experts on the rights and the best interests of the child in parental separation and in care proceedings (CJ/ENF-ISE), gave an update on the work undertaken by the Committee towards the development of draft instruments or tools, highlighting where the issues dealt with by the two groups were overlapping. His Committee would certainly seek inspiration in the Group's new definition of VAC. He mentioned that the matter of domestic violence would need to be addressed by his Committee as well as it was one of the most common issues concerned in parental separation and care proceedings; the deliverables of the Working Group and his Committee should therefore be aligned accordingly. **Diana Šmidova**, referring to the increasingly widespread mediation practices mentioned by the speaker, underlined that from the point of view of the Czech Republic, some guidance would notably be useful with regard to cases where mediation came to its limits and other interventions were needed.
12. **Rosário Farmhouse** shared about the activities undertaken in Portugal to mark the month of April as the "violence prevention month", to inspire similar awareness-raising action in other member states.
13. **Manus Debarra**, from the Office of the UN Special Representative on Violence against Children (UNSRSG), gave an update on the latest annual report of the UNSRSG (March 2021) and with regard to the progress made towards UN Sustainable Development Goal Target 16.2. He maintained that the target would not be achieved and mentioned the Voluntary Annual Review (VNR) as a good way to accelerate its implementation, next to further investment into social services. The COVID-19 pandemic had certainly magnified some of the problems and could help draw more attention to VAC issues.
14. **Regína Jensdóttir** welcomed Manus Debarra's suggestion and added that states should strengthen helplines and peer-to-peer support networks. Moreover, she maintained that Council of Europe member states should build on the action taken in different area such as, for example, in implementing the Lanzarote Convention.
15. The Working Group started the in-depth revision of the first elements proposed for the draft Recommendation and Guidelines, as well as the draft questionnaire, as presented by the consultants. While going through the texts on the screen, the Secretariat took note of the changes proposed to include them straight after the meeting; a revised version of all texts (draft Recommendation and Guidelines, and questionnaire) would be circulated within the group in the days following the meeting, with the possibility to present further comments in writing by 5 May.

Part II of the meeting (23 April 2021) 09:30 – 13:00 hrs

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

16. The Chair welcomed the members of the Working Group back for the second meeting day and briefly recalled the items to be discussed.

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

17. The Working Group reviewed the next sections of the draft Recommendation. In particular, the Working Group discussed and emphasised the following issues:
 - **Suspicious** of VAC by professionals and relevant **concerns** should be reported, thus threshold for reporting be relatively low. Public awareness-raising and trust in reporting mechanisms could further facilitate the reporting even of less serious cases, thus contribution to VAC prevention.

- **Family support on a voluntary basis and mandatory support to families** where risks or incidences of violence had been identified (thus family support provided following a court order), should be clearly distinguished.
- **Integrated approaches and interservice collaboration** should be further promoted in this area. In this respect, the Working Group would be interested in receiving an introduction into the new Icelandic social services legislation following such approaches.
- **Training and awareness raising** activities should be mandatory for all professionals working for and with children; it was certainly worth further exploring and exchanging about any good practices in this respect in member states, such as the e-training formats currently introduced in Ireland.
- **Helplines** should be embedded in national child protection systems, ensuring that reports would be processed in a timely manner to the state agency in charge of providing follow-up them, and that all professionals receiving VAC reports via helplines would know what protocols and procedures to follow.
- **Data protection and privacy of children** should be reconciled to allow the establishment of databases accessible by certain categories of professionals. The creation of such databases should be in line with national law. The involvement of parents or caregivers in reporting procedures was to be handled with care given that this could possibly lead to the destruction of sensitive data ensuring the child full access to justice.
- **Consent by children to VAC reporting** by professionals was another sensitive issue to be considered on a case to case basis; in some cases (e.g. in cases of intrafamily violence) it was important for professionals to be able to proceed VAC reports without the child's consent.

18. The Working Group reviewed the draft questionnaire to be submitted for approval at the next CDENF Plenary (18-20 May 2021), and – without presenting all comments in detail in the present report - the Secretariat thoroughly took note of the changes proposed and would include them in time for the upcoming CDENF meeting.

The Working Group discussed and agreed:

- To change the **title** of the draft Recommendation and Guidelines in the Appendix respectively to *“Recommendation on Strengthening mechanisms for professionals to report violence against children”* and *“Guidelines for strengthening mechanisms for professionals to report violence against children”*;
- To include an innovative and all-encompassing **definition of violence** covering various forms of violence in a comprehensive manner and ready to be applied in all settings, placing violent actions and omissions leading to harm on an equal footing by condemning them both, and including peer violence;
- To ensure that the draft Recommendation would expressly encourage member states to establish a **mandatory duty to report** for professionals working for and with children, including by embedding it in national legislation and by implementing relevant policies;
- to submit a short **questionnaire** to the CDENF for approval at the next plenary meeting (18-20 May 2021) and dissemination to all CDENF delegations by the Secretariat.

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

19. The Chair recalled that while the Working Group had already agreed not to pursue the preparation of a second non-binding instrument on the issue of harmful sexual behaviour displayed by children, the initial plan for carrying out a mapping study was proposed to be put on hold, not least in the light of time and resources available, and the need to remain focused.
20. The Secretariat supported this approach by explaining that due, to the substantive work programme of the CDENF ahead, including the preparation of the new Strategy for the Rights of the Child (2022-2027) and the number of surveys currently submitted to the CDENF, this activity needed to be contained.
21. The Working Group generally agreed to the approach suggested, i.e. to pursue the development of a guidance note in collaboration with external consultants, such as Professor Hackett, who had already been involved in this activity at the beginning of the Working Group's mandate.

Agenda item 5: Other tasks of the Working Group

Agenda item 5.1: Contribution to issues of violence in relation to ongoing child participation activities

22. The Secretariat updated the Working Group on the recent developments concerning the joint Council of Europe-EU project "CP4EUROPE", aimed at strengthening child participation mechanism and practice across Europe, which had been launched on 1 April 2021. The project would notably be carried out in five pilot countries selected through CDENF delegations: Czech Republic, Finland, Iceland, Portugal, and Slovenia; with part of the countries undertaking assessments of their national child participation mechanisms by using the Council of Europe CPAT tool, and others taking previous assessments one step further and developing child participation in specific areas. Whilst some of the delegations present on the Working Group were involved in this project, more information will be available any time upon consultation of the Secretariat.
23. The Secretariat informed the Working Group on the state of play of the Council of Europe Child Safeguarding Policy by giving an overview of its composing elements (consisting of the text of the policy, implementation tools and a child-friendly version of the policy) and highlighting the sensitive issues encountered in its conception and drafting process, including the ability to "hand down" child safeguarding responsibility to any partners or entities at lower administrative levels (e.g. organisations, states, etc.) involved in projects or events jointly with the Council of Europe.³ Participants in the discussion notably pointed to the need to have very hands-on, practical documents which would reflect the specific risks of harm faced by children the organisation of events or projects. **Michelle Clarke** pointed out that in Ireland child safeguarding issues were embedded in national legislation and implemented accordingly.

Agenda Item 5.2: Supporting the organisation of thematic exchanges of knowledge, good practices and experiences among member states in priority area 3 "A life free from violence" by the CDENF in the period 2020-2021, on specific challenges of violence against children to be identified

24. The Secretariat recalled the organisation of the Council of Europe webinar series on children's rights and COVID-19, consisting of three webinars taking place throughout 2021. The first webinar on education and COVID-19 had been held on 22 March 2021 and generated much interest among participants. As the second webinar, scheduled to take place in September 2021, would deal with intra-family violence, the Working Group was invited to contribute with proposals in writing by 5 May 2021.

³ Child Safeguarding Policy presentation.

Agenda item 6: Any other business

25. No other business was raised.

Agenda item 7: Date and place of next meeting

26. The Working Group agreed to postpone its next meeting, originally scheduled to take place in September, to November 2021, in order to integrate the results of the extended survey to be launched to the CDENF in June 2021; the first set of dates proposed to the group (22-26 November 2021) did not seem to be convenient for all members of the group – an upcoming Doodle request would therefore try to shed light on the best dates for such a postponed meeting. Moreover, the Working Group agreed to holding another meeting in early 2022 to finalise the tasks of its mandate and submit the final draft Recommendation and Guidelines to the CDENF for approval in spring 2022, before their submission to the Committee of Ministers.

Annex I

Draft Agenda

Thursday, 22 April 2021 – 9:30 – 12:00 hrs

1. Opening of the meeting

Opening by the new Chairperson, Rosário Farmhouse, Vice-Chair of the Steering Committee for the Rights of the Child (CDENF)

Welcome by the Secretariat

2. Adoption of the agenda and order of business

CDENF-GT-VAE(2021)OJ1rev2

3. State of play of CDENF-GT-VAE activities

[CDENF-GT-VAE\(2020\)01rev3](#)

Updated workplan:

State of play and next steps ahead

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

Working documents:

Presentations by:

- Prof. Bruning, Leiden University
- Simona Florescu, Leiden University

[CDENF-GT-VAE\(2021\)01](#)

Draft Recommendation and guidelines on the development of effective mechanisms for professionals to report violence against children

Exchanges with:

- Alfonso Montero, European Social Network (ESN)
- Seamus Carroll, Chair of the Sub-Committee CJ/ENF-ISE

[CDENF-GT-VAE\(2021\)02](#)

Reporting mechanisms and practices concerning violence against children in selected Council of Europe Member States – summary report of the survey led within the CDENF-VAE-GT

Presentation and revision of the Draft Recommendation and Guidelines

Presentation of the summary report of the survey led within the CDENF-GT-VAE

Presentation and revision of a draft questionnaire for an extended survey to be led via the CDENF

[CDENF-GT-VAE\(2021\)03](#)

Draft survey on national reporting mechanisms on violence against children

(Discussion on the draft Recommendation and Guidelines, as well as the draft questionnaire for the CDENF to be continued in the afternoon session and on Day 2...)

Reference documents :

[CDENF-GT-VAE\(2020\)02](#) – Study on Strengthening Mandatory Reporting of Child Sexual Abuse in Europe (Prof. Mathews)

[CDENF-GT-VAE\(2020\)03](#) – Discussion paper on mandatory reporting of violence against children (Prof. Bruning)

Thursday, 22 April 2021 – 14:00 – 16:30 hrs

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

Continued discussion on the draft Recommendation and Guidelines, as well as the draft questionnaire for CDENF

Specific contributions by members and observers:

- Rosário Farmhouse, Chairperson, on activities undertaken in Portugal and other countries to mark the month of April as “violence prevention month”
- Manus Debarra, Office of the UN Special Representative on Violence against Children on the most recent report prepared for the Human Rights Council

Working and reference documents:

As above

Oral update

Oral update

Reference documents:

[Annual report of the Special Representative of the Secretary-General on Violence against Children](#)

[Children as agents of positive change](#)

Friday, 23 April 2021 – 9:30 – 13:00 hrs

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 (continued)

Continued discussion on the draft Recommendation and Guidelines, as well as the draft questionnaire for the CDENF

Working documents:

As above

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

Proposal and discussion of next steps ahead towards Council of Europe guidance in this area

Reference documents :

[CDENF-GT-VAE\(2020\)04](#) – Study on Sexual violence and harmful sexual behaviour displayed by children (Prof. Hackett)

[CDENF-GT-VAE\(2020\)09](#) - Harmful sexual behaviour by children: overview of first responses identified and proposals for further action (Information note by the Secretariat)

5. Other tasks of the working group

5.1 Contribution to issues of violence in relation to ongoing child participation activities

Update on the upcoming Council of Europe child safeguarding policy and related implementation tools

Discussion of topical child safeguarding challenges: handing down responsibilities to partners in projects and events; child safeguarding online

Oral updates

5.2 Supporting the organisation of thematic exchanges of knowledge, good practices and experiences among member states in priority area 3 “A life free from violence” by the CDENF in the period 2020-2021, on specific challenges of violence against children to be identified

Preparations for the 2nd CDENF webinar on Covid-19 and children’s rights on “Protection of children from intra-family violence with a focus on children at risk”: collection of proposals for priority issues to be addressed at the webinar

6. Any other business

Information on the state of play in the appointment of a new member to the CDENF-GT-VAE Working Group following the recent departure of one member

Oral update

7. Date and place of next meeting

5th meeting:

Initially planned for:

23-24 September 2021, Strasbourg

(or virtual)

Suggested to be postponed until:

*2 days in the **week of 22-26 November 2021** (tbc), Strasbourg
(or virtual)*

Annex II

List of Participants

PARTICIPANT LIST/LISTE DES PARTICIPANTS

MEMBERS

Portugal

Ms Rosário Farmhouse
President
National Commission for the Promotion of the Rights and Protection of Children and Young People

Belgium

Mr Tim Stroobants
Director
Flemish Expertise Center on Child Abuse

Bulgaria

Mr. George Ivanov
Head Expert
Politics and Programs for the children Department

Ms. Marga Stoyanova
Lawyer
Politics and Programs for the children Department

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

Russian Federation

Ms Olga Opanasenko
Counsellor of the Human Rights Department
Ministry of Foreign Affairs

OTHER OBSERVERS

United Nations Office of the Special Representative of the Secretary-General on Violence against Children (UNSRSG)

Mr Mánuis De Barra
Child Protection Officer

OTHER PARTICIPANTS

Professor Mariëlle Bruning
Professor of Child Law at Leiden University, Netherlands

Simona Florescu, independent expert, Leiden University, Netherlands

Stephanie Olsohn
PhD student, Leiden Law School, Leiden University, Netherlands

Alfonso Lara Montero, Executive Director of the European Social Network (ESN)

Seamus Carroll, Chair of the Committee of experts on the rights and the best interests of the child in parental separation and in care proceedings (CJ/ENF-ISE)

SECRETARIAT

Elda Moreno
Head of the Department of Children's Rights and Sports Values

Regína Jensdóttir
Head of the Children's Rights Division

Maren Lambrecht-Feigl
Programme Officer at the Children's Rights Division

Anna Bracco
Policy Officer at the Children's Rights Division

Magali Moreau
Project Assistant at the Children's Rights Division

