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CDENF-GT-VAE(2022)PV01rev

17 May 2022

Steering Committee for the Rights of the Child (CDENF)

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

6h Meeting by videoconference

9-10 March 2022

Revised Meeting Report

Meeting times:

Day 1:	Day 2:
Wednesday 9 March	Thursday 10 March
9:30-12:00 / 14:00-16:30 hrs	9:30-13:00 hrs

Prepared by the Children's Rights Division

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Sixth meeting of the CDENF-GT-VAE

Part I of the meeting (Wednesday 9th March 2022): 09:30 – 12:00 / 14:00 – 16:30 hrs

Agenda item 1: Opening of the meeting

1. **Rosário Farmhouse** (Portugal), Chair of the Working Group and Vice-Chair of the Steering Committee for the Rights of the Child (CDENF), opened the sixth (online) meeting of the Working Group on responses to violence against children (CDENF-GT-VAE; "Working Group" hereinafter) and welcomed all members, observers and invited experts and consultants. She expressed her concern for Ukrainian children fleeing from the war in their country, especially for the situation of unaccompanied minors.

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

2. The agenda was adopted as it appears in Annex I; the list of participants can be found in Annex II.

Agenda item 3: State of play of CDENF-GT-VAE activities in the context of the new Strategy for the Rights of the Child

3. **Regína Jensdóttir**, Head of the Children's Rights Division, explained the particular and unprecedent situation the Council of Europe is facing with the war in Ukraine and the consequent suspension of the Russian Federation as a participant in Council of Europe meetings, following the decision of the Committee of Ministers of 25 February 2022. She underlined the specific vulnerabilities that Ukrainian children (and particularly unaccompanied minors) are facing, being at risk of trafficking, violence, suffering from mental health related issues, to name a few. Moreover, she updated the Working Group about the adoption by the Committee of Ministers of the new Strategy for the Rights of the Child (2022-2027) on 23 February and about the upcoming High-level Launching Conference of the Strategy, taking place in Rome on 7-8 April 2022.

4. **Maren Lambrecht-Feigl**, Programme Officer at the Children's Rights Division ("Secretariat" hereinafter), gave an overview of the state of play of CDENF-GT-VAE activities and introduced some elements aimed at guiding the discussion on the draft Recommendation and Explanatory Memorandum. She explained the next steps proposed to the Working Group, including the invitation to different partners to provide input into the revision of the texts before submission to the CDENF, for general comments, before they would be submitted for formal consideration paragraph by paragraph in November 2022.

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

5. The Chair briefly reminded the Working Group of the state of play of the activity and recalled that the present meeting was aimed at advancing with the work on the draft Recommendation and its draft Explanatory Memorandum.

Agenda item 4.1: Draft Recommendation containing Guidelines on Strengthening reporting systems on violence against children

6. **Mariëlle Bruning**, Professor of Child Law at Leiden University (NL), and independent child protection expert, reminded members and observers of the Working Group of the core elements contained and still to be agreed in the new draft Recommendation and its Explanatory Memorandum.[1]

[1] For more information, see Professor Bruning's presentation.

7. **Simona Florescu**, Phd student at Leiden University and independent expert, expressed her availability to provide more information and examples of relevant good practices in order to strengthen the examples provided in the Explanatory Memorandum, which already contained some of the national examples.

8. **Almudena Escorial**, Head of Advocacy in Plataforma de Infancia (Spain), introduced the new Spanish Organic Law for the comprehensive protection of children against violence. The Law includes a broad and complete definition of violence against children and contains measures for the different levels of action (awareness, prevention or early detection) and in the different areas where children are involved. Among the coordination mechanisms it establishes, she highlighted the Sectorial Conference on Children Affairs, the Comprehensive Strategy for the Coordination of Actions to be implemented by the different administrations, the Central Registry of information, the protocols for the prevention and early detection of violence in certain areas: education, protection centres, sport and leisure, health, etc.), and the creation of two coordinating bodies in the areas of education and sports and leisure

   Regarding the **qualified duty to report** a situation of violence against children by professionals, she outlined the following steps to be pursued:

   - When professional becomes aware of or notices indications of the existence of a possible situation of violence against children: they must immediately notify the competent social services.
   - When such violence could result in a threat to the health or safety of the minor: they shall immediately notify the Security Forces and/or the Public Prosecutor's Office.
   - When they become aware of a possible infringement of the regulations on personal data protection: they must immediately notify the Spanish Data Protection Agency.

   Finally, she admitted that the new law could yet be further improved by **foreseeing consequences or sanctions** when the professional does not comply with the legal duty to report.

9. The Working Group **revised the draft Recommendation paragraph by paragraph** and the Secretariat took note of all changes proposed and agreed (directly on screen). The Chair subsequently gave the floor to participants who wanted to provide input into the text in the light of their respective national practice and moderated the discussion throughout.

10. In terms of further proceedings to be followed in the preparation of non-binding instruments, **the Working Group instructed the Secretariat to proceed as the latter had proposed,** by sending the draft text of the Recommendation on Strengthening reporting systems on violence against children to the most relevant Council of Europe monitoring bodies for input (e.g. Lanzarote Committee, GRETA, GREVIO etc.), as well as selected partner organisations (e.g. UNICEF, the Secretariat of the UN Special Representative on Violence against children, the End Violence Fund, the European Social Network, Helpline International, etc.). It also decided to include in this consultation practitioners in social and health services who had previously flagged their availability for providing input and comments (e.g. in Ireland or the Netherlands).

The Working Group discussed and agreed:

- To clearly state that the **definition of "professionals"** includes both professionals and volunteers working for and with children, to reference the Iceland Child Protection Act (article 17) as a good practice in the Explanatory Memorandum and to include also in the EM the example of Italian voluntary guardians of migrant children as "professionals";
- To include a recommendation for member States to **embed the duty to report in national legal frameworks** and to complement this legal duty with **relevant policies and protocols** as essential elements of their child protection and reporting systems;
- To ensure that the draft Recommendation encourages member States to allow professionals and volunteers reporting violence against children to **remain anonymous** vis-à-vis third parties other than public authorities **only under specific circumstances** and to include examples of the conditions in which it could it be important to guarantee anonymity in the Explanatory Memorandum;
- To clearly state that, in cases where the child's or other person's safety could be at risk (i.e. domestic violence), **parents are not contacted** before reporting and to include Iceland's practice in the Explanatory Memorandum;
- To refer to **"competent" bodies** in charge of monitoring instead of "independent" bodies;
- To circulate the draft text of the Recommendation to the most relevant Council of Europe bodies, selected partner organisation and certain practitioners who had flagged their availability to provide feedback in terms of **"peer review"**.

Part II of the meeting (Thursday 10 March 2022) 09:30 – 13:00 hrs

Agenda item 4.1 Draft Recommendation containing Guidelines on Strengthening reporting systems on violence against children

11. The Working Group continued revising the draft recommendation during meeting day 2, and the Secretariat again took note of all changes proposed.

In particular, the Working Group discussed and agreed:

- To include the proposal about **the aim of the recommendation** made by Tim (Belgium) in the Explanatory Memorandum;
- To include two new definitions on **"reporting systems"** and **"child-friendly information"**;
- To clearly state that States should ensure that there are appropriate **sanctions or consequences** for professionals that fail to comply with their reporting duties and to include different national practices in the Explanatory Memorandum;
- To ensure that authorities managing reports share information between agencies about current and previous concerns in cases where a **child moved across national and international borders**;
- To move the issues of **data protection and privacy legislation, activation of the duty to report on the basis of suspicion and the feedback for reporters** to the Explanatory Memorandum.

12. Due to time constraints, it was decided to review the Explanatory Memorandum through **written procedure**. The Secretariat was instructed to propose a paragraph regarding awareness-raising campaigns and informed the Working Group that both a new draft of the Recommendation and Explanatory Memorandum reflecting all changes would be circulated for review by the Working Group; first the draft Recommendation and then, at a slightly later stage, the Explanatory Memorandum. For each of them, possible additional comments could then be made then until a date yet to be determined. Following the round of written consultations for the draft Recommendation, and as instructed the day before by the Working Group, the Secretariat would then **circulate the draft text of the Recommendation on Strengthening reporting systems on violence against children to different partners and practitioners** in the field for additional feedback.

Agenda item 5: Any other business

13. No other business was raised by the Working Group.

Agenda item 6: Date and place of next meeting

14. The Secretariat recalled that the exact dates for the next (NB.: probably in person – to be confirmed) meeting in September would be identified via a Doodle in due time.

Agenda item 7: Closing the meeting

15. The Chair thanked all members and participants for their active participation in and contributions to the meeting and expressed her wish to see some of them in Rome during the upcoming Launching Conference.

Annex I

Agenda

Wednesday, 9 March 2022 – 9:30 – 12:00 hrs

1.	**Opening of the meeting** *Opening by the Chairperson of the Working Group*, Rosário Farmhouse, Vice-Chair of the Steering Committee for the Rights of the Child (CDENF) *Information by the Secretariat*	
2.	**Adoption of the agenda and order of business**	CDENF-GT-VAE(2022)OJ1
3.	**State of play of CDENF-GT-VAE activities in the context of the new Strategy for the Rights of the Child** *Activities to be pursued in 2022* *Oral update on CDENF developments and activities*	
4.	**Contribution to the development of non-binding instruments or tools containing guidance for member states** **4.1 Draft Recommendation containing Guidelines on the Strengthening reporting systems on violence against children** *Introduction by the Secretariat* *9:30 am:* *Presentations by Prof. Mariëlle Bruning and Simona Florescu (tbc), Leiden University* Further revision of the Draft Recommendation containing Guidelines Revision of the Explanatory Memorandum *NB: The discussion on the draft Recommendation and the Guidelines will be pursued in the afternoon; the Explanatory Memorandum will be considered in more depth on Day 2 of the meeting.*	Working documents: CDENF-GT-VAE(2021)04rev2 Draft Recommendation containing Guidelines on Strengthening reporting systems on violence against children CDENF-GT-VAE(2022)01 Draft Explanatory Memorandum completing the draft Recommendation containing Guidelines on Strengthening reporting systems on violence against children CDENF(2021)19rev Reporting mechanisms and practices concerning violence against children in several Council of Europe Member States Reference documents: 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 CDENF-GT-VAE(2021)03 Draft survey on national reporting mechanisms on violence against children 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)

Wednesday, 9 March 2022 – 14:00 – 16:30 hrs		
	4.1 Draft Recommendation containing Guidelines on Strengthening reporting systems on violence against children (continued) *14:00:* *Presentation by Almudena Escorial,* *Head of Advocacy at Plataforma de Infancia, Spain* Continued revision of the draft Recommendation and Guidelines	CDENF-GT-VAE(2021)04rev Draft Recommendation containing Guidelines on Strengthening reporting systems on violence against children Reference documents: *See above*
Thursday, 10 March 2022 – 9:30 – 13:00 hrs		
4.	**4.1 Draft Recommendation containing Guidelines on Strengthening reporting systems on violence against children (continued)** Continued revision of the Explanatory Memorandum	Working documents: CDENF-GT-VAE(2022)01 Draft Explanatory Memorandum completing the draft Recommendation containing Guidelines on Strengthening reporting systems on violence against children CDENF(2021)19rev Reporting mechanisms and practices concerning violence against children in several Council of Europe Member States
5.	**Any other business**	
6.	**Date and place of the next meeting**	*7th meeting suggested for:* ***September 2022*** *(exact date to be confirmed), Strasbourg (or virtual)*
7.	**Closing the meeting**	

Annex II

List of Participants

MEMBERS

Portugal

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

Belgium

Mr Tim Stroobants *(excused)*
Director
Flemish Expertise Center on Child Abuse

Bulgaria

Mr George Ivanov *(excused)*
Head Expert
Politics and Programs for Children Department

Supported by: Ms Marga Stoyanova, Lawyer, Politics and Programs for Children Department, and
Ms Milena Anastasova, State Agency for Child Protection

Croatia

Ms Tatjana Katrić Stanić
Head of Sector
Coordination of Policies and Improvement of Social Welfare Centres Expert Work

Supported by: Ms Snjezana Frankovic

Czech Republic

Ms Diana Šmidova
Children's Rights Lawyer
Human Rights Department, Office of the Government of the Czech Republic

Iceland

Ms Heiða Björg Pálmadóttir *(excused)*
Government Agency for Child Protection, Ministry of Social Affairs of Iceland

Supported by: Mr Páll Ólafsson
Head of Consulting and Education
Department of Consulting and Education
Government Agency for Child Protection

Ireland

Ms Michele Clarke
Chief Social Worker
Department of Children, Equality, Disability, Integration and Youth

Italy

Ms Tiziana Zannini *(excused)*
First-level executive and Director General
Department for Family policies – Presidency of the Council of Ministers

Supported by: Ms Ester di Napoli, and Mr Marino di Nardo

By decision of the Committee of Ministers of 25 February 2022 at its 1426ter meeting, the rights of representation of the Russian Federation have been suspended.

OBSERVERS

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

Ms Tea Machaidze *(excused)*
Child Protection Officer

Missing Children Europe

Ms Louise Bonneau *(excused)*
Senior Policy and Advocacy Officer

DCI International (Belgium)

Ms Emmanuelle Vacher
Child protection officer

Mexico

Ms Eva Pizano Cejka

PARTICIPANTS

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

Ms Simona Florescu, PhD student, independent expert, Leiden University, Netherlands

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

Ms Almudena Escorial, Head of Advocacy, Plataforma de Infancia, Spain

SECRETARIAT

Ms Regina Jensdottir
Head of the Children's Rights Division

Ms Maren Lambrecht-Feigl
Programme Officer

Ms Mireya Garcia de Murcia
Assistant lawyer

Ms Audrey Winum
Project Assistant