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Committee of Experts on the Council of Europe Strategy for the Rights of the Child (DECS - ENF)

DRAFT MEETING REPORT

1st meeting

Prepared by the Children's Rights Division

Directorate of Human Dignity and Equality

1. Opening of the meeting

The meeting was opened by Ms Marja Ruotanen, Director of Human Dignity and Equality. Ms Ruotanen welcomed the participants of the Committee of Experts on the Council of Europe Strategy for the Rights of the Child (DECS-ENF), a sub-committee to the European Committee on Social Cohesion, Human Dignity and Equality. This new Committee was set up by the Committee of Ministers to place the development of the next Council of Europe Strategy for the Rights of the Child („the Strategy“) into the hands of the member States from the very beginning of the process. Ms Ruotanen reminded that the Committee had the task to take stock of the implementation of the current Council of Europe Strategy for the Rights of the Child 2012-2015 and to undertake a consultation on the next Strategy, including with the Network of National Co-ordinators on the Rights of the Child.

Ms Ruotanen underlined that the core values of the Council of Europe, human rights, democracy and the rule of law should be the cornerstones of the future Strategy. The DECS-ENF, Ms Ruotanen added, has the task to define priorities that are relevant for the organisation and its member States and build on the progress achieved under the current Strategy. In accordance with the general policy of the Council of Europe, the Strategy should focus on the monitoring and implementation of existing legal standards of the Council of Europe such as the Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) rather than on setting new standards. Ms Ruotanen underscored the importance of mainstreaming children’s rights into all policy areas, both at Council of Europe and at national level.

Ms Ruotanen announced that the elections of the Chair, Vice-Chair, bureau and Gender Equality Rapporteur would take place in the afternoon and asked for the Committee’s approval that Ms Regina Jensdottir, Council of Europe Children’s Rights Co-ordinator, chair the meeting ad interim during the first day.

2. Adoption of the agenda and order of business

The Agenda was adopted by the DECS-ENF as set out in Appendix I to this report. The list of participants is attached at Appendix II.

3. Presentation of the participants

The participants were asked to introduce themselves and state the expectations from the meeting. Many participants welcomed that the next Strategy will be developed with a stronger involvement by member States together with other external stakeholders. There also seemed to be a consensus that the next Strategy should take forward the strategic objectives of the current Strategy, while at the same time being open for new topics and innovative ideas. Other expectations include the wish for a built-in system of evaluation of the Strategy, the participation of children in the Strategy development, a focus on implementation of existing legal standards and on monitoring children’s rights and exchange of evidence-based good practices.

Some participants, in particular from countries that are currently developing national strategies or action plans on children’s rights, hoped for the Council of Europe Strategy to be a tool that can be used at national level. Topics mentioned to be included into the next Strategy were Children and the Internet and the social inclusion of vulnerable children, in particular children with disabilities and migrant children.

4. Election of the Chair and the Vice-Chair

The DECS-ENF proceeded with the election, by acclamation, of the Chair, Vice-Chair and a Bureau comprising three members.

The DECS-ENF

→ elected Ms Sophie Del Corso (France) and Ms Ina Verzivolli (Albania) respectively as Chair and Vice-Chair of the Committee. Mr Joost van Haelst (Belgium), Ms Ivana Milas Klarić (Croatia) and Ms Charlotte Palmstierna (Sweden, in absence) were elected as members of the Bureau.

5. The Council of Europe Strategy for the Rights of the Child 2012-2015: Information by the Secretariat and Council of Europe bodies on the state of implementation

Starting with an introduction by Ms Regina Jensdottir, members of the Inter-Secretariat Task Force on the Rights of the Child presented the respective achievements in the implementation of the current Strategy as well as challenges that are possibly relevant for the next Strategy. Ms Jensdottir introduced the three policy cycles that Programme „Building a Europe for and with Children“ has undergone since its launching in 2006. Regarding the current third cycle, Ms Jensdottir recalled that the focus lies on the actual implementation of Council of Europe standards through strengthened monitoring and co-operation activities. The subsequent presentations of other members of the Secretariat and Council of Europe bodies were divided according to the four thematic areas of the Strategy and are available on the [DECS-ENF website](#).

Promoting child-friendly services and systems

Ms Agnes von Maravic, Secretary of the Committee, explained that questionnaires are being prepared in co-operation with the European Committee for Social Cohesion, Human Dignity and Equality (CDDECS) as a follow-up to the [Recommendation on children’s rights and social services friendly to children and families](#) and the Guidelines on [child-friendly health care](#) (both adopted by the Committee of Ministers in 2011). With regard to the latter, she recalled that the Council of Europe discontinued its activities on health matters and therefore has very limited resources to follow-up on the Guidelines. Therefore, a close cooperation with the WHO on this issue could be envisaged.

Mr Philippe Krantz presented the work plan for the promotion of the Council of Europe [Guidelines on Child-friendly Justice](#), of which the European Committee on Legal Co-operation (CDCJ) had taken note at its meeting in October 2014. An informal network on **child-friendly justice** has been set up and the website www.coe.int/childjustice, where 22 language versions of the Guidelines are available, will be relaunched. A regional approach bringing together member States with similar judicial systems is being pursued in order to provide an opportunity to share good practices. A first meeting involving 11 member States of the Baltic Sea Region in February 2015 will explore child-friendly ways to gather, take and protect child evidence.

Mr Villano Quirazi reported on the activities undertaken to promote [Recommendation CM/Rec \(2012\)13 on ensuring quality education](#), which claims access to learning for all and a non-violent learning environment that recognizes everyone’s learning and social needs. Two co-operation projects on inclusive education (South East Europe) and education for youth at risk are currently implemented. New projects in 2016 include **digital citizenship education** and education for children at risk.

Ms Yulia Pererva informed the DECS-ENF that the **Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education** covers all four objectives of the Strategy for the Rights of the Child. A **child-friendly version** of the charter and a range of cartoons based on a children's comic strips competition are available on www.coe.int/edc. Ms Pererva also presented the „Human Rights and Democracy in Action“ Pilot Project Scheme jointly funded by the Council of Europe and the European Commission and announced an evaluation conference on the implementation of the Charter to be held in 2017.

Eliminating all forms of violence against children

Ms Gordana Berjan recalled the overarching Council of Europe standard in the field of **violence against children**, the **Policy guidelines on integrated national strategies for the protection of children from violence**. She added that in addition to promoting integrated and strategic approaches to violence at national level, the Children's Rights Division currently focuses on the issues of sexual violence and corporal punishment. She referred to the 35th anniversary of Sweden's ban on all corporal punishment of children and the Council of Europe's readiness to support member States in implementing a ban if they so wish. Ms Berjan announced the following events:

- High-level cross-regional meeting of the UN Special Representative of the Secretary General on Violence on sexual violence, positive parenting and early childhood, 18-19 June 2015 in Strasbourg
- International Summer School on realising children's rights through empowering parents, families and communities”, organised in co-operation with Eurochild and UNESCO Child and Family Research Centre in June 2015 at Galway University (Ireland),
- High level event on ending corporal punishment of children, Austria, 2016

Ms Gioia Scappuci updated the DECS-ENF of the 47 signatures and 34 ratifications so far of the **Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse** and said that the so-called Lanzarote Convention is also open for accession for non-member States. The Convention criminalises all possible kinds of sexual offences against minors (including sexual abuse, child prostitution, pedopornography, and grooming and corruption of children through exposure to sexual content and activities). The Committee of the Parties (Lanzarote Committee) monitors the implementation of the Convention through a thematic approach across countries and also provides a platform for information sharing.

Ms Joanne Hunting informed the Committee of the activities of the **Congress of Local and Regional Authorities** in the areas of violence against children and in particular on its contribution to the **ONE in FIVE campaign** to stop sexual violence against children: www.coe.int/congress-oneinfive. She announced that the Congress' Current Affairs Committee has approved Thematic Spokesperson on Children, Johan van den Hout's (Netherlands, SOC) proposal to draft a report on „Championing children's rights in times of austerity: local and regional authorities' responsibilities“. The report will be debated in the Congress' 29th session in October 2015.

Mr Markus Lehner stated that the Group of Experts on Action against **Trafficking in Human Beings** (GRETA) is about to finish its first evaluation round. In its reports, GRETA systematically addressed the issue of trafficking in children and will do so even more specifically in the questionnaire for the second evaluation round, which was launched in May 2014. Questions include what countries do to reduce children's vulnerability to trafficking and create a protective environment for them children and if a system of registration of children at birth exists. The first reports will be published in autumn 2015.

Ms Ilina Taneva presented the work of the **Council for Penological Co-operation (PC-CP)**, which drafted Recommendation CM/Rec(2008)11 on the European Rules for juvenile offenders subject to sanctions or measures. A draft [report on violence in institutions of juvenile offenders](#) by Prof. Ton Liefwaard was approved by the PC-CP Plenary in November. While the 37 replies to the questionnaire provided much information about violence among juveniles, little data was given on violence exercised by staff against the juvenile detainees. The PC-CP also decided to study in more detail the issue of violence involving detained girls.

Mr Julien Attuil informed the Committee about the work of the **European Committee for the Prevention of Torture (CPT)**, which during its visits to about 20 countries per year often meets with children deprived of their liberty and has made many recommendations to member States regarding children in detention. An even stronger focus on children is given by the CPT following a report by Prof. Ursula Kilkelly from 2012 that examined the Committee's potential to protect the rights of children in detention. The Committee will publish in 2015 a revised version of its standards on children deprived of their liberty in the criminal context.

Recalling [Recommendation CM/Rec\(2010\)2](#) on deinstitutionalisation and community living of children with disabilities and the organisation's general commitment to de-institutionalisation, Ms Susie Morgan presented the Council of Europe's key tools, developed together with SOS Children's Villages, to promote the rights of children in care: „Discover your rights“, a comic-style booklet informing children in care about their rights, and „Securing children's rights“ a guide for professionals working in care. A consultant is currently undertaking a baseline study on the capacity of care professionals working with children in alternative care to adopt a child rights-based approach to their practice. Another part of the process scheduled for 2015 is to use the tools available in grouped settings in a number of pilot countries for a set of training for trainers activities. A week long training for trainers event will occur in Budapest in November 2015.

Mr Michaël Guet informed the DECS-ENF about the transversal work of the [Special Representative of the Secretary General for Roma Issues](#). These include assistance to member States in furthering enrolment in schools and putting an end to school segregation. The Ad Hoc Committee of Experts on Roma issues (CAHROM) endorsed several thematic reports addressing Roma children's education. A visit of experts to the Czech Republic in November 2014 focused on Roma children in pre-school age. Other CAHROM thematic groups scheduled for 2015 will address the issues of early marriages of Roma girls (visit to Romania), as well as street children and prostitution in the context of human trafficking (visit to Albania). Mr Guet suggested that in the framework of the next Strategy, a child-friendly version of the [DOSTA](#) campaign toolkit could be developed and suggested that the CAHROM Rapporteur on Roma children could be invited to one of the next meetings of the DECS-ENF for an exchange of views. He also invited the Committee to appoint a rapporteur on Roma children (see other business).

Ms Andrea Krznar, member of the Committee of Experts on the **Rights of People with Disabilities (DECS-RPD)** updated about the Council of Europe Disability Action Plan 2006-2015, which is currently being evaluated and a new strategy being developed. Referring to the conclusions of the Conference on full inclusion of children and young people with disabilities in society (Brussels, November 2013) and Recommendation CM/REC(2013)3 on full inclusion of children and young people with disabilities, Ms Krznar stressed the need to regard children with disabilities not as a separate, vulnerable group, but just as any other children. The main challenges children with disabilities face today are stereotypes and lack of respect, low level of participation, lack of access to appropriate services, low standard of living and isolation through segregation in schools and specialized institutions (see Appendix III).

Referring to [Recommendation CM/Rec\(2010\)5 on measures to combat discrimination on grounds of sexual orientation or gender identity](#) as the first international legal instrument against discrimination on the grounds of sexual orientation and gender identity, Mr Joakim Smedman presented the work of the **Sexual Orientation and Gender Identity (SOGI)** unit of the Council of Europe on LGBT children. He informed about a [report of the Parliamentary Assembly](#) on children's right to physical integrity, which mentions surgeries of intersex children. For the future, Mr Smedman proposed a joint hearing with the Children's Rights Division on the rights of transgender children and said this group of children should be included in the next Strategy as a vulnerable group.

Ms Lilja Grétarsdóttir reported on the work of the Council of Europe **Migration** Co-ordinator, who issues a monthly newsletter with information on relevant Council of Europe activities on migration, asylum and integration. She stressed the need to particularly address irregular migrant children and make age-assessment procedures, which often are a traumatic experience for children, more child-friendly and dignified.

Ms Sevinj Fatalyeva, member of the Committee on Social Affairs, Health and Sustainable Development of the **Parliamentary Assembly of the Council of Europe (PACE)** reported on the activities of the Parliamentary Assembly on children. The PACE has adopted resolutions and recommendations on a wide range of topics including combating child abuse images, child abuse in institutions, inter-country adoptions, juvenile justice, and fighting sex tourism. Reports are currently in preparation on care for children with attention problems, child removal practices, oversexualisation, and access to child-friendly health care and social services. Ms Fatalyeva also presented the activities of the Network of Contact Parliamentarians for the ONE in FIVE Campaign to stop sexual violence against children, which has held more than 20 debates and many national activities on issues around sexual violence and successfully promotes the ratification of the Lanzarote Convention. As topics for the future Strategy, Ms Fatalyeva proposes to include the impact of austerity measures on children, equal development opportunities for all children and young people and the continuous protection of children from sexual violence.

Ms Jensdottir informed about the request by the Committee of Ministers to the DECS-ENF to take note of two **recent recommendations of the Parliamentary Assembly** on immigration detention of children and child poverty. Regarding the former she suggested that, despite the limited resources available on migration issues, the Secretariat might look into the possibility of launching a feasibility study.

Following the discussions, the DECS-ENF

→ took note of Recommendation 2056(2014) of the Parliamentary Assembly on the alternatives to immigration detention of children and instructed the Secretariat to explore, through the Inter-Secretariat Task Force for Children's Rights, and in particular the Council of Europe Coordinator on Migration, the feasibility of launching a study on child immigration detention.

→ took also note of Recommendation 2044 (2014) of the Parliamentary Assembly on Ending child poverty in Europe and the reply by the Committee of Ministers.

The next speaker was Mr Gérard Greneron, Vice-Chair of the Human Rights Committee of the **Conference of INGOs** of the Council of Europe. Mr Greneron spoke about the activities of the INGO Conference and stressed in particular the problematic situation of non-accompanied migrant minors who are often

exploited for work, Roma children and children with disabilities that should be addressed in the next Strategy.

Promoting child participation

Ms Gordana Berjan updated the DECS-ENF on the work done to implement [Recommendation CM/Rec\(2012\)2 on the participation of children and young people under the age of 18](#), which is based on Article 12 of the UNCRC. An assessment tool has been developed to evaluate the level of implementation of children's right to participation at national level and will enable states to measure child participation over time. The tool is currently being tested in Estonia, Ireland and Romania. The feedback on the Tool and data generated during these pilots will be discussed at an evaluation meeting in spring 2015. A final version of the Tool will be ready by autumn 2015.

Information by the European Union and international organisations

Ms Margarete Tuite reported on the activities of the **European Commission** in the fields of [child-friendly justice](#), where the Commission promotes the use of [the Council of Europe Guidelines](#) and took them into account in legal instruments such as in proposal for a directive on special safeguards for [children suspected or accused in criminal proceedings](#). A study is currently being done to collect data on children's involvement in criminal, civil and administrative judicial proceedings. The data and reports on criminal proceedings were published in June. The remaining data will be available in the first half of 2015. In the field of child participation, an evaluation is being carried out on legislation, policy and practice on the child's right to be heard in EU Member States and outputs include individual country reports, a resource catalogue and a collection of good practice, and the results will be published in the first half of 2015. Ms Tuite also referred to the study on [missing children in Europe](#), which included a focus on missing runaways from care and unaccompanied children. Lastly, Ms Tuite mentioned that the European Commission was currently exploring the possibility of setting up a more formal framework of co-operation between the Commission and the Council of Europe in the field of children's rights.

Ms Elda Moreno spoke about the work of the **UN Special Representative on Violence against Children (UNSRGVAC)** and recalled that the Council of Europe has been working as a regional platform for the implementation of the recommendation of the UN Global Study on Violence against Children since 2006. She stressed the need for a two pronged approach, promoting both integrated strategies to protect children from violence and the building of a culture of children's rights. Ms Moreno underlined the importance of violence prevention in the pre-school age through positive parenting as set out in Council of Europe [Recommendation Rec\(2006\)19 on policies to support positive parenting](#). She announced that a Cross-Regional Round Table on violence against children convened annually by the UNSRSGVAC will be hosted by the Council of Europe on 18-19 June 2015.

Ms Michaela Bauer informed the DECS-ENF about the current priorities of **UNICEF** in the CEE-CIS region and stressed the importance of the Council of Europe as a regional partner. Underlining the need for an approach based on evidence and data, Ms Bauer shared some relevant statistics from the CEE-CIS region regarding children with disabilities, institutional care, Roma children, gender-based abortions (girls), teenage suicide (boys) and said a focus should be on the most vulnerable children and adolescents. Ms Bauer also identified a number of areas of co-operation with the Council of Europe, including justice for children, activities in the Eastern Partnership countries, inclusive education and education for children at risk.

Ms Valentine Sébile introduced the work of the **Organisation le la Francophonie** (OIF), comprising 54 member States and 23 observers, with in some member States more than 50% of the population being under the age of 18. OIF has an network of 16 institutions that organise trainings on children issues, e.g. with the police force, works a lot with civil society and has a group of experts on children's rights.

6. The Council of Europe Strategy for the Rights of the Child 2016 and beyond

6.1 Possible elements of the Strategy

Commissioner for Human Rights

The Commissioner for Human Rights, Mr Nils Muižnieks held an exchange on children's rights in his work, which is set out in Appendix IV to this report. The main challenges to children's rights the Commissioner identified during his country visits are:

- Segregation in education of Roma children and children with disabilities
- Statelessness of children
- Violations children's rights in migration and asylum processes
- The impact of austerity measures on children
- Juvenile justice and in particular detention of children
- Violence against children (tends to grow in the context of the economic crisis)
- LGTB and intersex children
- Children's rights on the Internet

In the exchange that followed, Mr Benoît van Keirsbilck drew attention to the need to assess the monitoring of detention places for children and to set up functioning complaint mechanisms for detained children. He informed participants about the Call for a Global Study on Children Deprived of Liberty as well as about the project "[Children's Rights Behind Bars](#)". The project aims at improving the implementation of international juvenile justice standards to protect the rights and needs of children deprived of their liberty. The project will culminate in a practical Guide to be used by professionals when visiting places of deprivation of liberty, particularly juvenile detention facilities.

The Commissioner agreed and stated that usually national complaint mechanisms for detained persons are not focused on the needs of children and juvenile detainees.

The representative of Estonia announced that with the adoption of a new child protection law, corporal punishment will be banned in all settings and citizenship will be given to all children automatically at birth. As regards the intersex children, only two such cases are known to have occurred in the past 10 years in Estonia; the current practice of doctors deciding on the child's sex and ensuing surgery needs revision.

The Commissioner replied that approximately on in 2000 children born have characteristics of both sexes and that in 2013 Germany became the first European country to recognize a third gender for babies born with ambiguous genitalia.

The representative of UNICEF stressed the need to look not only at children in detention, but at access to justice for children in a broader sense, which is clearly deficient in many countries.

Presentation on member States' priorities

Ms Greijer, independent consultant, summarized the outcomes of a consultation of the members of the Network of National Co-ordinators on Children's Rights carried out in early 2014 and of the Mid-term Review Conference in Dubrovnik in March 2014 as regards elements for the next Strategy. Ms Greijer identified a strong support among member States to continue working on:

- child-friendly services and systems (in particular child-friendly justice and parenting/family support);
- violence against children (in particular sexual violence, corporal punishment, violence in schools and in the media/cyberspace, oversexualisation of children in the media);
- children in vulnerable situations (in particular children in alternative care and children with disabilities; multiple vulnerabilities; effects of the economic crisis);
- child participation.

In addition, member States found the following topics relevant for the future Strategy:

- the impact of austerity measures and increasing child poverty and social exclusion;
- the risks and opportunities that come with children's use of new information and communication technologies.

As regards working methods, several member States asked for a better evaluation of the effects of Council of Europe standards and policies at national level. A stronger involvement of member States as well as children in shaping the Strategy was also mentioned by some member States.

Working groups

After the presentations, the DECS-ENF split into working groups to discuss the following questions:

1. What can the Council of Europe do to promote the implementation of the Council of Europe Guidelines on child-friendly justice?
2. What can the Council of Europe do to promote child-friendly social services as defined in the Recommendation on social services friendly to families and children?
3. What can the Council of Europe do to promote positive parenting and the elimination of corporal punishment of children?
4. What can the Council of Europe do to support member States in developing integrated strategies to protect children from violence?
5. What can the Council of Europe do to support member States in the collection of data on sexual violence and implementation of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse?
6. How can the Council of Europe support the realisation of children's rights in times of economic austerity?
7. What can the Council of Europe do to develop further the measurement and collection of data on child participation in member States?

The results of the discussions as presented to the Plenary are included in Appendix V to this report and will be taken into account by the Secretariat when preparing the first draft of the Strategy.

6.2 Process of developing the next Strategy

Questionnaires

The discussion was opened by Regina Jensdottir, who expressed her satisfaction that member States' request for a stronger and earlier involvement in the development of the next Strategy has been met by the setting up of the DECS-ENF. Ms Agnes von Maravić presented three draft questionnaires to be sent to member States, NGOs and international organisations respectively. Part I of the questionnaire for member States will evaluate progress under the current Strategy. Part II entails questions on the future Strategy. In the discussion that ensued, the special situation of DECS-ENF members who are ombudspersons was raised. Member States also asked for an extension of the initially foreseen two months to reply to the questionnaire.

Following the discussions, the DECS-ENF

→ decided that ombudspersons for children would be consulted separately from member States. For those member States that appointed an ombudsperson as sole representative in the DECS-ENF, the members of the CDDECS will be responsible for the national reply.

→ clarified that each member State, also those with a federal structure, will have to submit one national reply. In case of differing views within a member State, additional information can be provided at the end of the questionnaire.

→ agreed that member States will have three months to fill in the questionnaire.

Involvement of children

Ms von Maravić recalled that children's views on the topics to be included into the last Strategy were obtained through an in-depth secondary study of reports on consultations with children held in the past years. The study was based on a large number of consultations carried out nationally and internationally by ombudspersons, NGOs, the Council of Europe and other organisations. The Secretariat would have liked to hear the views of the DECS-ENF whether this approach should be followed again and/or a more direct participation of children envisaged, potentially on a specific theme (e.g. related to Internet issues). For reasons of lack of time at the end of the meeting, there was only a short discussion. The following points were mentioned:

- Participation of children in the development of the Strategy is important;
- The next Strategy should foresee a permanent process to involve children;
- It is important to base the Strategy on existing data about children's views and makes sense to re-use the results of previous consultations;
- It may make more sense to involve children at national than at European level.

Following the discussion,

→ the following members of the DECS-ENF volunteered to support the Secretariat in finding ways to meaningfully involve children in the development of the next Strategy: Ms Malvina Govaert (Belgium), Ms Gudridur Bolladottir (Iceland), and Ms Elise Skarsaune (Norway).

7. Panel Discussion on children's rights in the digital environment

The Chair, Ms Sophie Del Corso, opened the discussion by stating the importance of the subject and thanking the Secretariat for having put it on the agenda of the meeting.

Ms Jensdottir referred to the wish expressed by many member States that the Council of Europe should provide guidance on the opportunities and challenges linked to children's use of the Internet and other Information and Communication Technologies (ICT). To provide a basis for the discussion, the Secretariat had invited member States to present national good practices that either make use of the Internet to enhance children's rights or respond to risks and challenges linked to ICT. The websites presented by DECS-ENF members are listed and described in Appendix VI to this report.

Mr Johan Friestedt from the Secretariat of the **Convention on preventing and combating domestic violence and violence against women** (Istanbul Convention) informed the DECS-ENF that Art. 17 of the Convention contains a legal obligation for State Parties to „develop and promote, in co-operation with private sector actors, skills among children, parents and educators on how to deal with the information and communications environment that provides access to degrading content of a sexual or violent nature which might be harmful.“

The Secretariat presented the Online Game „**Through the Wild Web Woods**“, which is available in 27 languages. An update and development of a tablet application of the game is planned for 2015 thanks to a Voluntary Contribution from Luxembourg.

Ms Christina Lamprou, bureau member of the **Steering Committee on Media and Information Society** (CDMSI), gave a presentation of the activities of the CDMSI and in particular the Council of Europe Internet Governance Strategy 2012-2015 and the **Human Rights Guide for Internet Users**, adopted by the Committee of Ministers in 2014 (see Appendix VI). A new Internet Governance Strategy is currently being developed. Activities on children will be closely co-ordinated with the Children's Rights Division.

Mr Lee Hibbard, **Council of Europe Internet Policy Co-ordinator**, added that co-operation with business actors is crucial for the implementation of the human rights standards in the Internet field. The Council of Europe is an active member of the European Dialog on Internet Governance (**EuroDIG**). The next meeting takes place on 4-5 June in Sofia, Bulgaria.

Mr Villano Quiriazzi presented the plans for a new project on **Digital Citizenship** within the Council of Europe Education Sector. Objectives will be to integrate digital competences in school curricula, focusing both on opportunities and risks. Mr. Quiriazzi stressed that the project will be conducted in close co-operation with the Children's Rights Division and Information Society Department.

The representative of the French-speaking Community of Belgium reported on data collected among children in Belgium, which showed that ICTs play an essential role in children's lives starting at the age of 5-6. She underlined the emotional importance of new technologies for children, which can be consoling and comforting in particular for children in difficult circumstances and create a sense of belonging. 5% of children in Belgium do not have access to the Internet, which limits the enjoyment of social and cultural rights.

The representative from Iceland added that the debate on children and the Internet is sometimes too much focused on risks and not enough on opportunities and that empowering and involving children is critical.

Ms Jensdottir then introduced the work of the **Lanzarote Committee** on the implementation of Article 23 of the Lanzarote Convention concerning the online solicitation of children for sexual purposes, otherwise known as “grooming”. An opinion on grooming was discussed at the December meeting of the Committee and will be adopted in 2015.

In her presentation that followed, Ms Patricia Manson, Head of the Unit for Inclusion, Skills and Youth in DG Connect of the **European Commission**, presented the wide spectrum of work done by the European Union in the area of children and ICT. Ms Manson introduced the 2012 Communication on a [European Strategy for a Better Internet for Children](#), which proposes a series of actions grouped around the following goals:

- Producing creative and educational online content and positive online experiences for children
- Scaling up awareness including teaching of digital literacy and online safety in all EU schools
- Creating a safe environment for children through age-appropriate privacy settings, wider use of parental controls and age rating and content classification
- Combating child sexual abuse material online and child sexual exploitation

Given that technologies develop at a very fast pace, the Commission relies on legislation only for general principles and complements it through self-regulation mechanisms developed by and with industry and civil society such as the „CEO Coalition to make a better Internet for kids“, which commits signatories to take action in the following five areas:

- Simple and robust reporting tools for users
- Age-appropriate privacy settings
- Wider use of content classification
- Wider availability and use of parental controls
- Effective takedown of child sexual abuse material

DG Connect provides funding for research, the Safer Internet Centers and other purposes through the Connecting Europe Facility. As regards needs for the future, Ms Manson stressed the need to acknowledge that the Internet is a part of children’s „real“ life, to strengthen awareness raising in particular of parents, to build public-private partnerships and to conduct more research, e.g. on the psychological aspects of children in the digital environment.

Ms Elda Moreno presented key findings of the **UNSRSGVAC** study „[Realizing children’s potential and minimizing risks. ICT’s, the Internet and Violence against Children](#)“. Ms Moreno underlined the importance of understanding children’s experiences and expectations regarding the Internet and of working with governments, civil society and corporate actors to maximize the opportunities and minimize the risks.

Ms Sonia Livingstone gave a presentation on „**Children’s rights in the digital age. What we know and what we don’t know**“, which was highly appreciated by the participants. The presentation is available on the [DECS-ENF website](#).

The presentation was followed by a **panel discussion** with Ms Jasmina Byrne from the Unicef Office of Research, Ms Olga Khazova, member of the UN Committee on the Rights of the Child, Ms Elizabeth Milovidov, Crossing Guard Consulting, and Ms Janice Richardson, Senior Advisor for Insafe/European Schoolnet. Slides of the panellists are available on the [DECS-ENF website](#).

The main elements of the the panellists and the ensuing discussion with the participants are the following:

- Access to the Internet is a fundamental right which is not a reality for all children, in particular disadvantaged children (girls, with disabilities, minorities, in poverty)
- Need to strike a balance between opportunities and risks
- Need to create opportunities for children to use the Internet for active participation and civic engagement
- Important role of parents, but also older siblings, grandparents and other carers. Need for parents to communicate with children, get and stay involved and use their offline parenting skills online.
- Cross-cutting theme that needs to be mainstreamed into all relevant areas of government
- Multi-stakeholder approach is needed (public sector, civil society, business, children, parents and educators)
- Importance of training of professionals, in particular teachers, in digital literacy
- Need for more evidence and research on children's use of and views on the Internet
- Questionable practice of parents increasingly using surveillance software to monitor their children
- Protecting children through limiting and monitoring their access to the Internet vs. letting them explore the „dark sides“ of the Internet and building their resilience to deal with risks.

At the end of the discussion, the Chair thanked the experts for their outstanding contributions and the participants for their active contributions to the debate and said this provided an excellent basis for the future work of the Council of Europe in the area.

8. Dates and places of the second and third meetings in 2015

The 2nd meeting of the DECS-ENF will take place on 12 and 13 May 2015 in Strasbourg.

The dates of the 3rd meeting are not confirmed yet. It will most likely be organised together with the meeting of the National Co-ordinators on Children's Rights and in co-operation with the UN Committee on the Rights of the Child and UNICEF in Geneva in autumn 2015.

9. Other business

Ms Aneta Majerčíková (Czech Republic) was elected Gender Equality Rapporteur of the DECS-ENF.

Following the proposal by the Secretary of CAHROM, Mr Michaël Guet, the DECS-ENF elected Mr Tuomas Kurttila (Finland) rapporteur on Roma children of the DECS-ENF.

Appendix I

Committee of Experts on the Council of Europe Strategy for the Rights of the Child (DECS - ENF) 1st meeting

Opening of the meeting: Thursday, 13 November 2014 (9.30 am)

Close of the meeting: Friday, 14 November 2014 (4.00 pm)

AGENDA

1. **Opening of the meeting**
2. **Adoption of the agenda and order of business**
DECS-ENF(2014)OJA1 rev.2 – Draft annotated agenda
DECS-ENF(2014)OB1 – Draft order of business
3. **Presentation of the participants**
4. **Election of the Chair and the Vice-Chair**
Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods
5. **The Council of Europe Strategy for the Rights of the Child 2012-2015: Information by the Secretariat on the state of implementation**
Text of the Strategy 2012-2015
Progress Report on the Strategy 2012-2015
Report of the Mid-Term Review Conference, Dubrovnik, 27-28 March 2014
6. **The Council of Europe Strategy for the Rights of the Child 2016 and beyond:**
DECS-ENF(2014)2 – Information document and work plan
DECS-ENF(2014)3 – Analysis of the replies to a questionnaire to the Network of Children's Rights Coordinators
Recommendation 2056(2014) of the Parliamentary Assembly on the alternatives to immigration detention of children, and Committee of Ministers' decision
Recommendation 2044 (2014) of the Parliamentary Assembly on Ending child poverty in Europe and reply by the Committee of Ministers
 - a) **Possible elements of the next Strategy**
 - b) **Process of developing the Strategy**
7. **Panel discussion on children's rights in the digital environment**
DECS-ENF(2014)4 rev 2 – Children and ICTs in the Council of Europe
CDMSI(2014)Misc10 – Protecting children's rights in the digital environment
8. **Dates and places of the second and third meetings in 2015**
9. **Other business**
10. **Closing of the meeting**

Appendix II

Committee of Experts on the Council of Europe Strategy for the Rights of the Child (DECS - ENF) 1st meeting

Opening of the meeting: Thursday, 13 November 2014 (9.30 am)

Close of the meeting: Friday, 14 November 2014 (4.00 pm)

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Appendix III

COMMENT ON BEHALF OF THE COMMITTEE OF EXPERTS ON THE RIGHTS OF PEOPLE WITH DISABILITIES (DECS-RPD) FOR THE DECS-ENF MEETING,

13-14 November 2014

DECS-RPD has the task of promoting and monitoring the implementation of the CoE Disability Action Plan 2006-2015. The Disability Action Plan recognizes that children with disabilities are one of the groups which face specific barriers or experience two-fold discrimination that require a cross-cutting response. The number of recommendations concerning children with disabilities¹ and numerous activities on these topics organized in member states clearly show the importance of the work at CoE level.

Bearing in mind the importance of cross-sectoral cooperation and mainstreaming when it concerns the rights of people with disabilities, the Committee of experts on the rights of people with disabilities was represented at numerous events organized by other bodies and institutions, including the mid-term review Conference organized in Dubrovnik this year. This conference was a good opportunity to evaluate where we are and in which direction we should all go in our future actions concerning the rights of children with disabilities.

In the context of creating a framework for a new children's rights strategy, it is important to underline the findings of the **Conference on full inclusion of children and young people with disabilities in society** which was held in **Brussels in November 2013**, following the Rec CM/REC(2013)3 on full inclusion of children and young people with disabilities:

Participants in that conference concluded that the process of ensuring inclusion of children and young people with disabilities in society has made considerable progress in recent years but also they underlined that the situation in general is far from being satisfactory. Firstly, these children are facing numerous stereotypes which often means that their rights are not respected because people tend to look at their disability rather than their abilities. Secondly, the level of child and young people's participation remains low, often because of lack of suitable information or lack of access to services. In situations like these, families of these children feel isolated and have difficulties to ensure an adequate standard of living which, unfortunately, often leads to placement of children in specialized institutions implying exclusion from the community.

Moving from segregation to full inclusion seems to go too slowly. Reasons for this can be found in the lack of individual support and early intervention programmes, the inadequacy of appraisal methods and the lack of resources for implementing policies, which has even worsened lately due to the impact of the economic crisis. Poor cross-sectoral cooperation is also recognized as one of the obstacles to the full inclusion of children with disabilities.

¹ - CM/REC(2009)9: Education and social inclusion of children and young people with autism spectrum disorder
 - CM/REC(2010)2: Deinstitutionalization and community living of children with disabilities
 - CM/REC(2012)6: Protection and promotion of the rights of women and girls with disabilities
 - CM/REC(2013)2: Full inclusion of children and young people with disabilities in society
 - CM/REC(2013)3: Full, equal and effective participation of persons with disabilities in culture, sports, tourism and leisure activities

The conference showed that it is vital to adopt and implement the measures that take into account the specific situation of children and young people with disabilities and which help them to meet specific needs. In order to be effective, the approach must be *participatory*, *cross-sectoral* and *proactive*. Also, it is important to underline that full inclusion of children and young people with disabilities in society means not only ensuring that they can live in a community with appropriate assistance but also, making society as open as possible to human diversity.

As the CoE Disability Action Plan is in its last year of implementation, DECS-RPD has established a Taskforce to draft an evaluation report on past activities, recognizing existing challenges and recommendations for the future period. Also, the Taskforce is assigned to develop consolidated proposals for the post-2015 disability framework in which the findings will also be taken into account. Still, it is necessary that all these issues are given special consideration by the DECS-ENF when developing a framework for the new strategy on children's rights, but within the scope of the mainstream approach.

COMMENT REGARDING USE OF ICT FOR CHILDREN WITH DISABILITIES

Digital technology and the opportunities it offers are great - there is no doubt about that. Still, we have to be careful with it and use it in a way that does not lead to the exclusion of children with disabilities again.

The educational system has to be adjusted and accessible so that children with disabilities participate in it on an equal basis with other children. It can be accepted that a child with a disability is not physically attending school if he/she is temporarily unable to do so because he/she is in a hospital or in similar cases. But it should not be acceptable that a child with disability is forced to use technology in order to be included in the educational process at home, because school failed to ensure preconditions for including the child in daily classes, allowing him/her to be with other pupils, surrounded by his/her peers, experiencing real classroom surroundings.

The achievements in the ICT field should be used as a means of assistance, in order to facilitate inclusion in society of children and persons with disabilities, but in no way as a replacement for everyday life experience.

Appendix IV

Speech by Mr Nils Muižnieks, Commissioner for Human Rights

Ladies and Gentlemen,

Thank you for inviting me to take part in your first meeting and to contribute to your reflection on the next Council of Europe strategy for children's rights on the basis of my experience regarding children rights' violations in Europe.

Children's rights are among the priorities I set at the beginning of my mandate. More specifically, when I took office in April 2012, I decided to concentrate on the following issues: the persisting segregation of entire groups of children in education; the fact that children continue to be born and raised stateless, and thus rightless; and violations of the rights of children in asylum and migration processes.

After two and a half years of work and about 25 country visits, I see that these priorities are indeed major human rights challenges in several European countries. I would like to start by giving a few examples of this, and then highlight a few other topics pertaining to children's rights that I also came across with. In fact, I have raised concerns about respect for children's rights in about half of the countries I visited so far.

Segregation in education

Firstly, let me mention the issue of the segregation of entire groups of children in the educational system, which I have raised with the authorities of the following countries: the Czech Republic, France, Hungary, Montenegro, Portugal, the Netherlands, Romania, Spain and "the former Yugoslav Republic of Macedonia". The children most affected by this problem are Roma children and children with disabilities, in particular those with intellectual and psycho-social disabilities.

Segregation in education is probably one of the worst forms of discrimination. It deprives children of their right to access quality education on an equal footing with other children and to develop their potential to the fullest possible extent. As a rule, these children receive lower quality education, which often dooms them to a life of social exclusion and poverty.

I have asked states where Roma children are taught in separate classes or schools to prohibit segregation, and to publicly commit to ambitious and measurable de-segregation plans with targets and timelines for integration of all children in mainstream schools.

The same goes for children with disabilities whose right to be educated in inclusive mainstream schools, with adequate support where necessary, is not yet implemented and in fact, not fully understood. This requires additional support for pupils, teachers and parents and, in general, a much better implementation by schools of the principle of reasonable accommodation, enshrined in the UN Convention on the Rights of Persons with Disabilities.

Stateless children

About 680 000 persons are still stateless in today's Europe and many of them are children. In some cases, this is the result of state succession combined with widespread discrimination against some groups (typically, ethnic minorities). In other cases it is a consequence of migratory processes combined with incompatible legislations on the acquisition of nationality. Whatever the case, it is unacceptable that children continue to be born stateless in Europe today.

I have raised this issue during my visits to Estonia, "the former Yugoslav Republic of Macedonia", Montenegro and the Netherlands. States should make sure that children who are at risk of statelessness at birth acquire the nationality of the state in which they are born. States should also take measures to ensure adequate registration of all births. They should put in place statelessness determination procedures so as to identify persons in this situation and ensure better protection of their rights (in particular, in the case of children, the right to education, access to health and social services, to adequate living standards and to protection against violence and abuse). Eventually, such mechanisms should ease access to naturalisation.

The rights of children in asylum and migration

As for children involved in migration and asylum proceedings, I have analysed their situation in Denmark, [France], Greece, [Hungary] and the Netherlands. The main problem, which I highlighted for instance in my report following the visit to Denmark, is that although the authorities are obliged under international law (UN CRC) to treat the best interests of children as a primary consideration in all their actions and decisions, in practice they tend to give priority to other concerns, especially connected with immigration control.

Moreover, a number of member states throughout Europe continue to detain children on the grounds of their or their parents' lack of a legal status. I believe that immigration detention of children should stop, -- children should not be detained, neither when they are on their own, nor as part of their family.

In Greece, I expressed deep concern about the treatment of unaccompanied minor migrants, who are either detained in inadequate conditions or left in the street with no protection at all. I met with young unaccompanied migrants who were sleeping rough in one of Athens' parks and were regularly victims of violence by the police and by members of the Golden Dawn. During a recent visit to France, I also met with unaccompanied migrant children who were forced to sleep in parks in the north of Paris as no accommodation was available to them.

Other topics

Let me now mention a few other important topics I have dealt with. Firstly, in a number of countries, I found that austerity measures implemented by states as a result of the economic and financial crisis have had a disproportionate impact on children.

In Estonia, the Netherlands, Portugal and Spain, cuts in child-care allowances and in social and healthcare budgets in general have led to an increasing number of children living in poverty, and in reduced access to adequate health and social services.

But budgetary restrictions have also had a harmful impact on other children's rights. As regards the right to education, for instance, cuts in budgets previously allocated to assist disadvantaged children (such as children with disabilities, Roma children and migrant children) in mainstream education have placed these children at a higher risk of ending in remedial education or dropping-out. In Portugal, concerns were raised about a possible resurgence of child labour, partly as a result of growing school drop-out rates.

In Estonia, I found out that austerity budgets have had a negative impact on the capacity of child protection services to prevent child rights violations as well as on support provided to children in alternative care.

In Spain, the growing number of housing evictions on grounds of non-repayment of mortgage have had a heavy impact on the life of the children affected and have in some cases resulted in homelessness and social exclusion.

Current austerity policies should also not lead to a weakening of juvenile justice systems, or to the postponement of measures to make justice more child-friendly. On the contrary, the economic crisis should be used as a catalyst to review policies in place with a view to making them both more cost-effective and more respectful of children's rights. We have indeed seen that policies that are not compliant with human rights standards, such as the widespread detention of children in conflict with the law, are at the same time very costly and ineffective. Austerity budgets could be seen as an opportunity to ensure better protection of human rights while saving money.

In my recent report on Romania, I have specifically dealt with the ongoing reform of the juvenile justice system. I noted that, although important progress had been made, it was problematic that the transformation of penitentiary institutions for minors into educative centres had not yet been completed. I also paid particular attention to violations of the rights of children in institutions and of the almost 1 500 street children.

In several countries, I have also addressed the problem of violence against children. In Estonia, I recommended an overall ban on corporal punishment as a starting point to eradicate domestic violence and violence at school. In Portugal, I was informed that a growing number of cases of domestic violence had been reported to the Ombudsman since the beginning of the economic crisis. In the Netherlands, I was informed of persisting gaps and imbalances between municipalities in the detection of cases of abuse of children, including sexual abuse, as well as in programmes to provide support to children victims of abuse. I also recently addressed the situation of LGBTI children and advocated in favour of measures to protect them against bullying and violence and ensure equal opportunities for them in all settings.

In a Human Rights Comment I published this year, I alerted about the multiple threats to children's rights on the Internet. These include grooming and recruitment for trafficking purposes, but also dangers for personal data protection arising out of the wide use of social media by children and young people. I also highlighted as threats for children's rights the dissemination of harmful contents, such as incitement to commit suicide, racist, violent and pornographic material. I insisted on the crucial need to educate and empower children to become responsible actors on the Internet. I also recommended the development of wider opportunities for children to navigate on safe environments on the Internet.

These are, in brief, some of the main challenges for children's rights I have dealt in my capacity as Commissioner for Human Rights. One of the underlying causes for many of these problems is the persisting lack of awareness about children's rights and about the content of the UN CRC and the obligations flowing from it. Decision-makers, but also sometimes educators and professionals working with children, are not always fully aware that children are full bearers of human rights, just like adults, and that states parties to the UN CRC must implement these rights.

Against this background, the Council of Europe Strategy for the Rights of the Child has undoubtedly contributed to breaking stereotypes and raising awareness about children's rights, as protected in Council of Europe and other international standards. It has produced guidance for states on the implementation of these standards, helped disseminating good practices, and it has contributed to mobilising the willingness and resources of the Council of Europe and of member states to advance the protection of the rights of the child.

Your work in the coming months is, therefore, of crucial importance. The next Council of Europe strategy should trigger further progress and further commitment by the member states to implement fully and effectively the rights of all children.

I wish you all success in this challenging task and look forward to further exchanges of views and information.