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

# CHILDREN'S HUMAN RIGHTS

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COUNCIL OF EUROPE STRATEGY FOR THE RIGHTS OF THE CHILD  
2016 - 2021

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2<sup>ND</sup> DRAFT, 26 MAY 2015

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## I. ABOUT THE STRATEGY

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The Council of Europe protects and promotes the human rights of everyone, including children. This document outlines the priorities of the Council of Europe in protecting and promoting the rights of children in the period 2016 to 2021.

The Strategy identifies:

- the major challenges for children’s rights over the coming years;
- five priority areas and accompanying actions for meeting those challenges;
- working methods to deliver the Strategy, including transversality, sustainable partnerships and effective communication.

The five priority areas are:

1. Equal opportunities for all children
2. Participation of all children
3. A life free from violence for all children
4. Access to justice for all children
5. Participation, protection and provision in the digital environment

Children in Council of Europe member States are entitled to enjoy the full range of human rights granted by the European Convention on Human Rights and the United Nations Convention on the Rights of the Child (UNCRC). These include civil, cultural, economic, political and social rights. This Strategy seeks to encompass all these categories of human rights and sets out the Council of Europe’s and its member States’ commitment to make these rights a reality for *all* children.

The Council of Europe’s work on children’s rights is based on the four guiding principles of the UNCRC:

1. **Non-discrimination** (Article 2). Children’s rights apply to all children without discrimination on any ground. All rights are to be granted without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth<sup>1</sup>, sexual orientation, gender identity<sup>2</sup>, or other status. This Strategy attributes special attention to the needs of discriminated and marginalised groups of children as well as to gender equality issues across all five priority areas.
2. **Best interests of the child** (Article 3). In all actions concerning children, the best interests of the child shall be a primary consideration. In line with the conclusions of the Conference on the “Best Interests of the Child” (Brussels, December 2014), the Council

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<sup>1</sup> UNCRC, Article 2.1

<sup>2</sup> Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity, paragraphs 31 and 32.

of Europe will work on operationalizing this principle throughout the objectives of this Strategy.<sup>3</sup>

3. **Right to life, survival and development** (Article 6). Children have the right to live. Governments should ensure that children develop healthily and are protected from life-threatening violence and suicide.
4. **Respect for the views of the child** (Article 12). Children's participation is one of the four priority areas of the Strategy, but it is also a cross-cutting objective. Involving children in decision-making at individual, family, organisation and policy level is key to realising their rights. The Council of Europe is committed to taking a participatory approach to children's rights in all dimensions of this Strategy and to support its member States in doing so.

The Strategy is the result of a broad consultation with member States, civil society, ombudspersons for children, other international organisations and children. This process was guided by the Committee of Experts on the Council of Europe Strategy for the Rights of the Child which met three times from 2014 to 2015. The Strategy was adopted by the Committee of Ministers of the Council of Europe on ... and will be launched at the High-Level Conference on the Rights of the Child in ... on ... 2016.

The stakeholders contributing to the Strategy development also considered the views of children through direct consultations at national level and analysing existing data on children's views about the issues at stake. A secondary analysis of over 130 consultations with children in Council of Europe member States was specifically prepared to inform this Strategy.<sup>4</sup> The results of this analysis will remain a reference document in the course of the Strategy implementation.

The beneficiaries of the priority areas and actions outlined in this Strategy and its Annex are children, i.e. persons under the age of 18 living in the 47 Council of Europe member States. The action of the Council of Europe as an intergovernmental organisation, however, is mediated through the governments of its member States, which are driving its implementation along with other stakeholders, such as civil society and ombudspersons for children.

The duration of this Strategy is six years. A mid-term evaluation with the possibility for adjustments will be carried out after three years in consultation with the Network of National Co-ordinators on Children's Rights.

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<sup>3</sup> Decision of the Committee of Ministers of the Council of Europe on the Conclusions of the Conference on the "Best Interests of the Child", Brussels, 9-10 December 2014 at its meeting of 15 April 2015 (DD(2015)266); UN Committee on the Rights of the Child General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration.

<sup>4</sup> *Challenges to children's rights today: What do children think? A desktop study on children's views and priorities to inform the Council of Europe Strategy for the Rights of the Child*, Council of Europe, April 2015.

## II. THE COUNCIL OF EUROPE AND CHILDREN'S RIGHTS: ACHIEVEMENTS TO BUILD ON

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In the almost 10 years of its existence, the programme “Building a Europe for and with Children” has been striving to protect and promote the rights of the children in Council of Europe member States. The following results have been achieved:

- Legislative and policy change to improve the protection of children’s rights has been brought about through a comprehensive set of two binding and 18 non-binding legal standards on children’s rights elaborated by member States and adopted by the Committee of Ministers.<sup>5</sup> These Conventions, Recommendations and Guidelines take the UN Convention on the Rights of the Child further at European level.
- The knowledge base on progress and challenges in the implementation of children’s rights under the relevant Council of Europe conventions has been broadened through reliable data collected by eight monitoring and other mechanisms of the Council of Europe.<sup>6</sup>
- Member States have received support in implementing children’s rights standards through more than 160 activities in 34 co-operation projects<sup>7</sup> implemented by the Council of Europe, as well as through numerous bilateral activities within the Council of Europe Programme and Budget. More than 250 activities on children’s rights involving all 47 member States were organised under the previous Strategy, from 2011 to 2015.
- Transversal and flexible working methods have been established with member States through the Network of National Co-ordinators on Children’s Rights and, in 2014 and 2015, the Committee of Experts on the Council of Europe Strategy for the Rights of the Child.
- Children’s views have been sought and taken into account in the development of all new legal standards on children’s rights and communication tools targeted at children.<sup>8</sup>
- Strong partnerships with other international organisations and non-governmental organisations have been developed and placed the Council of Europe as a key driver of children’s rights at European and international levels.

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<sup>5</sup> European Convention on the Adoption of Children (revised) (CETS No. 202; 2008/2011); Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) (CETS No. 201; 2007/2010). For a list of all binding and non-binding Council of Europe standards protecting children’s rights, see [http://www.coe.int/t/dg3/children/keyLegalTexts/Default\\_en.asp](http://www.coe.int/t/dg3/children/keyLegalTexts/Default_en.asp).

<sup>6</sup> European Committee of Social Rights (ECSR); Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee); Committee for the Prevention of Torture (CPT); European Commission against Racism and Intolerance (ECRI); Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC); Group of Experts on Action against Trafficking in Human Beings (GRETA); European Commission for Democracy through Law (Venice Commission); Committee of Experts of the European Charter for Regional or Minority Languages (ECRML).

<sup>7</sup> From 2006 to mid-2015, children’s rights were addressed in 11 Joint Programmes with the European Union and 23 co-operation projects financed by Voluntary Contributions.

<sup>8</sup> For instance, the Guidelines on child-friendly justice adopted by the Committee of Ministers in 2010 take into consideration the conclusions from approx. 3800 children in 25 member States.

- Children, parents, professionals and policy makers were made more aware of children's rights through accessible tools, attractive audio-visual material and innovative campaigns produced by the Council of Europe such as the ONE in FIVE campaign to stop sexual violence against children.<sup>9</sup>
- Children's rights have been mainstreamed into all relevant areas of the organisation with the effect that up to 35 sectors and policy fields of the Council of Europe contributed to the implementation of the last Strategy for the Rights of the Child.

### III. ARE WE THERE YET? - CHALLENGES FOR CHILDREN'S RIGHTS TODAY AND TOMORROW

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Despite the progress achieved, children's rights are still violated on a daily basis. Based on children's own views as well as the information received from member States, civil society and ombudspersons for children, this chapter gives an overview of the most compelling challenges for children's rights over the coming years.

#### 1. INEQUALITY AND EXCLUSION

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The economic crisis has deeply affected children. Out of the 32 Council of Europe member States monitored in a recent UNICEF report, child poverty increased in 20 countries and decreased in only 12.<sup>10</sup> With cycles of poverty lasting through generations, the risk of producing a "lost generation" of disillusioned young people is real, with potentially grave consequences for intergenerational solidarity, cohesive societies and long-term political stability.<sup>11</sup> Children living in poverty reportedly are feeling excluded and stigmatised and are greatly concerned about the current economic climate and the impact on their own future.<sup>12</sup> High levels of unemployment and cutbacks in public welfare may lead to increasing levels of stress and anxiety amongst affected families, which create new risk factors of violence, abuse, and neglect.<sup>13</sup>

A comic strip competition organised by the Council of Europe in 2013 showed that one of the greatest concerns of children is being excluded.<sup>14</sup> Not being able to play and share leisure time with others because of financial constraints, not being allowed to attend mainstream schools because of a disability, or being bullied because of one's ethnic origin, are all marking experiences for children that leave traces throughout their lives. From a human rights perspective, the quality of a society is measured by how it is treating its most vulnerable groups. These include Roma children, children affected by migration, children deprived of liberty as well as children with disabilities and without parental care.

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<sup>9</sup> For instance, the TV spot and children's book "Kiko and the Hand" were created within the framework of the ONE in FIVE Campaign targeting young children and their parents ([www.underwearrule.org](http://www.underwearrule.org)).

<sup>10</sup> *Children of the Recession: The impact of the economic crisis on child well-being in rich countries*, Innocenti Report Card 12, UNICEF Office of Research, Florence, 2014.

<sup>11</sup> See Parliamentary Resolution 1885(2012) "The young generation sacrificed: social, economic and political implications of the financial crisis".

<sup>12</sup> *Challenges to children's rights today: What do children think?*, Council of Europe, April 2015, chapter 10.

<sup>13</sup> *Voices of young Europe RWD*, Child Helpline International, June 2013.

<sup>14</sup> <http://pjp-eu.coe.int/en/web/charter-edc-hre-pilot-projects/comics-competition>.

## 2. VIOLENCE

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Violence is a concern consistently expressed by children.<sup>15</sup> Violence against children constitutes a violation of the rights of the child, compromises children's development and affects the enjoyment of their other rights.<sup>16</sup> Violence often has devastating short and long term mental and physical health consequences, at times persisting across generations. Beyond the impact on individual victims, research by non-governmental organisations indicates that violence is associated with far-reaching costs for society.<sup>17</sup> Ending violence against children is therefore a legal, ethical and economic imperative.

Despite significant advances in addressing violence against children, progress is still too slow and fragmented. The risk of violence against children remains present in every setting, including in the digital environment and in places where children should be safest – in schools, in care, in justice institutions and in the home. According to WHO, every year, across the European region, at least 18 million children are victims of sexual abuse, 44 million suffer physical abuse and 55 million mental abuse.<sup>18</sup>

Violence against children in armed conflicts is a reality in Europe. Even once a conflict ends, children will remain traumatized by what they had to experience and witness. Re-building mutual respect and trust among the young generation will be an important task.

## 3. LACK OF RESPECT FOR CHILDREN AS RIGHT-HOLDERS

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The UNCRC represents a paradigm shift in the way children are envisaged in society: as true subjects of rights and agents of change. 25 years after the entry into force of the UNCRC, however, this idea is still challenged systematically. Children's lack of access to information, to justice and to participation as well as the social and legal tolerance of corporal punishment in almost half of Council of Europe member States are all indicators of the efforts that are still needed to consider children as full rights-holders.

The case law of the European Court of Human Rights and the European Committee of Social rights illustrates the many situations in which children's rights are at stake. In recent years, the Court has found a range of violations of the European Convention on Human Rights with respect to children, for instance of Article 8 (Right to respect for private and family life), Article 9 (freedom of thought, conscience and religion) and Article 14 (Prohibition of discrimination).<sup>19</sup> The European Committee of Social Rights has also found several States in breach of the European Social Charter for not having prohibited corporal punishment in a sufficiently precise and binding manner.

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<sup>15</sup> *Challenges to children's rights today: What do children think?*, Council of Europe, April 2015, chapter 4.

<sup>16</sup> See UN Committee on the Rights of the Child General Comment No. 13 (2011) on the right of the child to freedom from all forms of violence, according to which "violence" is understood to include all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.

<sup>17</sup> *The costs and economic impact of violence against children*, Overseas Development Institute and Child Focus Alliance, London, 2014.

<sup>18</sup> *European report on preventing child maltreatment*, World Health Organisation, Regional Office for Europe, 2013.

<sup>19</sup> European Court of Human Rights, Factsheet Children's Rights, March 2015, [http://www.echr.coe.int/Documents/FS\\_Childrens\\_ENG.pdf](http://www.echr.coe.int/Documents/FS_Childrens_ENG.pdf).

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#### 4. A JUSTICE SYSTEM MADE FOR ADULTS

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European judicial systems are still insufficiently adapted to the specific needs of children. Judicial decisions can have a considerable impact on children's lives but their involvement in often lacks a child rights based approach.<sup>20</sup> Child victims, perpetrators and witnesses all have specific vulnerabilities to which the system needs to be adapted. Restriction of liberty of children is not, as the UNCRC requires, considered only as a last resort. Administrative detention of migrant and other children and conditions of detention pose serious challenges to the realisation of their rights.

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#### 5. GROWING UP IN A DIGITAL WORLD

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Whether it is through computers, gaming consoles, tablets or smartphones, the digital world exposes children to a wealth of opportunities. Access to the Internet and to digital literacy are gradually being considered as dimensions of children's rights to freedom of expression, to participation and to education. The digital environment also exposes children to harmful content, privacy and data protection issues and other risks, including online sexual abuse and excessive exposure to sexualised images. In some cases, such as cyber-bullying and self-exposure, children's own conduct online may harm others and represent a risk to them. Technological advances have been so rapid, that parents, carers and teachers often struggle to keep up with developments and a generational divide has become increasingly apparent.<sup>21</sup>

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#### 6. CHALLENGES FOR FAMILIES AND PARENTS

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The family, whatever its form, is the fundamental unit of society and the natural environment for the growth and well-being of children. Children enormously value the relationships with their parents and siblings.<sup>22</sup> Families are, however, confronted with numerous challenges: the economic crisis exposed many families to unemployment and insecurity about the future. Reconciling work and family life remains a difficult task for parents. New information and communication technologies add an entirely new dimension to parenting. Families need support in fulfilling their role in the protection of children's rights, including by supporting positive parenting and preventing violence against children

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#### 7. RACISM, HATE SPEECH AND RADICALISATION

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The recent economic crisis has deeply affected social cohesion in many member States, which may eventually threaten both the rule of law and democracy.<sup>23</sup> The European Commission against Racism and Intolerance (ECRI) speaks of "scapegoating" and notes an increase in hate speech against vulnerable groups and in racist violence.<sup>24</sup> The Council of Europe Commissioner for Human Rights has raised the need to tackle sexist forms of hate speech against women and

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<sup>20</sup> *Child-friendly justice – Perspectives and experiences of professionals on children's participation in civil and criminal judicial proceedings in 10 EU Member States*, EU Agency for Fundamental Rights (FRA), 2015.

<sup>21</sup> *EU Kids Online: findings, methods, recommendations*, EU Kids Online, LSE, London, UK, 2014, <http://eprints.lse.ac.uk/60512/>.

<sup>22</sup> Challenges to children's rights today: *What do children think?*, Council of Europe, April 2015, chapter 11.

<sup>23</sup> *State of Democracy, Human Rights and the Rule of Law in Europe. Report by the Secretary General of the Council of Europe*, Council of Europe, May 2015.

<sup>24</sup> Annual Report of ECRI's Activities 2012 (CRI(2013)42).

girls.<sup>25</sup> Radicalisation of children and youth is another issue of concern and calls for more investments into education for tolerance and intercultural dialogue.<sup>26</sup>

## IV. PRIORITY AREAS

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To address the issues outlined above, five priority areas have been identified. This chapter describes these areas, which are all anchored in the UNCRC, the European Convention on Human Rights, the European Social Charter, and Council of Europe standards protecting children's rights. The actions envisaged within these priority areas, as well as expected outcomes and performance indicators for their evaluation, are described in the action table in the Annex.

### 1. EQUAL OPPORTUNITIES FOR ALL CHILDREN

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The UNCRC recognises the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. The European Social Charter (revised) guarantees children's rights to appropriate social, legal and economic protection. In line with the UNCRC and the European Social Charter, families should be afforded all necessary protection and assistance in order to fulfil their crucially important role.

#### 1.1. RESPECTING CHILDREN'S SOCIAL RIGHTS

The Council of Europe will promote the European Social Charter as a key set of minimum standards safeguarding the rights of families and children, which is particularly relevant in times of economic austerity.<sup>27</sup> Special attention will be given to follow-up of the conclusions and decisions of the European Committee of Social Rights on articles relevant to children.<sup>28</sup>

Child poverty and social exclusion can most effectively be addressed through child protection systems that carefully integrate preventive measures, family support, early education and care, social services, education and housing policies. Member States will, therefore, be encouraged to be guided by the Committee of Ministers Recommendations on child-friendly social services<sup>29</sup> and on child-friendly healthcare<sup>30</sup>, on the access of young people from disadvantaged neighbourhoods to social rights<sup>31</sup>, and on the social reintegration of children living and/or working on the streets<sup>32</sup> as well as by the European Commission Recommendation "Investing in children: breaking the cycle of disadvantage"<sup>33</sup>.

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<sup>25</sup> "Hate speech against women should be specifically tackled", *Human Rights Comment*, Commissioner for Human Rights, 6 March 2014.

<sup>26</sup> Declaration of the Committee of Ministers of the Council of Europe: "United around our principles against violent extremism and radicalisation leading to terrorism", Brussels, 19 May 2015.

<sup>27</sup> See Parliamentary Assembly Resolution 1995(2014) "Ending child poverty in Europe".

<sup>28</sup> See in particular Article 7 (right of children and young persons to protection), Article 11 (right to protection of health), Article 16 (right of the family to social, legal and economic protection), and Article 17 (right of children and young persons to social, legal and economic protection).

<sup>29</sup> Recommendation CM/Rec(2011)12.

<sup>30</sup> Guidelines on child-friendly healthcare, adopted by the Committee of Ministers on 21 September 2011.

<sup>31</sup> Recommendation CM/Rec(2015)3.

<sup>32</sup> Recommendation 253 (2008) of the Council of Europe Congress of Local and Regional Authorities on the social reintegration of children living and/or working on the streets.

<sup>33</sup> European Commission Recommendation "Investing in children: breaking the cycle of disadvantage", 2013.



As recommended by the UN Committee on the Rights of the Child and in the light of Article 3 of the UNCRC on the child's best interests, the Council of Europe will support member States in exchanging good practices and enhancing the quality and effect of child impact assessments.

## 1.2. COUNTERING DISCRIMINATION

The right to non-discrimination (see chapter I) is a general principle of the UNCRC, which will be addressed throughout the objectives set out in this Strategy.

The Council of Europe will continue to protect the rights of children with disabilities based on the UNCRC and the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Action will be undertaken in particular related to the opportunities and challenges created by new Information and Communication Technologies (ICT).

The Council of Europe will also give specific attention to the situation of children in all forms of alternative care and provide guidance to professionals in this field in implementing a child-rights based and participatory approach to their work.

The Council of Europe will protect and promote the rights of Roma children. Action will be undertaken in particular to strengthen access of Roma children to inclusive education with a focus on Roma girls' education, to address the negative consequences of early/child marriage, to make full use of trained Roma mediators and assistants under ROMED,<sup>34</sup> as well as to fight stereotypes against Roma children through developing a child-friendly version of the Dosta! campaign.

The Council of Europe work to combat gender stereotypes and sexism, including in media and education,<sup>35</sup> is of direct relevance to countering discrimination of children on the grounds of gender.

Through the work of its monitoring bodies, in particular the European Committee on Social Rights (ECSR), the European Commission against Racism and Intolerance (ECRI), the Committee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), and the Group of Experts on Action against Trafficking in Human Beings (GRETA), as well as of the Parliamentary Assembly, the Council of Europe will continue to address the rights of children affected by migration.

Based on Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity, the Council of Europe will assess the need for undertaking research on the legal situation of LGBT and intersex children as regards the realisation of their rights.

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## 2. PARTICIPATION OF ALL CHILDREN

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Children have the right to participate in decisions affecting them, both as individuals and as a group. The European Convention on Human Rights guarantees to everyone the right to freedom

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<sup>34</sup> ROMED is a Joint Programme by the Council of Europe and the European United on training of Roma mediators around Europe. See [www.coe-romed.org](http://www.coe-romed.org).

<sup>35</sup> See objective 1 of the Council of Europe Strategy on Gender Equality 2014-2017.

of expression. The UNCRC grants children the right to express their views freely in all matters affecting them and to have their views given due weight in accordance with their age and maturity.<sup>36</sup>

### 2.1. PROMOTING CHILDREN'S RIGHT TO PARTICIPATE

The Council of Europe will provide guidance on how to ensure children's right to participate in practice by promoting Recommendation Rec(2012)2 on the participation of children and young people under the age of 18. It will support member States in using the Council of Europe's Child Participation Assessment Tool as a means to measure progress towards fulfilling the rights of children to participate in matters concerning them. Action will be undertaken to facilitate exchange of innovative experiences on rights based child participation.<sup>37</sup>

### 2.2. REACHING OUT TO CHILDREN

The Council of Europe will continue to involve children and give due respect to their views in the development, implementation and evaluation of its child-related standards, policies and activities. The Council of Europe aims at an early involvement of children in processes and at strengthening representativeness and continuity. In doing so, special emphasis will be given to the participation of children in vulnerable situations, such as children with disabilities, children in care, Roma children, children affected by migration and children from national minorities. Efforts will be reinforced to reach out to children and inform them about their rights through websites, applications, social media, games, publications and other child-friendly tools.

### 2.3. STRENGTHENING PARTICIPATION IN AND THROUGH SCHOOLS

The Council of Europe will strengthen the opportunities for children's participation in the school setting and the democratic governance of schools by supporting the development of citizenship and human rights education in its member states, in the framework of the implementation of the Charter on Education for Democratic Citizenship and Human Rights Education. Children's participation in the 2<sup>nd</sup> review of the implementation of the Charter will be facilitated. Peer-to-peer learning among the member states will be supported through the pilot projects scheme "Human Rights and Democracy in Action" jointly funded by the European Union and the Council of Europe.<sup>38</sup>

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<sup>36</sup> See UN Committee on the Rights of the Child General Comment No. 12 (2009) on the right of the child to be heard.

<sup>37</sup> See "Evaluation of legislation, policy and practice on child participation in the EU" (forthcoming).

<sup>38</sup> Subject to the financial contribution from the European Commission.

### 3. A LIFE FREE FROM VIOLENCE FOR ALL CHILDREN

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The UNCRC requires States to take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. The European Convention on Human Rights, the European Social Charter and other Council of Europe treaties guarantee children's right to protection from harm and violence.

In its efforts to prevent and address violence against children, the Council of Europe will continue to act as a regional driver and co-ordinator of initiatives to promote the implementation of the recommendations of the UN Study on Violence against Children and to support the mandate of the Special Representative of the UN Secretary-General on Violence against Children. The Council of Europe will contribute to the global sustainable development agenda with its specific experiences and capacities.

#### 3.1. PROMOTING AN INTEGRATED APPROACH TO PROTECTION FROM VIOLENCE

Preventing and addressing violence against children calls for an integrated and strategic approach. The Council of Europe will support member States in implementing the Committee of Ministers Recommendation on integrated national strategies for the protection of children from violence.<sup>39</sup> This Recommendation contains guidance for the development of solid legal, policy and institutional frameworks, the promotion of a culture of respect for children's rights, the establishment of child friendly mechanisms and services and the adoption of a national research agenda. The Council of Europe will act as a clearing house providing access to existing national strategies and action plans in this field and providing a platform for peer-to-peer support in their development, implementation and review at national, regional and local levels.

#### 3.2. COMBATING SEXUAL VIOLENCE

The Council of Europe will promote, monitor and support the implementation of the Council of Europe treaties aiming at preventing and addressing the various forms of sexual violence against children. Effort will in particular aim at achieving ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) by all member States, ensuring its effective implementation through the monitoring work of the Committee of the Parties to the Lanzarote Convention, as well as its role as a platform for capacity building and collection of good practices.

A European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse will be held on 18 November each year. The day will be dedicated to member States' action to raise awareness of this scourge and to promote the ratification and implementation of the Lanzarote Convention. Taking into consideration the work of its Network to stop sexual violence against children in 2011-2015 in the framework of the ONE in FIVE Campaign, the Parliamentary Assembly will continue promoting the ratification and implementation of the Lanzarote Convention, and will co-operate to make the European Day a success.

The Council of Europe will also support the mandate of the UN Special Rapporteur on the sale of children, child prostitution and child pornography and exchange information, as appropriate.

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<sup>39</sup> CM/Rec(2009)10.

### 3.3. ELIMINATING CORPORAL PUNISHMENT

The Council of Europe will continue to promote the effective elimination of corporal punishment of children in all settings, including within the home, both in law and in practice. It will identify particular challenges in the path to universal prohibition and elimination of corporal punishment and how to overcome them. Member States will be supported in legal reform to achieve a full ban and in raising awareness about children's right to equal protection from assault, the dangers of violent punishment and in promoting non-violent discipline and positive upbringing in line with the Committee of Ministers Recommendation on policy to support positive parenting.<sup>40</sup>

### 3.4. PROTECTING CHILDREN FROM OTHER SPECIFIC FORMS OF VIOLENCE

With a view to addressing violence in school including bullying, the Council of Europe will support awareness raising actions and campaigns on citizenship and human rights education, in particular based on the Council of Europe educational materials, including the video clip "Beat Bullying"<sup>41</sup> and the publication "Human Rights and Democracy Start with Us: Charter for All".

The Council of Europe will encourage all its member States to sign, ratify and implement effectively the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), in particular through the work of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), with a view to protecting girls from gender-based violence, preventing, prosecuting and eliminating such violence, as well as to apply the Convention to all children victims of domestic violence.

The Council of Europe will support member States in fulfilling their obligations under the Convention on Action against Trafficking in Human Beings, in particular through the Group of Experts on Action against Trafficking in Human Beings (GRETA).

The Enlarged Partial Agreement on Sport of the Council of Europe (EPAS) will continue to monitor and promote the implementation of the Recommendation on the protection of child and young athletes from dangers associated with migration.<sup>42</sup> In the framework of the project Pro Safe Sports (PSS)<sup>43</sup>, EPAS will promote a toolkit providing guidance and training to sport administrators and coaches on physical, psychological and social well-being in sports.

## 4. ACCESS TO JUSTICE FOR ALL CHILDREN

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According to the UNCRC, children shall be provided the opportunity to be heard in any judicial and administrative proceedings affecting them and to access independent complaints mechanisms when their rights are breached. Furthermore, States Parties to the UNCRC recognize the right of every child in conflict with the law to be treated in a manner consistent with the promotion of the child's sense of dignity, and taking into account the child's age and the desirability of his or her reintegration into society. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

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<sup>40</sup> CM/Rec(2006)19.

<sup>41</sup> See [http://www.coe.int/t/dg4/education/edc/Resources/Beat\\_Bullying\\_Videos\\_EN.asp](http://www.coe.int/t/dg4/education/edc/Resources/Beat_Bullying_Videos_EN.asp).

<sup>42</sup> CM/Rec(2012)10.

<sup>43</sup> See <http://pjp-eu.coe.int/en/web/pss>.

#### 4.1. PROMOTING CHILD-FRIENDLY JUSTICE

The Council of Europe will promote the implementation of the Council of Europe Guidelines on child-friendly justice<sup>44</sup> through a range of actions implemented by the European Committee on Legal Co-operation (CDCJ), the Programme on Human Rights Education for Legal Professionals (HELP) and other relevant bodies. In doing so, the Council will continue to work closely with the European Commission, the Fundamental Rights Agency, as well as UNICEF and the Council of Baltic Sea States. Focus will be on both judicial and administrative proceedings. Action will also be taken to promote the ratification and implementation of Optional Protocol 3 to the UNCRC on a Communications Procedure.

#### 4.2. PROTECTING CHILDREN IN THE CONTEXT OF DEPRIVATION OF LIBERTY

Under the UNCRC, deprivation of liberty must be used as a measure of last resort and for the shortest appropriate period of time. The Council of Europe will support member States to implement this principle including in the implementation of the European Rules for juvenile offenders subject to sanctions or measures.<sup>45</sup> It will promote the implementation of the Standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)<sup>46</sup> regarding the protection of children deprived of liberty from ill-treatment and violence and consider addressing the situation of children whose parents are detained. The Council of Europe is ready to support, as appropriate and within its mandate, the UN Global Study on Children Deprived of Liberty<sup>47</sup>, notably as far as the European region is concerned.

#### 4.3. CHILDREN'S RIGHTS IN THE FAMILY

The Council of Europe will promote the implementation of its standards on family law, including the European Convention on the Adoption of Children (Revised), the European Convention on the Exercise of Children's Rights, and the Committee of Ministers Recommendations on family mediation<sup>48</sup>, policy to support positive parenting<sup>49</sup>, and child relocation<sup>50</sup>. The Council of Europe will evaluate the need to undertake action on the best interests of the child in the context of new family forms, especially with reference to surrogacy and donor assisted human reproduction, and family breakdown. Particular attention will be paid to the assessment process of the best interests of the child in family matters.

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<sup>44</sup> Guidelines on child friendly justice adopted by the Committee of Ministers of the Council of Europe on 17 November 2010. Please also see Parliamentary Assembly Resolution 2010(2014) "Child-friendly juvenile justice: from rhetoric to reality".

<sup>45</sup> Recommendation CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures.

<sup>46</sup> CPT/Inf/E (2002) 1 - Rev. 2015

<sup>47</sup> See UN General Assembly Resolution A/C.3/69/L.24/Rev.1, paragraph 51.d.

<sup>48</sup> CM/Rec(1998)1. See also European Commission for the Efficiency of Justice (CEPEJ) Guidelines for a better implementation of the existing recommendation concerning mediation in penal matters, 2007.

<sup>49</sup> CM/Rec(2006)19.

<sup>50</sup> CM/Rec(2015)4.

## 5. PARTICIPATION, PROTECTION AND PROVISION GOES DIGITAL

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New Information and Communication Technologies (ICT) affect children's enjoyment of a significant number of fundamental rights guaranteed by the UNCRC, the European Convention on Human Rights and the European Social Charter. According to recommendations issued by the UN Committee on the Rights of the Child, all children should be able to safely access ICTs and digital media, and be empowered to fully participate, express themselves, seek information and enjoy all the rights enshrined in the UNCRC and its Optional Protocols without discrimination of any kind.<sup>51</sup>

To tackle the opportunities and challenges of the digital world for children in an integrated manner and in line with the Council of Europe Internet Governance Strategy 2016-2019<sup>52</sup>, the Council of Europe will provide guidance and support to member State in ensuring children's participation, protection and provision rights in the digital environment.

### 5.1. PARTICIPATION OF CHILDREN IN THE DIGITAL WORLD

The Council of Europe will promote and protect children's rights to non-discrimination, access to information, freedom of expression and participation in the digital environment. Smartphone and tablet applications and other communication tools will be created and disseminated to empower children, parents and educators in making full use of the potential of ICT and digital media. Particular attention will be paid to empowering children in vulnerable situations, such as children with disabilities. Drawing on the Recommendation on policy to support positive parenting<sup>53</sup> and other relevant standards, guidance will be developed on rights-based parenting in the digital age.

### 5.2. PROTECTION OF CHILDREN IN THE DIGITAL WORLD

Council of Europe Conventions provide a solid basis for the protection of children from potential risks to their safety, security and privacy online. The Council of Europe will promote, monitor and support the implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the Convention on Cybercrime and its Additional Protocol, and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, the Convention on Preventing and Combating Violence against Women and Domestic Violence, the Convention on Action against Trafficking in Human Beings, as well as the relevant Recommendations by the Committee of Ministers<sup>54</sup>.

### 5.3. PROVISION FOR CHILDREN IN THE DIGITAL WORLD

ICT and digital media have added a new dimension to children's right to education. To reflect this, the Council of Europe will launch a pan-European project on digital citizenship education, building on the achievements of the programme on Education for Democratic Citizenship and Human Rights Education and the results of the project on Competences for Democratic Culture. Based on multi-stakeholder consultations and exchanges of good practice, policy guidelines and

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<sup>51</sup> UN Committee on the Rights of the Child, Report of the 2014 Day of General Discussion "Digital media and children's rights", May 2015.

<sup>52</sup> The Council of Europe Internet Governance Strategy is currently being developed under the authority of the Steering Committee on Media and Information Society (CDMSI).

<sup>53</sup> CM/Rec(2006)19.

<sup>54</sup> See Recommendation CM/Rec(2009)5 on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications environment, and Recommendation CM/Rec(2014)6 on a Guide to human rights for Internet users.

a set of descriptors for digital citizenship competence will be developed and made available to member States for use in the school setting.

## V. DELIVERING THE STRATEGY

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The Council of Europe intends to deliver this Strategy through a continued focus on implementation of existing standards, sustainable partnerships, targeted communication and evaluation of performance.

### 1. MAKING THE STANDARDS WORK FOR CHILDREN

To make the objectives set out in this Strategy into a reality for children, the Council of Europe will concentrate its resources on the *implementation of existing standards*. Increased efforts will be put into co-operation activities wherever a need is expressed by a member State and resources are made available, for instance through voluntary contributions by member States or Joint Programmes. Children's rights issues will be mainstreamed into relevant co-operation projects and activities of other sectors, where appropriate.

Based on the achievements under the previous Strategy, children's rights will continue to be systematically addressed in the Council of Europe's thematic and country-based monitoring of Conventions. The focus will be on giving visibility and support to member States in following up the conclusions of monitoring mechanisms concerning children's rights. This will be achieved, inter alia, through a more systematic co-operation with the UN Committee on the Rights of the Child.

Given the existence of a wide spectrum of up-to-date Council of Europe legal standards on children's rights, the development of any new standards will be subject to a thorough assessment of needs and feasibility. Children's rights will continue to be mainstreamed into all relevant new Conventions and Recommendations developed by the Committee of Ministers.

### 2. INVOLVING ALL RELEVANT STAKEHOLDERS

The implementation of this Strategy depends on many actors, including member States, international organisations, civil society, ombudspersons for children, the private sector and children themselves.

*[Paragraph on co-operation with member States / inter-governmental working methods / Network of National Co-ordinators to be inserted following discussions of the DECS-ENF]*

Based on a Joint Declaration by the Secretary General of the Council of Europe and the Executive Director of UNICEF of 2007, both organisations seek to further reinforce their co-operation, including through exploring possible regional co-operation on child-friendly justice. The Special Representative of the UN Secretary-General on Violence against Children as well as the UN Special Rapporteur on the sale of children, child prostitution and child pornography, the Office of the UN High Commissioner on Human Rights and the Office of the UN High Commissioner on Refugees (UNHCR), are valuable partners in the Council of Europe's efforts to stop all forms of violence against children.

Through the priorities set out in this Strategy, the Council of Europe aims at contributing to the ratification and implementation of the Optional Protocols to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and on a

Communications Procedure, as well as to the implementation of the post 2015 United Nations sustainable development agenda with its specific experiences and capacities.

Furthermore, the Council of Europe will continue its close co-operation with the European Union, in particular the European Commission and the Fundamental Rights Agency, which are key partners in promoting the implementation of Council of Europe standards. Possibilities to strengthen this co-operation even further will be explored. The Council of Europe will also continue to co-operate closely with the Council of Baltic Sea States (CBSS) and the Organisation of the Francophonie (OIF).

The European Network of Ombudspersons for Children, the Council of Europe Conference of INGOs as well as international and national NGOs are important implementing partners for the Council of Europe. Ways to increase transparency and efficiency of the co-operation with civil society will be further explored.

The Parliamentary Assembly of the Council of Europe, the Congress of Local and Regional Authorities, the Council of Europe Commissioner for Human Rights and all relevant steering, expert committees and monitoring bodies will play an important role in implementing this Strategy. The Council of Europe Development Bank can provide loans to its member countries to co-finance infrastructure projects that benefit children.

The Council of Europe's work on children's rights will continue to be co-ordinated by the Children's Rights Division within the Directorate General of Democracy. The Intersecretariat Task Force on Children's Rights will facilitate this task.

### 3. COMMUNICATING CHILDREN'S RIGHTS

Raising the awareness of children's rights among children, parents, carers, professionals and policy makers is an enormous task, which the Council of Europe is determined to fulfil throughout the Strategy period. More efforts will be put into online and audiovisual communication tools and the further development of the website [www.coe.int/children](http://www.coe.int/children) into a European hub with comprehensive, accessible and up-to-date information on children's rights.

### 4. EVALUATING PERFORMANCE

The Secretariat will report to the Committee of Ministers on the implementation of this Strategy every two years. The reports will evaluate progress against the objectives set out in this Strategy with reference to the deliverables and key performance indicators set out in the action table (see Annex).