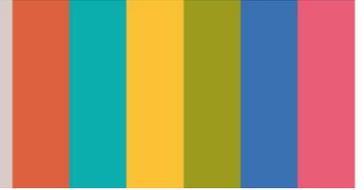


GROWING with children's rights
GRANDIR avec les droits de l'enfant
ODRASTANJE uz prava djece



GROWING with children's rights

A Conference on the implementation
of the Council of Europe Strategy for the Rights
of the Child 2012-2015

Update on the implementation of the Council of Europe Strategy on the Rights of the Child for 2012-2015 Information document

Hotel Excelsior, Dubrovnik, Croatia,
27-28 March 2014



Republic of Croatia
Ministry of Social Policy and Youth



Executive summary

The Council of Europe Strategy on the Rights of the Child 2012-15 proposes a vision and framework for the Council of Europe's role and action in the area of children's rights. It takes account of the progress achieved and lessons learned during the two previous strategy cycles. Member states, parliamentarians, children, other international organisations and civil society contributed to its design. And, they are fully involved in its implementation.

We are half-way through the Strategy's cycle and this reports takes stock of the impressive progress made and tireless efforts invested by all its stakeholders. Their engagement has been - and continues to be - a prerequisite for the Strategy's successful implementation. This includes focus placed on implementing standards in the field of children's rights and ensuring that children benefit and feel the impact of these legal texts and that they are brought closer to children through child-friendly versions and actions. Progress also includes mainstreaming children's rights in the Council of Europe's monitoring mechanisms and thus ensuring that special attention is given to children's rights.

Challenges ahead are significant and the next Strategy will have burning priorities to focus on. Lessons learned on the road of implementing this Strategy cycle and well as the Dubrovnik Mid-term Review Conference (27-29 March 2014) will point us to the directions that should be followed.

Background

1. The Council of Europe transversal Programme "Building a Europe for and with children" (the Programme) was launched in 2006 in response to a mandate resulting from the Third Summit of the Heads of State and Government of the Council of Europe (Warsaw 2005).

2. The Council of Europe Strategy for the Rights of the Child 2012-15 (the Strategy) proposes a vision for the Council of Europe's role and action in this field, taking into account the progress achieved during the two previous policy cycles, the needs expressed by governments and the challenges identified by the international community through its key international partners.

3. In fulfilling its role as a catalyst for the implementation of the United Nations Convention on the Rights of the Child in Europe, the overarching goal of the Strategy is to achieve effective implementation of existing children's rights standards. To this end, the Programme promotes a holistic and integrated approach to children's rights, provides policy guidance and support to Council of Europe member States in implementing United Nations and Council of Europe standards, and contributes to the identification of measures to tackle old and new challenges in this field.

4. The Programme focuses its action on implementing, coordinating and promoting action within the four strategic objectives of the Strategy:

1. promoting child-friendly services and systems;
2. eliminating all forms of violence against children;
3. guaranteeing the rights of children in vulnerable situations;
4. promoting child participation.

5. The Programme continues to mobilise and co-ordinate the contributions of all Council of Europe bodies and institutions regarding children's rights. Furthermore, the Programme co-ordinates and consolidates partnerships with other international organisations, professional networks and civil society. Finally, it has also endeavoured to mainstream children's rights into its policy and cooperation work, monitoring bodies and human rights mechanisms.

Introduction

6. The first part of this document presents the efforts deployed to support the implementation of existing standards in the field of children's rights during the first two years of the implementation of the Strategy. Progress is illustrated through a selection of programmes, projects and activities and is not exhaustive.

7. The second part of the document focuses on the challenges ahead, in particular in view of the evolution of both, expectations raised by the current Strategy and the resources available, and points out the institutional mechanism that will be put in place to prepare the next Council of Europe Strategy for the Rights of the Child for 2016 and beyond.

I. The focus on implementation of standards

8. The Council of Europe considers it essential to support Member States with the effective and practical implementation of children's rights standards. This implies developing new working methods and partnerships to enable the Council of Europe to better assess and respond to the needs at national and local level. To do so, the Programme is focusing on:

- creating the conditions for a sustainable effort for the promotion of children's rights and the elimination of violence against children;
- increasing the Council of Europe's capacity to monitor respect of children's rights; and
- developing tools and creating opportunities to reiterate the relevance of children's rights standards and to identify and remove obstacles to their implementation.

a. Creating the conditions for generating sustainable impact

9. Since the adoption of the Council of Europe Policy Guidelines on integrated national strategies for the protection of children from violence (CM/Rec(2009)10), and as the regional

response to the UN CRC concern about the absence of integrated national strategies on children's rights and the elimination of violence against children, three high level conferences have been organised (Vienna 2010, Kyiv 2011, Ankara 2012) in co-operation with the United Nations Special Representative on Violence against Children (UN SRSG) and UNICEF Regional Office for Central and Eastern Europe and the Commonwealth of Independent States (UNICEF CEE/CIS). These events aimed at identifying ways to support national authorities in the development and implementation of integrated national strategies. To support the global progress survey carried out by the UN SRSG in 2011, the Council of Europe undertook an analysis of the reports submitted by 27 Council of Europe member States that responded to this call. The responses reflected a definitive increase in the amount and quality of measures taken to protect children from violence and to raise awareness on a number of issues (including child sexual abuse, corporal punishment and bullying). They also revealed the remaining challenges, in particular, gaps in legislation, conflicting policies, lack of coordination between the various governmental actors and with other stakeholders, failures to define the role of key institutions and insufficient budgetary allocations. The report of the Ankara Conference highlights the advantage of integrated national strategies as a tool to eliminate all forms of violence against children. The Conference also provided clear guidance on the next steps for both the Council of Europe and its member States.¹

10. Increased attention has been paid to fighting sexual violence against children, one of the most widespread and silent forms of violence against children. The Council of Europe ONE in FIVE Campaign² has resulted in an unprecedented mobilisation in member States to stop sexual violence against children. Campaigns are currently being carried out in 20 Council of Europe member States and it continually places key issues on the international agenda (such as prevention of sexual abuse, assistance to victims or the role of information and communication technologies). It has also undertaken an assessment of progress achieved in co-operation with national campaign partners and, as a result, further focused on supporting them through capacity building, translation of campaign materials, provision of expertise and support in the organisation of events. Campaign materials are now available in 33 languages and the "Kiko and the Hand" TV spot exists in 37 languages. The Underwear Rule website exists in 20 languages and has received almost 150 000 hits from around 190 countries over the last two years (since analysis began). A web documentary "Keep me safe" was launched in November 2012 providing visibility to good practices in a number of member States. The Secretariat continues to receive requests worldwide for permission to use the campaign material from institutions, professionals working with children, media and NGOs. A Facebook page for the Campaign was launched towards the end of 2013 generating an increased interest in the Campaign. The Council of Europe Pestalozzi Programme is currently designing a teacher training programme on sexuality education as a contribution to the Campaign. The European Partial Agreement on Sports (EPAS) drew the attention of its members to the need to protect children from sexual violence with the organisation of a conference on inclusion and protection of children in and through sport. This has resulted in a follow up project in 2014 on "Pro safe sport for young athletes" which is focusing on the physical and mental wellbeing of children and young people targeting in particular sexual

¹ Report of the Ankara Conference can be obtained through the following link:
http://www.coe.int/t/dg3/children/Source/RapportAnkara_en.pdf

² http://www.coe.int/t/dg3/children/1in5/default_en.asp

harassment and abuse in this respect. Council of Europe offices in the field, as well as a number of UNICEF country offices, have also supported national launches of the Campaign.

11. The Parliamentary Assembly Network of contact parliamentarians to stop sexual violence against children is today composed of 51 parliamentarians including representatives of the Parliamentary Assembly of the “Francophonie”, the Mexican Senate, the Canadian parliament and the Moroccan parliament. Since the adoption of the Strategy, the Network has organised 11 meetings (each devoted to relevant topical issues on prevention, prosecution or protection) including three external meetings held in Moscow, Berlin and Geneva. It has also adopted a declaration in Moscow emphasising its members’ commitment to the fight against sexual violence. The next external meeting will take place in Nicosia (Cyprus) on 13 May 2014, building on a pilot initiative the Assembly has been running in Cyprus since May 2013 with the support of the A. G. Leventis Foundation. Most recently, the Assembly adopted Recommendation 2013 (2013) “Parliaments united in combating sexual violence against children: mid-term review of the ONE in FIVE Campaign” and Resolution 1926 (2013) on fighting “child sex tourism”. In 2013, the Parliamentary Assembly recommended that the Campaign be extended for one additional year, until November 2015, to further the implementation of the Lanzarote Convention at international, national and local/regional levels. A highlight of the Campaign in 2013 was the production of a video spot for adolescents, raising their awareness on the right to find protection against sexual violence via hotlines. This video entitled “The Lake”, reached an audience of 6-8 million in 7 countries on Universal Children’s Day in 2013, and is amongst the tools which shall continue to be disseminated in 2014 and possibly also in 2015.

12. The Council of Europe Congress for Local and Regional Authorities (the Congress) concentrated its activities principally by raising awareness of towns and regions on the ONE in FIVE Campaign and the Pact of towns and regions to stop sexual violence against children. This has mainly been achieved by means of *ad hoc* visits and by national visibility-raising visits by the Congress’s Thematic Spokesperson on Children to local and regional elected representatives. During these visits, the Congress has observed that the extent to which services to combat and deal with cases of sexual violence and abuse are organised varies greatly from one country to another and one region or town to another. According to the Congress Thematic Spokesperson on Children, countries having ratified the Lanzarote Convention appear to be better organized. Further awareness-raising activities are necessary to encourage local and regional level governments to launch policies in this field, and the Congress will continue its programme of *ad hoc* and national visits in 2014. However, the obvious partners to assist the Congress in this task are the national associations of local and regional authorities. The Congress is currently exploring the best way to reach out to them and engage them in the Campaign. Finally in 2012, during its 23rd session, the Congress adopted Resolution 350(2012) and Recommendation 332(2012) on regional action and legislation to combat sexual exploitation and abuse of children.

13. The combined efforts of the inter-governmental sector, the Parliamentary Assembly and the Congress have allowed the Council of Europe to create a sustainable and co-ordinated framework for the fight against sexual violence in Europe and beyond. This has been achieved thanks to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention) as the vital

standard uniting more and more States and inspiring legislations and policies beyond European borders.

14. The first tangible result since the launching of the Strategy and the ONE in FIVE Campaign has been the substantial increase in the number of signatures and ratifications of the Lanzarote Convention. 46 member States have signed it, of which 29 have become Parties. Further ratifications are imminent. Following a request from the Moroccan authorities, the Committee of Ministers has invited Morocco to accede to the Convention, which would make it the first non-European state to accede.

15. The second fundamental step forward in the fight against sexual violence against children has been the setting in motion of the monitoring process of the Lanzarote Convention. The Lanzarote Committee agreed to focus its first monitoring round on “sexual abuse of children in the circle of trust”. 26 State Parties are included in this first round and should reply to the Committee’s questionnaire on this theme. NGOs and other stakeholders were also invited to submit replies. State Parties are additionally required to submit general information on legislation, institutional set-up and policies for the implementation of the Convention. In April 2014, the Committee will start assessing the situation in the States Parties. All the replies received are available at: <http://www.coe.int/lanzarote>.

16. To share good practices, the Lanzarote Committee has also started functioning as a platform for exchange and learning about national initiatives which favour the implementation of the Convention. The Committee has recently benefited from, or supported, various capacity building initiatives which have been highly appreciated. These included a study visit to Iceland to learn about the “children’s house” model, a conference in Rome on the use of bilateral co-operation programmes to fight sexual exploitation of children and a conference in Madrid on the prevention of sexual abuse of children.

17. The Strategy calls for a decision to be taken to organize a European Day against Sexual Violence. The conceptualisation of such an initiative will be developed in 2014. If this initiative finds support among member states, international and national partners, the European day could be launched for the first time in 2015. A child friendly version of the Lanzarote Convention is also being prepared and will be finalised in 2014. The child friendly version of the Convention will contribute to providing children with an understanding of sexual violence, how to report and how to seek help.

18. Anchored in the Joint Declaration of 2007 on the reinforcement of cooperation between the Council of Europe and UNICEF CEE/CIS, and following an exchange of letters in 2012, on enhanced cooperation, between UNICEF Regional Director for CEE/CIS and the former Deputy Secretary General of the Council of Europe, , mutual exchange and strategic support has been consolidated and reinforced, particularly in the context of cooperation to fight sexual violence against children, joint efforts for child-friendly justice, promotion of the Lanzarote Convention and the Council of Europe ONE in FIVE Campaign.

19. Another way of promoting sustainability in the commitment to children’s rights is through increased visibility in the national legal framework. Giving expression to children’s rights as a constitutional value – both legally and morally – can help create a better core

foundation for the protection of children's rights. The Council of Europe Venice Commission has been contributing to this reflexion through the preparation of a study in 2013-2014. This study examines whether the framework provided by current constitutions is sufficient to afford effective protection of children's rights and respond to new needs and realities. [In so doing, the Venice Commission has singled out that children rights and specifically their implementation should be strengthened. It has set forth two sets of recommendations to member States of the Council of Europe. The first set invites member States to adopt, according to their constitutional system, constitutional provisions, to address children as right-bearers and not merely subjects who need protection. In devising and implementing legislation, policies and measures it further recommends that in all actions concerning children, their best interest shall be of primary consideration. The second set of recommendations invites all member States to foresee strong guarantees for the enforcement of children's rights, by making sure that efficient mechanisms – judicial and non-judicial, including where appropriate by setting up an independent institution, are in place to remedy possible violations of children's rights.

b. Bringing the standards closer to children's realities

20. One of the challenges to the implementation of international standards is the lack of awareness of their existence and relevance at national level. Member States also refer to the difficulty of integrating them into their respective legal and policy landscape at national level.

21. A number of initiatives have been taken to address these obstacles.

22. Together with the Fundamental Rights Agency, a Handbook on European children's rights case law is being prepared and is expected to be launched in 2015. This tool will make the case law of the European Court of Human Rights and of the European Committee of Social Rights more accessible to professionals and the public at large.

23. The key concern is to make the Council of Europe standards accessible in national languages. Systematic efforts have been made, thanks to member States voluntary contributions, to translate these standards into a good number of languages.

24. The development of partnerships and contacts with international organisations, professional networks, the business sector and individual donors is also helping to better assess needs at national level, to build the capacities of key professionals in the field, to obtain or generate additional funding and to multiply the impact of the results achieved.

25. To mainstream children's rights into the various policy areas of the Organisation and to monitor progress in the implementation of standards is challenging. To reinforce mainstreaming of children's rights at national level is also central to the successful implementation of standards and exchange of good practices. Thanks to the reinforced Council of Europe Network of Children's Rights Coordinators a number of challenges to implementation are being addressed. Since the adoption of the Strategy in 2012, dedicated capacity building meetings of the Network have been organised, which have partly been

devoted to a discussion on the Network and its individual member's missions. All members expressed interest in using the Network to exchange good practices, share data and discuss topical issues. The membership in the Network creates a solid dialogue on trends, needs and opportunities, on capacity building and triggering action at regional and national level.

26. The meeting of the Network in 2013 focused on the participation of children, which created a certain strategic direction for the celebration of the 25th anniversary of the UN CRC on the part of some member States. The members of the Network have also been invited to participate in a number of European events where they have had the opportunity of sharing practices and challenges from their countries in areas such as sexual violence and sports, children's rights and sexual orientation. In 2014 the Network is invited to participate in a Conference, organized by the Council of Europe Gender Equality Commission (GEC) on "Combating Gender Stereotypes in and through Education" in Finland in October as well as to participate in an event organized by the Belgian Chairmanship of the Council of Europe to be held in Belgium on 9-12 December 2014 focusing on the best interest of the child. The Network will continue to be strengthened also for the second part of the Strategy and organization of study visits for its members to other international organisations working on children rights is envisaged at the Network's request. This will undoubtedly contribute to solidifying cooperation with other international partners and generate further synergies.

27. New partnerships include promoting children's rights standards through, for instance, the International Society for the Prevention of Child Abuse and Neglect (ISPCAN), the European Law Students Association (ELSA), the European Non-Governmental Sports Organisation (ENGSO Youth). Organisations and research institutions working on parenting policies have been extremely active in promoting Recommendation CM/Rec (2006)19 on policy to support positive parenting. Co-operation with donors has resulted in the promotion of Council of Europe standards as criteria for granting funding projects in Europe, implemented by NGOs, research institutions or governments. This has been particularly tangible through cooperation with the European Commission.

28. The Council of Europe work in promoting access to services for children has received important support in the first years of the Strategy. The Council of Europe Guidelines on Child-Friendly Justice (2010) has received impressive support from the international community, and most importantly from the European Commission and UNICEF CEE/CIS regional office. This has resulted in an intensive and fruitful awareness-raising effort at national, European and global level. The promotion of the Guidelines is a key priority under the EU Agenda for the Rights of the Child. The European Commission is currently conducting a study to collect data on children's involvement in criminal, civil and administrative judicial proceedings. This will assess children's involvement in judicial proceedings, using the Guidelines as a template. In parallel, a complementary qualitative research project on child participation in criminal and civil justice proceedings is being conducted by the European Union Agency for Fundamental Rights (FRA). To support these two studies, the Guidelines have been translated and disseminated in all EU languages. Future activities include the development of training modules, the publication of a child-friendly version of the text and further dissemination of the Guidelines through the relevant European bodies charged with training professionals. The Steering Committee on Legal Co-operation (CDCJ), will work in 2014-15, to provide "legislative advice, training and

awareness-raising to national authorities and other relevant bodies of the Council of Europe on public and private law standards relating to integrating a child-friendly perspective into the administration of justice". Additionally the CDCJ is in the process of setting up an informal network to share relevant expertise and information on child friendly justice initiatives in member States, as well as to provide a framework of encouraging requests for project co-operation.

29. Many governments have placed school violence high on their political agenda, largely thanks to the UN Special Representative on Violence against Children. The Council of Europe Charter on education for democratic citizenship and human rights education "Charter for All" (2010) is a key tool addressing violence in schools. In co-operation with the EU, a multilateral pilot project scheme (funding programme) has recently been set up for co-operation in Council of Europe member States in contributing to the development of sustainable mechanisms promoting human rights education, including children rights education, in participating countries. Moreover, the child-friendly version of the Charter and the "Guidelines for Educators" are being translated into additional languages and are being actively promoted, in particular in the framework of Council of Europe Action Plans for individual member States. A mapping report on existing tools to tackle violence in school has been finalised by the Programme and the education sector of the Council of Europe. This mapping report reveals gaps and maps potential future work in this area for the next biennium. The Programme also supported, a short film on bullying launched in early 2014. Additionally a Comic strip competition on "Democracy and Human Rights at school" has been organised generating many proposals on making children's rights more visible. As a follow up, in 2014 the Council of Europe national coordinators for education for democratic citizenship and human rights education will pay special attention to the subject of children in vulnerable situations and will draw attention to the role of human rights education as a tool for change.

30. The situation of violence in juvenile detention institutions continues to raise concerns within Council of Europe member States. The Council for Penological Cooperation (PC-CP) is currently studying this issue and has sent out a questionnaire to national authorities. So far 41 replies have been received from 37 member States. The high number of replies shows the concern of member States and indicates their willingness to seek good practices on how the Council of Europe can continue to combat this phenomenon. The report is expected to be finalised by the end of 2014.

31. The capacity of Council of Europe offices and Programme offices to implement children's rights related activities in the field is being reinforced. A workshop for staff from several UNICEF country offices and Council of Europe field offices was organised in spring 2013 to make every effort to increase synergies and to trigger potential joint action by both organisations in favour of children's rights.

32. A number of co-operation programmes, financed by voluntary contributions, have resulted in the design of projects by the Council of Europe addressing the needs of specific countries, including Armenia, Ukraine, the Republic of Moldova and in the Neighbourhood co-operation priorities for Morocco, Tunisia and Jordan. This is core to ensuring implementation of UN and Council of Europe standards at member state level. These kinds

of initiatives will be essential to the work of the Children's Rights Division in 2014-2015 and are expected to shape the Strategy agenda for 2016 and beyond.

33. Working methods and tools are being developed to facilitate the implementation of standards at national level. These methods include the organisation of round tables and policy reviews at national level, the development of assessment tools and the creation of opportunities for sharing good practices.

34. For instance, the Council of Europe Recommendation CM/Rec (2011) 12 on children's rights and social services friendly to families and children as well as the Guidelines on Child-friendly Healthcare adopted in 2012 are currently being promoted through national, regional and international healthcare professional networks. These contacts confirmed the emergence of good practices (in particular in hospitals) and the need to further integrate the child perspective in all health related legislation, policies and practices. The Parliamentary Assembly is also exploring the possibility of how it can better contribute to ensuring the implementation of these legal instruments to ensure child friendly access to health and social services, particularly relevant and pertinent in times of austerity.

35. The Recommendation on policy to support positive parenting (2006) has become a key reference text for member States, with an increased number of governments investing in developing policies in this area and wishing to exchange on evidence-based parenting programmes and good practices. In 2012, the Council of Europe supported the organisation of an important conference on parenting support in the Netherlands bringing together governmental representatives, civil society, healthcare professionals as well as parents to discuss challenges to parental care and existing means to address them at all levels. The conclusions of the Conference include a call to the Council of Europe to encourage the organisation of national seminars on positive parenting to discuss this comprehensively with all relevant actors. The results of such seminars at national level could then be shared at international level. This approach has also facilitated the work of the Council of Europe in encouraging and supporting States in introducing a legal ban on corporal punishment. At present a total of 24 member States of the Council of Europe have introduced a legal ban on corporal punishment in all settings, with the most recent addition of "the former Yugoslav Republic of Macedonia". This work will be pursued.

36. Guaranteeing the rights of children at risk and in care is a key concern for the Council of Europe given their particular vulnerability. In co-operation with SOS Children's Villages, the Council of Europe is promoting at national, regional and international levels, the UN Guidelines for the Alternative Care of Children, Recommendation CM/Rec(2005)5 on the rights of children living in residential institutions and Recommendation CM/Rec(2011)12 on children's rights and social services friendly to children and families. On the basis of the information provided by networks of professionals and by young people having lived in care, the Council of Europe produced the booklet "Discover your Rights!" to fill the gap created by the absence of child-friendly material allowing children in care to understand their rights. This tool continues to be translated and disseminated in relevant national structures and institutions. It has been complemented with a training manual "Securing their rights" addressed to professionals in contact with children in care. The drafting process included consultations in three member States (Albania, Estonia, and Croatia) with UNICEF,

governmental representatives, professionals from various sectors as well as young people in care. The development of this material was both requested and greatly welcomed, given that children's rights are not sufficiently included in training curricula of social care professionals. It is expected that these materials will be used to train professionals working with children in care across the continent.

37. Roma children are amongst the most deprived of all children. In addition to the hardships of poverty and social exclusion, they face daily discrimination and important exposure to violence (including various forms of exploitation, sexual abuse and hate speech). The UN CRC places an obligation on States to respect and guarantee Romani children's rights to survival, development, protection and participation. This means that they have to take all the necessary measures to ensure that these rights are realised without discrimination on any grounds. Raising the awareness of Roma children and Roma communities on children's rights is crucial to empowering both children and adults in their daily struggle for the recognition of these rights. This has led the Council of Europe to translate child-friendly materials into the Romani language and to involve and empower teachers on Roma culture and Roma parents in the use of education as a way of developing the children's full potential and of increasing the chances of breaking the social exclusion cycle. Initiatives are also foreseen for providing more visibility to violations of human rights of Romani children and to the case law of the Court, the European Committee of Social Rights and the outcome of the work of other monitoring bodies. Promotion of standards will include the use of the Lanzarote Convention as a basis to promote prevention and protection measures that take into account the specific needs and circumstances of Roma children.

38. Migrant children are likewise in situations of extreme vulnerability throughout their journeys – in countries of origin, in transit and in countries of destination. While unaccompanied minors face a particularly precarious situation, migrant children at large even when accompanied by parents suffer persistent violations of their human rights. The Convention on the Rights of the Child provides that the detention of children should be a measure of last resort and for the shortest appropriate period of time. Yet, the detention of migrant children and adolescents on the sole basis of their or their parents' immigration status is a recurring practice in Europe, at times in deplorable conditions and with traumatizing effect. Jurisprudence of the European Court of Human Rights and the European Committee on Social Rights reaffirm the rights of all children in Europe, regardless of their immigration status. In cooperation with the UNHCR the Council of Europe regularly provides trainings on the human rights of migrants and asylum-seekers, including children, where an audience of legal professionals and administrators within Member States gain insight into the European Convention on Human Rights and the European Social Charter in this regard. The Council of Europe has likewise assisted Member States in developing appropriate age assessment procedures which simultaneously focus on more accurate results and on respecting the human dignity of youth and adolescents when assessing their age. In the coming years, the Council of Europe will continue its work on the practical application of the best interests of the child in decisions on immigration, asylum, detention and deportation. Further work needs to be done in supporting alternatives to detention and enhancing the practical implementation of Recommendation CM/Rec(2007)9 on life projects for unaccompanied minors and Twenty guidelines on forced return (CM/2005). The issue of

children's statelessness also remains a grave concern in a number of Council of Europe Member States.

39. Recommendation CM/Rec(2012)2 on the participation of children and young people under the age of 18 provides important guidance to States for the implementation of Article 12 of the UN Convention on the Rights of the Child. To support States in reviewing and evaluating the progress they are making in this field, the Council of Europe, in close co-operation with various partners, finalised, in early 2014, an Assessment tool. In the second half of the Strategy this Tool will be tested in at least three member States and volunteer countries have already come forward illustrating their interest.

40. In 2013 Recommendation CM/Rec(2013)2 on ensuring full inclusion of children and young persons with disabilities into society was adopted. This instrument sets out the need to promote the full belonging of children and young persons with disabilities to society through participation, choice and decision-making, and details the support required to empower them. It also advocates inclusive education as facilitating full citizenship, and recommends a set of 15 positive actions by member States to be carried out by public bodies at all levels (central, regional and local authorities), in cooperation with Disabled People's Organisations (DPOs), children and young persons with disabilities themselves, service providers and other relevant stakeholders.

41. The Council of Europe's "No Hate Speech Movement" plays a key role in changing mind-sets and attitudes, particularly among young people and children. Research shows that children are among the primary targets of hate speech online, particularly cyberbullying. This campaign, which started as an online European campaign by young people co-operating with the Council of Europe (Advisory Council on Youth), has developed to include 39 national campaigns covering online and offline activities reaching all sectors of the population. A number of practical online tools have been designed to support teachers, trainers and youth workers. Several modules concentrate on children (in issues of cyberbullying, on line gaming, for example). These tools, brought together in the new teaching manual, Bookmarks, designed to raise awareness of human rights on line, complement the Compasito manual for trainers and teachers of children.

42. Through this work and that of the partners of the Council of Europe the participation of children is becoming a reality. The Annual Conference of Eurochild in December 2013, proved that projects all across Europe are being run and are having an impact but always on a limited number of children. Child participation is still neither systematic nor automatic. There is still a need for societies and policy makers to shift into the next dimension where decisions of concern to children and their lives will not be taken without their consultation. To achieve this there is first of all a need for strong political leadership as well as the need to train professionals and public service authorities.

c. Ensuring respect of children's rights through Council of Europe monitoring mechanisms

43. During the preparation of the Strategy, and thanks to the mainstreaming working methods of the Programme, the Council of Europe monitoring bodies showed an unprecedented interest in furthering their children's rights agendas. This interest was clearly demonstrated during the launching Conference on the Strategy, held in Monaco in 2011 where representatives from various monitoring mechanisms indicated the important potential their own mechanisms could achieve and further develop.

44. The European Convention on Human Rights secures "everyone" within the member states' jurisdictions the rights and freedoms defined in Section 1 of the Convention. The definition of "everyone" also includes children. The Court's "monitoring" procedure is based on individual complaints. This means that individuals (including children) must lodge an application on their own behalf, but only after all domestic remedies have been exhausted. Individual cases refer to specific situations, which make them more likely to be the object of media coverage, thus generating public awareness of the issues.

45. Protecting and promoting the human rights of children continues to be one of the priorities of the Commissioner for Human Rights. In the framework of his work on the impact of the economic crisis on human rights, since the beginning of his mandate in April 2012 Commissioner Muižnieks focused specifically on children's rights which are specifically affected. He also addressed the persisting problem of statelessness of children, which significantly affects children belonging to minority groups, especially the Roma. Violations of the rights of Roma children, by reason notably of their continuing education in segregated settings, have also been high on the Commissioner's agenda. Furthermore, he paid extensive attention to the particular vulnerability of migrant children, in particular when unaccompanied, and their high exposure to human rights violations. The Commissioner covered these issues extensively in both his country and thematic work.

46. The European Committee of Social Rights "monitors" State compliance in law and in practice with the provisions of the European Social Charter, it also relates to children and has done so for a long time. The Committee's most recent decisions have drawn attention to the need for children and adolescents with autism to be educated primarily in mainstream schools.³ For migrant children "on the move", the Committee held that the persistent failure to accommodate unlawfully present and unaccompanied minors in reception centres, posed a serious threat to the enjoyment of their most basic rights, such as the rights to life, to psychological and physical integrity and to respect for human dignity. Similarly, the failure to guarantee these minors special protection against physical and moral hazards was a violation of Article 7§10 of the Charter⁴. The situation of Roma children has been given increased attention by the Committee which in three fairly recent decisions has drawn attention to the need for Romani children to have access to education in a non-discriminatory

³ Decision on the merits of 11 September 2013 of the Complaint No. 81/2012 European Action of the Disabled (AEH) v. France , the Committee held that France violated Article 15§1.

⁴ Decision of 23 October 2012 of the Complaint No 69/2011 -Defence for Children International (DCI) v. Belgium.

manner⁵. The Cooperation agenda of the Council of Europe needs to consider these gaps in practice in member States and needs to ensure that the decisions of the Committee are followed through and implemented at national level, together with the relevant intergovernmental bodies.

47. Thanks to this interest, and in addition to the work carried out by the Lanzarote Committee (see above), a number of Council of Europe monitoring bodies and institutions have cooperated with the Programme to trigger a more systematic integration of the rights of children into their work. An international meeting organised in 2012 on monitoring children's rights in Europe opened and explored new opportunities for Council of Europe monitoring bodies to focus more strategically on evaluating children's rights in their work, in developing child-friendly materials or in involving children in their work through child participation.

48. The Council of Europe Convention on Action against Trafficking in Human Beings is the first legally binding document at international level emphasising the human rights approach to trafficking with a specific focus on the rights of trafficked persons, including children. Its monitoring mechanism, GRETA (the Group of Experts on Action against Trafficking in Human Beings) evaluates the implementation of the Convention by the Parties and to this end produces country reports containing recommendations that aim at assisting States in improving their national anti-trafficking policies and practices. All the protections and rights in the Convention must be applied in cases of child trafficking. However, in the case of children, the Convention takes a child-sensitive approach and prescribes a number of special measures to be implemented by States. The most recent recommendations made by GRETA in respect of Armenia, Austria, Bulgaria, Croatia, Cyprus, Denmark, France, Georgia, Latvia, Norway and the Slovak Republic have listed a number of recommendations that are specifically focused of children's rights and in particular the need for States to ensure their status as victims of trafficking and to make ensure that they are receive adequate protection and support.

49. In 2012, the Children's Rights Division prepared, together with the Secretariat of the Committee for the Prevention of Torture (CPT), a report on Children's Rights and the CPT. Children should not be detained. Through its visit reports, the CPT has developed standards to strengthen the safeguards surrounding any detention of children as well as the conditions and treatment in secure institutions. Any period of detention for children should be focused on their return to the community as soon as possible, providing these children with life skills and support which results in them no longer coming into conflict with the justice or care system. A joint stock-taking of the situation of children in detention in member States shows that much needs to be done to reduce the number of children detained and to provide, in many countries, a more supportive custodial environment. In the past couple of years, the CPT has therefore increased the frequency of its visits to children's detention facilities. The

⁵ Decision on the merits of 11 September 2012 of the Complaint 67/2011 Médecins du Monde – International v. France; Conclusions 2011 the Committee held that despite the absence of discriminatory treatment in the legislation, the practice in the Slovak Republic showed that Roma children were disproportionately represented in special classes. Therefore the Committee considered that this situation amounted to a breach of Article 17§2 of the Charter. The Committee also found that Hungary was not in conformity with Article 17§2 of the Charter on the ground that Roma children were subject to segregation in the educational field.

CPT also recognises the importance of developing specific monitoring approaches for such facilities given the vulnerability of children and, in the framework of the Programme, is looking closely at this question. This work will feed into the current process of updating the CPT's standards on children in detention which should be published in the coming year. This cooperation has also highlighted the need to strengthen the monitoring of children's detention facilities, to improve the treatment of children placed in such facilities and, above all, to promote alternatives to detention.

50. In 2014, a new monitoring mechanism will be set up to evaluate the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention). This Convention, currently signed by 24⁶ and ratified by 8 member States⁷ of the Council of Europe, will enter into force following its 10th ratification. It addresses various forms of violence against women, including violence typically directed against girls, such as female genital mutilation and forced marriage. It also addresses domestic violence as intimate-partner violence and its effects on children. In as far as domestic violence against children (child abuse) is concerned, the Convention makes it optional for States Parties to apply its provisions accordingly. Monitoring the implementation of the Istanbul Convention will bring to light invaluable information on measures taken at national level to protect children from abuse. The possibility of using the Istanbul Convention to improve the legislative, policy and service response in member States to specific forms of violence affecting children, in particular girls, is being explored in a roundtable on "Violence against girls and young women under 18" at the conference on the implementation of the Strategy, Growing with Children's Rights, Dubrovnik 27-28 March 2014 and is expected to have an impact on the implementation of the Strategy for the next biennium.

51. The Advisory Committee of the Framework Convention for the Protection of National Minorities has prepared a reflexion paper on how they can better focus their attention and listen to children of national minorities. The European Charter for Regional or Minority languages systematically focuses on children's rights when they are considered as rights holders in the area of education, media etc.

52. Mainstreaming children's rights into the various monitoring efforts is a medium term objective. Each mechanism has its own specificities and constraints and it will take a certain length of time to produce the expected results of children's rights being systematically evaluated and recommendations adopted which are child focused. As the CPT example shows, a step-by-step approach can be extremely efficient and allow the Council of Europe and the international community at large to better target their efforts to support the effective implementation of standards in children's rights.

53. A long term objective of the Programme is to ensure that once the Council of Europe monitoring mechanisms, systematically evaluate the situation of children in member States, these conclusions, recommendations and reports are systematically fed into the UN CRC.

⁶ Andorra, Belgium, Croatia, Denmark, Finland, France, Germany, Greece, Iceland, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Ukraine and United Kingdom.

⁷ Albania, Austria, Bosnia and Herzegovina, Italy, Montenegro, Portugal, Serbia and Turkey.

Should adequate resources be provided, serious consideration should be given to the setting up a joint working group between the Council of Europe and the UN CRC to report and exchange on issues of joint interest.

II. Matching resources, expectations and future perspectives

54. The Council of Europe Strategy for the Rights of the Child has firmly placed the Council of Europe as a reference point in the field of children's rights, but, at the same time, it has also raised many expectations. An increasing demand for support, expertise and contributions is emerging from various national, regional and global processes. At midpoint it is evident that all these expectations cannot be met with the current resources and through the Council of Europe alone.

55. First, the focus on implementation implies a change in working methods. Developing tailor-made and well-focused responses to needs expressed by governments is indeed more time consuming than traditional intergovernmental work. This comes in addition to energies invested in the co-ordination of the Council of Europe Children's Rights agenda. Although the added value of transversal working methods and focus in implementation is obvious, the cost in terms of human resources needs to be considered.

56. Second, the rapid increase in the number of ratifications of the Lanzarote Convention means that its Committee has started its monitoring work with the 26 States Parties, eligible for the first round and the possible extension of the Council of Europe ONE in FIVE Campaign by one year will require the Programme to increase its resources and to continue to efficiently support the monitoring work. The next biennium and the next Council of Europe Strategy on the Rights of the Child is expected to have this work at its core.

57. Third, the Council of Europe has delivered extensively on most areas covered by the Strategy. Despite renewed calls for action, the Programme has not provided new initiatives on some of the more demanding issues such as children and the Internet, children's use of newer information and communication technologies enabling them to better manage their privacy and personal data, access to child focused public services, the challenge of protecting children's rights in a society where access to information and images that are potentially harmful is unlimited. Persistent challenges in protecting children's rights need to remain a priority and emerging issues should be addressed.

58. The Programme will continue to pursue its work in implementing the Strategy until the end of 2015 as this Progress report illustrates.

59. An additional upcoming priority for the Organisation will be the preparation of its next Strategy for the Rights of the Child for 2016 and beyond. To ensure a strong intergovernmental ownership, the Committee of Ministers adopted in 2013 terms of reference for a new Committee of Experts which shall have the role of preparing a report on the implementation of the present strategy, and furthermore, the next strategy for 2016-2019. This work is expected to build on the knowledge and experience of the Council of Europe

Network of National Coordinators on Children's Rights and will require consultation with member States, international organisations and partners, experts and civil society working in the area of the rights of the child with the view to fostering synergies and harmony. The first meeting of this Committee will take place at the end of 2014. The present Progress report and in particular the conclusions of the Mid-Term Review Conference, "Growing with Children's Rights" organized in Dubrovnik, 27-28 March 2014 will contribute to guiding the future work of this Committee, and subsequently the Council of Europe, in continuing its pioneering role in shaping a children's rights agenda which will allow children in Europe and beyond, to grow up in democratic societies that are child focused and respectful of their rights.

60. The Committee of Ministers also approved terms of reference for a new intergovernmental committee: the European Committee for Social Cohesion, Human Dignity and Equality. The latter will provide support to the implementation of Council of Europe Strategies, including in the area of children's rights, and will therefore support member states more directly, while the Programme will continue to work transversally together with other intergovernmental as well as monitoring bodies of the Organisation.