

## **1249 Meeting, 2-3 March 2016**

6 Social cohesion

### **6.4 Council of Europe Strategy for the Rights of the Child**

a. Council of Europe Strategy for the Rights of the Child (2016-2021) –  
Children's human rights

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<sup>1</sup> This document has been classified restricted until examination by the Committee of Ministers.  
Internet : <http://www.coe.int/cm>

## Introduction

1. The Council of Europe protects and promotes human rights, which includes the rights of the child. This document sets the priorities of the Council of Europe in this area for the period 2016 to 2021.

2. This Strategy identifies:

- the Council of Europe's achievements to build upon (chapter I);
- the major challenges for the rights of the child (chapter II);
- five priority areas and actions for meeting those challenges (chapter III);
- working methods to deliver the Strategy (chapter IV).

3. The five priority areas to guarantee the rights of the child are:

1. Equal opportunities for all children
2. Participation of all children
3. A life free from violence for all children
4. Child-friendly justice for all children
5. Rights of the child in the digital environment

4. Children in Council of Europe member States are entitled to enjoy the full range of human rights safeguarded by the European Convention on Human Rights, the United Nations Convention on the Rights of the Child (UNCRC) and other international human rights instruments. These include civil, political, economic, social and cultural 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.

5. The Council of Europe's work on the rights of the child is based on the UNCRC and in particular its four general principles:<sup>2</sup>

**1. Non-discrimination** (Article 2). The rights of the child 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>3</sup> sexual orientation, gender identity,<sup>4</sup> or other status. This Strategy attributes attention to the application of the non-discrimination principle 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. The Council of Europe will work on making this principle operational throughout the objectives of this Strategy.<sup>5</sup>

**3. Right to life, survival and development** (Article 6). Children have an inherent right to life and to protection from violence and suicide. Development should be interpreted in its broadest sense, embracing the child's physical, mental, spiritual, moral, psychological and social development.

**4. The right to be heard** (Article 12). Children's participation is one of the five 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 in society is key to realising their rights. The Council of Europe is committed to taking a participatory approach to the rights of the child in all dimensions of this Strategy and to support its member States in doing so.

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<sup>2</sup> UN Committee on the Rights of the Child General Comment No. 5 (2003) on General measures of implementation of the Convention on the Rights of the Child.

<sup>3</sup> UNCRC, Article 2.1.

<sup>4</sup> CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity.

<sup>5</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).

6. The Strategy is the result of a broad consultation with member States, civil society, ombudspersons for children, other international organisations and children.<sup>6</sup> This process was guided by the Committee of Experts on the Council of Europe Strategy for the Rights of the Child (DECS-ENF) which met three times from 2014 to 2015. The Strategy was adopted by the Committee of Ministers of the Council of Europe on 2 March 2016 and will be launched at a high-level conference in Sofia, Bulgaria, on 5-6 April 2016.

7. The stakeholders contributing to the Strategy development also considered the views of children. A secondary analysis of over 130 consultations with children in Council of Europe member States was specifically prepared to inform the development of this Strategy.<sup>7</sup> The results of this analysis will remain a reference document in the course of the Strategy implementation. Some member States also directly consulted children at national level on their contribution to the Strategy.

8. 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.

9. The duration of this Strategy is six years. A mid-term evaluation with the possibility for adjustments will be carried out after three years under the guidance of member States and other relevant stakeholders.

## **I. THE COUNCIL OF EUROPE AND THE RIGHTS OF THE CHILD: ACHIEVEMENTS TO BUILD UPON**

10. In its almost 10 years of existence since 2006, the programme “Building a Europe for and with Children” has striven to protect and promote the rights of the child in Council of Europe member States. Among many others, the following results have been achieved:<sup>8</sup>

- 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 standards on children’s rights elaborated by member States and adopted by the Committee of Ministers.<sup>9</sup> These conventions, recommendations and guidelines advance the implementation of the UN Convention on the Rights of the Child at European level.
- The knowledge base on progress and challenges in the implementation of the rights of the child under the relevant Council of Europe conventions has been broadened through reliable data collected by at least eight monitoring and other mechanisms of the Council of Europe.<sup>10</sup>
- Member States have received support, upon request, in implementing children’s rights through more than 160 activities in 28 co-operation projects<sup>11</sup> implemented by the Council of Europe, as well as through numerous bilateral activities within the Council of Europe Programme and Budget. More than 200 activities on children’s rights involving all 47 member States were organised under the previous Strategy, from 2012 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.

<sup>6</sup> Questionnaires were completed by 39 member States, 34 NGOs and 13 ombudspersons for children. Six international organisations provided written feedback.

<sup>7</sup> Council of Europe (2015), 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.

<sup>8</sup> See the Implementation Report on the Strategy 2012-2015 (CM(2015)174).

<sup>9</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 [www.coe.int/children](http://www.coe.int/children).

<sup>10</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>11</sup> From 2006 to mid-2015, children’s rights were addressed in 11 Joint Programmes with the European Union and 17 co-operation projects financed by Voluntary Contributions.

- Children's views have been sought and taken into account in the development of recommendations of the Committee of Ministers on children's rights<sup>12</sup> and communication tools targeted at children.
- Strong partnerships with other international organisations and non-governmental organisations have been developed and have placed the Council of Europe as a key driver of children's rights at European and international levels.
- Children, parents, professionals and policy makers were made more aware of the rights of the child 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>13</sup>
- Children's rights have been mainstreamed across the organisation with the effect that 35 sectors and policy fields of the Council of Europe contributed to the implementation of the 2012-2015 Strategy for the Rights of the Child.

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

11. The UNCRC brought about a paradigm shift in the way in which society should view children, namely as true subjects of rights and agents of change. 25 years after the entry into force of the UNCRC (1990), however, this idea is still challenged. Despite the progress achieved, children's rights are violated on a daily basis. There are still gaps in children's legal protection, and even more between law and practice. Strong political commitment paired with the allocation of sufficient resources and a broad societal awareness of the rights of the child are needed to ensure that children are seen and treated as full rights-holders. Based on children's own views as well as 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. Poverty, inequality and exclusion

12. The economic crisis has deeply affected children. Out of the 32 Council of Europe member States monitored in a UNICEF report, child poverty increased in 20 countries and decreased in only 12.<sup>14</sup> According to Eurostat, children are the age group at the highest risk of poverty or social exclusion. Children living in poverty reportedly are feeling excluded and stigmatised.<sup>15</sup> They are less likely than their better-off peers to do well in school, enjoy good health and realise their full potential later in life.<sup>16</sup> With cycles of poverty lasting through generations, Europe risks producing a "lost generation" of disillusioned young people, with potentially grave consequences for cohesive societies and political stability.<sup>17</sup> High levels of unemployment and cutbacks in public welfare may lead to increasing levels of stress amongst affected families, which create new risk factors of violence and neglect.<sup>18</sup>

13. A large number of children across Europe feel excluded and identify discrimination as a key rights issue to be dealt with.<sup>19</sup> Not being able to enjoy education, play and share leisure time with others, or being bullied because of one's ethnic origin, sexual orientation or other status, 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 and marginalised groups. These include several groups of children, such as children with disabilities, children without parental care, children from minorities including

<sup>12</sup> For instance, the Guidelines on child-friendly justice adopted by the Committee of Ministers in 2010 take into consideration the conclusions from approx. 3,800 children in 25 member States. Children's views were also taken into account in the drafting process of the Guidelines on child-friendly health, the Recommendation on child-friendly social services, and the Recommendation on participation of children and young people under the age of 18.

<sup>13</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>14</sup> UNICEF Office of Research (2014), Children of the Recession: The impact of the economic crisis on child well-being in rich countries, Innocenti Report Card 12.

<sup>15</sup> Council of Europe (2015), Challenges to children's rights today: What do children think?, chapter 10.

<sup>16</sup> European Commission Recommendation "Investing in children: breaking the cycle of disadvantage", 2013.

<sup>17</sup> See Parliamentary Assembly Resolution 1885(2012) "The young generation sacrificed: social, economic and political implications of the financial crisis".

<sup>18</sup> Child Helpline International (2013), Voices of young Europe RWD.

<sup>19</sup> Council of Europe (2015), Challenges to children's rights today: What do children think?, chapter 8.

Roma<sup>20</sup> children, children on the move or otherwise affected by migration, children deprived of liberty, children living and/or working on the streets and children of imprisoned parents.

## 2. Violence

14. Violence is a primary concern expressed by children.<sup>21</sup> Violence against children constitutes a violation of the rights of the child, compromises children's social development and affects the enjoyment of their other rights.<sup>22</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>23</sup> Ending all forms of violence against children is therefore a legal, ethical and economic imperative.

15. Despite significant advances in addressing violence against children, progress is still too slow and fragmented. The risk of violence against children, especially girls, remains present in every setting, including in the digital environment and in places where children should be safest – in schools, in all forms of care, in justice institutions, during leisure activities, sports and in the home. Progress is hampered by insufficient investment in violence prevention, fragmented and poorly enforced national policies, scarce data and research, as well as insufficient attention to child-sensitive mechanisms for counselling, reporting, recovery and reintegration.

16. Violence against children in conflicts is an unacceptable reality in Europe. Even once a conflict ends, children will remain traumatized by what they were obliged to experience and witness. Building and re-building trust among the young generation is an important task to tackle.

## 3. A justice system made for adults

17. European judicial systems are still insufficiently adapted to the specific needs of children. Research demonstrates that the rights of children to be heard, to be informed, to be protected, and not to be discriminated, are not always fulfilled in practice.<sup>24</sup> Children in conflict and in contact with the law all have specific rights to which the justice system frequently does not respond to adequately. Restriction of liberty of children is not, contrary to UNCRC requirements, considered only as a last resort and for the shortest possible period of time. Administrative detention of migrant and other children and conditions of deprivation of liberty pose serious challenges to the realisation of their rights.

18. 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>25</sup> The European Committee of Social Rights has also found several States in breach of the European Social Charter, including for not having prohibited corporal punishment in a sufficiently precise and binding manner.

## 4. Challenges for families and parents

19. 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 relationships with their parents and siblings.<sup>26</sup> Families can, however, be confronted with numerous challenges: the economic crisis has exposed many families to unemployment and insecurity about the future. Reconciling work and family life remains difficult for many parents and in particular for single parents, who are mostly women. Violence experienced and witnessed by children can take place within a family context. An increasing number of families are

<sup>20</sup> The terms "Roma and Travellers" are being used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies.

<sup>21</sup> *Ibid.*, chapter 4.

<sup>22</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>23</sup> Overseas Development Institute and Child Focus Alliance (2014), The costs and economic impact of violence against children.

<sup>24</sup> EU Agency for Fundamental Rights (FRA) (2015), Child-friendly justice – Perspectives and experiences of professionals on children's participation in civil and criminal judicial proceedings in 10 EU member States.

<sup>25</sup> European Court of Human Rights, Factsheet Children's Rights, March 2015.

<sup>26</sup> Council of Europe (2015), Challenges to children's rights today: What do children think?, chapter 11.

affected by migration. New information and communication technologies add an entirely new dimension to parenting. Many parents lack support in fulfilling their role in raising their children and guaranteeing their rights.

## 5. Racism, hate speech and radicalisation

20. 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>27</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. Radicalisation of children and youth is another issue of concern that calls for more investments into education for tolerance and intercultural dialogue.<sup>28</sup> There are cases in which children from European countries are being recruited by extremist groups. Responses will need to be found to prevent this, but also to re-integrate minors who have been abroad to join extremist groups and have returned.

## 6. Growing up in a digital world

21. 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 is gradually being considered as dimensions of the rights of the child to freedom of expression, to participation and to education. Yet the digital environment also exposes children to harmful content and its effects, 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. Parents and teachers struggle to keep up with technological developments so that a generational divide has become increasingly apparent.<sup>29</sup>

## 7. Migration

22. Children on the move and otherwise affected by migration are one of the most vulnerable groups in Europe today.<sup>30</sup> In some countries, they face limited access to justice, education, social and health services. While unaccompanied children face a particularly precarious situation<sup>31</sup>, migrant children at large even when accompanied by parents often suffer persistent violations of their human rights. The principle of the best interests of the child is too often neglected in asylum and immigration procedures. The use of detention instead of child welfare protection, failures in appointing effective guardianship, family separation and demeaning age assessment procedures are emblematic of the different ways in which migrant children fall through loopholes in child protection frameworks. They are also at high risk of trafficking<sup>32</sup> and exploitation. Children left behind when their parents migrate, as well as stateless children are likewise at a heightened risk of finding their rights violated.

## III. PRIORITY AREAS

23. 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 other Council of Europe standards protecting the rights of the child.

24. Figures at the end of each chapter summarize for each priority area the expected impact at beneficiary level (children), outcome at the level of member States and other stakeholders, and a non-exhaustive selection of outputs produced by the Council of Europe. Given the normative character of the Council of Europe’s mandate, the Council of Europe’s performance will mainly be evaluated at output and outcome level, though efforts will be made to also generate evidence on impact.<sup>33</sup>

<sup>27</sup> Council of Europe (2015), State of Democracy, Human Rights and the Rule of Law in Europe. Report by the Secretary General of the Council of Europe.

<sup>28</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>29</sup> EU Kids Online (2014), EU Kids Online: findings, methods, recommendations.

<sup>30</sup> See SG/Inf(2015)33, Migration challenges for Europe: need for collective action.

<sup>31</sup> See UN High Commissioner for Refugees (UNHCR), Safe and Sound: what States can do to ensure respect for the best interests of unaccompanied and separated children in Europe, 2014.

<sup>32</sup> See Council of Europe Group of Experts on Action against Trafficking in Human Beings (2015), 4th General Report.

<sup>33</sup> See United Nations Evaluation Group (2013), Handbook for Conducting Evaluations of Normative Work in the UN System.

25. In the framework of a pilot project on risk management within the organisation,<sup>34</sup> a certain number of risk factors that could negatively affect the achievements of outcomes as well as mitigating actions were identified. The described risk factors are not exhaustive and will be elaborated in more detail during the inception phase of the Strategy implementation. Insufficient financial and human resources as well as lack of political commitment are general risk factors that apply to all priority areas.

## 1. Equal opportunities for all children

26. 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 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. Guaranteeing children's social rights

27. 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>35</sup> Special attention will be given to the follow-up of the conclusions and decisions of the European Committee of Social Rights on provisions relevant to children's rights.<sup>36</sup>

28. Child poverty and social exclusion can most effectively be addressed through child protection systems that carefully integrate preventive measures, family support, early childhood education and care<sup>37</sup>, social services, education and housing policies. Member States will therefore be encouraged to follow and implement the Committee of Ministers Recommendations on child-friendly social services<sup>38</sup>, on child-friendly healthcare<sup>39</sup>, on the access of young people from disadvantaged neighbourhoods to social rights<sup>40</sup>, and the Recommendation of the Congress of Local and Regional Authorities on the social reintegration of children living and/or working on the streets<sup>41</sup>. They may also take into consideration the European Commission Recommendation "Investing in children: breaking the cycle of disadvantage"<sup>42</sup> and its work on integrated child protection mechanisms<sup>43</sup>. With a view to guaranteeing the best interests of the child in all measures affecting them<sup>44</sup>, member States will also be supported in introducing and enhancing the quality and effect of child impact assessments.

### 1.2. Countering discrimination

29. The right to non-discrimination (see chapter I) is guaranteed by the European Convention on Human Rights and the UNCRC, of which it is also a general principle.

30. The Council of Europe will continue to protect the rights of **children with disabilities** based on the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and the Council of Europe Recommendations on ensuring full inclusion of children and young persons with disabilities into society<sup>45</sup> and on deinstitutionalisation and community living of children with disabilities<sup>46</sup>. Participatory research will be undertaken on the specific opportunities and risks for children with disabilities in the digital environment.

<sup>34</sup> See Financial regulations and supplementary provisions of the Council of Europe, adopted by the Committee of Ministers on 29 June 2011 and amended on 19-20 November 2013.

<sup>35</sup> Parliamentary Assembly Resolution 1995(2014) "Ending child poverty in Europe".

<sup>36</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), Article 17 (right of children and young persons to social, legal and economic protection), Article 30 (Right to protection from poverty and social exclusion) and Article 31 (right to housing).

<sup>37</sup> See CM/Rec(2002)8 on child day-care.

<sup>38</sup> CM/Rec(2011)12.

<sup>39</sup> Guidelines on child-friendly healthcare, adopted by the Committee of Ministers on 21 September 2011.

<sup>40</sup> CM/Rec(2015)3.

<sup>41</sup> Recommendation 253 (2008) of the Council of Europe Congress of Local and Regional Authorities.

<sup>42</sup> European Commission Recommendation "Investing in children: breaking the cycle of disadvantage", 2013.

<sup>43</sup> See European Commission (2015), 9th European Forum on the rights of the child, Reflection Paper, Coordination and cooperation in integrated child protection systems.

<sup>44</sup> 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>45</sup> CM/Rec(2013)2.

<sup>46</sup> CM/Rec(2010)2.

31. In line with Committee of Ministers Recommendation on the rights of children living in residential institutions<sup>47</sup> and the UN Guidelines on the Rights of Children in Alternative Care, the Council of Europe will also pay 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. Where large residential care facilities (institutions) remain, the Council of Europe will promote the deinstitutionalisation of care of children, in particular of children under the age of three.
32. The rights of **children on the move or otherwise affected by migration** will be protected and promoted by various Council of Europe bodies, including the Council of Europe Commissioner for Human Rights. Member States will be supported in upholding their human rights obligations in line with the case-law of the European Court of Human Rights, the conclusions of the European Committee on Social Rights (ECSR), and of the Committee for the Prevention of Torture (CPT), the Group of Experts on Action against Trafficking in Human Beings (GRETA) as well as the European Commission against Racism and Intolerance (ECRI). Furthermore, the Council of Europe will guide member States in taking a co-ordinated child rights based approach, bearing in mind also the Recommendations on life projects for unaccompanied migration minors<sup>48</sup>, on strengthening the integration of children of migrants and of immigrant background<sup>49</sup>, and on the nationality of children.<sup>50</sup> Special attention will be paid to the situation of unaccompanied migrant children and to the link between migration and trafficking of children. The Parliamentary Assembly of the Council of Europe will continue to support the Campaign to End Immigration Detention of Children.<sup>51</sup>
33. The Council of Europe will continue to protect and promote the rights of **children from minorities**, in particular through the work of the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) and the Committee of Experts of the European Charter for Regional or Minority Languages (ECRML). Through the latter, the Council of Europe will particularly protect and promote the rights of children from traditional ethnic or national minorities regarding the use of their language in private and public life and at school.
34. Action will be undertaken in particular to evaluate the effective implementation of **Roma children's** rights, to address the issue of early/child marriage, to strengthen access of Roma children and in particular girls and children with disabilities to inclusive education, to make full use of trained Roma mediators and assistants under ROMED,<sup>52</sup> as well as to fight stereotypes against Roma children through developing a child-friendly version of the Dosta! campaign.<sup>53</sup>
35. To fight discrimination on the grounds of **gender** and promote equality between girls and boys, the Council of Europe will continue to address stereotypes and sexism, notably in media<sup>54</sup> and education<sup>55</sup>, as well as oversexualisation.
36. 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 undertake research on the situation of **LGBT and intersex** children as regards the realisation of their rights.

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<sup>47</sup> CM/Rec(2005)5.

<sup>48</sup> CM/Rec(2007)9.

<sup>49</sup> CM/Rec(2008)4.

<sup>50</sup> CM/Rec(2009)13.

<sup>51</sup> See <http://website-pace.net/web/apce/children-in-detention>.

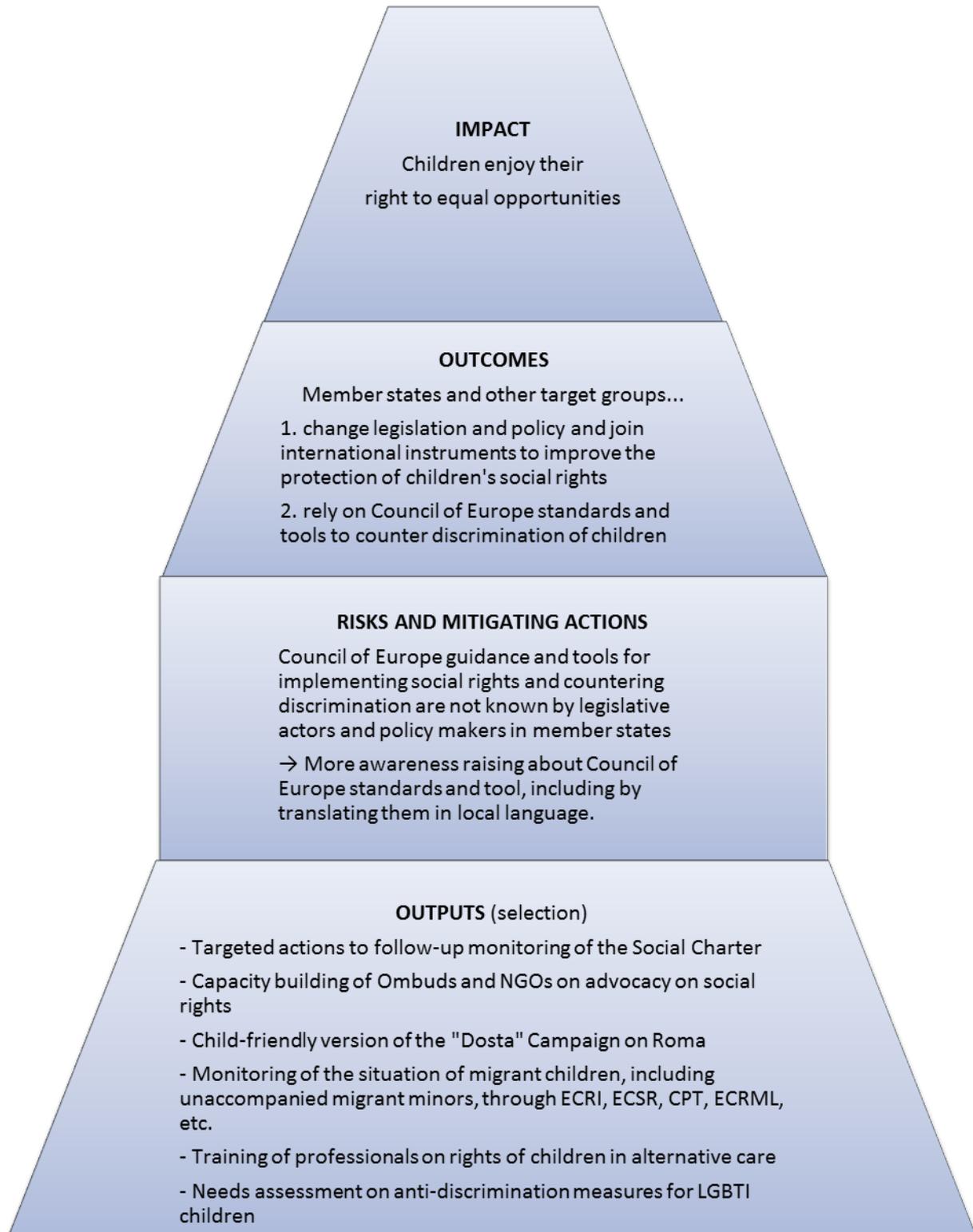
<sup>52</sup> ROMED is a Joint Programme by the Council of Europe and the European Union aiming to train Roma mediators around Europe. See [www.coe-romed.org](http://www.coe-romed.org).

<sup>53</sup> See [www.dosta.org](http://www.dosta.org).

<sup>54</sup> CM/Rec(2013)1 on gender equality and media.

<sup>55</sup> CM/Rec(2007)13 on gender mainstreaming in education.

### Priority area 1: equal opportunities for all children



## **2. Participation of all children**

37. Children have the right to be heard and participate in decisions affecting them, both as individuals and as a group. Indeed everyone has the right to freedom of expression, as guaranteed under Article 10 of the European Convention on Human Rights. 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>56</sup>

### **2.1. Promoting children's right to participate**

38. The Council of Europe will provide guidance on how to embed child participation in practice in a systematic manner and in all contexts relevant for children. Based on the Recommendation on the participation of children and young people under the age of 18<sup>57</sup>, it will support member States in using the Council of Europe's Child Participation Assessment Tool as one means to measure progress towards fulfilling the rights of children to participate in matters concerning them. Action will be undertaken to facilitate exchange of experiences on rights-based child participation<sup>58</sup> in co-operation with the Council of Europe youth sector, child and youth organisations, ombudspersons for children and child advisory bodies and based on the principles of independence, representation, competence, information and continuity.

### **2.2. Reaching out to children**

39. 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, respecting the above-mentioned principles. In doing so, special emphasis will be given to the participation of children in vulnerable situations, such as children with disabilities, children living in poverty, children in care, Roma children, children on the move or otherwise affected by migration, and children from minorities. Efforts will be reinforced to reach out to children and those who care for and work with them through websites, applications, social media, games, publications and other child-friendly tools.

### **2.3. Strengthening participation in and through schools**

40. 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.<sup>59</sup> Children's participation in the 2nd 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>60</sup>

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<sup>56</sup> See UN Committee on the Rights of the Child General Comment No. 12 (2009) on the right of the child to be heard.

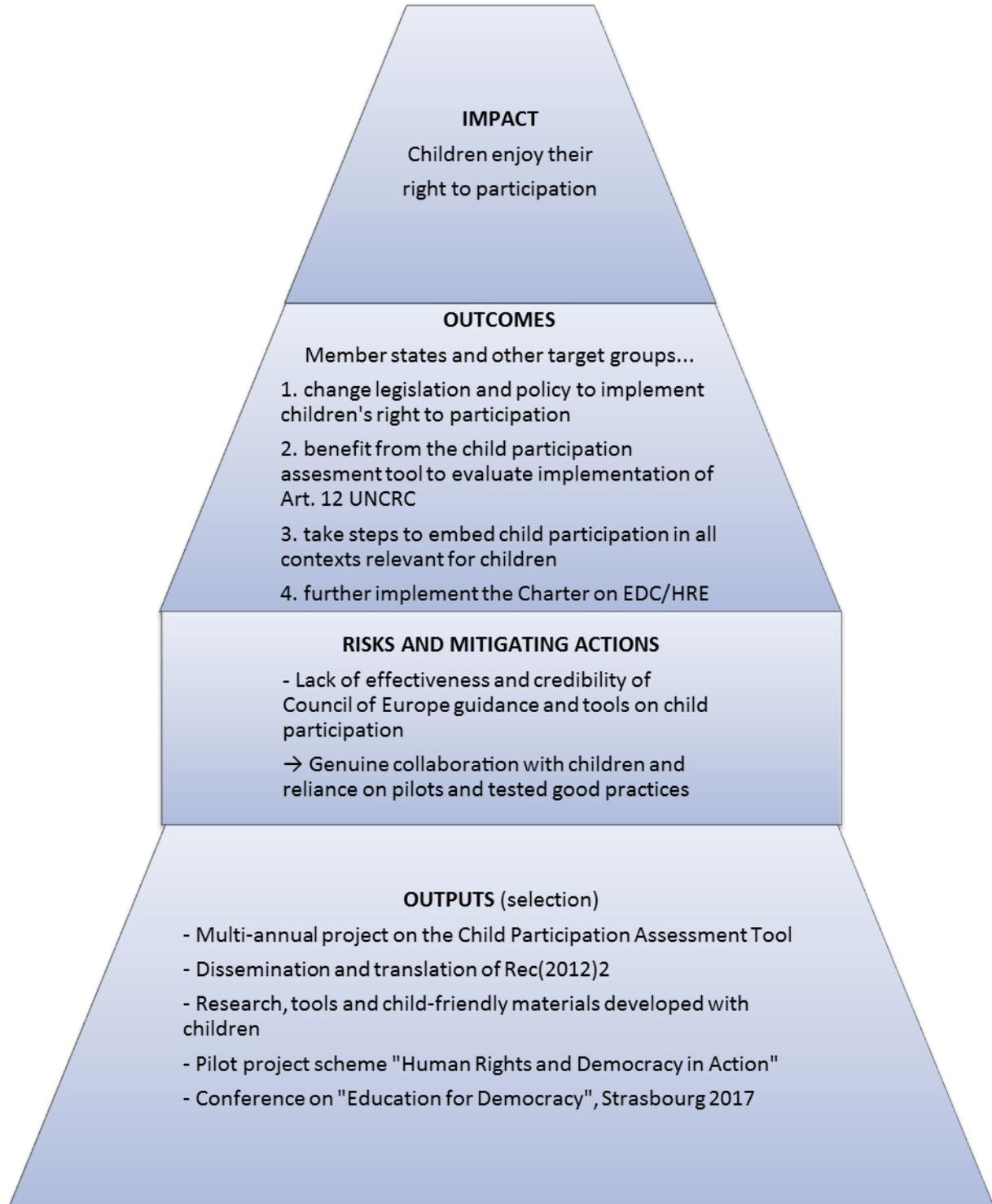
<sup>57</sup> CM/Rec(2012)2.

<sup>58</sup> See European Commission (2015), Evaluation of legislation, policy and practice on child participation in the EU.

<sup>59</sup> CM/Rec(2010)7.

<sup>60</sup> Subject to the financial contribution from the European Commission.

## Priority area 2: participation of all children



### **3. A life free from violence for all children**

41. 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.

42. In its efforts to address violence against children, the Council of Europe will continue to act as a regional driver of initiatives to promote the implementation of the recommendations of the UN Secretary General's Study on Violence against Children and to support the mandate of the Special Representative of the UN Secretary-General on Violence against Children.

#### **3.1. Promoting an integrated approach to protection from violence**

43. Addressing violence against children calls for an integrated and strategic approach. The Council of Europe will contribute to the elimination of violence against children in all settings and in particular in the fields of education, media, justice, equality, family, migration, alternative care, and children with disabilities. 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>61</sup> The Recommendation contains guidance for the development of solid legal, policy and institutional frameworks, the promotion of a culture of respect for the rights of the child, the establishment of child-friendly mechanisms and services and the adoption of a national research agenda to prevent, address and respond to all forms of violence against children. The Council of Europe will act as a clearing house providing access to existing national strategies in this field and providing a platform for peer-to-peer support in their development, implementation and review, including on data collection, at national, regional and local levels.

#### **3.2. Combating sexual exploitation and sexual abuse**

44. 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.

45. A European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse will be celebrated on 18 November each year. The day will be dedicated to raise awareness of this scourge, share good practices, 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 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.

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

#### **3.3. Eliminating corporal punishment**

47. The Council of Europe will continue to promote the effective elimination of corporal punishment and other cruel or degrading forms of punishment of children in all settings, including within the home. It will identify particular challenges in the path to universal prohibition and elimination of corporal punishment and how these may be overcome. Member States will be supported in legal reform to achieve a full ban and in attaining higher collective awareness about children's right to equal protection from assault, the dangers of violent punishment, as well as in promoting non-violent discipline and positive upbringing in line with the Recommendation on policy to support positive parenting.<sup>62</sup>

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<sup>61</sup> CM/Rec(2009)10.

<sup>62</sup> CM/Rec(2006)19.

### 3.4. Protecting children from violence in various settings and forms

48. The Council of Europe will continue to address the issue of violence in schools, notably on the basis of the Council of Europe Charter on Education for Citizenship and Human Rights Education. Pursuing a transversal approach, the Council of Europe will support strengthening the role of education in preventing specific forms of violence such as bullying in schools, homophobic bullying, cyber-bullying, and violence linked to radicalisation. The Council of Europe will support awareness-raising actions and campaigns on democratic citizenship and human rights education based on educational materials, such as the video clip “Beat Bullying” and the publication “Human Rights and Democracy Start with Us: Charter for All”.

49. 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 child victims of domestic violence.

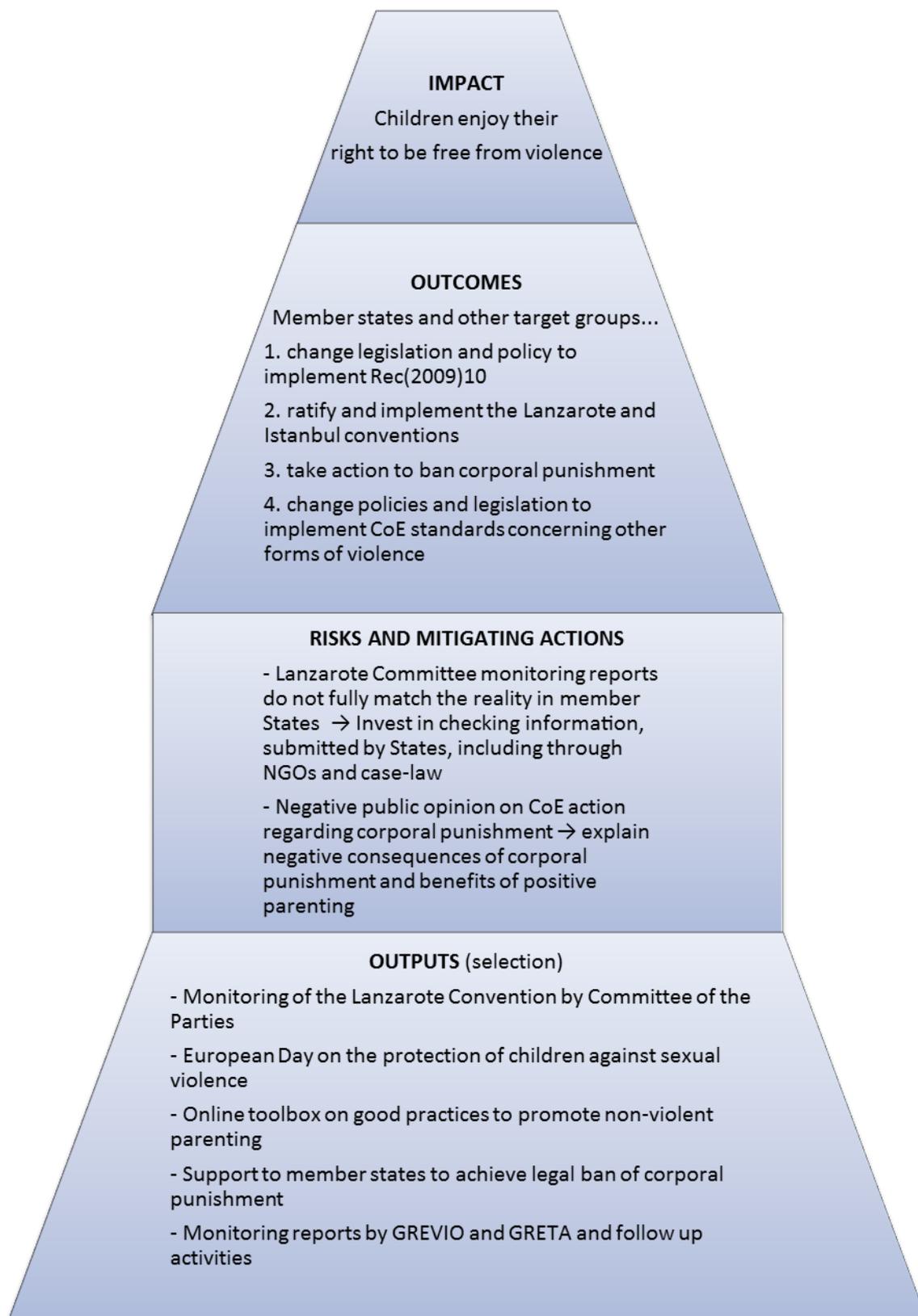
50. The Council of Europe will support member States in fulfilling their obligations under the Convention on Action against Trafficking in Human Beings, in particular through the Group of Experts on Action against Trafficking in Human Beings (GRETA).

51. The Enlarged Partial Agreement on Sport of the Council of Europe (EPAS) will continue to promote a healthy and safe sports environment for children, including through the project Pro Safe Sports (PSS)<sup>63</sup> and a toolkit providing guidance and training to sport administrators and coaches on physical, psychological and social well-being in sports. It will also monitor and promote the implementation of the Recommendation on the protection of child and young athletes from dangers associated with migration<sup>64</sup>.

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<sup>63</sup> See <http://pjp-eu.coe.int/en/web/pss>.

<sup>64</sup> CM/Rec(2012)10.

**Priority area 3: a life free from violence for all children**

#### 4. Child-friendly justice for all children

52. According to the UNCRC, children shall be provided the opportunity to be heard in any judicial and administrative proceedings affecting them and to access competent, independent and impartial complaints mechanisms when their rights are breached. Furthermore, States Parties to the UNCRC recognise 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 objective 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.

##### 4.1. Promoting child-friendly justice

53. The Council of Europe will promote the implementation of the Council of Europe Guidelines on child-friendly justice<sup>65</sup> by supporting member States in strengthening access to, treatment in and participation of children in civil, administrative and criminal justice proceedings. This will include 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 EU Fundamental Rights Agency, as well as UNICEF CEE/CIS and the Council of Baltic Sea States (CBSS). Action will also be taken to support member States to ratify and implement the Third Optional Protocol to the UNCRC on a Communications Procedure.

##### 4.2. Protecting children in the context of deprivation of liberty

54. Under the UNCRC, deprivation of liberty must be used as a measure of last resort and for the shortest appropriate period of time. Council of Europe member States will be supported in avoiding and preventing deprivation of liberty and criminalization of children through measures such as extension of diversion and preparation for reintegration. Material conditions and detention regimes should be improved in line with Council of Europe standards. Support will be provided to member States in implementing the European Rules for juvenile offenders subject to sanctions or measures.<sup>66</sup> The Council of Europe 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>67</sup> regarding the protection of children deprived of liberty from ill-treatment and violence, follow-up to the recommendations of the report on violence in institutions for juvenile offenders<sup>68</sup>, and develop practical guidance for monitoring places of deprivation of liberty for children. It will 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>69</sup> notably as far as the European region is concerned.

##### 4.3. Children's rights in the family

55. The Council of Europe will promote the implementation of its standards on family law, including the European Convention on the Adoption of Children (Revised), and the Committee of Ministers Recommendations on family mediation<sup>70</sup>, on policy to support positive parenting<sup>71</sup>, and on preventing and resolving disputes on child relocation<sup>72</sup>. The Council of Europe will undertake action on the best interests of the child in the context of new family forms and bioethics, especially with reference to surrogacy and donor-assisted human reproduction. Particular attention will be paid to the assessment process of the best interests of the child in family matters. It shall be explored how member States could put into place laws, regulations and procedures which ensure that the best interests of the child are a primary consideration in removal from parental care, placement and reunification decisions.<sup>73</sup>

<sup>65</sup> Guidelines on child friendly justice adopted by the Committee of Ministers of the Council of Europe on 17 November 2010. See also Parliamentary Assembly Resolution 210(2014) "Child-friendly juvenile justice: from rhetoric to reality", and the orientations on promoting and supporting the implementing of the Guidelines on child-friendly justice by the European Committee on Legal Co-operation (CDCJ(2014)15).

<sup>66</sup> CM/Rec(2008)11.

<sup>67</sup> CPT/Inf/E (2002) 1 - Rev. 2015.

<sup>68</sup> European Committee on Crime Problems, PCCP (2014), Report on Violence in Institutions for Juvenile Offenders.

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

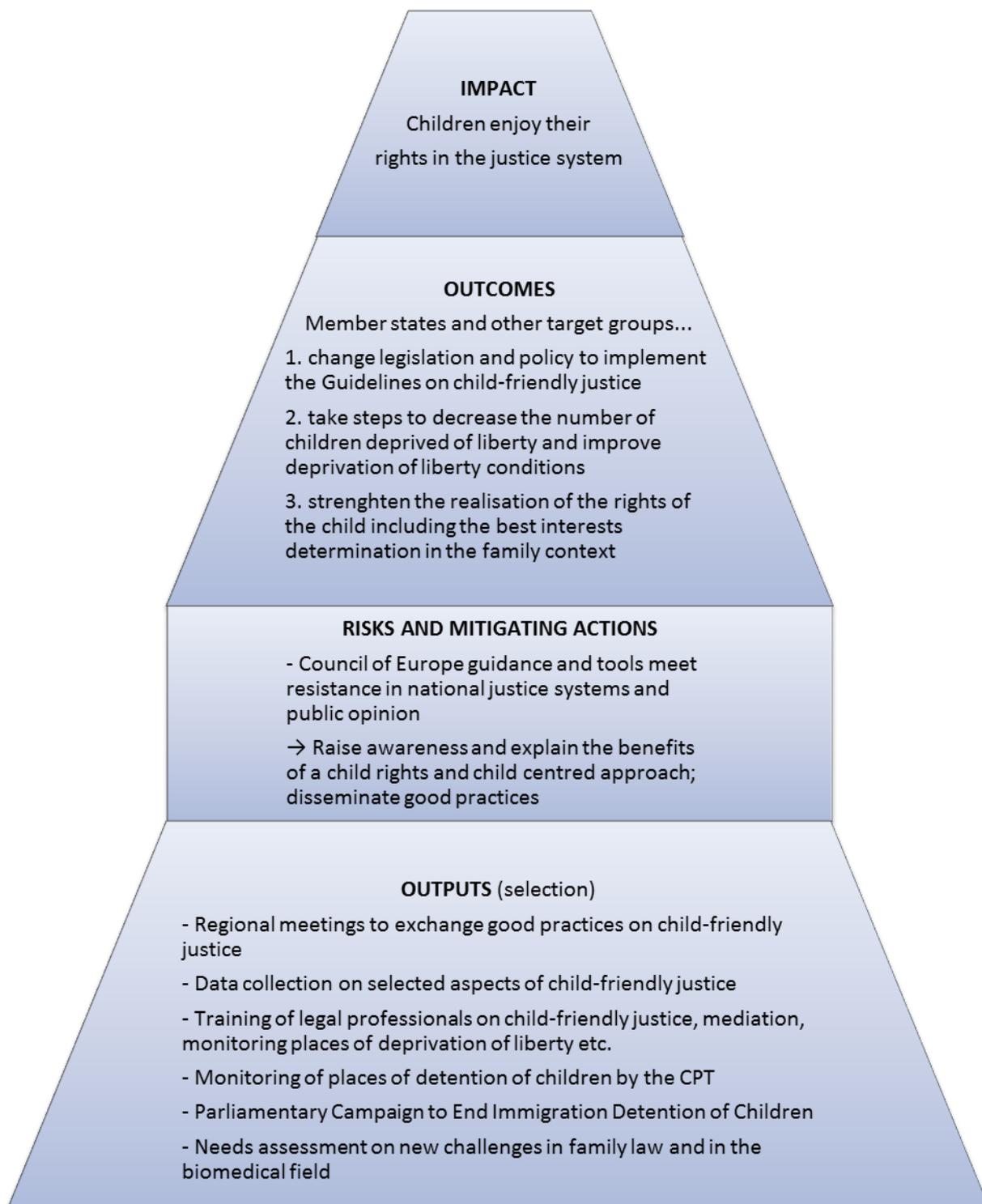
<sup>70</sup> Rec(98)1.

<sup>71</sup> CM/Rec(2006)19. See also Recommendation Rec(98)8 on children's participation in family and social life.

<sup>72</sup> CM/Rec(2015)4.

<sup>73</sup> See Parliamentary Assembly Resolution 2049 (2015) on "Social services in Europe: legislation and practice of the removal of children from their families in Council of Europe member States".

**Priority area 4: child-friendly justice for all children**



## **5. Rights of the child in the digital environment**

56. 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>74</sup>

57. The digital world offers children boundless learning and connectivity opportunities as well as challenges of real concern which must be tackled by member States in an integrated manner and in line with the Council of Europe Internet Governance Strategy 2016-2021.<sup>75</sup> The Council of Europe will provide guidance and support to member States in ensuring children's participation, protection and provision rights in the digital environment.

### **5.1. Participation of children in the digital environment**

58. 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 in co-operation with other stakeholders active in this field.<sup>76</sup> Smartphone and tablet applications and other communication tools will be created and disseminated to empower children, parents and educators in making full and safe 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 and other relevant standards, guidance will be developed on rights-based parenting in the digital age. Guidance for member States will be developed on an integrated approach to children's rights in the digital environment.

### **5.2. Protection of children in the digital environment**

59. Council of Europe conventions provide a solid basis for the protection of children from potential risks to their safety, security and privacy in the digital environment. 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>77</sup>

### **5.3. Provision for children in the digital environment**

60. ICT and digital media have added a new dimension to children's right to education. To promote the creative, critical and safe use of the Internet 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 a set of descriptors for digital citizenship competence will be developed and made available to member States for use in the school setting.

61. Internet and the social media are widely used to advocate hate speech, radicalisation and terrorism among young people. As a response, the Council of Europe will continue the "No Hate Speech" campaign and invest in a set of measures in the educational field and on the Internet as set out in the Action Plan "The fight against violent extremism and radicalisation leading to terrorism" adopted by the Committee of Ministers on 19 May 2015.<sup>78</sup>

<sup>74</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.

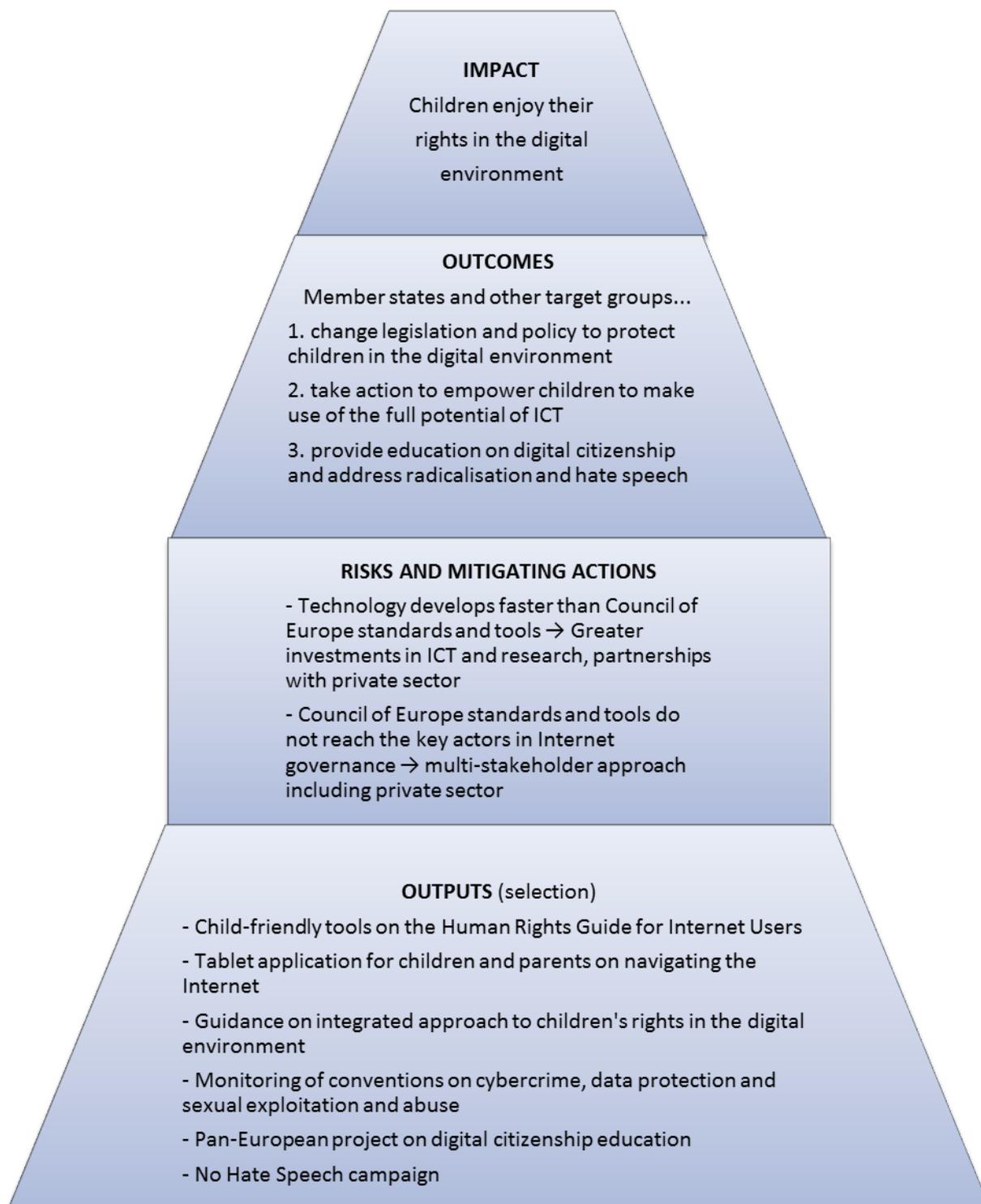
<sup>75</sup> Currently under consideration by the Committee of Ministers.

<sup>76</sup> See CM/Rec(2014)6 on a Guide to human rights for Internet users.

<sup>77</sup> See for example 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 .

<sup>78</sup> CM(2015)74 final.

**Priority area 5: rights of the child in the digital environment**



#### **IV. DELIVERING THE STRATEGY**

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

##### **1. Making the standards work for children**

63. To make the objectives set out in this Strategy 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 of the Council of Europe.

64. Based on the achievements under the previous Strategy, the rights of the child will continue to be 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 findings 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.

65. Given the existence of a wide spectrum of up-to-date Council of Europe legal standards on the rights of the child, 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 Council of Europe.

##### **2. Involving all relevant stakeholders**

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

67. The implementation of this Strategy will be guided and evaluated, by an ad-hoc committee on the rights of the child answerable to the Committee of Ministers of the Council of Europe. The committee will be composed of representatives of all 47 member States of the Council of Europe and other relevant stakeholders.<sup>79</sup>

68. 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 to maximise synergies between their programmes, including through increasing co-ordination and exploring possible regional co-operation in key priority areas and country-level co-operation, as appropriate. The Special Representative of the UN Secretary-General on Violence against Children, 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 other valuable partners in this respect.

69. 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 UN 2030 Agenda for Sustainable Development<sup>80</sup> with its specific experiences and capacities.

70. 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 International Organisation of La Francophonie (OIF).

71. Ombudspersons for Children and their European Network (ENOC), as well as international and national NGOs are important implementing partners for the Council of Europe. Ways to increase transparency and efficiency of co-operating with civil society will be further explored.

<sup>79</sup> The terms of reference of this committee will be presented, together with this Strategy, to the Committee of Ministers and are subject to its approval.

<sup>80</sup> UNGA A/Res/70/1 of 25 September 2015, Transforming our world: the 2030 Agenda for Sustainable Development.

72. The Parliamentary Assembly of the Council of Europe, the Congress of Local and Regional Authorities, the Council of Europe Conference of INGOs, and the Council of Europe Commissioner for Human Rights will be crucial partners in achieving the objectives of the Strategy through their own mandates and priorities. Furthermore, 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.

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

### **3. Communicating children's rights**

74. 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 jointly with member States. More efforts will be put into online and audio-visual communication tools as well as 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**

75. Progress of this 6-year Strategy will be evaluated against the objectives, with reference to the expected impact, outcome and output set out for each priority area, based on a set of indicators. A mid-term evaluation with the possibility for adjustments will be carried out after three years under the guidance of member States and other relevant stakeholders. Efforts will be made to duly include the views of children themselves in evaluation of and adjustments to the Strategy. Furthermore, the Secretariat will report every two years to the Committee of Ministers on the implementation of this Strategy.