

Volume 15

Issue 2 *European perspectives on child abuse and neglect: Key messages from the 13th ISPCAN European Conference on Child Abuse and Neglect*

Article 3

2015-06-19

The Council of Europe action in favour of children's rights: helping professionals working with children make the best use of the available standards

Regina Jensdottir

Council of Europe, regina.jensdottir@coe.int

Recommended Citation

Jensdottir, Regina (2015) "The Council of Europe action in favour of children's rights: helping professionals working with children make the best use of the available standards," *Irish Journal of Applied Social Studies*: Vol. 15: Iss. 2, Article 3.
Available at: <http://arrow.dit.ie/ijass/vol15/iss2/3>

The Council of Europe action in favour of children's rights: Helping professionals working with children make the best use of available standards

Regína Jensdóttir
Council of Europe
regina.jensdottir@coe.int

The opinions expressed in this article are the responsibility of the author and do not necessarily reflect the official policy of the Council of Europe.

© Copyright Irish Journal of Applied Social Studies ISSN 1393-7022
Vol. 15(2), 2015, 12-24.

Abstract

The Council of Europe offers targeted action in its 47 member states to assist in increasing the protection of children's rights. Its transversal programme "Building a Europe for and with Children" has focused on mainstreaming children's rights into all policy areas and developing a holistic child-rights-based approach that is complementary to the United Nations agenda. New standards and policy guidelines have been drafted and adopted. The current strategy for the programme has the goal of promoting these standards and tools and assisting member states to translate, disseminate and implement them in practice. The four areas that are singled out for particular action under the current strategy are: to promote child-friendly services and systems; eliminate all forms of violence against children; guarantee the rights of children in vulnerable situations, and promote child participation. In response to the first action area, Guidelines are available for professionals to help them guarantee children's effective access to and adequate treatment in justice. This tool is being used by the European Commission and the Fundamental Rights Agency in a study and research project. There are also Guidelines on child-friendly health care to help professionals adapt their working methods using a child-centred approach. A further standard is available on children's rights and social services friendly to children and families for ensuring that children lacking or placed outside parental care are given adequate treatment. Other areas such as tools in favour of positive parenting and for increased knowledge of democratic citizenship and human rights education, including children's rights education, have also been developed. Concerning the second area of action to eliminate all forms of violence against children, the main focus has been on combating sexual violence against children. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) is the key instrument to ensure that states have in place a solid legislative, institutional and practical framework to prevent and combat sexual violence against children. The Council of Europe ONE in FIVE Campaign to stop sexual violence against children (running until November 2015 and followed by a European Day (18 November) on the protection of children against sexual exploitation and sexual abuse), complements the awareness-raising efforts on this subject. Protecting children in vulnerable situations is multifaceted and is covered under the

strategy via focused action targeting the rights of children at risk and in care, for which publications have been produced, such as “Discover your Rights!” (for children in care) and Securing Children’s Rights (for the professionals working with children in care). Children in detention and Roma children also figure among the groups of children singled out for deserving particular attention under this heading. Finally, child participation is an area to which the Council of Europe has turned its attention in support of the implementation of Article 12 of the UN Convention on the Rights of the Child. It has just recently launched an Assessment Tool to assist member states in encouraging policy makers and professionals to involve children and to listen to their views. The Council of Europe’s programme is appropriately named in helping its member states to build a better environment upholding children’s rights.

Introduction

Throughout the last 60 years, the intergovernmental think-tank for Europe, the Council of Europe¹ has been at the forefront of promoting human rights, the rule of law and democracy. The Council of Europe’s now 47 member states have a wide geographical mandate to protect 800 million Europeans and they have pledged to co-operate and commit themselves to building a space where around 150 million children feel safe, happy and at home. The Council of Europe, through its strategies has prioritized children’s rights and attempted to ensure the effective and practical implementation of relevant standards in policy and in practice. The guiding principles underpinning all mainstreaming efforts can be found in the UN Convention on the Rights of the Child² as well as in the relevant Council of Europe standards³.

The Council of Europe transversal programme “Building a Europe for and with children”⁴ 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).

The programme has been developed in order to promote implementation of the United Nations Convention on the Rights of the Child in Europe and to provide assistance to Council of Europe member states in translating, disseminating and implementing its own helpful standards and tools. In order to achieve the desired effective implementation of existing children’s rights standards, the programme has grown via ‘strategy cycles’. These cover policy guidance and support to the member states in developing and implementing legal standards alongside promoting a holistic and integrated approach to children’s rights. The strategy cycles have given the programme direction, enabling measures to be identified to tackle challenges that children face, be they old or new.

¹ Council of Europe (<http://www.coe.int>)

² Convention on the Rights of the Child <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

³ Council of Europe and Children’s Rights legal standards.

http://www.coe.int/t/dg3/children/keyLegalTexts/Default_en.asp

⁴ http://www.coe.int/t/dg3/children/BriefDescription/Default_en.asp

The current third Council of Europe Strategy on the Rights of the Child (2012-15)⁵ 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 cycles⁶, the needs expressed by governments and the challenges identified by the international community. The current strategy is the result of extensive consultations with governments, parliamentarians, key international organisations and civil society representatives. It is also based on an analysis of surveys and consultations conducted across Europe with children and young people.

The overarching objective of the strategy is to implement standards based on four strategic pillars, namely:

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

Thus the programme continues to mobilise and co-ordinate the contribution of all Council of Europe bodies and institutions, mainstream children's rights into its monitoring bodies and human rights mechanisms, as well as into all of its policy areas and activities. Furthermore, the programme co-ordinates and consolidates partnerships with other international organisations, professional networks and civil society at large.

With the ever-changing and adaptable working methods of the programme, children's rights have been successfully mainstreamed into virtually all policy areas, and all Council of Europe institutions and bodies have contributed to this progress. Co-operation agreements with key external partners have been concluded in order to ensure coherence with other international organisations, in particular with UNICEF, the EU and the FRA. Civil society has provided solid support and is acting as a key multiplier and promoting Council of Europe standards with full support at ground level.

Two three-year strategy cycles have been completed. The first strategy brought all actors together to determine the needs and define the vision. The second cycle saw the birth of several new key standards which are now being implemented in the third strategy cycle. This therefore demonstrates how a shared vision has been developed, which today is mobilising the pan-European continent. Today the Council of Europe is considered as one of the leading organisations in the field of children's rights. One of the strengths of the children's programme has been to constantly change and adapt to different needs, exploring new opportunities. This is an essential component in keeping up with a rapidly changing world. The programme must therefore change and adapt itself according to the environment that children grow up in, and it will continue to do so for the third strategy cycle and beyond.

⁵ http://www.coe.int/t/dg3/children/StrategyAdopted_en.asp

⁶ http://www.coe.int/t/dg3/children/News/200911Strategy_en.asp

Making children's rights a "reality" in Europe by supporting the effective implementation of the Strategy and Council of Europe standards

The comprehensive and multi-sectorial approach of the Council of Europe in implementing children's rights enables the organisation to support its member states by establishing a protective setting for all children in Europe. Strong preventive and promotional measures are set out according to the Council of Europe's unique standards in this field, such as the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (Lanzarote Convention)⁷. On behalf of its member states, the Council of Europe steers common action concerning European priority issues in this field. Among the areas that have received particular attention are: the fight against all forms of violence against children, the establishment of child-friendly justice systems to give children's rights full recognition, and the support to parents and families as well as children in vulnerable situations including children in care.

During the first two years of the strategy's implementation, innovative and inclusive processes were established to put in place targeted mechanisms and develop practical tools to ensure that children's rights can indeed become a "reality" at national level. The following examples stand as a non-exhaustive list of the various successful activities which were carried out and foreseen in this context to support member states in their actions to respond to the four set priorities.

1. Promoting child-friendly services and systems

Child-friendly justice

Children may be in contact with justice systems as victims, witnesses, (alleged) offenders or for other reasons, such as their need for care, custody or protection from violence. In order for children or their representatives to seek redress, they have a right to have access to justice which is adequately adapted to their needs. The Council of Europe Guidelines on Child-Friendly Justice (2010) (the Guidelines)⁸, which precisely aim at guaranteeing children's effective access to and adequate treatment in justice, have been welcomed by the international community and received impressive support in particular from the European Commission and several United Nations agencies. This has resulted in intensive and fruitful awareness-raising efforts at national, European and global level. Close co-operation has been developed between the Council of Europe and the European Union to promote the Guidelines which constitute a key priority under the EU Agenda for the Rights of the Child⁹. The European Commission conducted a study to collect data on children's involvement in criminal, civil and administrative judicial proceedings to assess the implementation of the Guidelines at EU member state level. In parallel, the European Union Agency for Fundamental Rights (FRA) conducted a complementary qualitative research project on child participation in criminal and civil justice proceedings. More than 500 professionals from the judicial system were consulted on the implementation of the Guidelines at national level. To support these two studies, the Guidelines are now

⁷ <http://www.coe.int/lanzarote>

⁸ http://www.coe.int/t/dghl/standardsetting/childjustice/default_en.asp

⁹ http://ec.europa.eu/justice/fundamental-rights/rights-child/eu-agenda/index_en.htm

accessible in all EU languages (and largely disseminated)¹⁰ thanks to joint efforts of the European Commission and the Council of Europe.

General Orientations were further developed in 2014, by the responsible Steering Committee of the Council of Europe in charge of legal cooperation, to define the plan of action on how it can further promote the Guidelines. This could, for instance, cover encouraging member States to host meetings, conduct regional activities, organise training for justice sector professionals, and develop national protocols and guidelines for professionals. Member States can also obtain upon request, legislative advice on the integration of a child-friendly perspective into the administration of justice in their legislation.

A regional activity on child evidence in the Baltic Sea Region was organized in early 2015 in close collaboration with the Council of Baltic Sea States (CBSS). This activity aimed to explore recent initiatives and best practices in the region on the gathering, taking and testing of evidence from children in legal proceedings (criminal, civil and administrative) with an aim to facilitating their transposition from one legal system to another.

Child-friendly health care

The Council of Europe Guidelines on child-friendly healthcare¹¹ adopted in 2012 are being promoted through national, regional and international healthcare professional networks. Useful contacts were made to share information on existing national good practices, in particular in hospitals, and on the need to further strengthen the child-friendly healthcare approach in legislation, policies and through other practical measures. The role of health care professionals in adapting their working methods to the child-centered approach is crucial. The Council of Europe offers an effective platform to its member states to further share information concerning existing national measures which are in line with the Guidelines in order to trigger additional national initiatives.

Child-friendly social services

The CM Recommendation (2011)¹² on children's rights and social services friendly to children and families¹² is being promoted to enhance the crucial role of social services in ensuring that children lacking or placed outside of parental care are given special protection in accordance with international children's rights' standards. Through co-operation with various partners and regular contacts with relevant professional networks, the Council of Europe is able to encourage stakeholders to take into account the recommendation in their work, including in specific challenging cases such as sexual abuse of children, as it complements other key Council of Europe standards (such as the Lanzarote Convention¹³ or the recommendation on rights and risks of children living in residential institutions¹⁴)

¹⁰ http://www.coe.int/t/dghl/standardsetting/childjustice/publicationsavailable_en.asp

¹¹ http://www.coe.int/t/dg3/children/keyLegalTexts/PREMS124412_GBR_2029_GuidelinesHealthCare_BAT_A4_WEB.pdf

¹² http://www.coe.int/t/dg3/children/keyLegalTexts/SocialServicesSept2012_en.pdf

¹³ <http://www.coe.int/lanzarote>

¹⁴ [https://wcd.coe.int/ViewDoc.jsp?Ref=Rec\(2005\)5&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383](https://wcd.coe.int/ViewDoc.jsp?Ref=Rec(2005)5&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383)

and is therefore a useful reference for governments and professionals working with families and children.

Family law and family policies

The Committee of Ministers Recommendation CM(2006)19 on policy to support positive parenting¹⁵ is a living instrument as it 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 good practices. In 2012, the Council of Europe supported the organisation of the first European conference on parenting support in the Netherlands (“Think Parents!”, The Hague, 10-12 October 2012) to bring together representatives of government and of civil society, healthcare professionals as well as parents to discuss the challenges involved in parental care and existing means of addressing them at all levels. Participants were given the unique opportunity to discuss these matters in a comprehensive manner to seek means to ensure that the concrete issues which parents face today are taken into account in relevant policies. The participants encouraged the Council of Europe to support and stimulate the organisation of national seminars on positive parenting for comprehensive discussions with all relevant actors related to a specific topic such as violence against children. The results of these seminars at national level could then be shared at international level.

Education

School violence, such as physical violence, bullying or intimidation is harmful to the well-being of pupils and the whole school. This has led many governments to place it high on their political agenda to guarantee that schools can fulfil their role as places of learning and socialisation. The Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education (“Charter for All” (2010))¹⁶ constituted one of the most important developments for human rights education and is an important reference point for the work of the Council of Europe in human rights education. In co-operation with the EU, a pilot project scheme (funding programme) has recently been set up for multilateral co-operation in the Council of Europe member states to contribute to the development of sustainable mechanisms promoting human rights education, including children rights education, in participating countries. Moreover, the child-friendly version of the Charter¹⁷ and the complementary “Guidelines for Educators”¹⁸ have been translated into additional languages and actively promoted, in particular in the framework of Council of Europe Action Plans for targeted member states.

¹⁵<https://wcd.coe.int/ViewDoc.jsp?id=1073507&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>

¹⁶[https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec\(2010\)7&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec(2010)7&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383)

¹⁷ http://www.coe.int/t/dg4/education/edc/Source/Resources/Charterforall_EN.pdf

¹⁸ http://www.coe.int/t/dg4/education/edc/Source/Resources/Guidelines_educators_october_rev04.pdf

2. Eliminating all forms of violence against children

Integrated strategies

Since the CM adoption of the Council of Europe Policy Guidelines on integrated national strategies for the protection of children from violence (2009)¹⁹, three major awareness-raising events have been organised (Austria 2010, Ukraine 2011, Turkey 2012) in co-operation with the United Nations Special Representative on Violence against Children (SRSG) to support national authorities and other key stakeholders to engage in the development and implementation of integrated national strategies. At the high level conference in Turkey²⁰, the European results of the SRSG global progress study (the Study) were presented. In total, 27 Council of Europe member states responded to the SRSG questionnaire and in general the responses reflected good will to combat violence against children. However, the outcomes of the findings show that despite important initiatives to raise awareness and strengthen children's protection from violence, many challenges persist. Such challenges particularly concern the harmonisation of national legal and policy actions, enhanced coordination across government departments and the need to better define institutional roles and responsibilities and to allocate sufficient budgetary resources. In line with the recommendations of the summary report of the Council of Europe member state responses to the Study, the Council of Europe will continue to provide a European platform for member states to take more effective and targeted action to further protect children from all forms of violence.

Sexual violence

As to the fight against sexual violence against children, the first tangible progress since the launching of the Strategy has been the substantial increase in the number of States Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention)²¹: in 2011 there were 17 States Parties, today (June 2015) the "Lanzarote family" counts 36 States Parties and all Council of Europe member states have signed the Convention. Furthermore, at the end of 2012, the Committee of Ministers agreed to accept the request by the Kingdom of Morocco to accede to the Convention. This country is thus taking steps to adjust its legislation and institutions to be in a position to perhaps become the first non-European country to accede to the Convention.

The second fundamental step forward in the fight against sexual violence against children has been the setting up of the monitoring process of the Lanzarote Convention. In 2012, the Convention's Committee of the Parties (the "Lanzarote Committee") adopted its Rules of Procedure²², decided that the monitoring of the implementation of the Convention would be based on a procedure divided by rounds (each round concerning a theme), and agreed that

¹⁹[https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec\(2009\)10&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec(2009)10&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383)

²⁰ http://www.coe.int/t/dg3/children/News/Ankara11-12/AnkaraConference_en.asp

²¹ <http://www.coe.int/lanzarote>

²² http://www.coe.int/t/dghl/standardsetting/children/Source/Rules%20of%20Procedure_EN.pdf

the theme of the 1st monitoring round was the “protection of children from sexual abuse in the circle of trust”. At present (June 2015), the Committee is finalising its first implementation report which is expected to reveal the strengths and weaknesses of national legal frameworks as well as selected promising practices.

The Lanzarote Committee is one of a kind, and serving as a platform for Governments, committed to fighting sexual exploitation and sexual abuse of children. Meeting three times a year, it takes stock of progress and challenges; it exchanges information to help governments build their capacities to support child victims, to find ways to effectively prosecute offenders and to improve prevention of sexual violence.

The Lanzarote Committee has also acknowledged that children are increasingly using information and communication technologies to communicate and form relationships, which may, in some cases, bring them into contact with sexual offenders as the internet increases the opportunities to groom children for sexual purposes. The Committee is adopting an Opinion which will guide Governments in tackling these challenges more effectively.

The ONE in FIVE Campaign to stop sexual violence against children

The Council of Europe ONE in FIVE Campaign to stop sexual violence against children²³ is being actively supported in member states by government bodies, parliamentarians, local and regional authorities as well as NGOs. With 36 ratifications of the Lanzarote Convention in total so far, the concrete results of the campaign are positive and its future impact should contribute to ensuring additional ratifications in the forthcoming years.

Since the launch of the Strategy, the main focus has been on setting up and reinforcing national campaign partners. In some countries such as Serbia, the Council of Europe support has resulted in the decision by the national Parliament to rescind the statute of limitation for sexual offences against children. Serbia became the second country in Europe after the United Kingdom to have accomplished this.

Further campaign action has consisted of developing materials in online, audiovisual and print forms, and generating and sharing new developments and information through the campaign website. Campaign materials on The Underwear Rule website²⁴ are now available in 26 languages, the TV spot in 37 languages and the different campaign website versions exist in 19 languages. The materials have been widely used in and beyond the Council of Europe member states and data analysis shows that the campaign material website has received visits from more than half a million users since statistics began to be gathered in February 2012, most of which were unique users from around 200 countries²⁵.

²³ <http://www.coe.int/oneinfive>

²⁴ <http://www.underwearrule.org>

²⁵ <http://www.coe.int/oneinfive>

The Parliamentary Assembly of the Council of Europe²⁶ has actively supported the Network of contact parliamentarians for the campaign²⁷, which today is composed of more than 50 parliamentarians. The Network has held 23 meetings and adopted two declarations which draw attention to and actively debate sensitive issues contained in the Lanzarote Convention.

The Congress of Local and Regional Authorities of the Council of Europe²⁸ has approved a Strategic Action Plan²⁹ to raise awareness on the Campaign thereby encouraging local and regional authorities to launch campaigns. An innovative interactive tool was also developed by the Congress: "Pact of Towns and Regions to stop sexual violence against children"³⁰, which clearly illustrates the existing practices of local and regional authorities in Council of Europe member states and an excellent database of good practices.

The ONE in FIVE Campaign will come to an end in November 2015. To ensure sustainability of the Campaign's key objectives and to make sure that European and national actors do not lose sight of the need to continue to raise awareness of the need to protect children from sexual exploitation and sexual abuse, the Committee of Ministers decided in May 2015, to declare the 18th of November each year as the European Day dedicated to raising awareness of the need to continue to fight this scourge in our societies.

3. Guaranteeing the rights of children in vulnerable situations

Children in alternative care

Guaranteeing the rights of children at risk and in care is a key concern for the Council of Europe given the particular vulnerability of children who do not benefit from parental care. The Council of Europe is therefore engaged in promoting at national, regional and international levels the UN Guidelines for the Alternative Care of Children³¹ and the CM Recommendation (2005)5 on the rights of children living in residential institutions³², as well as CM Recommendation (2011)12 on children's rights and social services friendly to children and families³³, mentioned earlier. This promotion is carried out in co-operation with key actors in this field such as UNICEF and SOS Children's Villages. On the basis of the information provided by networks of professionals on existing challenges to the rights of children in care, the Council of Europe has developed a booklet for children in care, "Discover your Rights!"³⁴, to enable them to learn about their rights. This tool continues to

²⁶ <http://www.assembly.coe.int/nw/Home-EN.asp>

²⁷ http://www.coe.int/t/dg3/children/1in5/PACE/Network_en.asp

²⁸ http://www.coe.int/t/Congress/default_en.asp

²⁹ <https://wcd.coe.int/ViewDoc.jsp?id=1853235&Site=Congress&BackColorInternet=C3C3C3&BackColorIntranet=CACC9A&BackColorLogged=EFEA9C>

³⁰ <http://www.congress-pact1in5.eu/en/>

³¹ http://www.unicef.org/aids/files/UN_Guidelines_for_alternative_care_of_children.pdf

³² [https://wcd.coe.int/ViewDoc.jsp?Ref=Rec\(2005\)5&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383](https://wcd.coe.int/ViewDoc.jsp?Ref=Rec(2005)5&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383)

³³ http://www.coe.int/t/dg3/children/keyLegalTexts/SocialServicesSept2012_en.pdf

³⁴ [http://www.coe.int/t/dg3/children/ChildrenInCare/C&YP%20IN%20CARE-ANGLAIS\(web\).pdf](http://www.coe.int/t/dg3/children/ChildrenInCare/C&YP%20IN%20CARE-ANGLAIS(web).pdf)

be translated and disseminated in relevant national structures and institutions. To complement this practical tool, the Council of Europe launched a Guide, with SOS Children's Villages, entitled "Securing Children's rights" aimed at facilitating the work of all professionals³⁵ working in this area by adopting a child-rights based approach to ensure that children's needs and best interests are put at the centre of their mission to provide quality care. In the drafting process which 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 added value of the training manual was already highly welcomed by professionals, as children's rights are rarely included in training curricula to help them to secure children's rights in practice.

Children in detention

In 2012, the Children's Rights Division prepared a report on Children's Rights and the European Committee for the Prevention of Torture CPT³⁶. This report analyses the work and focus the CPT has given to children deprived of liberty through the past years. The analysis provided an excellent basis for the CPT to examine how it could increase its already well-developed focus on children in its work, reporting and visits. In March 2013 the CPT examined the report and its recommendations and is currently considering the possibility of organising a targeted training on interviewing children deprived of their liberty with a view to enhancing the CPT members' skills in interviewing children during their visits. In its 2013/2014 annual report³⁷, published in January 2015, the CPT set out comprehensive standards on juveniles deprived of their liberty, under criminal legislation (ie. in police custody and in prisons).

Roma children

Roma people, including children, are amongst the most deprived of all communities, facing daily discrimination and racial insults, living in extreme poverty and exclusion from normal life. Their particular exposure to severe human rights violations led the Council of Europe to pay particular attention to Roma children in its actions to further protect all children in vulnerable settings. Raising the awareness of Roma children on their rights is crucial to enhance their protection and therefore child-friendly materials developed by the Council of Europe will be progressively translated into the Roma language, disseminated and promoted. Education is an effective means of fighting discrimination and therefore, in 2012, activities were carried out to educate and inform teachers about Roma culture and anti-discrimination work as well as Roma parents about the importance of educating their children. Medium- and long-term actions are also foreseen to share information on violations of human rights of Roma children. Topics will include the rights of Roma girls in the context of early marriages as well as concerning cases of sexual exploitation and abuse of Roma children within the framework of the implementation of the Lanzarote Convention.

³⁵ http://www.coe.int/t/dg3/children/ChildrenInCare/SecuringChildrensRights_GBR.pdf

³⁶ http://www.coe.int/t/dg3/children/violence/CPTReport_en.pdf

³⁷ <http://www.cpt.coe.int/en/annual/CPT-Report-2013-2014.pdf>

4. Promoting child participation

The CM Recommendation (2012)² on the participation of children and young people under the age of 18³⁸ is of great importance to children and young people across Europe. It supports the implementation of Article 12 of the UN Convention on the Rights of the Child³⁹ with practical measures to ensure that children can express their views in all matters affecting them, such as in education, and that these will be taken into account to respond more effectively to their needs and best interests. The Council of Europe has published Policy Reviews in this regard in Finland, Slovakia and Moldova⁴⁰ to highlight and share good practices while stressing existing challenges which need to be overcome to ensure that children, as full rights holders, can participate equally in the workings of democratic societies. As shown in the Policy Reviews, member states are willing to strengthen this particular right, as it offers a cost-effective means of taking effective and well-targeted decisions concerning children. To reinforce the capacities of member states when they are evaluating and reviewing the progress they are making in implementing the Recommendation⁴¹, the Council of Europe has launched an Assessment tool on child participation⁴¹. It is expected that this tool will assist member states in changing mentalities of all professionals working with children by making sure that they understand the crucial importance of involving children and not just by organising child participation initiatives, which are often very positive but lack a sustainable involvement. It is therefore important to make sure that policy makers and professionals involve children and listen to their views.

The internet plays an increasing role in empowering children and young people in becoming engaged citizens as it offers multiple platforms, including the social media, to discuss, share and express their opinions on matters affecting them. The two strategies, one for the Rights of the Child⁴² and the other on Internet Governance⁴³, enable the Council of Europe to take action to ensure that children and young people use the internet as a real empowerment tool. They can learn about the manifold opportunities of the internet while at the same time taking due account of existing threats to their safety. Education is crucial in this regard. With its online Game "Through the Wild Web Woods"⁴⁴ which has been played over 4.2 million times, the Council of Europe contributes to enabling children and their parents to understand how to use the internet wisely. In addition, the Council of Europe has adopted a compendium on human rights of internet users, including children, to ensure that they are equally respected online and offline, including with regard to the right of children to participate. Given that the protection and empowerment of children on the internet is a high political priority at all levels, the Council of Europe continues to identify and build on existing synergies, using the required multi-stakeholder model, in particular

³⁸ http://www.coe.int/t/dg3/children/keyLegalTexts/ParticipationSept2012_en.pdf

³⁹ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

⁴⁰ http://www.coe.int/t/dg3/children/participation/PoliciesActivities2_en.asp

⁴¹ http://www.coe.int/t/dg3/children/participation/Child_participation_AssessmentTool_en.pdf

⁴² http://www.coe.int/t/dg3/children/StrategyAdopted_en.asp

⁴³ <http://www.coe.int/t/dghl/cooperation/economiccrime/cybercrime/Documents/Internet%20Governance%20Strategy/Internet%20Governance%20Strategy%202012%20-%202015.pdf>

⁴⁴ http://www.coe.int/t/dg3/children/News/WildWeb_en.asp

with the EC's Safer Internet Programme⁴⁵ to ensure strategic impact concerning a continuously evolving area which directly affects every country in the world. With its 47 member states and its global conventions (Lanzarote Convention), the Council of Europe has a strong potential to steer member states' common action to address such highly relevant issues today. The Council of Europe envisages taking concrete measures to remove child sexual abuse content online, thereby ensuring that the organisation pioneers this highly political issue where no common denominator has yet been found.

Conclusion

The Council of Europe's programme has an ambitious objective: making sure that all children in Europe can enjoy their human rights granted in the UNCRC and developed further in the Council of Europe's conventions and recommendations. It has a particular focus on the need to stop all forms of violence against children, be it corporal punishment, sexual violence, violence in schools or any other setting.

Additionally, the unique combination of tools available to the Council of Europe put the organisation in an ideal situation to work on this ambitious objective. The Council of Europe has the capacity to set legal standards, monitor them, develop policies, provide targeted assistance and raise public awareness. The Council of Europe does not operate in isolation: it is a concerted effort including many actors. In order to propose practical tools that are of real use to the professionals, it must work in collaboration with the key stakeholders. The Programme "Building a Europe for and with Children" makes use of all these tools and has successfully mainstreamed children's rights in all Council of Europe policy areas. The programme is appropriately named in that a concerted effort is needed to help member states build up an arsenal to provide children with a better environment in which to operationalise their rights.

The present Council of Europe Strategy for the Rights of the Child will come to a close at the end of 2015. To continue to adapt to the specific needs of member states and to tackle the most pressing needs to address common challenges, the Council of Europe is preparing its next Strategy for the Rights of the Child for 2016-2021. An intergovernmental process is in place, where member states, together with international organisations and non-governmental organisations are developing its next strategic priorities. The Strategy, which is expected to be adopted by the Committee of Ministers of the Council of Europe by early 2016 is expected to focus on:

- social rights and the effects of austerity measures on children;
- violence against children;
- child participation;
- child-friendly justice;
- opportunities and challenges linked to the digital environment.

⁴⁵ <http://ec.europa.eu/digital-agenda/en/safer-internet-better-internet-kids>

Progress takes time and is reached in small but steady steps, and it is becoming increasingly visible. Only when all principles enshrined in the UNCRC have become a reality for each and every child in Europe, will the mission of this programme be accomplished.

Biographical Note

Regína Jensdóttir is of Icelandic nationality and holds a law degree from the University of Iceland where she specialised in human rights and a post graduate degree (D.E.A.) from the University of Strasbourg in international public law. She has been working for more than 16 years for the Council of Europe in many areas including protecting and promoting minority languages, developing legal norms in the area of public and private law, including the guidelines on child-friendly justice.

Since 2010 she has been the Council of Europe Co-ordinator on Children's Rights and is currently heading the Children's Rights Division. In these capacities she follows the implementation of the Council of Europe Strategy for the Rights of the Child (2012-2015).