



Political Commitments  
by Regional Organizations and Institutions  
to Prevent and Address Violence Against Children



**POLITICAL COMMITMENTS BY  
REGIONAL ORGANIZATIONS AND INSTITUTIONS TO  
PREVENT AND ADDRESS VIOLENCE AGAINST CHILDREN**

**in the framework of the process  
of follow-up to the recommendations of the  
UN Study on Violence against Children**

**New York 2012**

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## Foreword

As Special Representative of the Secretary-General on Violence against Children, I am firmly committed to strengthening strategic alliances, within and beyond the United Nations system, to safeguard children's right to freedom from violence.

The collaboration with regional organizations and institutions to advance implementation of the recommendations of the UN Study on Violence against Children has been a critical dimension of this process.

In the past two years, considerable progress has been achieved in this area with a growing institutionalization of regional governance structures and the development of regional initiatives. Leading regional organizations and institutions have pledged to protect children from violence, including the Organisation of Islamic Cooperation, the League of Arab States, the South Asia Initiative to End Violence against Children (SAIEVAC), States in the Asia Pacific Region, the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), the MERCOSUR Permanent Commission Nin@sur, the Council of Europe, the European Union, the African Union and the African Committee of Experts on the Rights and Welfare of the Child.

This publication contains these important political commitments and represents a testimony of the achievements made across the globe, in pursuit of a common goal: preventing and eliminating violence against children.

The commitments assembled in this publication open avenues for enhanced national implementation efforts and accelerated progress in securing children's right to freedom from violence, everywhere and at all times. And they are also a strong reminder that violence against children is not inevitable and can be effectively prevented and addressed.

A handwritten signature in black ink that reads "Juanita Santos Pais". The signature is written in a cursive, flowing style.

Special Representative of the Secretary-General  
on Violence against Children

**Joint Statement from the High-Level  
Round Table on the Role of Regional Organizations  
on the Protection of Children From Violence**

## **Joint Statement from the High-Level Round Table on the Role of Regional Organizations on the Protection of Children From Violence**

*New York, USA, 11 October, 2011*

We, the representatives of the Council of Europe, the League of Arab States, MERCOSUR Pro-Tempore Chairmanship of the Permanent Commission of the Initiative Nin@Sur, the South Asia Initiative to End Violence Against Children (SAIEVAC), and the African Committee of Experts on the Rights and Welfare of the Child participating, with UNICEF, in the first held meeting of Regional Organizations and Institutions on Violence against Children, organized by the Special Representative of the Secretary General on Violence against Children (SRSG on VAC),

Gathered in New York to share lessons learned and reflect on good practices and priority areas of concern resulting from the regional processes promoted in our respective regions to implement the recommendations of the United Nations Study on Violence against Children,

Recognizing the critical role played by Regional Organizations and Institutions as catalysts of progress, at the regional and national levels, for the prevention and elimination of violence against children,

Recognizing the priority attached by the SRSG on VAC to the consolidation of partnerships with Regional Organizations and Institutions to accelerate progress in the process of implementation of the recommendations of the UN Study on Violence against Children,

Welcoming the support of the SRSG on VAC to the strengthening of regional governance structures and initiatives, and to cross-regional and South-South cooperation to promote and monitor progress in the follow-up to the UN Study on Violence against Children,

Noting with appreciation the important role played by civil society in support of the process of follow-up to the UN Study on Violence against Children,

Express our determination to accelerate efforts for the prevention and elimination of violence against children in all its forms and to promote cross-regional and South-South cooperation, in particular with a view to supporting:

- a) The development of well-coordinated and well-resourced national agendas on violence against children, supplied with effective implementation and monitoring mechanisms;
- b) The development of national legislation to prohibit all forms of violence against children in all settings;

c) The consolidation of national data systems and research on violence against children and the dissemination of relevant information to inform advocacy, policy making and resource mobilization to safeguard children's right to freedom from violence.

We recognize the richness and potential of cross-regional and South-South cooperation and in close cooperation with the SRSG on VAC and with the support of UNICEF, commit to:

a) Promote the sharing of experiences, good practices and lessons learned on the process of implementation of the UN Study on Violence against Children;

b) Support initiatives to enable cross-fertilization of regional experiences, good practices and lessons learned;

c) Support the development of a platform, under the auspices of the SRSG on VAC, for knowledge-sharing on regional efforts to protect children from violence and to ensure easy access to relevant information on measures and processes promoted at the regional level to prevent and eliminate violence against children in all settings;

d) Promote cooperation with key stakeholders, including independent institutions on the rights of the child, parliamentarians, civil society, including children, religious leaders, the private sector and the media to strengthen children's protection from violence;

e) Support initiatives to build a culture of respect for children's rights and freedom of violence; and in this regard, strengthen partnerships with the media;

f) Meet on a regular basis and support the SRSG on VAC mandate and global efforts to effectively prevent and address violence against children.

New York, 11 October 2011



**Joint Statement on the Role of Regional Organizations and  
Institutions on the Protection of Children From Violence**

## **Joint Statement on the Role of Regional Organizations and Institutions on the Protection of Children From Violence**

**New York, October 19, 2012**

We, the representatives of the MERCOSUR Pro-Tempore Chairmanship of the Permanent Commission of the Initiative Nin@Sur, of the Caribbean Community (CARICOM) and of the Government of the Dominican Republic, participating with the Latin America and the Caribbean Movement for Children (MMI LAC) in the first meeting held of Regional Institutions of South America, the Caribbean and Central America on Violence against Children, organized by the Special Representative of the Secretary General on Violence against Children (SRSG on VAC),

Gathered in New York to share lessons learned, and reflect on good practices and priority areas of concern resulting from the regional processes promoted in our hemisphere to implement the recommendations of the United Nations Study on Violence against Children, Recognizing the leading role of Member States and Regional Organizations and Institutions as catalysts of progress, and the strategic partnership developed with the SRSG on VAC for the prevention and elimination of violence against children in cooperation with the Rapporteurship on the Rights of the Child of the Inter-American Commission on Human Rights and the Committee on the Rights of the Child,

Welcoming the important regional analytical mappings conducted in Latin America and the Caribbean and the strategic political commitments and regional roadmaps adopted in these regions to accelerate progress in the follow up to the recommendations of the UN Study on Violence against Children,

Recognizing the critical role played by Regional Integration Institutions, such as MERCOSUR, SICA and CARICOM as strategic platforms for facilitating the exchange of lessons learned and good practices and for monitoring the implementation of regional roadmaps and the evolving protection of children from violence within Member States

Further recognizing the priority attached by the SRSG on VAC to the consolidation of partnerships with regional Organizations and Institutions to accelerate progress in the process of implementation of the recommendations of the UN Study on Violence against Children,

Welcoming the support of the SRSG on VAC to the strengthening of regional governance structures and initiatives, and to cross-regional and South-South cooperation to promote and monitor progress in the follow-up to the UN Study on Violence against Children,

Noting with appreciation the essential partnership with civil society and the crucial role of children and adolescents in support of the process of follow-up to the UN Study on Violence against Children, and welcoming the child friendly version of the South American roadmap

Express our determination to accelerate efforts for the prevention and elimination of violence against children in all its forms and to promote the inclusion of these critical concerns in the global development agenda beyond 2015, and reiterate our commitment to supporting:

- a) The development of well-coordinated and well-resourced national agendas on violence against children, supported by effective implementation, monitoring and evaluation mechanisms;
- b) The adoption and enforcement of national legislation to prohibit all forms of violence against children in all settings;
- c) The consolidation of national data systems and research on violence against children and the dissemination of relevant information to inform advocacy, policy making and resource mobilization to safeguard children's right to freedom from violence and support child victims.

Recognize the richness and potential of cross-regional cooperation within and beyond our hemisphere, and in close cooperation with the SRSG on VAC and with the support of UNICEF and the Latin America and Caribbean Movement for Children (MMI-LAC), commit to:

- a) Disseminate at national level the regional analytical mappings conducted in Latin America and the Caribbean in support of the implementation of the recommendations of the UN Study;
- b) Support awareness-raising initiatives, including for children and young people in the light of the child-friendly version of the South American Roadmap;
- c) Promote cooperation with key stakeholders, including national independent institutions on the rights of the child, parliamentarians, international financial
- d) institutions, civil society, including children and young people, religious leaders, the private sector and the media, to strengthen children's protection from violence and build a culture of respect for children's rights;
- e) Promote the sharing of information and, under the auspices of the SRSG on VAC, support the creation of a Latin America and Caribbean Task Force to meet on an annual basis and promote initiatives to accelerate progress in protection of children from violence.

New York, October 19, 2012

**Statement issued by the Council for Human and Social  
Development (COHSOD XXIII)  
on sexual abuse of children in the Caribbean Region**

## **Statement issued by the Council for Human and Social Development (COHSOD XXIII) on sexual abuse of children in the Caribbean Region**

***Providence, Guyana 10 July 2012***

The Twenty-Third Meeting of the CARICOM Council on Human and Social Development (COHSOD XXIII) views with grave concern the alarming prevalence of sexual abuse of children in Member States. COHSOD reviewed the overwhelming evidence documented in recent studies that points to new and emerging forms of abuse against both girls and boys. COHSOD denounces all forms of abuse of children, recognizing that other forms of abuse provide preconditions and the environment for sexual abuse.

COHSOD emphasizes the need to challenge concertedly and decisively, the deeply entrenched cultural practices and norms that condone violence and violate the rights of our children and youth.

COHSOD further recognizes the urgent need to expose these atrocities, remove the veil of secrecy and break the silence that shrouds these practices. COHSOD also recognized the interrelated and mutually reinforcing nature of all forms of abuse - physical, sexual, emotional, mental, and neglect, including medical neglect – and agreed to take urgent collaborative action to ensure that all perpetrators are brought to justice and that they receive the full force of the law.

In dealing with this pressing issue, COHSOD will continue to advocate with Member States for the creation of safe spaces in which victims and others affected are free to report and speak out against sexual abuse without fear of recrimination. COHSOD will focus on plugging the gaps in existing legislation to guarantee mandatory reporting of sexual abuse and enforce full protection for the region's children.

COHSOD recognized the imperative of developing an integrated approach - combining strong responsive and preventive measures that emphasize child care and protection, and those to end impunity.

Accepting that no form of violence against children – particularly sexual violence - can be justified or condoned, COHSOD is committed to working collaboratively with partners and stakeholders to launch public education campaigns to promote the message that children have the right to justice, and to a safe and nurturing environment.

The COHSOD resolved to work together to build a region that is safe for all children.

**Providence, Guyana**

**10 July 2012**

## **Kingston Declaration**

## **The Kingston Declaration**

### ***Follow-up Meeting on the Recommendations of the UN Study on Violence against Children for Countries in the Caribbean, Kingston, Jamaica 15 May 2012***

We, the governmental and state authorities, representatives of the civil society and national human rights institutions, children and adolescents and international organizations from Anguilla, Barbados, Belize, British Virgin Islands, Dominica, Grenada, Guyana, Haiti, Jamaica, St Lucia, St Kitts and Nevis, St Vincent and the Grenadines, Suriname, Trinidad and Tobago and Turks and Caicos; as well as representatives of the Inter-American Commission on Human Rights, met in Kingston, Jamaica on 14 and 15 May 2012 for the Follow-up Meeting to the United Nations Study on Violence against Children for countries in the Caribbean, organized by the Global Movement for Children in Latin America and the Caribbean (GMC-LAC), in close collaboration with the Office of the Special Representative of the United Nations Secretary-General on Violence against Children, Ms. Marta Santos Pais, and the Government of Jamaica as host country.

Six years after the presentation of the UN Study on Violence against Children and its recommendations before the United Nations General Assembly, the organizers of the Caribbean Follow-up Meeting decided to drive a process to assess and evaluate the status of implementation of the Study's recommendations, including through the development of a mapping of the advances promoted by States, this Sub-regional Meeting in Kingston, as well as to support the establishment of national and regional monitoring mechanisms to assess progress in the implementation of these recommendations.

The meeting provided an opportunity to disseminate the Study on Violence against Children and promote follow-up to its recommendations, as well as to track progress in the implementation of the prioritized Recommendations 1, 2 and 11 at regional and national levels. Based on the Convention on the Rights of the Child, ratified by all countries in the region, participating States reiterated their political commitment to the prevention and elimination of violence against children and promoted an exchange of experiences and the reinforcement of sub-regional cooperation areas.

During the presentations, panels and group work participants identified progress, challenges, opportunities and future actions to develop strategies, policies, legislation and national programs that prioritize the prevention and prohibition of all forms of violence against children and adolescents and the creation and strengthening of national data systems and research. The involvement of children and adolescents provided important inputs to the meeting and to promoting that children's life without violence can be a reality.

This Declaration will be complemented by the guidelines of a Regional roadmap for Caribbean countries in light of the priorities identified by participating countries committed in support of the regional process and the formulation of national roadmaps. These

roadmaps will take into account the contexts and structures of the Caribbean institutions and the specific situation in each State, and will be prepared with the active participation of all stakeholders.

**We call on** CARICOM Community to play an important role in monitoring the implementation of the Regional roadmap and urging CARICOM States to submit regular reports on the status of the implementation of the UN Study's recommendations, and ensuring the prevention and elimination of all forms of violence against children is considered a priority theme at CARICOM's deliberations on children, particularly the CARICOM/COHSOD Special Meeting on Children.

**We recognize** that the elimination of violence against children is a major challenge, which requires a sustained and coordinated effort from governmental institutions, legislature, the judiciary, academia, civil society, international agencies, and independent human rights institutions as well as from individual children and adolescents in order to be achieved.

**We recognize** the importance of facilitating and supporting opportunities for dialogue and coordination at national and regional levels that can help meet the goals established in the United Nations Study on Violence against Children.

**Kingston, 15 May, 2012**



**Roadmap to Protect Children against  
all Forms of Violence in the Caribbean**

# Roadmap to Protect Children against All Forms of Violence in the Caribbean

## *Outcome of the Sub-regional Meeting for the Follow-up to the UN Study on Violence against Children, Kingston, Jamaica, 14-15 May 2012*

### **I. Background**

The Caribbean Meeting for Follow-up to the Recommendations of the United Nations Study on Violence against Children was held in Kingston, Jamaica on 14 and 15 May 2012 to encourage more widespread dissemination of the UN Study and renewed commitments to follow up on its recommendations at sub-regional and national levels. The meeting was also meant to raise awareness about violence against children in the Caribbean, to promote exchange of experiences, and stimulate further progress in priority areas of concern.

The meeting was hosted by the Government of Jamaica, organized with the Global Movement for Children in Latin American and the Caribbean (GMC-LAC) in partnerships with the United Nations Special Representative of the Secretary-General (SRSG) on Violence against Children (Marta Santos País), and benefited from the support of CARICOM.

The Caribbean meeting promoted the consolidation of the strategic alliances with key institutions, including the UN Special Representative of the Secretary General on Violence against Children, the Inter-American Commission on Human Rights (IACHR) and CARICOM. The meeting prioritized strengthening institutional links with countries in the Caribbean, United Nations agencies, international and regional organizations, as well as civil society organizations, including the media, religious leaders, research institutions and children and adolescents themselves, with a focus on accelerating progress in the implementation of the recommendations of the UN Study.

The meeting reaffirmed the importance of the Recommendations of the UN Study in taking concrete and strategic actions based on international human rights instruments and in accelerating and monitoring progress in preventing and responding to all forms of violence against children.

The meeting recognized the strategic role of the SRSG on Violence against Children in raising awareness and promoting accelerated progress in the implementation of the UN Study's recommendations. In this perspective, the SRSG's task is fundamental and underscores the urgency of tackling violence against children and adolescents, based on an effective approach and realistic priorities, with a particular emphasis on the following three overarching recommendations of the UN Study:

- Development in each State of a national strategy on violence against children (Recommendation 1);
- An explicit legal ban on all forms of violence in all settings (Recommendation 2);
- Development of data and research systems with regard to this problem (Recommendation 11).

## **II. Proposals and recommendations**

Prior to the event, a mapping exercise was conducted on implementation of the recommendations in the Caribbean - emphasizing the three prioritized by the SRSB. The mapping incorporated information from primary and secondary sources, as well as from States and civil society organizations from throughout the Caribbean. Experts on children's rights also contributed with valuable information. In addition, groups of children and adolescents were consulted to ensure their views are taken into account. Their contributions were decisive in clarifying their perceptions of violence, their experiences and proposals on ways to implement the recommendations.

The present document is based on the key findings of the mapping and the outcomes of the Caribbean Meeting. It presents a Roadmap with recommendations to track progress in implementing the three recommendations identified as priorities.

To ensure a strategic and sustainable approach to the implementation of the recommendations, the following strategic actions are proposed:

### **Use of the international human rights instruments as a framework for action**

Considering that the protection of children and adolescents from violence is an ethical and human rights imperative, it is recommended that all States in the Caribbean ratify the human rights treaties related to children and withdraw reservations they may have entered in relation to these. In particular, States in the Caribbean are encouraged to ratify the three Optional Protocols to the Convention on the Rights of the Children, namely: the Optional Protocol on the involvement of children in armed conflict, the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on a communications procedure.

States are called upon to recognize the contentious jurisdiction of the Inter-American Court of Human Rights and to take actions to implement the recommendations by international and regional human rights monitoring bodies, in particular the Committee on the Rights of the Child (CRC Committee), the SRSB on Violence against Children, the Inter-American Commission on Human Rights (IACHR) and its Rapporteurship on Children's Rights, and the Inter-American Court of Human Rights. Special attention should be paid to the Concluding Observations and General Comments of the CRC Committee, the recommendations of the SRSB on Violence against Children, and the recommendations of the three thematic reports

published by the IACHR: Citizen Security and Human Rights; Corporal Punishment and Human Rights of Children and Adolescents; and Juvenile Justice and Human Rights.

### **Development of a national strategy to prevent and respond to all forms of violence against children and adolescents (Recommendation 1)**

States are encouraged to develop a comprehensive and integrated strategy on the prevention and response to all forms of violence against children. In addition, the recommendations of the UN Study should be included in public policy planning instruments, both those of a general nature and those specifically designed for children (i.e. national plans of action for children, national development plans, and national human rights plans, as well as other plans and programmes). The strategy on violence as well as other State's planning instruments must include strategic objectives, defined timelines and resource allocations that are adequate and sufficient, in both financial and human terms, as well as relevant indicators and regular evaluations of their results and impact. Their implementation needs to be ensured by high level coordinating mechanisms, with management responsibility for activities that span across government departments and political and administrative levels. States are encouraged to ensure that reports of the implementation of the strategy on violence and supportive activities are presented annually to Parliament and made available to the general public.

The development of national strategies and plans should be promoted in association with other relevant parties, in particular civil society organizations, and other groups, including children and adolescents, as well as religious leaders, the media, academic institutions.

These actions must be accompanied by a communication and dissemination strategy involving the media in order to strengthen the principles of transparency and public control and ensure that the public has access to information on strategies for combating violence. The communication strategy should also seek to contribute to addressing social norms and behaviours condoning violence against children (entailing a social and cultural change) and should be directed both at the general public and at decision-makers, using appropriate, child-friendly language when required.

### **Adoption of national legislation prohibiting all forms of violence against children (Recommendation 2)**

It is of concern that some forms of violence are still not prohibited or adequately regulated by law. The majority of countries in the Caribbean continue to allow violence in certain settings, including in the home and community, in schools, workplaces and care and justice institutions. Furthermore, others do not adequately penalize those who sexually abused children and adolescents.

States are urged to enact legislation explicitly prohibiting all forms of violence against children, in all settings. This includes the prohibition of sexual abuse against boys and girls,

without any type of discrimination. The current legislation in many countries is in effect denying boys who are sexually abused the same protection offered to girls --legislation should therefore be made gender neutral in Caribbean countries. It is also recommended to ensure that all types of sexual acts perpetrated against children are spelt out, as separate offences - using terminologies based on human rights instruments - with corresponding penalties --there should be no disparity in sentencing between offences.

To date no countries in the Caribbean have adopted comprehensive legislation prohibiting all corporal punishment against children, in all settings<sup>1</sup>– home, schools and institutions. States in the Caribbean are urged to explicitly prohibit corporal punishment in all settings. This legal prohibition will send a clear message that all forms of violence against children and adolescents are inadmissible. The explicit prohibition on physical and humiliating punishment is essential, as is the repeal of defences currently included in legislation, including the term „moderate“ or “reasonable”, which introduces an element of discretion that is inconsistent with the rights of children and adolescents to their personal integrity and human dignity.

With respect to the prevention of violence in institutional settings, it is important that guidelines include suitable guarantees regarding supervision and safe and child sensitive counselling, reporting and complaint mechanisms. This includes mechanisms for redress and legal and psychological support to aid recovery and integration. Complaint mechanisms must be designed to be easily accessible by and specially adapted for children and adolescents – including young children and children with disability - and to be established by law, confidential, safe, user-friendly and independent to avoid re-victimization. Legal guarantees must be established to protect child victims and witnesses and prevent any risk of manipulation or reprisals. States should take all necessary measures to combat and end impunity for incidents of violence and violations of child rights, providing adequate sanctions. There are significant concerns regarding incidents of violence and violations of human rights of children and adolescents occurring in centres of confinement, and in institutions where children and adolescents are under the custody of the State. It is important that all countries establish a separate, and specialized juvenile justice system staffed by specialized judges who have training in human rights and child development. The juvenile justice system should put emphasis on alternative measures to deprivation of liberty and promote socio educative rather than merely punitive measures – taking in mind that deprivation of liberty should be a measure of last resort, and for the shortest time possible. As a matter of priority, countries in the Caribbean should increase their minimum age of criminal responsibility to the age of 12 years as the absolute minimum age and to

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<sup>1</sup> Committee on the Rights of the Child General Comment 8(2006) The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment CRC/C/GC/8, 2 March 2007 and General Comment 13 (2011)The right of the child to freedom from all forms of violence CRC/C/GC/1318 April 2011

continue to increase it to a higher age level. Violence as a sentence such as corporal punishment, death penalty and life imprisonment should be abolished in the region.

National legal frameworks must be reviewed and reformed to ensure fully compliance with international and regional human rights standards. Participation by civil society and children and adolescents themselves must be taken into consideration in these legislative reforms processes, particularly on issues affecting them, as established by the Convention on the Rights of the Child strengthening linkages between governments and non-governmental governmental organizations.

Legislation must also cover the work of both public and private institutions, and be used as the basis for developing regulations concerning these services, including standards of conduct and discipline and appropriate monitoring mechanisms.

Law enforcement must be complemented by initiatives aimed at raising social awareness and mobilizing the general public, particularly children and adolescents. In most cases this implies combating deeply rooted social attitudes and behaviours and creating conditions for a culture of respect for children's rights. Media dissemination plans are recommended to further this aim. These initiatives should focus particularly on those who are in direct contact with children, including parents, relatives, caregivers, teachers, health professionals, social workers, civil servants employed in public institutions, civil society organizations that work with children and adolescents, the general public, public decision-makers and their advisers.

Parliamentarians should organize debates to supervise and encourage follow-up of any legislative recommendations or reforms that may be necessary to prevent and respond to violence against children. They should also guarantee allocation of adequate resources for effective implementation of legislation.

#### **Consolidation of national systems to collect, analyze and disseminate data and research on violence against children (Recommendation 11)**

Efforts are needed to strengthen national systems for collecting and generating consolidated disaggregated data that allow for monitoring progress over time and comparison with data from other sources avoiding duplication among different national institutions. This system will be a key tool for planning public policies and informing policy and budgetary decisions, and for monitoring and evaluation.

The information systems should contain both quantitative and qualitative data that reflect diversity (indigenous populations, rural populations, age...), have access to diverse sources and enhance capacity to conduct quality research. Collaboration of national statistics centres with universities and research institutions is important, as well as with civil society organizations that generate research and data on violence against children. Adequate

training for staff involved in information collection, analysis and dissemination must also be addressed.

It is recommended that questions addressing issues of violence be included in household surveys (MICS), keeping in mind the limitations of such surveys when violence occurs within the family itself. It is recommended that the opinions and perspectives of children and adolescents be included and their experiences recorded. In this respect, it is felt that children and adolescents should participate directly in surveys and perception studies and other qualitative and quantitative research, and that these surveys should be conducted regularly and in an ethical manner. In this perspective, schools may be a setting for administration of such surveys; however, special attention should be given to ensuring the voice of children who are in institutions or confinement in States' institutions also heard. To ensure reliability and quality of information, it is recommended that these surveys be conducted by experts, in respect of children's rights.

Statistical information must be made public in a friendly manner, respecting the principle of transparency and scrutiny of public administrations by their citizens while preserving individuals' right to privacy. Accessibility and analysis of information by children and adolescents, civil society and public in general should be considered.

Greater attention is recommended with regard to information collection on violence prevention, particularly on risk factors and protection issues. The same applies to information on forms of response to violence and recovery of victims. The information gathered should not be restricted to quantitative data on the number of violations and the types of violence. Telephone helplines are an important mechanism to compile and monitor data on the facts reported and the process followed in response to specific cases (such as the number of cases reported that lead to a formal complaint, and the result, if any).

There must be an increase in the number of monitoring tools, instruments and indicators available. Indicators developed must be grounded in international human rights instruments and incorporate enhanced equivalence and standardization factors, permitting comparison of data over time and between countries and improved monitoring. Children of all ages, gender, ethnic origin, nationality, social and economic condition and in all environments should be taken into account, particularly those incurring the greatest risks. Less visible forms of violence must be identified.

It is essential to integrate information databases across all sectors (e.g. education, health, justice, finance etc.) since it is possible that data from different sectors are not being cross-referenced or jointly analyzed. Effective data management is crucial. States should have integrated systems that draw on data generated by prevention, detection and protection services.

National plans on violence must include indicators for measuring the scope of the objectives proposed, with particular attention to implementation at local level. Financial and public investment indicators should be considered.

It is recommended that CARICOM, as a regional organization in the Caribbean, support the work of unifying concepts and recognizing or standardizing indicators, providing technical assistance and guidance to States in the region creating a network linking national systems. Another aspect of possible collaboration between the CARICOM and the States is the development of an effective model of inter-sectoral data management and modernization of instruments and systems. It is recommended that CARICOM encourage initiatives in this respect, fostering exchange and taking into consideration good practices at country level.

Furthermore, it is recommended that a monitoring mechanism is set up at CARICOM level to regularly monitor the implementation of the UN Study's recommendations by States in the region with common indicators that allow to share and compare information between countries.

### **III. Institutionalization of a follow-up process and application of the UN Study's recommendations**

Overcoming all forms of violence against children and adolescents requires a sustained effort over time and the joint work of many varied actors. Thus it is clearly necessary to institutionalize suitable and adequate national and regional structures and processes for follow-up and application of the recommendations to achieve progress and ensure sustainable changes.

#### **Designation of a high level authority in each country with the mandate to coordinate actions necessary for implementation and follow-up to the UN Study recommendations**

Confronting the phenomenon of violence requires an integrated and holistic approach. Such a multi-faceted and multi-causal issue linked to children's rights must be addressed from the perspective of promotion, prevention, protection and response if we are to break the cycle that reproduces violence, and not merely offer reactive responses. This type of intervention requires two kinds of coordination: horizontal (between sectors, including health, education and social affairs, gender, justice and home affairs, planning, economy and finance) and vertical (between local and national authorities). Thus, coordination must be led by a top-level actor with the capacity to manage coordination and a mandate to call on diverse sectors and the various levels of government. It is recommended that a strategy be designed and mechanisms sought through which the recommendations can be incorporated into all spheres and levels of the State, at the same time ensuring effective and efficient vertical coordination.

Based on positive promising practices in the region regarding effective structural framework and mechanisms, the following operational suggestions are made to stimulate the process of follow-up to the UN Study recommendations:



1. The setting up of multidisciplinary and cross-departmental Committees at country level – involving the highest authorities - to mobilize the process of development of the national plan (national roadmap) with adequate resource allocation, specific goals and objectives; and responsibilities for follow-up of actions and regular evaluation of results. The Committees should be comprised of different state actors, experts, civil society and children and adolescents bearing in mind cultural diversity;
2. The creation of a Coordination group at national and sub-regional levels focusing on the issue of violence, with a specific budget and access to technologies to facilitate communication between specialists across the Caribbean region;
3. The development of coalitions at national and sub-regional levels (with the participation of civil society organizations and other groups representing children, including children themselves) to inform and support the consideration of children’s protection from violence as a priority in the agenda of governments in the region as well as within the regional work undertaken by CARICOM, the Organization of Eastern Caribbean States (OECS), the Organization of American States (OAS) and other actors in the region.

Financial resources must be transferred from national to decentralized levels in accordance and consistent with responsibilities assigned, avoiding the creation of inequalities in access to prevention and protection anywhere within the territory. To achieve this without limiting compliance by a country, the clause addressing budget allocation in Recommendation 1 – “must be in accordance with the country's resources” – should be viewed in relative terms.

#### **Promotion of and support for the participation of children and adolescents**

It is fundamentally important to encourage participation of children and adolescents in the follow-up to the UN Study. Their ideas and experiences should be valued and considered. Appropriate conditions should be established for them to act within their own communities, including a mechanism for their own protection. It is therefore recommended that the communication strategy be developed with children and adolescents from its conception and design to its implementation, using child-friendly materials that take diversity into account.

At the same time, approaches adapted to children/adolescents should be promoted in both prevention and response, thus increasing accessibility for children/adolescents and the efficiency of the strategies employed.

It is therefore recommended that children’s participation be institutionalized through appropriate and representative fora and mechanisms, in accordance with article 12 of the Convention on the Rights of the Child and with General Comment No. 12 of the Committee on the Rights of the Child regarding the Right of the Child to Be Heard, and the recommendations of the 20th Pan-American Conference. These measures should take into

consideration the on-going efforts for the creation of Children's Consultative Councils and existing children's organizations and networks.

### **Follow-up of the recommendations of the UN Study by Independent National Human Rights Institutions**

The establishment of Independent National Human Rights Institutions (INHRI) is strongly encouraged. Their actions should include follow-up to the recommendations of the UN Study. Among possible initiatives also are: advocacy for legal reforms; promotion of public policies; research and initiatives involving supervision and monitoring; provision of counselling/guidance; and in some cases response to individual complaints on incidents of violence. It is also recommended that INHRI submit annual reports to the Parliament to discuss progress towards achievement of the UN Study's recommendations.

Children and adolescents must have direct and user-friendly access to the INHRI and have appropriate information on its mandate.

It is recommended that INHRI in each country institutionalize their collaboration with the SRSG so they can provide relevant information regarding the follow-up of the UN Study. Similarly, it is important that the various INHRI have spaces for exchange and collaboration between them so that they can share knowledge and experiences and build synergies. This could be done through the establishment of network of INHRI at regional level.

### **Consideration of the recommendations by multilateral regional bodies and spaces for interstate cooperation**

Some forms of violence are transnational in nature, requiring interstate agreements for cooperation or multilateral action. Tackling such issues through multilateral bodies such as the CARICOM and/or the OECS is essential.

### **Promotion of alliances of actors and sectors to achieve greater impact**

Initiatives such as the one promoted by the Global Movement for Children in Latin America and the Caribbean are important in supporting progress towards compliance with the recommendations of the UN Study. They must be encouraged and maintained, ensuring their development at national and regional levels.

Within this framework it is important to stimulate and reinforce local, national and regional organizations working on violence against children, whether individually or as part of networks and coalitions. It is also important to encourage and ensure exchange and cooperation among actors, including the media at local, national and regional levels to ensure the visibility, dissemination and sharing of their various initiatives.

### **Consideration of the recommendations by multilateral development organizations and international financial institutions**

Given the unanimous support for the UN Study expressed by the States and the existing relationships for development cooperation among several States in the Caribbean, it is recommended that the UN Study and its recommendations be taken into account as a reference in strategic interventions in bilateral cooperation between States, as well as in multilateral development organizations and international financial institutions.

#### **IV. Follow –up to the Roadmap**

Complements to this regional Roadmap are the Manifesto produced by children and adolescents of the Caribbean countries participating in the meeting and the Kingston Declaration, endorsed by the participants to the meeting.

Participants in the working groups have also produced an initial draft roadmap for each country, adapting the recommendations to each country's context. These national roadmaps, to be developed in conformity with the regional Roadmap, will later be improved and discussed at national level by those who participated in this process and will inform implementation of the Roadmap at country level.

In the Caribbean, CARICOM, in conjunction with the community organs and mechanisms (such as the Council for Human and Social Development - COHSOD), represents a valuable structure for institutionalizing regional follow-up to the UN Study, grounded in the Roadmap agreed to at the Kingston meeting. Within this forum mechanisms can be established for exchange of experiences that contribute to implementation of the UN Study's recommendations. In this respect, it should be considered that, at the bi-annual meeting of the Special COHSOD for children, each State presents a follow-up report about country level progress and challenges in implementing the UN Study's recommendations. Such a common approach has great value in creating opportunities for collective progress and synergies in the region. It is also recommended that CARICOM reinforce its institutional relationships with the SRSG on Violence against Children with a view to contributing to the SRSG's mandate.

Finally, CARICOM Member States and associates should consider providing support to the SRSG's Office for the implementation of its mandate. As the Office depends on voluntary contributions, insufficient funding can put at risk the efficiency, long-term planning and independence of the mandate. It is hence crucial that States – which unanimously declared their commitment to the UN Study and its recommendations at the UN General Assembly – mobilize in support of the SRSG's mandate and contribute to ensuring the continuity and visibility of the agenda on violence against children within the United Nations system.

## **Declaration of the Young Persons of the Caribbean**

## Declaration of the Young Persons of the Caribbean

*Kingston, Jamaica, 15 May 2012*

We, child and youth representatives from the Caribbean have gathered in Jamaica for the Violence against Children Sub-Regional Conference to proclaim the present Declaration:

Violence can be described as using your position of power or strength to inflict intentional damage to someone. This may include emotional or mental damage and not merely the physical.

Violence or any violent environment is not fit for a child. Children are more sensitive than adults realize. Things mean much more to a child than what an adult can see.

Violent acts against children affect them as it changes their lives forever. A child will never remain the same after. A damaged childhood leads to a damaged personality, development of trust issues, attachments issues and such. And this would lead to a damaged society where other children will grow up continuing the cycle and showing no improvement.

Violence happens in the family and home. Children are physically, emotionally, psychologically and verbally abused. Children are also being neglected by parents in the home. There are also incidents in the family homes where children are being sold into prostitution and other situations of trafficking. Violence happens in the school environment, including verbal and physical abuse and sexual abuse by teachers. Where student or children's councils exist, the children are sometimes not respected or listened to and adults/principals still have the last word.

In the community is where much of the violence against children happens. All forms of abuse are inflicted upon children in the community – physically, emotionally, psychologically and sexually. Churches in the communities also promote corporal punishment and they believe 'spare the rod, spoil the child'.

Violence happens in the workplace. Child labour is present and the business owners' abuse children in order to gain an edge over their competition. So now, it can be said, that violence occurs everywhere in society.

Violence against children in the Caribbean continues to be the norm or tradition in the region and is being passed on to our generations. This makes violence against children harder to eradicate. Therefore drastic actions need to be taken now.

We, the child and youth delegates from the Caribbean, call on the governments of the region, those with the power and authority, to pay a listening ear to our views and solutions. The Study is about violence against children in the Caribbean, so we are the victims and believe that we know solutions to the problem.

We the children and youth also have a responsibility as there are incidents of violence against children by other children. Therefore we should wise up and cooperate with the move against violence.

Adults who work with children daily are also responsible for solving the problem. People such as teachers, parents, the police and more should work and cooperate with the solutions established by the government.

**We recommend that:**

### **Children need to be aware of their rights**

Knowledge of children's rights and responsibilities should be integrated into the school curriculum to ensure that the effect is wide-reaching.

### **Stakeholders in children's development, that is, teachers, parents and other caregivers should be knowledgeable of the rights of children**

These stakeholders need to be educated on such matters in order that they can be better held accountable for the infringements of these rights. Increased public awareness would enable the penalties for such infringements to be stricter.

### **Prevention orientated programs need to be established**

Stakeholders in child development need to be made aware of the negative physical and psychological effects of violence on children and should be made aware of other alternatives to discipline. Specific attention needs to be placed on the approach which is taken to inform stakeholders. The approach should be far-reaching, suited and applicable to the audience which it is targeting. It is hoped that educating the masses on the effects and alternatives to Child Violence would allow for such acts to be prevented.

### **Enforce our solutions and rights into laws and create effective support systems to promote the advancements of rights**

We are knowledgeable of the fact that support systems exist for the advancement of Children's rights especially as it relates to abuse against children. However the systems tend to be excessively bureaucratic which affects the efficiency of the organization. The delaying and retraining of staff in these arrangements need to be considered as well as resourced.

### **More trained and resourced personnel to enforce laws**

More opportunities need to be provided to training in the areas of Social Work and Regional Development. Scholarships and internships could be provided as incentives to motivate individuals to pursue these areas of study.

**When children do decide to report, the process needs to be easy and friendly to children; ensure people/staff are properly trained to know how to work with children and create friendly environments**

The smooth process of reporting would be motivation to the victimized children to continue reporting and not be afraid to come forward. The way in which reports are addressed need to be more responsive as this could increase the confidence us children place in these established institutions.

**Children need to support other children**

The support of other children in the fight to get our rights publicized can be very influential in shattering the silence that exists between the problem the child encounters and the solution.

**Children need to be involved in finding the solution**

The involvement of children in finding the solutions necessary to remedy and prevent these problems can increase the chance of these problems being corrected.

**Appropriate psychosocial support in place to know how to handle case of abuse**

Specialization is necessary when dealing with emotionally laden issues, as this increases the level of effectiveness and improved results for the children.

**Need resources and supports to implement rights and actions at the regional and sub-regional levels**

The implementations of certain resources that could increase the coordination between nations would better aid in the fight against violence against children. The establishment of networks across the regions not only formal conferences but informal opportunities where information can be continuously exchanged and countries can advance in unity to eradicate violence once and for all.

## **Santo Domingo Declaration**



## **Santo Domingo Declaration, Follow-up meeting for Central America, Cuba, Mexico and the Dominican Republic**

***December, 2011***

We, the governmental and state authorities, representatives of the civil society and national human rights institutions, children and adolescents and international organizations from Costa Rica, Cuba, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and the Dominican Republic; as well as representatives of the Inter-American Commission on Human Rights and the Committee on the Rights of the Child have met in Santo Domingo, Dominican Republic on 1st and 2nd December 2011 during the Central American Chapter Follow-up Meeting to the United Nations Study on Violence against Children organized by the Government of the Dominican Republic as host country and by the Latin American Chapter of the Global Movement for Children (GMC), in close collaboration with the Office of the Special Representative of the United Nations Secretary-General on Violence against Children, Ms. Marta Santos Pais.

Five years after the presentation of the Global Study on Violence against Children and its recommendations before the United Nations General Assembly, the participants of the Central American follow-up meeting have decided to drive a process to communicate and evaluate the implementation of the Study recommendations, including the development of a mapping of the advances promoted by states, the celebration of this sub-regional meeting in Santo Domingo; as well as, support for the establishment of national and regional monitoring of the execution/accomplishment of these recommendations.

The meeting provided an opportunity to disseminate the Study on Violence against Children and to track prioritized Recommendations 1, 2 and 11 at regional and national levels, renewing the political commitment of the participating States, promoting the exchange of experiences and the reinforcement of sub-regional cooperation areas, based on the Convention on the Rights of the Child, ratified by all participating States.

During the presentations, panels and group work were identified the challenges, opportunities and future actions to develop strategies, policies and national programs that prioritize the prevention and prohibition of all forms of violence against children and adolescents and the creation and implementation of national systems of data collection, information and research.

In particular, the involvement of children and adolescents has provided important inputs so the right to a life without violence can be a reality.

This statement will be complemented by the guidelines for a regional roadmap in light of the priorities identified by participating countries, whose value is to support the regional process, the debate and the formulation of national roadmaps. These roadmaps will be appropriate to the contexts and structures of regional institutions and specific to each State, and prepared with the active participation of all stakeholders.

We recognize that the elimination of violence against children is a major challenge, which requires a sustained and coordinated effort from governmental institutions, legislature, civil society, international agencies, and independent human rights institutions as well as from individual children and adolescents in order to be achieved.

We recognize the importance of facilitating and supporting opportunities for dialogue and coordination at national and regional levels that can help meet the goals established in the United Nations Global Study on Violence against Children.

**Roadmap to contribute to the realization of the right of all boys,  
girls and adolescents to protection against all forms of violence in  
South America**

# Roadmap to contribute to the realization of the right of all boys, girls and adolescents to protection against all forms of violence in South America

*Outcome of the South American Meeting for Follow-up to the United Nations Study on Violence against Children, Asunción, 28 - 29 April 2011*

## I. Background

The South American Meeting for Follow-up to the Recommendations of the United Nations Study on Violence against Children was held in Asunción, Paraguay on 28 and 29 April 2011. The meeting was held to encourage more widespread dissemination of the report and to follow up on its recommendations on regional and national levels. It was also meant to raise awareness, promote the exchange of experiences and stimulate further progress in priority areas.

The meeting also sought to consolidate the strategic alliances of several key actors, including the Special Representative of the United Nations Secretary-General (SRSG) on Violence against Children, Mrs. Marta Santos País. The meeting prioritized strengthening institutional links with countries, United Nations bodies, international and regional organizations, and civil society groups, including the media and children and adolescents, with a focus on implementing Study recommendations.

The Study presented a series of recommendations focused on accelerating and monitoring progress in preventing and responding to violence, based on international human rights instruments. The mandate of the SRSG is to raise awareness and encourage implementation of the Study's recommendations. This task is fundamental; it underscores the urgency of tackling violence against children and adolescents, based on an effective approach and realistic priorities.

The SRSG has prioritized three of the Study's general recommendations:

- Development in each State of a national strategy on violence against children (Recommendation 1);
- An explicit legal ban on all forms of violence in all settings (Recommendation 2);
- Development of data and research systems with regard to this problem (Recommendation 11).

To support implementation of the Study's recommendations in the Latin American and Caribbean region, the Global Movement for Children—Latin American and Caribbean Chapter (GMC—CLAC) partnered with the SRSG and the State of Paraguay to organize the meeting.<sup>2</sup>

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<sup>2</sup> Members of the GMC-CLAC include the Young Men's Christian Association, SOS Children's Villages, Defence for Children International, Inter-American Children's Institute, Latin American Communication Network for Children's Rights (ANDI), Plan International, REDLAMYC, Save the Children, UNICEF and World Vision International.

Prior to the event, a mapping exercise was conducted on implementation of the recommendations, emphasizing those prioritized by the SRSB. The mapping incorporated information from primary and secondary sources, and States and civil society organizations from throughout South America contributed valuable information. Groups of children and adolescents were also consulted, and their contributions were decisive in clarifying their perceptions of violence, their experiences and their proposals for how to comply with the recommendations.

Based on information obtained during the mapping and the Asunción meeting, and as a result of dialogue between the SRSB, the MERCOSUR Permanent Commission Niñ@Sur and the top authorities for childhood and adolescence of MERCOSUR, on 26 April 2011, the following Roadmap was drafted to track progress on implementing the prioritized recommendations.

## **II. Proposals and recommendations**

To ensure a strategic and sustainable approach to application of the recommendations, the following actions are proposed:

### Use of the human rights framework as a frame of reference

Considering that protection of children and adolescents from violence is an ethical and human rights imperative, States are recommended to proceed with universal ratification of human rights treaties and to withdraw any reservations they may have declared in relation to these. They are also encouraged to support adoption of the Third Optional Protocol to the Convention on the Rights of the Child, on individual complaints.

States are recommended to ensure their compliance with the decisions and recommendations issued by international and regional organs concerned with monitoring human rights. These include in particular the Committee on the Rights of the Child, the Inter-American Commission on Human Rights and its Rapporteurship on the Rights of the Child, and the Inter-American Court of Human Rights. Special attention is recommended to the Concluding Observations and General Comments of the Committee and the four thematic reports that have been published by the Commission's Rapporteurship on the Rights of the Child: *Citizen Security and Human Rights*, *Corporal Punishment and Human Rights of Children and Adolescents*, *The Rights of the Child in the Inter-American Human Rights System* and *Juvenile Justice and Human Rights*.

### Adoption of national legislation prohibiting all forms of violence against children

It is recommended that all States adopt an explicit national legal prohibition on all forms of violence against children, in all settings. This will send a clear message that all forms of violence against children and adolescents are inadmissible. The explicit prohibition on physical and humiliating punishment is essential, as is the withdrawal of some expressions currently found in legislation, including the term 'moderate', which continues to allow physical and humiliating punishment and introduces an element of discretion that is

inconsistent with the rights of children and adolescents to their personal integrity and human dignity.

National legal frameworks must be reviewed and adapted to meet international standards and instruments.

National standards should clearly set out the competencies required for their regulatory development and the responsibility for their effective implementation and monitoring.

Participation by civil society and children and adolescents themselves must be taken into consideration in these legislative processes, particularly on issues affecting them, as established by the Convention on the Rights of the Child.

Legislation must also allow for adequate mechanisms of implementation and guarantee advice and counselling as well as mechanisms for complaints and reporting of incidents of violence by children/adolescents or their representatives.

Legislation must cover the work of both public and private institutions. It should be used as the basis for developing regulations concerning these services, including standards of conduct and discipline and appropriate monitoring mechanisms.

Application of laws must be complemented by initiatives to raise social awareness and mobilize the general public, particularly children and adolescents. In most cases this implies modifying deeply rooted social behaviours and creating conditions for a culture of respect for children's rights. Media dissemination plans are recommended to further this aim. Awareness-raising initiatives are also recommended for anyone who is in direct contact with children: parents, relatives, caregivers, teachers, social workers, civil servants employed in public institutions, civil society organizations that work with children and adolescents, the general public, public decision-makers and their advisers.

Legislation must also establish mechanisms of supervision, investigation and compliance, always mindful of respect for human rights. Legislative provisions must be supported by initiatives to combat impunity for commission of violence and provision for adequate sanctions.

Legislation must also provide protection to victims and witnesses, including facilities for complaints and their redress and legal and psychological support to aid recovery and integration. Complaint mechanisms must be designed to be easily accessible by and specially adapted for children and adolescents, and to be confidential, safe, user-friendly and independent. Legal guarantees must be established to protect child victims and to prevent any risk of manipulation or reprisals.

Parliamentarians must organize debates to supervise and encourage follow-up of any legislative recommendations or reforms that may be necessary. They should also guarantee allocation of adequate resources for effective implementation of legislation.

It is of concern that some forms of violence are not yet prohibited or properly regulated by law, along with violence in certain settings, such as schools, family and community settings, and institutions of confinement. This includes specifically penalties against ‘client-exploiters’ of persons under 18 years of age who are sexually exploited. Regarding prevention of institutional violence, it is important that guidelines include suitable guarantees regarding supervision and complaints. Impunity must also be combated by the State, subject to oversight by civil society.

In cases where children or adolescents commit unlawful acts, it is important that laws take into consideration the standards upheld by international human rights law. In particular, models of restorative and not merely punitive justice should be enacted, and the age limit for criminal responsibility should be established with maximum respect for children's rights as a whole. In all cases, regressive tendencies, including lowering the age of criminal responsibility, must be resisted. It should be borne in mind that confinement must be a measure of last resort, and for the shortest time possible. Particularly significant are concerns about reports of violations of human rights and rights of children and adolescents occurring in centres of confinement, where children/adolescents are under custody of the State and may suffer forms of violence.

#### Institutionalization of a follow-up process and application of the Study’s recommendations

Overcoming all forms of violence against children and adolescents requires a sustained effort over time and the joint work of many varied actors. Thus it is clearly necessary to institutionalize suitable and properly structured national and regional structures and processes for follow-up and application of the recommendations of the Study to achieve progress and ensure sustainable changes.

#### Designation of a high-level authority in each country with the mandate to coordinate actions necessary for implementation and follow-up of the Study

Confronting the phenomenon of violence requires an integrated and holistic approach. Such a multi-faceted and multi-causal issue linked to children's rights must be addressed from the perspective of promotion, prevention, protection and response if we are to break the cycle that reproduces violence, and not merely offer reactive responses. This type of intervention requires two kinds of coordination: horizontal (between sectors, including health, education and social affairs, gender, justice and home affairs, planning, economy and finance) and vertical (between local and national authorities). Thus, coordination must be led by a top-level actor with the capacity to manage coordination and a mandate to call on diverse sectors and the various levels of government.

It is recommended that a strategy be designed and mechanisms sought through which the recommendations can be incorporated into all spheres and levels of the State, at the same time ensuring effective and efficient vertical coordination.

Financial resources must be transferred from national to decentralized levels in accordance and consistent with responsibilities assigned, avoiding the creation of inequalities in access to prevention and protection anywhere within the territory. To achieve this without limiting

compliance by a country, the clause addressing budget allocation in Recommendation 1 – “must be in accordance with the country's resources” – should be viewed in relative terms.

### Development of a wide-ranging national strategy to prevent and respond to all forms of violence against children and adolescents

It is recommended that the recommendations of the Study be included in public policy planning instruments, both those of a general nature and those specifically designed for children. These should include national plans of action for children, national development plans, national human rights plans and other plans and programmes. These planning instruments must be given strategic objectives, with defined timelines and resource allocations that are adequate and sufficient in both financial and human terms. They should include follow-up indicators and regular evaluations of their results and impact. Reports of their activities should be presented annually to Parliament and the general public.

This strategy must be applied using high-level coordination, with management responsibility for organizing activities that span different government departments and political and administrative levels. This should take place in association with other relevant parties, in particular civil society organizations and other groups representing children and adolescents, as well as academic institutions.

These actions must be accompanied by a dissemination plan involving the media to ensure that the public has access to information on strategies for combating violence. The plan will also seek to contribute to changing the social mindset (entailing a social and cultural change) based on the key role of the media. This should be directed both at the general public and at anyone who takes political decisions, using appropriate, child-friendly language. The intention should be to strengthen the principles of transparency and public control.

From this viewpoint, based on the existing structural framework, spaces and mechanisms (and creating them if there are none), the following operational suggestions are made for dissemination of information:

1. A coordination group should be created at national and regional levels specializing in the issue of violence, with a specific budget and the use of technologies to facilitate communication between specialists within the region.
2. At country level, each representative should mobilize a process for drawing up a national plan (national roadmap), with a budget and involving the highest authorities, bearing in mind cultural diversity. This calls for forming committees for participation by different state actors, civil society and children and adolescents; establishing common goals and objectives; and dividing responsibilities to permit follow-up of actions and regular evaluation of results. Common results indicators are essential.



### Promotion of and support for the participation of children and adolescents

It is fundamentally important to encourage participation by children and adolescents in the follow-up to the Study. Their ideas and experiences should be valued and considered. Appropriate conditions should be established for them to act within their own communities, including a mechanism for their own protection. It is therefore recommended that a communications strategy be established, with children and adolescents participating in its conception and design, using child-friendly materials that take diversity into account.

At the same time, approaches adapted to children/adolescents should be promoted in both prevention and response, thus increasing accessibility for children/adolescents and the efficiency of the strategies employed.

It is therefore recommended that children's participation be institutionalized through appropriate and representative fora and mechanisms, in accordance with General Comment No. 12 of the Committee on the Rights of the Child and the recommendations of the 20th Pan-American Conference. These should take into consideration the ongoing creation of Children's Consultative Councils and existing children's organizations.

### Follow-up of the recommendations of the Study by national independent human rights institutions

The development of national independent human rights institutions (NIHRIs) is recommended. Their actions should include follow-up to the recommendations of the Study. Among possible initiatives are: promotion of public policies; research and initiatives involving supervision and monitoring; provision of counselling/guidance; and in some cases response to specific complaints. It is also recommended that annual reports to Parliament discuss progress towards achievement of the Study's recommendations.

Children and adolescents must have direct and user-friendly access to the NIHRI and have appropriate information on its mandate.

It is recommended that the NIHRIs institutionalize their collaboration with the SRSB so they can provide relevant information regarding follow-up of the Study. Similarly, it is important to have spaces for exchange and collaboration between the various NIHRIs at regional level so they can share knowledge and experiences and build synergies.

### Consideration of the recommendations by multilateral regional bodies and spaces for interstate cooperation

Some forms of violence are transnational in nature, requiring interstate agreements for cooperation or multilateral action. Tackling such issues through multilateral bodies is essential. It is important to recognize that Niñ@Sur, for example, has integrated into its working strategy the follow-up of the recommendations of the Study on Violence against Children.

### Promotion of alliances of actors and sectors to achieve greater impact

Initiatives like the one promoted by the GMC-CLAC are important in supporting progress towards compliance with the recommendations of the Study. They must be encouraged and maintained, ensuring their development at national and regional levels.

Within this framework it is important to stimulate and reinforce the local and national organizations that are working on these issues, whether individually or as part of networks and coalitions. It is also important to encourage and ensure exchange and cooperation among actors at national and regional levels, to ensure the visibility, dissemination and sharing of their various initiatives.

### Consideration of the recommendations by multilateral development organizations and international financial institutions

Given the unanimous support for the Study by the States and existing relationships for development cooperation among several of them, it is recommended that the Study and its recommendations be taken into account as a reference in strategic interventions in bilateral cooperation between States, as well as in multilateral development organizations and international financial institutions.

### Consolidation of national systems to collect, analyse and disseminate data and research on violence against children

Efforts are needed to strengthen national systems for generating and handling consolidated, uniform data that allows for comparison over time and comparison with data from other sources, including other countries. This system will be a key tool for planning public policies and for monitoring and evaluation.

Agreed conceptual frameworks must be reviewed to ensure they comply with the content and definitions of international standards on human rights. This review should result in more conceptual unity, which will allow for comparison of information, particularly between countries, and for better follow-up to ascertain the level of compliance with international human rights instruments. Unity of conceptual frameworks will also help to maximize cooperation between countries.

The information collection systems should contain both quantitative and qualitative data, have access to diverse sources and conduct research. Collaboration of national statistics centres with universities and research centres is important, as well as with civil society organizations that generate research and data on violence towards children. Adequate training for staff involved in information collection must also be addressed.

It is recommended that questions addressing issues of violence be included in household surveys, keeping in mind the limitations of such surveys when violence occurs within the family itself. It is recommended that the opinions and perspectives of children and

adolescents be included and their experiences recorded. In this respect, it is felt that children and adolescents should participate directly in surveys and perception studies and other qualitative and quantitative research. Schools may be a setting for administration of such surveys, and it is recommended that experts conduct them.

Statistical information must be made public, respecting the principle of transparency and scrutiny of public administrations by their citizens while preserving individuals' right to privacy. Accessibility and analysis of information by children and adolescents themselves should be considered.

Greater attention is recommended with regard to information collection regarding violence prevention, particularly on risk factors and protection. The same applies to information on forms of response to violence and recovery of victims. The information gathered should not be restricted to quantitative data on the number of violations and the types of violence.

Telephone helplines can be seen as an opportunity, as they can serve as an instrument to monitor and compile data on the facts reported and the process followed in response to specific cases (such as the number of cases reported that lead to a formal complaint, and the result, if any).

There must also be an increase in the number of monitoring tools, instruments and indicators available. Indicators developed must be grounded in international human rights instruments and incorporate enhanced equivalence and standardization factors, permitting comparison of data between countries and improved monitoring. Children of all ages and ethnicity and in all environments should be taken into account, particularly those incurring the greatest risk. Less visible forms of violence must be identified.

It is essential to integrate information databases across all sectors (e.g. education, health, etc.) since it is possible that data from different sectors are not being cross-referenced or jointly analysed. Effective data management is crucial. States should have integrated systems that draw on data generated by prevention, detection and protection services.

National plans on violence must include indicators for measuring the scope of the objectives proposed, with particular attention to implementation at local level. Financial and public investment indicators should be considered.

It is recommended that the Inter-American Children's Institute (IIN), as a regional technical body, support the work of unifying concepts and recognizing or standardizing indicators, providing a technical service to the States of the region. Another aspect of possible collaboration between the IIN and the States is development of an effective model of inter-sectoral data management and modernization of instruments and systems. It is recommended that the IIN encourage initiatives in this respect, fostering exchange and taking into consideration good practices at country level (e.g. Ecuador and Mexico).

### III. Follow-up to the Roadmap

Complements to this regional Roadmap are the Manifiesto produced by children and adolescents of the Latin American countries participating in the meeting and the Declaration of the Meeting, to which the Government of Paraguay subscribed through its National Secretariat of Children and Adolescents.

Participants in the working groups also produced an initial draft roadmap for each country, adapting the recommendations to each country's context. These roadmaps will later be augmented and applied at national level by those who participated in this process in Asunción. It is hoped that the resulting documents will be attached to the regional Roadmap, contributing the country level perspective.

In South America, the multilateral organization MERCOSUR and its Permanent Commission Niñ@Sur, in conjunction with MERCOSUR children's authorities, represents a valuable structure for institutionalizing regional follow-up to the Study, grounded in the Roadmap agreed to at the Asunción meeting. Within this forum mechanisms can be established for exchange of experiences that contribute to implementation of the Study's recommendations. In this respect, it should be considered that, every year at the Permanent Commission of Niñ@Sur, each State presents a follow-up report about country level progress and unresolved challenges. Such a common approach has great value in creating opportunities for collective progress and synergies in the region. Technical support should be provided by MERCOSUR's Institute of Human Rights and Public Policies. It is recommended that Niñ@Sur reinforce its institutional relationships with the SRSR with a view to contributing to this UN mandate.

Finally, MERCOSUR's Member States and associates should consider providing support to the SRSR's Office. The Office depends on voluntary contributions, putting at risk the efficiency, long-term planning and independence of the mandate. It is crucial that States – which unanimously declared their commitment to the Study and its recommendations at the UN General Assembly – mobilize in support of the SRSR's mandate and contribute to ensuring the continuity and visibility of the agenda on violence against children within the United Nations system.

## ANNEX:

### **Manifesto of children and adolescents from Latin American countries taking part in the South American Meeting for Follow-Up to the United Nations Study on Violence against Children and Adolescents.**

Here in the city of Asunción we have been taking part as delegations of organizations of children and adolescents from Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, El Salvador, Paraguay, Peru, Uruguay and Venezuela, sharing reflections and concerns about violence against children and adolescents, and we therefore,

#### **Declare that:**

1. Although we live in the same region, there is great inequality of opportunity and different forms of violence against children and adolescents in every country. Every State has different levels and forms in terms of compliance with the laws and rights of children and adolescents.
2. In some countries violence is permitted as a form of discipline, while in others any form of violence is punishable by law.
3. Structural violence is the effect of an unjust global capitalist system that is responsible for the impoverishment of most of the peoples of our countries. For us, structural violence means the contamination of the environment and of people by major agro-business proprietors. This contamination affects the health and lives of children and adolescents and their families (peasants and indigenous people) who are forced to leave their communities and migrate to the cities.  
There is little likelihood of this form of expression of violence being denounced, since instead of helping, the protocols in place obstruct such procedures; and in themselves they display many social differences.

This situation creates exclusion and inequality in access to basic rights; poverty; and greater likelihood of exploitation of children, adolescents and their families.

4. For many years the culture, customs, territories and ways of life of the indigenous peoples of the continent have been subjugated, and we believe that this is a form of cultural, physical and symbolic violence against the children and adolescents of the indigenous peoples.
5. In most cases the laws and actions of States facilitate the violation of our rights in general. For example, in some countries they are trying to lower the age of criminal responsibility, while in others, the police and institutions are agents of re-victimization of child and adolescent victims of ill-treatment, exploitation, sexual abuse and other crimes.
6. There are many laws in the region, but they are not being complied with, and there are few institutions responsible for enforcing their compliance.
7. We also know that institutional bureaucracy is an obstacle to the immediate and quality attention to situations of violence against children and adolescents.
8. In most countries there are no specialized institutions like ministries of childhood and adolescence.

9. There are difficulties in the birth registration and documentation of people due to inefficiency and lack of access to the centres of registration in communities into which children and adolescents are born.
10. The centralization of services for children and adolescents hinders compliance with our rights.
11. The lack of dissemination of the Convention on the Rights of the Child is a form of violence present in all Latin American countries. Even so, children and adolescents have come together to make known, evaluate, propose and put into practice their rights.
12. The mass media of our countries overwhelmingly promote a negative image of children and adolescents, distorting information, publishing only what sells, and failing to educate. The mass media create negative stereotypes that re-victimize us, making us vulnerable to situations of violence.

### **We recommend that:**

1. A regional body be created whose mandate is to review our different realities (including our differences) and that through this, children and adolescents can make their complaints to guarantee their rights. This regional body must centralize annual reports by each country on the situation of children and adolescents in relation to violence.
2. The countries approve laws that prohibit violence against children and adolescents, including violence with 'disciplinary' objectives.
3. Public employees in institutions charged with the compliance or vigilance of some of the rights of children and adolescents are properly trained.
4. The laws are respected and that ministries of childhood and adolescence are created in the countries of the region, and that services of care and protection for children and adolescents are decentralized.
5. Other types of violence, including structural and symbolic violence, are investigated, to create public policies that can reverse this situation. We particularly recommend that the Commission take into account this type of violence, which for years has been an unknown factor in many States, in order to prevent and educate children and adolescents, young people and adults in a culture of respect and peace.
6. The Commission demand that States promote the rights of children and adolescents and monitor their application in families, institutions and society in general.

### **We demand that:**

1. The States legally guarantee the rights of children and adolescents. That the different types of culture are not discriminated against or looked down upon, but that a way for plural participation is sought.
2. The States commit to effectively comply with our rights, to comply with the laws and to sanction anyone who fails to respect them.
3. The media be educational agents reflecting the positive values and forms of expression of children and adolescents.

4. Culture, customs, traditions and dances and the restitution of the territories seized from the Indigenous Peoples of America are respected, to guarantee development and decent living conditions for children and adolescents of this sector.
5. That families expelled by agro-business from their communities of origin are protected.

Asunción, 29 April 2011

**Cairo Declaration  
on the  
Convention on the Rights of the Child  
and Islamic Jurisprudence**



## **Cairo Declaration on the Convention on the Rights of the Child and Islamic Jurisprudence**

***Cairo, Egypt, 23-24 November, 2009***

Under the patronage and in the presence of Her Excellency the First Lady of Egypt, Mrs. Suzanne Mubarak, the Cairo Conference was held to commemorate the 20<sup>th</sup> anniversary of the Convention on the Rights of the Child (CRC), which coincides with the 20<sup>th</sup> anniversary of Egypt's National Council on Childhood and Motherhood, the national body mandated to coordinate and monitor the realization of the rights of the child in Egypt.

The Conference was organized by the Ministry of State for Family and Population of Egypt and co-sponsored by the Organization of the Islamic Conference (OIC) and UNICEF, with the valuable contribution of a wide range of partners who contributed to the success of the Conference.

The representatives from most OIC Member States, as well as international organizations, national human rights institutions, NGOs and children from ten OIC countries participated in the Conference. Participants expressed their deep appreciation to the Ministry of State for Family and Population of Egypt for its excellent organization of the Conference.

All participants highly appreciated the presence of Mrs. Mubarak for her visionary and exemplary leadership in the promotion of the rights of the child and the consideration of children as a priority in the political agenda. Participants appreciated as well the child rights based approach adopted by the NCCM and the progress achieved in the realization of the rights of the child.

The Conference recognized that the 20th anniversary of the CRC provides an opportunity to acknowledge progress building upon two decades of experience, and to renew the commitment of OIC Member States to continue to strengthen action towards the effective implementation of the CRC and to address prevailing challenges related to the realization of the rights of the child, with special emphasis on the contribution of principles of Islamic Shariah in fostering the purposes and objectives of this Convention.

The present Declaration reflects the deliberations during the Conference and identifies recommendations for action to enhance the full implementation of the Convention.

Member States and civil society organizations from OIC countries (hereinafter participants) gathered in Cairo to commemorate the 20th anniversary of the adoption of the Convention on the Rights of the Child, to renew their commitment to the rights of the child for all children without discrimination, including on the basis of gender, to be guided by the best interests of the child, to ensure children's survival and development and to involve children meaningfully in decision-making processes.

### **Review of reservations**

Participants acknowledged that some OIC Member States formulated reservations upon ratification as a precautionary measure. They also noted that the national experience in the realization of the rights of the child by OIC member-states has enriched the process of implementation of the Convention and helped to advance it further. Participants stressed that the experience gained over the two decades of implementation of the Convention has shown the compatibility and convergence of the Convention with the principles of Islamic Shariah and the opportunity to review reservations and consider their withdrawal.

Participants welcome the increasing trend to review and withdraw reservations to the CRC which reflects the dynamic nature of Islamic Shariah, and the enriching exchange of national experiences amongst member states, particularly those who have withdrawn or are in the process of withdrawing the reservations.

Participants welcome in particular the unanimous view expressed during the Conference that reservations, including those of a general nature, create an inaccurate perception of incompatibility between the CRC and Shariah law should be revisited with a view to withdraw them.

### **OIC Permanent Independent Expert Human Rights Commission**

Participants welcome the decision to establish a permanent independent expert human rights commission as a principal organ of the OIC and call upon all OIC Member States to expedite this process which will enhance the promotion of children's rights among all human rights and foster the positive contribution of Islamic law and tradition in the process of implementation of the CRC.

### **The Optional Protocols to the CRC**

Participants encourage OIC Member States that have ratified the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography; and the Optional Protocol on the Involvement of Children in Armed Conflicts to continue to strengthen their implementation in accordance with the recommendations of the Committee on the Rights of the Child.

Participants urge all other OIC Member States to ratify the optional protocols without delay. These two protocols are:

1. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
2. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

### **Proposal for a third Optional Protocol**

Participants welcome the expressions of support from numerous OIC Member States to strengthen the mandate of the Open-Ended Working Group of the Human Rights Council to proceed with the drafting of a new Optional Protocol to the CRC to provide a communications procedure; encourages States and civil society to be actively involved. This should build upon positive experiences within OIC Member States in providing children with effective representation and remedies at the national level.

### **Enhanced Compliance with the Convention**

Participants recommend that the OIC Member States make the implementation of the rights of children a matter of high priority on their political agenda and, building upon OIC positive national experiences, establish a national body with a clear and strong mandate and with the necessary financial and human resources to ensure the coordination of the implementation of the CRC and the regular evaluation of progress. Participants recommend that the OIC Member States develop and implement laws and programs on children's rights in close consultation with parliamentarians, traditional, religious and other national or local leaders.

Participants recommend that OIC Member States encourage a cooperative and productive partnership with civil society, in particular NGOs, and support their active involvement in developing, implementing and assessing the impact of child related legislation, policies and programs

#### **- Adequate resources for children**

Participants urge OIC Member States to provide necessary human and financial resources for the implementation of the CRC, including the enforcement of laws and policies.

Furthermore, it is recommended that OIC Member States make expenditure on the rights of the child visible in their annual national budget.

#### **- Data Collection, analysis and dissemination**

Participants urge OIC Member States to establish effective tools for systematic collection, analysis and dissemination of data on the implementation of the CRC, disaggregated by age, gender, urban\rural and other relevant factors; and to use this data for the development, implementation and regular review of their laws, policies and programs and to identify child vulnerabilities, to prevent discrimination and overcome disparities.

#### **- Child social inclusion and eradication of poverty**

Participants expressed deep concern at poverty and its negative impact on the realization of the rights of the child and urge OIC Member States to target the elimination of child poverty and to ensure children's universal access to basic social services of quality and to invest in children as a high priority in their poverty reduction strategies, particularly in the context of the current economic and financial crisis, and in order to achieve the Millennium Development Goals for poverty reduction by 2015.

#### **- International Cooperation**

Participants recommend to States that are in a position to do so, to provide technical and financial assistance to other States in their implementation of the CRC, in the framework of bi-lateral or multi – lateral agreements, while taking into account country specific concluding observations made by the Committee on the Rights of the Child. Participants call upon Member States of the UN to provide additional financial and human resources to allow the Committee on the Rights of the Child and other treaty bodies to fulfill their mandates and call on the OIC, both Secretariat and Member States, to enhance their cooperation with OHCHR in this respect.

## Specific Recommendations

### Child participation

40 children from 10 countries held a meeting for children on 21 – 22 November and participated equally in every session of the conference on 23 – 24 November.

Participants underscore the importance of promoting and supporting the participation of children in decision-making. They express their special appreciation for the contributions made by children during the Conference and for the recommendations they have put forward, which were prepared during their two day preparatory meeting. Participants strongly recommend to all OIC Member States to provide children with meaningful opportunities to express their views and to take part in the process of developing and implementing laws, policies and programmes that affect children's lives; OIC Member States who have not yet done so, should also consider the establishment of Children's Parliaments and ensure appropriate follow-up to their recommendations. Participants also recommend that OIC Member States promote and support active participation in the family, in schools and in institutions for children, taking into account the Committee on the Rights of the Child's General Comment on article 12 of the CRC, and the recommendation of their discussions.

### Child protection from discrimination

Participants renew their commitment to ensure the realization of the rights of all children without discrimination of any kind.

Participants commit to giving special attention to the realization of the rights of girls, including to achieve their right to education and to eliminate child marriage and other harmful traditional practices.

Participants urge OIC Member States to take legislative, administrative and social measures to support without discrimination the rights of children born out of wedlock. These measures should include facilities for ensuring that both parents support the child and the mother benefits from relevant financial support to ensure the upbringing of the child. Children's inheritance rights should also be safeguarded. Measures should also be taken to establish the legal responsibility of the father to contribute financially in the upbringing of the child and to allow the mother to take the necessary legal actions to establish through courts the fatherhood of the biological child. Participants recognized that children with disabilities have a right to special attention and empowerment. The entry into force of the Convention on the Rights of Persons with Disabilities provides an opportunity for renewed commitment to the realization of the rights of children with disabilities and for joint action between the two treaty bodies established by these treaties.

Participants also recognized the particular vulnerability of children deprived of parental care, belonging to minorities, living and working on the streets and children victims of economic exploitation and reiterated their commitment to enhance their protection.

### Child protection from all forms of violence

Participants valued the presence and contribution of the newly appointed Special Representative of the SG on Violence against Children, Dr. Marta Santos Pais, and expressed their commitment to develop productive cooperation with the Special Representative and to provide her with necessary technical and financial support. In light of the child's equal right to respect his or her human dignity and physical integrity, participants to the

Conference recommend to the OIC member States to take all appropriate legislative, social and other measures for an effective follow-up to the recommendations made in the UN Study on Violence Against Children

Participants call upon the OIC Member States to urgently review and reform their legislation to ensure the prohibition of all forms of violence against children and to link law reform with promotion of positive, non-violent forms of discipline. Building upon the promising experiences of OIC Member States, particular attention should be given to the prevention and combat against harmful practices, including FGM, child marriage, crimes committed in the name of honour, the use of children as camel jockeys, child trafficking, child domestic service and other forms of child labour.

Building upon positive national experiences from OIC Member States, participants to the Conference recommend that each State establish a high level focal point to coordinate all actions to prevent and combat all forms of violence against children, and promote the development of a well-resourced national strategy on violence against children, engaging with civil society, including children and young people.

#### **Participants requested:**

1. That efforts should be exerted to provide protection for children under occupation, and in times of war. They demanded that those who violate the CRC by killing children or subjecting them to imprisonment, corporal and/or psychological torture, should be made accountable and brought to court.
2. That poverty alleviation should be targeted, as poverty is considered a primary cause for children's main problems, which lead to their deprivation of enjoying a normal life. Participants encourage the OIC and its Member States to facilitate the establishment of a children's forum to promote the contribution of children to the process of follow-up to the UN Study on Violence against Children and to keep children informed about developments in this area.

#### **- Child marriage**

Participants call upon all OIC Member States to raise the age of marriage to 18, ensuring full consent and registration of marriage.

#### **- FGM**

Participants to the Conference recommend the OIC member States to prohibit by law all forms of FGM and undertake awareness raising and informative campaigns, and promote social mobilisation in close consultation and cooperation with the traditional and religious leadership, NGOs, as well as with parliamentarians, to support the enforcement of the prohibition and the promotion of abandonment of this practice, and to provide people who are involved in this practice with alternative employment.

#### **- Corporal Punishment**

Participants to the Conference recommend that OIC Member States prohibit all corporal punishment and other cruel or degrading forms of punishment or treatment of children, in all settings including within schools and within the family, linking law reform with the promotion of positive, non-violent forms of discipline.

### - Juvenile justice

Participants call on OIC Member States to complete the development of an effective and efficient juvenile justice system which ensures the full implementation of the CRC in particular articles 37 and 40, and other relevant international standards and taking into account the Committee on the Rights of the Child's General Comment No. 10. In that regard, special attention should be paid to the establishment and progressive raising of the minimum age for criminal responsibility.

Participants call on OIC Member States to take necessary measures to respond to children in conflict with the law without resorting to judicial proceedings providing that human rights and legal safeguards are fully respected, including community service, restorative justice, (taking into account the Lima 2009 - Declaration on Restorative Juvenile Justice).

Participants call on OIC Member States to take measures to ensure that all children in conflict with the law are provided with free legal or other appropriate assistance and that deprivation of liberty, including pre-trial detention, is only used as a measure of last resort and for the shortest possible period of time, by fully implementing recommendations of the CRC Committee made in Gen. Comment No. 10 regarding the use of pre-trial detention and by introducing and effectively using suspended sentencing and early release.

Participants call on OIC Member States to take legislative measures to abolish the imposition of capital punishment on persons who committed a crime when under the age of 18, and suspend the execution of any pending capital punishment. Furthermore, it is recommended to abolish all forms of life imprisonment for crimes committed before the age of 18.

Participants call on OIC Member States to take legislative measures to ensure that children deprived of their liberty have access to education, adequate health care and to sports and other leisure opportunities, can maintain regular contact with their parents and other family members and are fully protected against all forms of violence, including inhuman and degrading treatment or punishment.

Participants call on OIC Member States to safeguard the rights of child victims and witnesses involved with judicial proceedings and take into consideration relevant UN standards and guidelines.

The participants express their profound thanks and appreciation to the Arab Republic of Egypt, represented by the Ministry of State for Family and Population, for the kind hospitality extended to them. Due recognition is also extended to the Organization of the Islamic Conference and UNICEF, and all entities that supported the successful outcome of this conference.

**Marrakesh Declaration  
Fourth Arab High Level Conference  
on the Rights of the Child**

**Marrakesh Declaration**  
***Fourth Arab High Level Conference***  
***on the Rights of the Child***  
***Marrakesh, Morocco, 19-21 December, 2010***

We, the Representatives of Arab States participating in the “Fourth Arab High-Level Conference on the Rights of the Child” held in the City of Marrakesh, Kingdom of Morocco, under the gracious patronage of His Majesty King Mohamed VI from 19 to 21 December 2010, under the motto of “Promoting Arab Partnership to enhance the Status of the Child”,

Express our deep appreciation and gratitude to His Majesty King Mohamed VI of Morocco, for his gracious patronage of this Conference. Thank the General Secretariat of the League of Arab States and the Preparatory Committee of the Conference for their concerted efforts which contributed to the success of the Conference.

Reaffirming the values, principles and objectives of the Convention on the Rights of the Child and its two optional protocols, the “ World Fit for Children “ declaration issued by the United Nations Special Session on children in 2002, the United Nations Millennium Declaration and the Millennium Development Goals;

Commending Arab efforts aiming at achieving the objectives of the Second Arab Childhood Plan (2004-2015) to promote the situation of children in the region and ensure their rights, particularly their rights to comprehensive health care, quality education, full protection, participation, equality and non-discrimination;

Commending, also, the actions taken by Arab States to strengthen legislation aimed at protecting the rights of the child, establishing new mechanisms for their follow-up and implementation, reporting violations, strengthening social care and reform institutions and restorative justice mechanisms; launching awareness-raising and extension campaigns, in addition to other steps taken by a number of Arab states to withdraw their reservations on the Convention on the Rights of the Child and related instruments;

Recalling the findings and recommendations of the following preparatory meetings to the Conference;

- Civil Society Forum held on 24 February 2010 in Cairo in cooperation with the Arab Council for Childhood and Development to consider means for promoting the role of the civil society in the implementation of the Second Arab Childhood Plan;
- Media Forum held in Beirut in cooperation with the Higher Council for Childhood on 25 and 26 May 2010 to review the important role of media in supporting causes related to the rights of the child;



- Youth Forum held in Damascus in cooperation with the Syrian Commission for Family Affairs from 27 to 29 July 2010.

- Referring to the findings and outcomes of studies, reports and documentation prepared jointly by the General Secretariat of the League of Arab States and a number of Arab countries, as well as the findings of the Round Table held during the Conference on the “Situation of Children under Israeli Occupation”, and

Pursuant to the fruitful and constructive discussions that took place during the Conference with the purpose of assessing progress achieved in the implementation of the Second Arab Childhood Plan;

#### **WE DECLARE OUR DETERMINATION:**

- To promote Arab partnership and strengthen joint Arab action mechanisms through exchanging expertise , developing capabilities and mobilizing resources to promote the rights of the child ; to ensure comprehensive and balanced development by establishing an integrated Arab mechanism to mobilize , guide and coordinate efforts exerted in favour of childhood ; to provide necessary technical expertise and funding in cooperation with regional and international organizations, the private sector and civil society organizations.

- To pursue diligent efforts to promote the rights of the child, improve his/her status within the context of a rights-based approach that ensures the best interests of the child, based on the interdependent, holistic and indivisible character of rights and by applying the principle of non-discrimination to give the causes of childhood the priority they deserve; to mobilize financial and human resources required to implement sectoral plans and programmes through child-friendly budgets while establishing monitoring and evaluation systems;

- To reaffirm our resolve to continue working to achieve the Millennium Development Goals, the Goals of “ World Fit for Children”, and the goals of the “Arab Plan for Childhood” set for 2015; to intensify Arab efforts for addressing challenges through, inter alia, submitting childhood-related issues to the Council of the League of Arab States at the Summit Level; finding ways to promote the role of Arab funds and financial institutions in childhood projects, as a high priority of development action based on regional cooperation and human development concepts, promoting human rights and economic integration between Arab countries as a driving force of genuine development;

- To pursue work to update the Second Arab Childhood Plan to include well-defined goals, fixed time-frames, and subject to assessment, monitoring and follow-up; based on partnership between countries and different societal sectors, those working with children, with children themselves and their families, civil society, the private sector, academic centres and media, and to be implemented through the application of quality standards, efficiency and transparency. In this context we emphasize the importance of incorporating

a gender-sensitive approach in all child-related programmes and encouraging work to combat violence against women in view of its close link to the best interests of children. We also stress the importance of up-dating and developing the database on indicators on the situation of children in Arab countries as a reference for planning, policy formulation and programme design, while emphasizing the importance of conducting periodic studies on the situation of children in the Arab region in cooperation with relevant regional and international organizations.

- To establish a framework of action for the protection of children living under Israeli occupation in Palestine and the Golan; to defend their rights guaranteed by international law, especially their right to a free and dignified life in their homeland, their right to protection from all forms of violence, torture, ill-treatment and aggressive practices, and ensure that they are not deprived of their basic rights; to affirm the right of the Palestinian child to a national identity within the independent state of Palestine with Jerusalem as its capital and the right of the Syrian child in the occupied Golan to enjoy his original nationality and to have access to all health and educational services, to learn in his own language and to study his national curriculum, to communicate with his family in his country of origin, and to be protected from land mines, and the right of the Lebanese child to live in a country free from land mines and cluster bombs; to encourage Arab and international efforts to take action for the rehabilitation of children who have been physically, psychologically and socially affected; to reject the teaching of curricula prepared by the occupying authorities while stressing that just, lasting and comprehensive peace requires lifting the blockade imposed on Gaza and ending the suffering of the Palestinian children and their families; seize the expansion of settlements, the apartheid separation wall, annexation of Jerusalem, the recovery of the Arab Syrian Golan and Southern Lebanon; and releasing Arab children imprisoned by the Israeli occupation authorities.
- To develop Arab mechanisms capable of addressing the negative impact of armed conflict on children, including taking measures to monitor, document, study, follow-up and activate the role of Arab institutions working in related fields; to hold scientific meetings and training activities to strengthen the role of civil society in rehabilitating and re-integrating children, and taking action to establish an Arab relief mechanism to ensure that disaster, and crises- stricken children and their families receive the necessary assistance to resume their normal life;
- To expedite national efforts exerted in the field of child health care to ensure child survival, to reduce infant and child mortality rates and maternal mortality rates; to address the problems of child malnutrition and to promote breast feeding;
- To promote awareness-raising and extension programmes and services, as well as protection efforts related to the transmission of HIV/AIDS by different means, especially among adolescents; to provide care and treatment whenever required, in addition to

designing and implementing preventive plans and strategies to protect them from the hazards of drug addiction;

- To accelerate national efforts exerted for attaining the goals of “Education for All”, improving the quality of education, as well as its systems, institutions, methodologies and tools; to enhance the efficiency of human resources and to increase financial allocations, and emphasizing compliance with the principles of equal opportunities, gender equity and non-discrimination; and to exert efforts to allocate an adequate percentage of national budgets to basic education; to consider education an investment with real economic returns and to link its outputs to the requirements of the labour market and contemporary needs for skills; to reaffirm the goal of education in building a generation that is aware of its social role in tandem with its contribution to economic and developmental initiatives;
- To take action to strengthen the Arab child's sense of belonging and support the foundations of Arab identity, while stressing the importance of giving the Arabic language its deserved place in the education system of Arab countries without neglecting the study of other living languages;
- To adopt a comprehensive and integrated care and development approach for early childhood as a matter of high priority in Arab development policies by implementing a comprehensive Arab project for improving early childhood services, while giving special attention to marginalized sectors of society;
- To take necessary measures to reduce the percentage of drop-outs and educational attrition and to limit repetition in basic and secondary education by revising and improving the quality of formal and informal education as well as improving assessment and evaluation methods; to offer incentives to poor and marginalized families; to improve and develop the school environment and link it to local communities to become more child-friendly, in addition to ensuring a safe environment that encourages creativity, innovation, thinking, freedom of opinion and expression and allows children to enjoy all their rights;
- **To strengthen protection programmes by developing strategies to combat all forms of violence against children, by implementing the practical recommendations of the Arab Comparative Report on the implementation of the recommendations of the study of the United Nations Secretary-General to end Violence Against Children and its attached list of programmes and projects, in cooperation with relevant international organizations;**
- **To establish national follow-up and reporting mechanisms to confront the problems facing children and their families, most importantly child-help hotlines, Protection Committees, Ombudspersons for Child Protection and others; to initiate and support child protection observatories and centres and ensure that they are provided with the highest degree of autonomy; to designate a central authority to lead and coordinate combating violence against children; to encourage comparative studies and the exchange**

**of experience between Arab countries in the field of child protection against all forms of violence, abuse, exploitation, neglect and abuse;**

- To harmonize child and family-oriented programmes and strategies, realizing that the family being the primary provider of care to the child; to adopt and implement policies for the protection of socially-deprived children, especially those without primary caregivers, and vulnerable children; to guarantee their access to education, health and social services; to intensify programmes for supporting the capacities of families and foster families who suffer from difficult social conditions
- **To enforce existing legislations and promulgate laws that incriminate the violation of the rights of the child and protect the child against all forms of exploitation, violence, neglect and ill-treatment especially with regards to female circumcision, sexual exploitation, early marriage, corporal punishment and trafficking of children;**
- To combat the phenomenon of child labour by promulgating and implementing legislations, rehabilitation of working children, ensuring their access to basic education or vocational training and to provide practical alternatives to increase their family income, with focus on prohibiting child labour in hazardous jobs; to monitor and exchange relevant information at the regional and international levels in addition to adopting a gender-based approach to all these fields;
- **To establish programmes that provide services for the prevention of violence against children and provide victims with the necessary support and care;** and to take corrective measures in their favour; to strengthen punishments for different crimes committed against children; to take necessary measures to eliminate the phenomenon of impunity; to establish a judicial system for children covering judges, prosecutors, police, psychologists and social experts; and to accelerate the processing of all the court cases related to children;
- To register every child at birth to preserve his right to an identity, a name, a nationality and to enforce laws and regulations to this effect;
- To rehabilitate handicapped children and ensure their right on the basis of the principle of non-discrimination while giving due attention to the social care institutions that support them and seek to follow integrative policies, especially in educational institutions
- To build and support the capacities of staff working with children in education and social care institutions, especially by providing social integration services through training and awareness programmes while focusing on establishing a code of ethics for those working in the fields of child care, protection and rehabilitation;
- To include the concept of children participation and to define its different levels and required skills, in education curricula, school structures and social care institutions; to

establish and activate child participation mechanisms in these institutions such as students councils, clubs for children, discussion groups, etc; to raise awareness among children of the importance of participation and dialogue within the family between parents and children and adopting dialogue as a means of communication and problem-solving;

- To establish parliaments and national institutions that allow for the participation of children as a preliminary step and incentive for their involvement as members in the Arab Children's Parliament; to draft a document with guiding principles for their participation in line with international standards;
- To develop guiding principles as a reference for professional and ethical media coverage of child-related issues; to provide and publish documents and literature related to the media and child rights issues; to organize an annual award recognizing media serving the best interests of the child; to consider the possibility of establishing a mechanism to monitor the impact of media on children in cooperation with Arab authorities concerned with childhood that would be in charge of assessing media products; to follow up the application of charters and principles related to media and the rights of the child; and to develop quality standards for children's programmes and allocating funds for the production of high quality Arabic media programmes for children that enhance the values of Arab civilization;
- To establish national observatories to follow up media programmes directed to children; to encourage the participation of civil society organizations in this field and develop continuous training and rehabilitation plans for staff working in development communication as well as educational programmes for children and parents.

In conclusion, we the participants in the Fourth Arab High-Level Conference for the Rights of the Child" pledge to devote our energy and resources to honour our commitments, with the determination and perseverance that is required by the continuous challenges we face, to achieve the goals of the Second Arab Plan for Childhood, the Millennium Development Goals and the goals of "A World Fit for Children". We pledge, also, to intensify our efforts and invest our capabilities to make the present Conference an additional contribution to the structure of joint Arab social efforts in the field of childhood in the Arab World.

Marrakesh, 21 December 2010

## **Doha Declaration 2012**

## **Doha Declaration**

***Doha, Qatar, 4 June 2012***

In cooperation and coordination between:

- The League of Arab States (LAS),
- The Special Representative of the United Nations Secretary-General on Violence against Children,
- The Office of the United Nations High Commissioner for Human Rights,
- United Nations Children's Fund Regional Office for the Middle-East and North Africa,
- The Supreme Council for Family Affairs in Qatar, hosting the event,

And with reference to Resolution #252 of the Baghdad Summit (March 2012) which adopted the Marrakech Declaration issued at the Fourth Arab High Level Conference on the Rights of the Child (December 2010) as an action plan whereby Member States have committed to the enhancement of the Status of the Child over the next five years in the Arab region.

A workshop on the adoption of the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure was held in Doha, Qatar, on 3-4 June, 2012, with the participation of delegations from eighteen Arab countries including Jordan, United Arab Emirates, Tunisia, Algeria, Djibouti, Saudi Arabia, Sudan, Iraq, Oman, occupied Palestinian territory, Qatar, Comoros, Kuwait, Lebanon, Egypt, morocco, Mauritania, Yemen, and Save the Children, as well as a number of civil society organizations.

### **Participants emphasized the importance of the following:**

- Welcoming the adoption of the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure by the General Assembly of the United Nations, which provides the base for effective actions against child rights violations;
- Taking the necessary steps to ratify the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure;
- Launching comprehensive dialogue at the national level to promote the ratification of the third Optional Protocol and foster its translation into child protection measures;
- Committing to child protection, taking into account child's best interest, as per the Convention on the Rights of the Child and its first two Optional Protocols;
- Following up on the implementation of the recommendations of the 2006 United Nations Study on Violence against Children, and of the Comparative Arab report on implementing the recommendations of the above mentioned study;

- Strengthening the role of National Institutions for Human Rights, facilitating the establishment of Independent National Mechanisms for receiving complaints at national level, monitoring child rights violations as well as establishing hot lines for child protection, ombuds mechanisms and coordination mechanisms for children's protection;
- Urging Member States that have not yet ratified the first two Optional Protocols to the Convention on the Rights of the Child to do so, and to withdraw their reservations to the Convention while welcoming the recent initiatives taken by some Arab States to withdraw theirs, and to ratify the third Optional Protocol to the Convention on the Rights of the Child on a communication procedure;
- For the protocols not to contradict with Islamic law;
- Supporting and strengthening national child protection systems to include prevention, reporting and responding to cases of violence against children.

Doha, 4 June 2012



## Doha Recommendations

1. Urging Member States to ratify the third Optional Protocol to the Convention on the Rights of the Child, regarding complaint filing;
2. Urging Member States to establish independent national mechanisms such as Ombudsman compatible with the Paris Principles and Procedures for the Protection of Children's Rights;
3. Urging Member States that have not yet ratified the two Optional Protocols to the Convention to do so before the end of 2012. As well as encouraging and urging States to withdraw their reservations to the Convention and its protocols, especially those that are incompatible with the underlying principles of the Convention;
4. Requesting LAS to cooperate with the UNICEF Regional Office to work on/with regard to an introductory guide (advocacy tool) containing information about the third Optional Protocol and the importance of its ratification by countries of the region, as well as containing an assessment of the feasibility of establishing "Ombudsman mechanisms". This introductory guide will be presented in the next session of the Arab Childhood committee;
5. Requesting LAS to hold an event in the upcoming session of Ministers Council of Arab Social Affairs, to launch the directory introduction in the presence of representatives from UNICEF Regional Office, the Office of the Special Representative of the United Nations Secretary-General on Violence against Children, and the Office of the High Commissioner for Human Rights.

**Doha 4 June, 2012**

**The Beijing Declaration on South-South Cooperation  
for Child Rights in the Asia Pacific Region**

# **Beijing Declaration**

## ***The Beijing Declaration on South-South Cooperation for Child Rights in the Asia Pacific Region Beijing, China, 4-6 November 2010***

1. We, the delegations of Afghanistan, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Democratic People's Republic of Korea, Democratic Republic of Timor-Leste, Federated States of Micronesia, Fiji, India, Indonesia, Kiribati, Lao People's Democratic Republic, Malaysia, Republic of Maldives, Mongolia, Myanmar, Nepal, Pakistan, Papua New Guinea, Philippines, Samoa, Singapore, Sri Lanka, Thailand, Vanuatu and Viet Nam, assembling to build strong cooperation and effective networking at the High Level Meeting for South-South cooperation for Child Rights in the Asia Pacific Region in Beijing, China, on 4-6 November 2010:

Acknowledge with gratitude the excellent arrangements put in place for the consultations by the Government of the People's Republic of China as hosts, and the support of the United Nations Children's Fund (UNICEF);

Note with satisfaction the positive engagement of the 28 participating governments at the High Level Meeting in exploring potential areas of future intra and inter-regional cooperation to advance, promote and protect the rights of child, within the framework of South-South cooperation; and

Welcome the active participation of a number of partner organizations in Beijing with great interest in strengthening cooperation for the promotion of child rights in the Asia Pacific Region, namely the Secretariat of the Pacific Community (SPC), Asian Development Bank (ADB) and United Nations Economic and Social Commission for Asia and the Pacific (UN ESCAP).

2. We reaffirm our commitment to the realization of all rights of all children within our respective national jurisdictions, as expressed in our universal ratification of the Convention on the Rights of the Child and wide ratification of its two Optional Protocols: (i) on the Involvement of Children in Armed Conflict, and (ii) on the Sale of Children, Child Prostitution and Child Pornography, and of the Convention on the Elimination of All Forms of Discrimination Against Women, and other relevant human rights instruments.

3. We remain firmly committed to accelerate our ongoing efforts to achieve progress against internationally agreed development goals, including those contained in the Millennium Declaration, the Declaration and Plan of Action emerging from the United Nations General Assembly Special Session on Children in 2002, and the World Fit for Children +5 Declaration agreed at the December 2007 Special Session on Children.

## Status of Children in Asia and the Pacific

4. We welcome the substantive progress that has been achieved by countries across the Asia Pacific Region in meeting the Millennium Development Goals (MDGs) and in advancing the situation of our children, in particular. We acknowledge, however, the challenges remaining for many countries over the next five years, as reflected in the 20-22 September 2010 High-level Plenary Meeting on the Millennium Development Goals at the sixty-fifth session of the United Nations General Assembly. We recognize that despite the development gains achieved in recent years, large numbers of children in Asia and the Pacific still do not have access to quality education and health care. We also recognize the urgent need to address issues of hunger, malnutrition, maternal and neo-natal mortality, child protection and income and social disparities, in particular.

## Prospects for Greater South-South Cooperation

5. We acknowledge that, building on the series of earlier regional high-level consultations that began in 1991, the Beijing High-Level Meeting on Cooperation for Child Rights in the Asia Pacific Region provided a valuable opportunity for countries of the region to share good practices and lessons learned in support of the realization of child rights. We welcome the presentations by governments on their experiences in addressing each of the three main conference themes: (i) the development of a systems approach to child protection and child welfare in the Asia Pacific region, (ii) the achievement of the MDGs with equity – country experiences in the Asia Pacific region, and (iii) saving and enhancing children's lives through enhanced disaster risk reduction (DRR) in the Asia Pacific region. We note that these three conference themes represent issues of growing significance in the region, and areas where greater cooperation within a South-South framework would potentially deliver significant benefits for the countries adopting this declaration.

6. We endorse the outcomes of the 2009 High-Level United Nations Conference on South-South Cooperation in Nairobi, Kenya. We reaffirm that South-South cooperation should be advanced as “a partnership among equals, based on solidarity”, and be guided by the principles of respect for national sovereignty and ownership, free of any conditionality. We note that the Nairobi Outcome Document emphasizes that South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation, and urges United Nations funds, programmes and specialized agencies to take concrete steps to support South-South cooperation by facilitating this cooperation and strengthening the capabilities of regional organizations.

7. We are convinced that, despite the great diversity represented by the 28 Asia Pacific countries participating in the Beijing High-Level Meeting, the people of the region share much in common, have strong mutual interests in socio-economic and human development, and have much to gain from closer cooperation. The Asia Pacific region is home to people from a vast array of different cultures and civilizations, ethnicities and languages and includes countries, and regions within countries, with wide differences in per capita income and greatly varying populations. We reaffirm that child rights are fundamental to all cultures and societies, and that protection, respect, promotion and fulfillment of child rights are vital for economic growth and human development.

## Sharing Lessons Learned

8. We recognize that there are a number of examples where South-South cooperation in the Asia Pacific region contributed to important development gains. Cooperation through regional organizations such as the Association for South-East Asian Nations (ASEAN), the South Asian Association for Regional Cooperation (SAARC) and the Secretariat of the Pacific Community (SPC) have, for example, helped produce greater economic integration, a more stable security environment and a stronger political voice in global affairs for the countries of South-East Asia, South Asia, and the Pacific respectively. We note positively that a number of countries in the Asia Pacific region are already working together to advance children's rights, due to their mutual interest in improving the situation of children, and the potential value of exchanges with countries that have recent and relevant experience in addressing similar development challenges.

9. We acknowledge the growing number of complex cross-border issues affecting children, such as trafficking, drug abuse, the spread of infectious disease such as HIV and AIDS, and irregular migration, where effective solutions can only be achieved through broad and concerted action from multiple countries. We note with appreciation the examples of best practice and lessons learned featured in country panel presentations and supporting papers on South-South cooperation for child rights.

10. We affirm that these consultations in Beijing, in addition to providing a platform for sharing best practices and lessons learned on child rights among countries of the Asia Pacific region, also represent a starting point in considering new opportunities for South-South exchanges to advance child rights for mutual gains. Drawing on the examples highlighted during the High-Level Meeting, we commit to pursue new opportunities for South-South cooperation in the Asia Pacific region to advance child rights.

## Child Protection and Child Welfare in the Asia Pacific Region

11. We note with concern that, despite the efforts of governments across the region to take concrete steps to ensure the protection of children, children in the Asia Pacific Region continue to face serious child protection challenges, including violence and abuse, child trafficking, corporal punishment, child pornography, neglect, early marriage, rigorous imprisonment, child labour and exploitation and discrimination related to HIV/AIDS.

12. We recognize that the challenges in developing a comprehensive child protection and child welfare system are significant, and note the growing body of evidence which highlights not only the impact of violence, abuse, exploitation and neglect on the individual child's development and capacities, but also the longer-term costs of such impacts to the socio-economic development of society as a whole.

13. We recognize the need to pursue an approach that is focused primarily on prevention in the first instance and which ensures sustainability, cost efficiency and effectiveness. We advocate that such a systematic approach to addressing child protection concerns should be based on laws and policies that focus on safeguarding children from potential harm, and banning all forms of violence against children, would form the foundation of a national child protection system. We also recognize the value of maintaining the positive aspects of safety nets for children offered by our traditions of communities and extended families.

14. We therefore commit to building and strengthening adequately-resourced national child protection and welfare systems and mechanisms which include the prevention of violence,

abuse, neglect and exploitation, the establishment of timely and appropriate responses where protection concerns arise, and mitigation of the impact of such concerns on the lives of children and their families. We agree that building and strengthening a national child protection system is an area where there is considerable scope for countries to learn from each other, not only in developing the legislative and policy framework, but also in terms of implementation and enforcement.

### **Achieving MDGs with Equity: Country Experiences in the Asia Pacific Region**

15. We acknowledge that, while countries across the Asia Pacific region have made significant economic progress over the past two decades, serious and greater efforts are required to ensure that the poorest and most vulnerable children benefit from this progress. We note with concern that national progress on the MDGs is undermined by persisting and growing disparities. Policies and legislation to address these disparities across MDG indicators are urgently needed, and strategies such as geographic and pro-poor focus must be employed.

16. We note the findings of the September 2010 UNICEF global studies *Narrowing the Gaps to Meet the Goals* and *Progress for Children: Achieving the MDGs with Equity* that the global community could potentially save millions of lives by investing first in the most disadvantaged and at risk children and groups and communities, and that such an equity-focused approach would also help address the widening disparities that are accompanying progress towards the MDGs.

17. We note with appreciation the numerous examples cited by participating governments at the High-Level Meeting of how they have sought to address issues of inequity. We underline that these examples serve to highlight the important potential role of inter and intra-regional cooperation in channeling human and financial resources towards addressing disparities. We, the governments adopting this declaration, commit to do more to share relevant experiences and promote knowledge sharing in creating social safety nets for the poor.

### **Children and Disaster Risk Reduction in the Asia Pacific Region**

18. We acknowledge the rapidly changing climate and the importance of disaster risk reduction (DRR) as a frontline strategy of climate change adaptation, and recognize the vulnerability of children to disasters, and that such vulnerability is being exacerbated by climate change. We also acknowledge that risk mitigation and disaster prevention need to be given as much attention as emergency preparedness and disaster response. Effective DRR can safeguard economic growth, social cohesion and environmental sustainability, while saving lives and livelihoods now and for future generations.

19. We recognize that designing and implementing community-based interventions – with specific attention given to children – and by promoting child-centred disaster risk reduction – which should include the participation of children as key potential resources – will support the outcomes sought by the Convention on the Rights of the Child.

20. We commend the numerous initiatives for progressing community-based and child-centred disaster risk reduction at the national and sub-national level. We urge the greater regional use, coordination and streamlining of such knowledge for the collective benefit of all Asia Pacific countries.

## Strengthening Cooperation

21. We note that the Beijing High-Level Meeting also provided an opportunity for participating governments and partner organizations to identify new and existing processes and mechanisms that could usefully support greater intra and inter-regional cooperation among countries of the Asia Pacific to advance child rights. We welcome, in particular, presentations during the plenary session on regional perspectives and partnerships by senior representatives from the SPC, ADB and UN ESCAP on existing mechanisms for cooperation in the region, and those which could be adapted or mirrored to provide a platform for greater cooperation on child rights.

22. We welcome the greater development of triangular exchanges involving countries of both the South and North to advance child rights, and call on UNICEF, other United Nations funds, programmes and agencies and other partner organizations to remain ready to assist this process.

## Recommendations

23. Building on the discussions during the High-Level Meeting on Cooperation for Child Rights in the Asia Pacific Region, we undertake to pursue the following goals and strategies on how we can work together more closely to more fully realize the rights of all children in this region:

### a) South-South Cooperation for Child Rights

- i. Explore avenues to share, and otherwise make accessible to other countries in the Asia Pacific region, details of individual country experiences - both good practices and lessons learned - to advance children's rights;
- ii. Support the establishment of a central database for sharing knowledge on regional efforts to advance child rights, that will make country experiences more accessible;
- iii. Support the development of a regional strategy for South-South cooperation programmes for child rights.

### b) Child Protection and Child Welfare

- i. Explore the possibility of establishing a regional forum on inter-country exchange on inter-sectoral delivery of child protection services across technical disciplines, such as among social welfare, law enforcement, justice, health and education;
- ii. Develop a regional dialogue on approaches to child welfare and child protection services which focuses on prevention and encourages the mobilisation of local resources and cultural assets;
- iii. Enhance inter-country exchange and the sharing of good practices in the development of a social work force and their critical role in multi-sectoral approaches to preventing and responding to child protection concerns within a systems-based approach;

### **c) Achieving the MDGs with Equity**

- i. Engage in collaboration on how to improve the collection and use of data and evidence that will increase understanding of disparities and their underlying causes;
- ii. Formally assess, present and promote successful country experiences, and examine successful experiences elsewhere in reducing disparities to assess the feasibility of adapting and replicating them;
- iii. Encourage regional-level research studies to examine and review in detail relevant data and literature in support of initiatives designed to reduce disparities;
- iv. Explore the possibility of establishing a regional repository of knowledge, expertise and data on equity issues.

### **d) Children and Disaster Risk Reduction**

- i. Pursue concerted strategies, at national and regional levels, to encourage closer coordination among the range of governance, development and risk management institutions in Asia and the Pacific, with the aim of promoting more regular, systematic and results-oriented exchanges of knowledge, skills, resources, technology and information on disaster risk reduction, including child-centred DRR.
- ii. Mainstream community-based and child-centred DRR into regional and sub-regional development approaches, including through greater South-South exchanges on child-sensitive risk assessments, so that risk-informed programme planning is factored into project design, implementation and evaluation as much as possible.
- iii. Increase exchanges among countries and sub-regions in Asia and the Pacific to ensure that practical measures for child-friendly disaster risk reduction are integrated into community-based DRR efforts - recognizing that risks first and foremost are local phenomena in which communities have a central role in seeking to reduce vulnerabilities and enhance capacity.

### **Follow-up and Future Consultations**

**24.** We welcome a number of potential mechanisms raised in plenary discussions in Beijing that could provide an effective vehicle to follow-up on our commitments to strengthen cooperation on child rights. We invite UNICEF to collaborate with regional organizations to assist governments in continued monitoring of their progress in meeting the agreed recommendations in this declaration.

**25.** We reaffirm that the High-Level Meeting in Beijing represented a beginning in more intensive efforts to strengthen and deepen South-South cooperation among countries of the Asia Pacific region to advance children's rights. To that end, we agree to meet again at Ministerial level in India in 2013 to assess progress and advance these issues further.

### **Adoption**

**26.** We unanimously adopt this, the Beijing Declaration on South-South Cooperation for Child Rights in the Asia Pacific Region. We thank the Government of the People's Republic of China, and the people of Beijing, for their warm hospitality as hosts of the meeting, and welcome UNICEF's support for the consultations.



**Joint Statement of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) and the Special Representative of the UN Secretary General on Violence against Children**

## **Joint Statement of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) and the Special Representative of the UN Secretary General on Violence against Children**

***18 January 2012, Manila, the Philippines***

The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) convened a Consultative Meeting with the Special Representative of the UN Secretary General on Violence against Children (SRSG-VAC) and CEDAW Committee experts on violence against women in Manila, the Philippines, on 16-17 January 2012. The Consultation was supported by UN Women and UNICEF.

The Consultation provided an opportunity to exchange views on a rights-based approach to initiatives designed to prevent and address all forms of violence against children (VAC) and violence against women (VAW), in the light of international human rights standards, in particular the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), both ratified by all ASEAN Member States.

The Consultation helped to highlight good practices and experiences on the implementation of laws, policies and actions aimed at overcoming the invisibility of violence, promoting an integrated agenda for violence prevention and elimination, and improving the availability and quality of data and research on the magnitude and incidence of violence against children and violence against women.

The Commission welcomed the insightful information provided by the SRSGVAC on the process of follow-up to the recommendations of the UN Study on Violence against Children promoted in countries around the globe, and the experience gained from cooperation developed between her mandate and regional organizations and institutions aiming at building a world free from violence.

The Commission recognized the importance and potential of enhancing opportunities for dialogue and cooperation with strategic partners at the national, regional and international levels, including with the United Nations system, to accelerate progress towards the elimination of violence against children and violence against women.

The Commission and the SRSG-VAC expressed commitment to pursue collaboration in the context of the ACWC's mandate for the promotion and protection of the rights of women and children and efforts for violence prevention and response including within the framework of the Commission's five-year workplan in the following activities:

- a.** Compiling, documenting and disseminating good practices and studies on the implementation of legislations, programmes, services and strategies to address all forms of VAW and VAC in the region;
- b.** Conducting regional studies of legal frameworks and response strategies towards the elimination of VAW and VAC in ASEAN Member States;
- c.** Promoting advocacy and policy development for the prevention and elimination of all forms of VAW and VAC;
- d.** Promoting, in collaboration with relevant government agencies, the availability and quality of data collection and analysis concerning VAW and VAC in ASEAN Member States;
- e.** Launching a regional public campaign to eliminate all forms of VAW and VAC in collaboration with the relevant ASEAN sectoral bodies, civil society, religious and local leaders, private sector and other stakeholders;
- f.** Developing minimum standards of delivery of services to the victims and survivors as well as perpetrators of VAW and VAC;
- g.** Strengthening the capacity of service providers in ASEAN Member States to prevent and address all forms of VAW and VAC; and
- h.** Promoting dialogues with other relevant government agencies, civil society and other stakeholders aiming at improving awareness of all forms of VAW and VAC in various sectors.

**The South Asia Call for Action on Ending Violence against Children  
The Colombo Declaration  
(SAIEVAC)**

## The Colombo Declaration

*The South Asia Call for Action On  
Ending Violence against Children (SAIEVAC),  
Colombo, Sri Lanka, 30 May 2012*

We, the participants at the South Asia Follow Up Regional Consultation on the UN Study on Violence against Children, representatives from governments, non-governmental and other civil society organizations, regional and international organizations, and children, have gathered in Colombo, Sri Lanka, on 28 to 30 May 2012, to take stock of progress made since the Regional Consultation on Violence Against Children in South Asia, Islamabad, Pakistan, 19-21 May 2005 and the endorsement of the UN Study on Violence against Children by the General Assembly in 2006, in order to strengthen measures and processes aimed at ending violence against all children in all settings.

### **Acknowledging SAIEVAC as an apex body of SAARC;**

**Reaffirming** overall efforts by all stakeholders to end all forms of violence against children in all settings, and more specifically commitments by Governments to the Convention on the Rights of the Child and its Optional Protocols, the Convention on the Elimination of All Forms of Discrimination against Women, the SAARC Social Charter, the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, the SAARC Framework for the Protection, Care and Support of Children Affected by HIV/AIDS, the SAARC Development Goals (SDGs) and the Millennium Development Goals (MDGs);

**Renewing** the commitment made by our Ministers in the Rawalpindi Resolution on Children of South Asia (1996) and the Colombo Statement on Children of South Asia (2009), and the Recommendations endorsed at the Ministerial Meeting of SAIEVAC in June 2010 in Kathmandu;

**Recalling** the Recommendations from the Regional Consultation on Violence Against Children in South Asia (2005) and the subsequent Recommendations from the UN Study on Violence against Children; the South Asia Forum (SAF) Regional Preparatory Consultation for the World Congress III against Sexual Exploitation of Children and Adolescents (2008), the Kathmandu Commitment to Action for Ending Violence against Children (2010) and Child-friendly Services and Care Standards (2011) including those made by children; the Beijing Declaration on South-South Cooperation for Child Rights in the Asia Pacific Region (2010) and the Assessment of Progress in the SAARC Decade of the Rights of the Child (2001-2010) presented at the 17<sup>th</sup> SAARC Summit in Addu City (2011);

**Renewing** our determination as key stakeholders to consistently promote and practice a rights-based approach and collaboration to prevent, mitigate and respond to violence against children;

**Noting** with appreciation the collaboration with the UN Special Representative on Violence against Children for the Follow Up Regional Consultation on Violence against Children and supporting the mandate of the office of the SRSG,

**Recognizing** that, despite the progress made across South Asia to address violence against children, children continue to experience serious forms of violence and child protection challenges, including child labour, corporal punishment, sexual abuse and exploitation, child trafficking, migration and displacement, imprisonment, discrimination related to HIV/AIDS, disability, minorities, orphans, street children and children in need of care and protection, as well as various forms of harmful practices as child marriage,

**Acknowledging** the detrimental and often long term impact of child abuse and violence, not just at an individual level but also on the socio-economic development of countries and that violence against children is not a private/family matter but a public issue concerning society at large,

Also **acknowledging** the launch of campaign by SAIEVAC against corporal punishment of children in all settings and noting that no violence against children is justifiable and that all violence against children is preventable,

To achieve our joint goals and shared vision that children throughout South Asia enjoy their right to be protected from all forms of violence, abuse, exploitation, neglect and discrimination, we collectively call for the following urgent action to realize the rights of all children:

- 1.** Develop and strengthen equitable national and local child protection systems including laws, policies and standards; that prevent, mitigate and respond timely and appropriately to all forms of violence and to ensure that mechanisms and services are accessible to all children.
- 2.** Develop and implement laws and policies that focus on safeguarding children from potential harm and that ban all forms of violence against children in all settings, including home and family, schools and educational settings, care and justice systems, work settings and the community;

3. Address social norms and practices that are harmful to children by promoting social change to end violence, exploitation, abuse and neglect of children;
4. Consolidate and validate a national system for disaggregated data collection, analysis, dissemination, and a systematic research agenda to inform policy development and resource mobilization to protect children from violence;
5. Review/adopt and implement a national plan of action to integrate the recommendations of the UN Study on Violence against Children and SAIEVAC work plan and develop a baseline to be able to measure progress;
6. Invest in and evolve policies and processes to strengthen the participation of children in decisions, through supporting and strengthening child-led organizations/forums;
7. Cooperate through structure, processes and resources in the best interest of children to address cross-border issues, such as trafficking, missing children, HIV and AIDS and drug abuse and repatriation;
8. Develop mechanisms to address the safety of children with reference to the use and engagement with digital technologies;
9. Share lessons and good practices and explore new opportunities for Cooperation to advance the protection of children through establishing a SAIEVAC centre of excellence on violence against children;
10. Strengthen regional and country-level cooperation and coordination between governments, NGOs, CSOs, children and young people, academia, independent human/child rights institutions, Parliamentarians, religious leaders, media, private sector as well as bilateral and multilateral agencies including UN agencies/INGOs;
11. Expedite the establishment of National SAIEVAC Chapters to accelerate existing efforts to end violence against children;
12. Contribute to the establishment and implementation of an operational framework/mechanism for monitoring and accountability at all levels to stimulate and accelerate effective realization of the actions mentioned above.

We unanimously adopt this, South Asia Call for Action on Ending Violence against Children. We thank the Government of Sri Lanka for their hospitality as hosts of the meeting, SAIEVAC for organizing it, UN Special Representative of the Secretary General on Violence against Children for her collaboration and the SACG for its support to the meeting.

**South Asia Initiative to End Violence against Children  
(SAIEVAC) 2010/2015 Workplan**



# SAIEVAC Workplan

## ***The South Asia Initiative to End Violence against Children (SAIEVAC) 2010-2015 Workplan Kathmandu, Nepal, 10-11 November 2010***

### **1. Background**

The governments of South Asia have followed up the recommendations to the UN Study on Violence Against Children (2006) to varying degrees. Current initiatives to protect children from violence are fragmented, largely uncoordinated and ad hoc. Adopting a child protection systems approach means children are treated as individuals and receive a comprehensive range of services for larger overall impact. It comprises the set of strategies, policies, plans, laws, regulations and services needed across all social sectors — especially social welfare, education, health, security and justice — to support prevention and response to protection related risks. Responsibilities need to be spread across government agencies, with services delivered by national and local authorities, non-State providers, and community groups, making coordination between sectors and levels, including routine referral systems, a necessary component of effective child protection systems. Strengthening such systems requires attention to policy reform, institutional capacity development, planning, budgeting, monitoring and information systems. Child protection systems are most effective when structured around community-based protection and require an aware and supportive public. Through the formation of the South Asia Initiative to End Violence Against Children (SAIEVAC) governments have reiterated their commitment to addressing the enormous scale and urgency of violence against children in all forms and this workplan is a strategic framework to coordinate, standardize, and monitor progress annually. While the UN Study's recommendations are an overall *broad* framework for all governments in South Asia, this workplan provides *specific* actions for governments in the region and offers practical indicators to ensure governments can measure change.

### **2. Vision, Aims, Scope, Definitions**

#### **2.1 Vision**

SAIEVAC's vision is that all children, girls and boys, throughout South Asia enjoy their right to an environment free from all forms of violence, abuse, exploitation, neglect and discrimination.

#### **2.2 Aims**

The aims of the workplan are:

- a. To ensure the realization of children's rights as stated in the UNCRC and its Optional Protocols
- b. To prevent and respond to all forms of neglect, abuse, exploitation and violence against children in all settings
- c. To promote the adoption, implementation, and monitoring of integrated national strategies with adequate budgets and resource allocation to prevent and protect children from violence and ensure response
- d. To reinforce regional cooperation to end violence against children in South Asia

### 2.3 Scope and Definitions

A child shall mean any person under the age of 18 years and will include adolescents in its mandate. In line with Article 19 of the UNCRC, “*violence*” is defined as including all forms of physical or mental violence, injury and abuse, neglect and negligent treatment, maltreatment or exploitation, including sexual abuse. This definition covers exposure of children to violence in the home, communities, schools, institutions, workplaces, and in development and emergency settings. Violence is understood to occur not only between adults and children but also between children. Violence shall be used as a general term encompassing all forms of violence, abuse, neglect and exploitation. Gender aspects of violence will be addressed as part of the integrated approach and due account will be taken of the different risks boys and girls face in respect of violence and of the different consequences of violence for girls and boys. All children within the jurisdiction of States regardless of their sex, race, colour, language, religion, caste, class, disability or other status, national or social origin, political or other opinion should be protected from all forms of violence and discrimination.

### 3. Strategic Objectives:

By 2015, Governments of South Asia will have reached the objectives and measured progress through the use of the indicators below. Progress on output indicators will be reported on an annual basis and submitted to the SAIEVAC Secretariat and Board.

#### 3.1 Objective 1: REGIONAL COOPERATION

Member States will exchange experiences and good practices, provide each other mutual assistance, facilitate implementation of regional agreements and coordinate and cooperate to capitalize on the experiences of States to end violence throughout the South Asian Region.

##### . Indicators:

- # of technical meetings organized by SAIEVAC to support States
- # of meetings organized by SAIEVAC to share experiences and best practice throughout the region
- # of reports and publications produced on experiences and best practices
- # of technical papers and recommendations made to SAARC

#### 3.2 Objective 2: NATIONAL STRATEGY

By 2015, All States have developed and started implementing a comprehensive national strategy, policy, or plan of action on violence against children which is integrated into the national planning process with realistic and time-bound targets, adequate resources and is coordinated and monitored by a nodal agency that has the human and financial capacity to involve multiple sectors.

##### Indicators:

- By 2011, # of States that have developed and adopted a national plan of action to end violence against children that specifies the role of each ministry at every level of government and identifies and secures adequate resources for implementation, has time bound realistic targets

- By 2011, # of States with a nodal agency with primary responsibility for the protection of children against violence which has assumed a key coordinating and monitoring role including budgeting and allocation of resources
- # of states with adequate funding and human resources to implement the national strategy and plan of action

### **3.3 Objective 3: LEGISLATIVE MEASURES**

By 2015, all States have developed and are enforcing national legislative measures to prevent, prohibit and eliminate all forms of violence against children in all settings including in the families, in schools, in communities, workplaces, institutions and emergency situations and brought national laws, bylaws, policies, regulations, plans and programmes in line with the UNCRC and other International and Regional legal instruments and agreements.

#### **Indicators:**

- # of States conducting a consolidated review which identifies gaps and proposes recommendations on national policies, legislations and practices to address violence
  - # of States who have adopted legislation to end all forms of violence against children in all settings including prohibiting all forms of sexual violence and abuse, corruption of children and solicitation of children for sexual purposes, prohibiting corporal punishment and all other cruel, inhuman or degrading treatment or punishment of children, both physical and psychological, prohibiting all harmful traditional and customary practices, such as early and forced marriage, honour killings and bondage, prohibiting exposure of children to violent and harmful content, irrespective of its origin and through any medium, prohibiting female feticide and child sacrifices and prohibiting all forms of exploitation of children through the use of new technologies.
  - # of States who are enforcing legislation that bans violence against children
  - # of States where perpetrators are held accountable in a court of law for their crimes and punished according to law and in the best interests of the child
  - # of States where national laws obligate the respect of the right of the child to be heard and to attribute due weight to children's views
- # of States where birth registration is mandatory and free of cost and can be done by mothers
- # of States that have free and compulsory education

### **3.4 Objective 4: PREVENTION**

By 2015, all States have measures in place to prevent all forms of violence against children in all settings, which address underlying causes as well as more immediate risk and protective factors

#### **Indicators:**

- # of States that have mechanisms in place to identify risk factors as well as children and families at risk
- # of States that have allocated adequate resources to address risk factors in order to prevent violence against children
- # of States that have legislation and policies in place that address gender and other inequalities such as those based upon national or social origin, language, religion, and

ability/disability or # of States that are implementing legislation and policies that address gender and other inequalities

- # of States that have economic and social policies in place that address poverty or # of States that are implementing economic and social policies that address poverty
- # of States that promote social norms which do not condone violence against children and which promote non-violent values

### **3.5 Objective 5: DATA COLLECTION**

By 2015, all States have developed and started implementing systematic national research and consolidated data collection, analysis, and dissemination systems disaggregated by sex, race, language, religion, caste, class, disability or other status, national or social origin, to inform evidence-based effective action, mobilize adequate resources and assess progress achieved.

#### **Indicators:**

- # of States who have established national databases with data collection systems at local, district and national level which include children's births and deaths, children entering or leaving institutions, on persons convicted of violent offenses against children and other child protection issues
- # of States who have carried out baseline interview studies with representative groups of children, parents and other caregivers to identify the experience of children of all forms of violence
- # of States who are collecting quantitative and qualitative data on the length and outcomes of judicial proceedings involving children are collected
- # of States who have agreed regional standards for data collection to ensure comparability of data

### **3.6 Objective 6: PROFESSIONAL TRAINING AND LEARNING**

By 2015, all States have built the capacity of all professionals who work with or for children (for example social workers, counselors, foster carers, police officers, lawyers, judges, teachers, health care professionals, school principals, youth works, people employed by detention facilities and child-care institutions, immigration and humanitarian workers, government officials/policy makers, etc.) to improve prevention, detection and response.

#### **Indicators:**

- # of States with regular in-service training on child protection is in place for all government employees working for and with children such as Ministry officials both national, high-level managers, police, health care professional, lawyers, teachers, care-givers working in state institutions, public information and media specialists, export and import officials, army and border security forces etc.
- # of States that provide short training on prevention and response to all forms of violence against children for politicians, members of parliament and other non-government policy and decision-makers and private sector including Chambers of commerce etc
- # of States with national curriculum regulations for relevant professions should include compulsory, ongoing training on prevention, identification, assessment and reporting of violence against children and the protection and continuity of care to children
- # of States with Bachelors of Social Work or Masters of Social Work programmes

- # of States with child development and child counseling Bachelors and Masters programmes
- # of States employing social workers as government employees
- # of states that provide short training on prevention and response to all forms of violence against children for religious institutions, their leaders and related opinion makers.

### **3.7 Objective 7: CHILD CARE STANDARDS**

By 2015, All States have developed standards for all caregivers of children and for alternative care options such as community-based care and regulations for institutions, services and facilities for the care, education and protection of children which entails proper case management and regular and independent monitoring.

#### **Indicators:**

- # of States with regulations and standards in place for institutions, services and facilities for the care, education and protection of children including special education, pre-school and crèche facilities
- # of States annually monitoring all institutions, services and facilities including obtaining feedback from children getting services or living in the institutions
- # of social workers, psychosocial counselors, doctors, nurses, police, judicial officers, caregivers trained in case management
- # of juvenile detention centres operating in each State
- # of institutions, services and facilities who adopt Codes of Good Conduct incorporating the prohibition, prevention and rejection of all forms of violence against children and reporting obligations
- # of States that ensure the supervision of the safety, well-being and development of any child placed in alternative care and the regular review of the care arrangement provided

### **3.8 Objective 8: REPORTING**

By 2015, all States have ensured that all professionals working with or for children (including those working for the State) who suspect acts of violence have been committed against a child are required by law to report the crime. Institutions or facilities in contact with children should be required to investigate allegations quickly and fully. Reporting systems should be safe, well publicized, confidential, accessible and child friendly, allowing children, their representatives and others to report violence against children.

#### **Indicators:**

- # of States with mandatory reporting systems in place
- # of States with a national toll-free child helpline
- # of States with victim and witness support programmes in place to ensure privacy and confidentiality is maintained

### **3.9 Objective 9: Referral Mechanisms**

By 2015, all States have clearly defined procedures for the referral of child victims of violence and the modalities for inter-agency cooperation (that is between social services, education, health, police, prosecution authorities, voluntary and private agencies) following an assessment of the specific circumstances of each particular victim, given due weight to

his/her views, and when it is in the best interest of the child also to her/his parents' or guardians' views.

**Indicators:**

- # of States with procedures in place for the referral of child victims
- # of States with procedures to assess child victims without delay
- # of States with advocacy and support services to encourage children to speak to relevant authorities about their experience of violence
- # of states with trained Best Interest Determinations (BID) committees established
- # of individual cases reported and actions taken to respond to the child victim by individual countries

**3.10 Objective 10: Recovery, rehabilitation and social reintegration**

By 2015, all States have taken all appropriate measures to promote physical and psychological recovery and rehabilitation of child victims and witnesses of violence and their families if necessary, without delay and in an environment that fosters children's health, self-respect and dignity.

**Indicators:**

- # of States with accessible, child-friendly and universal recovery and reintegration services including legal, health and social services, are provided to all child victims of violence
- # of States with services which follow a multidisciplinary and multi-agency approach

**3.11 Objective 11: THE JUSTICE SYSTEM**

By 2015, all States have judicial systems that pursue the best interests of the child and respect the rights of the child including the child's right to protection from violence.

**Indicators:**

- # of States with child friendly judicial systems which protect the privacy of children when necessary
- # of States who expedite judicial proceedings involving children
- # of States with free legal aid provided to child victims, witnesses and perpetrators of violence
- # of States with a minimum age of criminal responsibility set at a minimum of 12 years
- # of States with alternatives to institutional care for child perpetrators
- # of states that have social workers and case workers to support with judicial enquiries and enforcement agencies.

**3.12 Objective 12: EDUCATION AND AWARENESS RAISING**

By 2015, all States have made information on the rights of the child and child protection widely known to both adults and children through awareness raising, public information and media campaigns. Additionally, South Asian governments focus campaigns to address specific national issues (such as early marriage, corporal punishment), breakdown misconceptions and change societal behaviour.

**Indicators:**

- # of awareness raising campaigns in each country addressing causes and consequences of early marriage, corporal punishment, sexual abuse and exploitation, trafficking and child labour
- # of awareness raising campaigns conducted to educate parents, caregivers and communities on positive discipline techniques, non-violent values and the consequences of corporal punishment
- # of awareness public education campaigns which teach caregivers how to give care

**3.13 Objective 13: CHILD AND CIVIL SOCIETY PARTICIPATION**

By 2015, all States support the meaningful and active participation of civil society, children, and young people so that they can prevent and monitor violence against children, make recommendations to end violence against children and be involved in decision-making processes for actions to end violence against children.

**Indicators:**

- SAIEVAC establishes one regional forum for children's participation
- # of States with a national forum for children's participation
- # of States with national forum for civil society participation
- # of states that have established awards, recognition and prizes for pioneers, leaders and child rights activists including children

**4. Issue Based Action**

The issues of early marriage, sexual abuse and exploitation, trafficking, corporal punishment, and child labour are seen as extremely critical issues that are affecting children throughout the region. Gender and discrimination are cross-cutting issues throughout all areas. Additionally, lack of birth registration is an important and is a preventive measure for many forms of violence. Birth registration provides an official record of a child's existence, nationality and age and is considered a fundamental human right under Article 7 of the UNCRC and should therefore be made mandatory and free of cost in all countries in South Asia. For more information about the severity of these issues in the region please see ANNEX 1. All South Asian Governments commit to implement the following recommendations and report back to SAIEVAC using the indicators provided. All recommendations are in line with the 'SAARC Convention on Regional Arrangements for the promotion of child welfare in South Asia' and the UNCRC.

**4.1 Expected Result: EARLY MARRIAGE**

By 2015, All States have raised the legal age of marriage for both boys and girls to 18 and implement article 4(3)(d) of the SAARC Convention on Regional Arrangements for the promotion of child welfare in South Asia.

**Indicators:**

1. # of States where 18 is the legal age of marriage for both boys and girls
2. # of States who show a percentage decrease in number of early marriages nationally
3. # of States that actively enforce legislation banning forced and early marriage
4. # of States where birth registration is compulsory and free of cost and can be done by mothers

5. # of States where marriage registration is compulsory and free of cost
6. # of States which have defined an age for sexual consent that does not discriminate between boys and girls
7. # of States which have mapped and identified geographic areas where early marriage is still high

#### **4.2 Expected Result: TRAFFICKING**

By 2015, all States have implemented all provisions of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution and taken specific measures to protect children from being trafficked

##### **Indicators:**

1. # of States that incorporate the provisions of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution through the implementation of Standard Operating Procedures (SOPs)

#### **4.3 Expected Result: SEXUAL ABUSE AND EXPLOITATION**

By 2015, all States have taken the necessary steps to end sexual abuse and exploitation against children by adopting comprehensive legislation, ratifying all relevant international and regional instruments and enforcing a Code of Conduct for telecommunications services (i.e. internet providers, mobile phone companies, internet cafes) and travel and tour outlets to prevent sexual abuse and exploitation.

##### **Indicators:**

1. # of States that have legislation to prohibit all forms of sexual abuse, exploitation and harassment including physical and non-physical forms in all settings against both boys and girls
2. # of States that are enforcing and implementing legislation that prohibits all forms of sexual abuse, exploitation and harassment including physical and non-physical forms in all settings against both boys and girls
3. # of States that have ratified the UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
4. # of States that have ratified ILO Convention 182 on the Worst Forms of Child Labour
5. # of States that prevent and protect children from exploitation in brothels, dance bars and restaurants and similar establishments
6. # of telecommunications services in each country that have adopted and enforce a Code of Conduct
7. # of travel and tourism industry in each country that have adopted and enforce a Code of Conduct

#### **4.4 Expected Result: CORPORAL PUNISHMENT**

By 2015, all States have identified the necessary actions and measures to prohibit all corporal punishment in all settings including law reform and are reinforcing positive parenting practices and positive classroom management programmes.

##### **Indicators:**

1. # of States that have laws in place to ban corporal punishment in all settings including at home, schools, institutions, workplaces



2. # of parenting programmes developed at national, district, local level.
3. # of teachers and health professionals trained to offer positive parenting counselling services
4. # of parents reached in each country
5. # of States including positive discipline techniques in national teacher training programmes
6. # of teachers trained in positive discipline techniques

#### **4.5 Expected Result: CHILD LABOUR**

By 2015, States recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development by ratifying ILO Convention 182 on the Worst Forms of Child Labour.

#### **Indicators:**

1. # of States that have ratified ILO Convention 182
2. # of States that have programmes where children can combine work with educational opportunities
3. # of States that have initiated a Code of Conduct for protecting children in workplaces

#### **Monitoring and Evaluation Framework**

##### **The overall objectives of the SAIEVAC M&E framework are:**

1. To measure and demonstrate the impact of SAIEVAC
2. To measure progress against expected results on regular basis
3. To ensure quality of SAIEVAC's work
4. To ensure effective and appropriate use of the financial and human resources
5. To hold SAIEVAC accountable to Member Governments, SACG, children, donors and partners
6. To clarify roles and responsibilities for M&E

##### **The Monitoring and Evaluation of SAIEVAC activities will be done against:**

1. The Strategic objectives and indicators as defined in the workplan
2. The expected results and indicators under each thematic issue including: violence against children, child protection systems, trafficking, early marriage and sexual abuse and exploitation, corporal punishment, child labour

##### **The Monitoring and Evaluation will consist of:**

1. 1 Annual Report indicating main achievements and activities at country and regional level, giving the rationale for deviations in progress and recommendations for the next years plan
2. 1 Annual Learning Review at regional and national level including a range of stakeholders such as government, civil society, children organisations
3. 1 annual financial audit conducted by independent audit company for SAIEVAC Secretariat
4. 1 Mid-Term Review of SAIEVAC objectives and impact after 2 years of implementation of the SAIEVAC Plan
5. 1 final Evaluation involving government, civil society and children by December 2015

### **The Roles and Responsibilities within the reporting process:**

1. SAIEVAC Secretariat will be responsible for providing an annual progress report to the board showing main achievements reached against the plans and rationale for deviation
2. SAIEVAC Coordinators report annually on progress within country to the SAIEVAC Secretariat
3. SAIEVAC Secretariat will be responsible for coordinating the annual learning review undertaken by the SAIEVAC National Coordinators and consolidating the report for submission to the board
4. The SAIEVAC Secretariat will facilitate the annual audit
5. The Board is responsible for conducting the Mid-Term Review and the Evaluation
6. SAIEVAC Board shares progress internally and externally to key stakeholders including SAARC through strategic communication

*Note: If integrated into SAARC, SAIEVAC will follow SAARC monitoring and evaluating processes*

### **Communications Framework**

Clear communication about SAIEVAC and its role in ending violence against children is key to its success. Therefore all coordinators are responsible to ensure clear and timely communication through the identified channels.

### **Internal Communications**

Internal communications will be led by the SAIEVAC Secretariat. The SAIEVAC Programme Manager is responsible for all regular communication with Coordinators.

### **Objectives**

- To facilitate effective communications (consistent, timely and relevant information)
- To inform governments and SACG, ensuring that they are aware of SAIEVAC and their contribution to ending violence throughout the region
- To be effective in the use of communication tools and methods
- To communicate successes and share best practice

### **Methods**

- Board and sub group meeting agendas and minutes will be circulated to Coordinators
- Email circulation lists are held for disseminating information
- All e-mails will include contact details to promote feedback
- SAIEVAC Website updated as a prime resource for Coordinators to access information. All reports, minutes and other important documents will be placed on the website <http://www.sacg.info/forum.php>
- Events and conferences
- Bi-annual board meeting
- SAF Programme Manager available by phone
- Personal contact with Coordinators

### **Standards**

- Agendas – circulated not less than 6 weeks prior to meeting
- Minutes circulated not later than 2 weeks after meeting
- Annual report – produced annually in January

- Newsletter – produced annually in June
- Additional documents circulated to all interested parties.

**External Communications** External communications is the main responsibility of the SAIEVAC Secretariat; however, all Country Coordinators are responsible for communication within their country.

**Objectives:**

- To increase SAIEVAC visibility across a diverse audience
- To promote networking and exchange from key actors
- To promote consistent messages about SAIEVAC
- To increase Governmental support for SAIEVAC at all levels

**Key Audiences**

- Government officials including key Ministers and Prime Minister/President
- General public
- Children
- Media outlets
- UN Agencies, INGO's, NGOs, and CBOs

**Methods**

- Media – press invited to key events and informed through distribution of press releases (to be written by SAIEVAC Secretariat when necessary)
- Website – hosted on the SACG website and updated by SACG Chair
- Conferences or workshops- held nationally by governments to inform key stakeholders
- Annual Newsletter- to be composed by SAIEVAC Secretariat and circulated by coordinators
- Publications – including minutes, agendas, SAIEVAC Updates
- Interviews
- E-mail information
- Involving children in meetings and workshops

**Key Messages**

- The South Asia Initiative to End Violence Against Children (SAIEVAC) is a collaboration of South Asian States who have joined forces to have a greater impact for children
- Every child has the right to a life free from violence. SAIEVAC works to ensure this right throughout the region
- SAIEVAC believes children can make a valuable contribution to their own development, and works to engage children at the highest level in decision-making processes

## KEY ADVOCACY MESSAGES

**1. Implement credible national plans.** Governments of South Asia need to implement national plans for ending violence against children. Some of these plans exist on paper but are not properly implemented; in other cases plans will need to be developed or strengthened. National plans should focus on creating an integrated and holistic approach by developing child protection systems that respond to violence from the prevention stages through to rehabilitation and reintegration of children. Donors, international agencies, and local and national NGOs should assist in the development of plans and implementation.

**2. Legally ban all forms of violence in all settings.** The legal prohibition of violence is important as it conveys a clear message of political commitment to prevention work and the use of non-violent alternatives for conflict resolution. It constitutes a vital safeguard for child victims and witnesses, being a strong reference for capacity-building initiatives and the development of guidance and codes of conduct for professionals working with and for children. Law reform gains renewed value when used in support of public information and awareness-raising activities, for promoting positive discipline, ending harmful practices, social mobilization and behavior change.

**3. Mobilise additional resources.** Governments need to mobilize additional resources to address all issues of violence in a comprehensive manner so that services reach marginalized populations. Donors, international agencies, and local and national NGOs should support this process.

**4. Recognise violence goes beyond the physical.** Violence is multidimensional and includes both physical and psychological abuse, neglect and exploitation. It calls for a holistic approach to the treatment of the circumstance of the violent incident, towards the child and towards the perpetrator (s). The best interest of the child must be viewed in this context when designing societal reactions and responses.

**5. Understand that both boys and girls experience violence.** It is a common misconception in South Asia that only girls suffer from violence and that boys are able to protect themselves. In fact it has been shown that boys also experience violence and in some settings may be more vulnerable to violence. Governments need to ensure that legislation and programmes protect and prohibit violence against both boys and girls and address their particular needs in different settings.

## KEY ISSUES TO BE ADDRESSED IN SOUTH ASIA

### **Early Marriage**

Early marriage is rampant in South Asia with 46 per cent of young women reporting being married before the age of 18. Early marriage usually occurs because of poverty and the lack of economic opportunities for girls in rural areas. Girls are either seen as an economic burden or valued as capital for their exchange value in terms of goods, money or livestock. Early marriage may also be seen as a way of protecting young girls and ensuring their security. Research has shown that child brides are often more likely to experience domestic violence and sexual abuse and least likely to take action against this abuse. They attain lower schooling, lower social status in their husbands' families, have less reproductive control, and suffer higher rates of maternal mortality. They are often forced out of school without an education and experience health problems as their bodies are too immature to give birth.

### **Sexual abuse and exploitation**

The most hidden and underreported form of violence against children and youth is sexual abuse. Sexual abuse affects both boys and girls and often happens within the family, in schools and the community, in the majority of cases (outside armed conflict zones) perpetrated by someone familiar to the child. Additionally, commercial sexual exploitation of children continues to be one of the most pervasive violations of children's rights in South Asia and includes child abuse through child prostitution, sex tourism, child pornography, internet pornography and trafficking. Recent studies provide evidence of sexual exploitation of boys to a much larger extent than previously recognized. The victims of exploitation and abuse are also at high risk of sexually transmitted diseases (STDs). Sexual abuse and exploitation are seldom reported because of a lack of child protection services, a lack of awareness-raising of them as human rights violations and crimes and because of the stigma faced by victims of such abuse and exploitation.

### **Trafficking**

The criminal and clandestine nature of trafficking makes it difficult to gather reliable data but child trafficking is widespread in South Asia, and include both internal trafficking and trafficking across international borders. Victims of trafficking end up in various forms of abuse and human rights violations including sexual and economic exploitation, i.e. doing domestic work, working in factories, on the streets, or in other forms of hazardous labor that come in the way of the children's enjoyment of rights and fundamental freedoms. A common feature of child trafficking is that young girls and boys are often trafficked from rural communities to urban areas. Traffickers are motivated by financial gain, and sometimes lure young girls into sex work on false pretenses. Children are vulnerable to being trafficked if they are poor or because of a high rate of unsafe migration, weak law enforcement, insufficient household income, ill-treatment and physical abuse at home and in the community, parental alcoholism, lack of food, and forced marriages. When children without birth registration and identity proof are trafficked tracing them becomes extremely difficult. In most of the countries in the region, birth registration is still difficult to obtain as seen by the fact that 36% of South Asia's children are unregistered at birth.

The governments of South Asia have committed themselves through ratification of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for

Prostitution( 2002) to tackle the issue. As part of a coordinated regional response, the governments have also committed to implement a SOP (Standard Operating Procedures) for effectively implementing the SAARC Convention.

### **Corporal Punishment**

Violent punishment of children is now recognised as a human rights violation. The Committee on the Rights of the Child and other human rights Treaty Bodies systematically recommend prohibition of corporal punishment and other humiliating forms of punishment in all settings including the home/family. Explicit prohibition was also recommended by the UNSG's Study on Violence against Children. South Asian States committed to prohibiting all corporal punishment following the Study's 2005 regional consultation and the follow-up meeting in 2006. Corporal punishment is widely practised at home and in schools, other institutions and penal systems for young people, as well as in situations of child labour. It remains socially accepted throughout the region, as it does in all regions of the world, except in the few countries where it has been prohibited and systematically challenged through sustained public, teacher and parent education. Corporal punishment in the form of hitting, slapping, kicking, beating, pulling hair, etc., and other forms of humiliating punishment are not as yet generally perceived as abusive. There is inadequate teacher training and parent education, promoting positive, non-violent forms of discipline. The persisting legality and social approval of violent punishment is the most symbolic reflection of children's low status in societies, as possessions rather than individual people and rights-holders. Ending this legalised violence against children is not only a human rights imperative, it is also an essential strategy for reducing and eliminating all other forms of violence against children. No state can claim it has an effective child protection system while its laws still authorise and defend corporal punishment.

### **Child Labour**

In South Asia, around 44 million or 13% of all children are involved in child labour. Economic exploitation is seen as one of the most common forms of violence in the region. Children often work long hours with little or no pay. There is a great deal of commonality across the South Asian countries in the forms of child labour, most notably in the areas of children in hazardous child labour, child domestic labour, children in export oriented industries, child bonded labour particularly in agriculture, and child labour in the informal economy, particularly in urban areas. Children not only face occupational hazards like handling heavy machineries or chemicals in their workplaces, but are also vulnerable and subjected to physical and sexual abuse. Additionally, these children are usually denied educational opportunities, which leads to a cycle of poverty and vulnerability.

**15th Session of the African Committee  
of Experts on the Rights and  
Welfare of the Child**

**African Committee Special Session  
on Violence against Children**  
*15<sup>TH</sup> Session of the African Committee of Experts  
on the Rights of the Child*  
**ADDIS-ABABA, ETHIOPIA, 15-19 MARCH 2010**

**I. INTRODUCTION**

1. The 15<sup>th</sup> Meeting of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) was held at the AU Conference Centre, Addis Ababa, Ethiopia, from 15 to 19 March 2010. Its main objective was to share experiences on the promotion of child rights in Africa, consider State Party Reports and agree on recommendations for more effective action to improve the welfare of children.

**II. ATTENDANCE**

2. The meeting was attended by ten Committee Members, Representatives of the Ministry of Gender, Government of Uganda, Ministry of Internal Affairs, Kampala, Ministry of Justice & Constitutional Affairs-Kampala, Uganda, Child Rights NGO Network (UCRNN), National Council For Children-Kampala, ANPPCAN Uganda, Embassy of South Africa, UNICEF Liaison Office to the AU & UNECA, WHO at AU & ECA, UNOHCHR, Save the Children Alliance, Save the Children Sweden, Centre for Conflict Resolution, The African Child Policy Forum, Mouvement Africain des Enfants et Jeunes Travailleurs (MAEJT) World Vision International, Coalition Nationale des Associations et ONG en faveur de l'Enfant (CONAFE-SN) International Committee of the Red Cross (ICRC) to AU Delegation, IHRDA, Child Protection Alliance I.H.R.D.C., Inter-African Committee on Traditional Practices (IAC), Abiem Community Development Foundation (ACDF) South Sudan, CRIN-UK, NGO Group for the CRC, FODDET, CONAFE-Niger, Forum des ONG de Côte d'Ivoire, Community Law Centre, The Pan-African Parliament and the AU Commission.

**OPENING CEREMONY**

3. The Opening Ceremony was chaired by H.E. Adv. Bience Gawanas, Commissioner for Social Affairs, African Union Commission.

**(a) Opening Remarks by H.E. Adv. Bience Gawanas, Commissioner for Social Affairs, AU Commission:**

4. The Commissioner for Social Affairs welcomed all the participants and thanked them for finding time to participate in the 15<sup>th</sup> Session of the African Committee of the Experts on the Rights and the Welfare of Child. In her speech, she noted the good work performed by the Committee in carrying out its mandate as well as the significant progress made during the last Session.



5. **The Commissioner commented on some agenda items, namely the special discussion on ‘*Violence against Children*’ and the collaboration with the UN Committee on the Rights of the Child. She also mentioned the launch of the AU Campaign for Accelerated Reduction of Maternal Mortality in Africa (CARMMA).**
6. In conclusion the Commissioner cited a number of activities related to the promotion of children rights that were currently undertaken by the Department of Social Affairs and congratulated the outgoing committee members for their valuable contribution to the success of the activities of the Committee.

**(b) Statement by Ms. Diakhaté Seynabou, Chairperson of the Committee:**

7. For her part, the Chairperson of the Committee, on her own behalf and on behalf of Committee Members, thanked the African Union Commission for organizing the session and also the partners for honouring the invitation despite their numerous commitments.
8. She said a working session would be held between the African Committee and the United Nations Committee on the Rights of the Child. She noted that consideration of reports submitted by States parties should not be made to seem as if the States were being put on trial, but should be a framework for frank and fruitful exchanges for better implementation of the Charter. She further said she hoped that the recommendations and observations addressed to the States would be taken into account by Governments.
9. In the face of the numerous challenges to be addressed, the Chairperson expressed dismay that for the current year the African Union had scheduled only one session for the Committee, whereas the instruments governing the Committee provided for two sessions per year. She seeks the Commissioner’s assistance for the organization of an extraordinary session.
10. The Chairperson presented a balance sheet of the Committee’s activities for the past five years - which she said was impressive despite the many challenges - before congratulating and thanking the outgoing members and urge other Committee’s Members to continue efforts to perfect the committee work.

## SPECIAL SESSION ON VIOLENCE AGAINST CHILDREN:

- **Statement “*violence against children: Report on progress and challenges*” by Dr Marta Santos Pais, Special Representative of the UN Secretary-General, on violence against children**

11. The Report statement was presented by the Representative of UNICEF Liaison Office to the AUC on behalf of the UN SRSRSG who was unable to attend due to other commitments.

12. The UNSRSG mentioned that the Committee’s debate was a golden opportunity to lay down a strategic agenda for achieving progress in preventing and combating violence against children within the African region.

13. She further mentioned that the UNSRSG mandate was framed by the UN study on Violence against Children and its strategic recommendations.

14. The UNSRSG mentioned the following as their priority focus areas:

- Promoting a Strategic Agenda derived from twelve overarching recommendations of the UN Study on Violence
  - The development in each state of a national comprehensive strategy to prevent and respond to all forms of violence,
  - Consolidating Strategic Partnership with certain identified alliances in favour of the protection of children from all forms of violence.

15. Concerning cooperating with key partners, she mentioned the following:

- Cooperation with intergovernmental and regional organisation and institutions.
- Cooperation with UN and regional human rights treaty bodies and mechanisms as well as with civil society organisations

16. In conclusion, the UNSRSG suggested in the message strategic ways for promoting the Committee’s work, namely:

- Development of a strategic agenda of collaboration with the ACERWC to help consolidate an African environment fit for children where violence has no place;
- ACERWC should provide monitoring that focuses on the protection of children from all forms of violence;
- Collaboration in an advocacy campaign to call for explicit legal ban on all forms of violence against children, including corporal punishment;

- Collaboration with key partners (UNICEF and ACPF) to promote the development of an African report on national follow-up to the recommendation of the UN Study on Violence against Children.

- **Presentation on “Violence against children in Africa: *the Challenges and priorities for Africa*” by the African Child Policy Forum**

17. The presenter informed the meeting that violence remained a pervasive problem hidden from the public view and almost absent from the political agenda. He provided statistical evidence on ACPF studies of children in Uganda, Kenya and Ethiopia suggesting that almost all children under the age of 15 experienced some form of violence at home, at school, in institutions, on the street or at the workplace. The girl child particularly were vulnerable with a huge proportion reporting to have been victims of one form of violence or another including physical, emotional sexual and psychological abuse.
18. He went on to cite the recommendation reached for the attention of the AECRWC as well as the African Union.
  - i) Make violence against children a particular area of concern in national reporting;
  - ii) Establish a programme of cooperation with the UN Special Representative on violence against children;
  - iii) Embark on a major programme of advocacy and action;
  - iv) Promote national policy and legal reforms;
  - v) Put child well-being in general and violence against children, particular, on the political agenda.
19. **After the two presentations the participants discussed and recommended that countries should be lobbied to become champions on combating violence against children and that it should be put on the Agenda of AU Head of State Summit.**

**Council of Europe Strategy for the Rights of the Child  
2012-2015**

# Council of Europe Strategy for the Rights of the Child 2012-2015

## Executive Summary

The Council of Europe transversal programme “Building a Europe for and with children” 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 strategy on the rights of the child 2012-15 proposes a vision for the Council of Europe’s role and action in this field, taking into account the progress achieved during the two previous policy cycles (the latest one referred to as the Stockholm Strategy), the needs expressed by governments and the challenges identified by the international community.

The 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 with children.

In fulfilling its role as a catalyst for the implementation of the United Nations Convention on the Rights of the Child in Europe, the overarching goal in 2012-15 of the Programme “Building a Europe for and with children” will be to **achieve effective implementation of existing children’s rights standards**. To that end, the programme will provide policy guidance and support to the member states in implementing United Nations and Council of Europe standards, promote a holistic and an integrated approach to children’s rights, and identify measures that will tackle old and new challenges in this field.

The programme will focus on **four strategic objectives**:

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

The programme will continue to mobilise and co-ordinate the contribution of all Council of Europe bodies and institutions, mainstreaming 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 will co-ordinate and consolidate partnerships with other international organisations, professional networks and civil society at large.

## **“Building a Europe for and with children” Strategy for 2012-2015**

### **1. 2006-2011 – Launching the process and assessing the progress**

#### **a. Background**

The Third Summit of Heads of State and Government of the Council of Europe (2005) mandated the Organisation to mainstream children’s rights into all its policies, co-ordinate all child-related activities and eradicate all forms of violence against children. In response, the Council of Europe launched the programme “Building a Europe for and with children” in Monaco in April 2006. The programme completed two policy cycles (the latest one referred to as the Stockholm Strategy) that led to a number of achievements and it identified the challenges ahead.

#### **b. Achievements**

Under the first two policy cycles (2006-2009 and 2009-2011), the programme:

- developed new working methods and strengthened the Council of Europe’s capacity to fulfil its mandate, notably by setting up a multi-stakeholder platform on the rights of the child,<sup>3</sup> and by training Council of Europe staff on children’s rights and child participation;
- mainstreamed children’s rights, among the main Council of Europe actors and partners in Europe, into virtually all policy areas and developed a holistic child rights-based approach that is complementary to the United Nations agenda;
- identified the need for and assisted in the drafting, adoption and promotion of new standards<sup>4</sup> and policy guidelines (including national child-violence prevention strategies, child-friendly justice, health and social services);
- brought about major legislative and policy changes regarding children’s rights in member states, notably through its two campaigns (on eliminating corporal punishment of children and on stopping sexual violence against children);
- increased children’s access to information and participation by producing child-friendly material, developing policy reviews on child participation and holding consultations with children;
- developed co-operation with key international partners, moving from exchange of

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<sup>3</sup> Including governmental focal points, the Committee of Ministers’ Thematic Co-ordinator, an Inter-Secretariat Task Force, representatives from Council of Europe bodies and institutions, international organisations and civil society.

<sup>4</sup> Including the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), the European Convention on the Adoption of Children (Revised) (CETS No. 202), Recommendation Rec(2005)5 on the rights of children living in residential institutions, Recommendation Rec(2006)12 on empowering children in the new information and communications environment, Recommendation Rec(2006)19 on policy to support positive parenting, Recommendation CM/Rec(2008)4 on strengthening the integration of children of migrants and of immigrant background, Recommendation CM/Rec(2009)4 on the education of Roma and Travellers in Europe, Recommendation CM/Rec(2009)10 on integrated national strategies for the protection of children from violence, the two Guidelines of the Committee of Ministers of the Council of Europe: on child-friendly justice and on child-friendly health care, as well as Recommendation CM/Rec(2011)12 on children’s rights and social services friendly to children and families.

information towards joint programming and implementation.

### c. Remaining challenges

Challenges remain in the following four fields:

- **Prevention:** there are not enough actions at the national level targeting prevention policies, training professionals and raising public awareness of children as genuine rights holders. Decision makers have not accorded enough importance to collecting the comprehensive data needed to successfully manage and implement various policies and services at national and local level.
- **Protection:** millions of children in Europe are still in need of protection: children continue to be victims of abuse, exploitation, neglect, exclusion and discrimination. Some forms of violence (such as corporal punishment) are still legally and socially tolerated and widespread. Although many countries deploy important means to protect children, national and local authorities need to undertake actions that are more thoroughly anchored in human rights, are sustainable and based on a clear vision.
- **Provision:** service provision to children and their families does not always match their needs. Certain categories of children have very limited access to education, health care, justice, social protection and to a nurturing and caring environment. Economic, social and technological developments have resulted in new challenges that children, their families and the professionals working with them are not sufficiently equipped or trained to handle. Integrated local, regional and national strategies are crucial to strengthen local, regional and national governments' ability to respond to existing and emerging challenges in a cost-efficient manner.
- **Participation:** children's participatory rights are not respected: children have little access to information and their views in public and private life are rarely sought or given due consideration.

## 2. Strategy for 2012-2015 – turning a vision into reality

### a. The process

On 19 March 2011, the Committee of Ministers took note<sup>5</sup> of the initial objectives proposed for the future Council of Europe Strategy on the rights of the child and of the proposed procedure for the elaboration of the strategy and invited the Secretariat to consult the national focal points on children's rights and other key stakeholders on the contents of the future strategy.<sup>6</sup> The present strategy is the result of extensive consultations conducted with:

- the Council of Europe Inter-Secretariat Task Force on the Rights of the Child (June-July 2011);
- the government-appointed Focal Points on the Rights of the Child (July-September 2011);
- the Parliamentary Assembly of the Council of Europe, through its Social, Health and Family Affairs Committee (October 2011);
- key partner international organisations, professional networks, civil society and the private

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<sup>5</sup> In its decision set out under item 10.6a. of CM/Del/Dec(2011)1112 dated 3 May 2011.

<sup>6</sup> Programme "Building a Europe for and with children", Progress report and new priorities CM(2011)35.

sector (September-October 2011);

· participants at the Conference “Building a child friendly Europe: turning a vision into reality”, Monaco, 20-21 November 2011.

The strategy also takes into account the children’s views that were obtained through a wide range of surveys and youth consultations undertaken by national authorities, national human rights institutions (including Ombudspersons for children), NGOs, independent researchers and international organisations.<sup>7</sup>

The strategy was adopted by the Committee of Ministers on 15 January 2012.

## **b. The new strategy in a nutshell**

In the period 2012-15, the Council of Europe will aim at the **effective implementation of children’s rights standards**. It is essential to bridge the gap between standards and practice - to move from de jure to de facto - by providing guidance, advice and support to member states on how to best implement these standards.<sup>8</sup>

This will be done through:

- **Promoting a holistic approach:** support member states in observing the four principles of the UN Convention on the Rights of the Child: non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child as well as the interdependence and indivisibility of children’s rights;
- **Information, awareness-raising and capacity-building:** improve the access to information of all stakeholders – including authorities, professionals, children and young people – on standards, monitoring reports, campaign and training materials and any other relevant tools and provide professionals with training on the same;
- **Mainstreaming and monitoring:** sustain and develop a child-rights perspective in all Council of Europe activities, in particular those of its monitoring bodies, as well as maintain and develop spaces for exchanging information and good practices and debating on current and emerging issues.

The four strategic objectives below build on the achievements of the programme’s previous cycles and respond to the needs identified by all the programme’s partners. They take into account the child-rights dimension of four other transversal Council of Europe programmes, which deal with the information society; Roma<sup>9</sup> and Travellers; equality and diversity (including gender and children with disabilities); and migration, including unaccompanied minors.

**Strategic objective 1: Promoting child-friendly services and systems**

**Strategic objective 2: Eliminating all forms of violence against children**

**Strategic objective 3: Guaranteeing the rights of children in vulnerable situations**

**Strategic objective 4: Promoting child participation**

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<sup>7</sup> Council of Europe report on “Children’s and young people’s perceptions of threats and challenges to the rights of the child in Europe”,

August 2011. This report may be obtained from the programme’s Secretariat.

<sup>8</sup> The relevant standards may be consulted on the following website: [www.coe.int/children](http://www.coe.int/children).

<sup>9</sup> The term “Roma” used at the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Travellers and Eastern groups (Dom and Lom), and covers the wide diversity of groups concerned, including persons who identify themselves as “Gypsies”.



## Strategic objective 1 – Promoting child-friendly services and systems

### **What children and young people say**

*Children and young people report that they are wary of the public services and systems they come into contact with. They want to be treated as individuals, and that their contacts with professionals be based on mutual trust and respect.*

*Children also report that they often do not know where to go for help. They complain that they are inadequately informed about procedures involving them and that they are neither heard nor taken seriously by professionals. Victims of abuse are often afraid that they won't be believed and report that professionals often undermine the importance of what they have said.*

Children and young people have the legal right to equal access to and adequate treatment in healthcare, social, justice, family, education systems and services as well as sport, culture, youth work and other recreational activities aimed at young people under the age of 18. The Council of Europe will support the development of **child-friendly services and systems** that are respectful, responsive, reliable and responsible, with a particular focus on children in vulnerable situations. To ensure a holistic approach to the protection of children's rights, the Council of Europe will foster exchange of good practices as regards local, regional and national procedures and institutions dealing with children's rights.

### **Child-friendly justice**

In line with the Council of Europe Guidelines on child-friendly justice, the programme will provide support to member states in reviewing their domestic legislation, policies and practice to improve children's access to and treatment in civil, criminal and administrative justice, irrespective of their capacity to understand and their status. In this context, member states need to help children, their parents and the professionals working with them, to understand better children's rights in the justice system.

### **Child-friendly healthcare**

In line with the Council of Europe Guidelines on child-friendly healthcare, promote measures to ensure that national policies take children's rights as a guiding principle in the planning, delivery and monitoring of healthcare services for children; provide equitable access to quality healthcare without discrimination; ensure appropriate integrated services for children with special needs; and in all decisions regarding children's health take into account their best interests and their views.<sup>10</sup>

### **Child-friendly social services**

Promote child-friendly social services as defined in the Recommendation on social services friendly to families and children, defined as services which take into account the child's age, level of maturity and understanding, an assessment of each child's unique circumstances, and which give due consideration to their views, in particular with respect to family ties.

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<sup>10</sup> Final Declaration adopted at the 9th Council of Europe Conference of Ministers of Health, Lisbon, 30 September 2011.

### Family law and family policies

Promote the signature, ratification, implementation and monitoring of Council of Europe standards on family law. Promote the social, legal and economic protection of the family in the best interest of the child. Provide guidance and support to member states in promoting positive parenting, i.e. the upbringing of children in an environment that is respectful of the rights of the child and free from violence, while encouraging the equal involvement of both parents.

### Education

Promote citizenship and human rights education, including the development of training programmes for education professionals, with particular focus on children's rights, democratic culture, equality, new media environment, intercultural dialogue and a child- and learner-centred pedagogy, with a view to ensuring a non-violent environment.

### Sport, culture and other recreational and youth activities

Promote ethical bases and the human dignity, integrity and safety of those involved in these activities, in particular by safeguarding children from exploitation for political, commercial and financial gain and from practices that are abusive or debasing, including the abuse of drugs and sexual harassment and abuse, in particular sexual abuse. Promote children's rights in sport by developing adequate sport pedagogy and coaching that respect their development.

## Strategic objective 2 – Eliminating all forms of violence against children

### *What children and young people say*

*For children and young people, violence is a major concern that needs to be treated as a priority matter. They are alarmed about the impact of violence and crime on their lives and do not feel adequately protected, for example against bullying, gender and youth violence, corporal punishment, sexual exploitation and sexual abuse inside the family, in school, in alternative care, and media, including online social media.*

*Once they have disclosed abuse, children victims of violence are often exposed to secondary victimisation, as certain reporting procedures, investigation and judicial proceedings sometimes fail to respect their rights, needs and opinions.*

Children and young people are legally entitled to be protected from all forms of violence. But despite positive steps in this direction, children continue to suffer violence in all spheres of life – in their home, in school, while practising their activities, in residential institutions and detention, in the community, and in the media.

**The Council of Europe will continue to act as a regional initiator and co-ordinator of initiatives to eliminate all violence against children in Europe. As the European forum for follow-up to the recommendations of the *UN Secretary General's Study on Violence against Children (2006)*, it will continue to support the mandate of the Special Representative of the UN Secretary General on Violence against Children as well as the United Nations Special Rapporteur on the sale of children, child prostitution and child pornography.**

To this end, the Organisation will adopt a two-pronged approach to:

- support the adoption and implementation of integrated national strategies to protect children from violence. These will include legislative, policy and institutional reforms and a focus on prevention;<sup>11</sup>
- promote zero tolerance for all forms of violence by raising awareness and taking action to address specific types of violence and focus on settings in which violence occurs.

### **Sexual violence**

Pursue, in co-operation with its international partners, the Parliamentary Assembly and the Congress of Local and Regional Authorities, the ONE in FIVE Campaign to stop sexual violence against children, to ensure implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), the Convention on Cybercrime (ETS No. 185), the Convention on Action against Trafficking in Human Beings (CETS No. 197), the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210) and other Council of Europe conventions and instruments that contribute to eradicating all forms of sexual violence, including genital mutilation.

In order to raise the awareness on sexual exploitation and sexual abuse of children, the Council of Europe will decide upon a European Day on the Fight against Sexual Abuse and Sexual Exploitation of Children by 2014.

### **Trafficking in children**

Guide and assist member states in fulfilling their obligations under the Convention on Action against Trafficking in Human beings (CETS No. 197) to reduce children's vulnerability to trafficking, including for the purpose of forced labour, notably by creating a protective environment for them. The Group of Experts on Action against Trafficking in Human Beings (GRETA) will be invited to pay particular attention to measures taken by states to prevent trafficking in children, and to ensure that the best interests of the child are taken into account during identification procedures, the provision of assistance and protection, when granting residence permits or considering the children's return.

### **Corporal punishment, gender-based violence and domestic violence**

Continue to facilitate a culture of zero tolerance of violence towards children, to promote the effective elimination of violent discipline and corporal punishment of children in all settings, including within the family/home, together with the development of positive parenting policies in member states.<sup>12</sup> Special attention will be paid to encourage the signature, ratification and implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210), with a view to protecting girls from gender-based violence and all children who have witnessed it, and to preventing and eliminating all domestic violence affecting children. Pay special attention also to the need to combat forced and early marriages. Assist member states in assessing and sharing good practices to prevent gender based violence among teenagers.

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<sup>11</sup> In line with the Committee of Ministers' Recommendation CM/Rec(2009)10 on integrated national strategies for the protection of children from violence.

<sup>12</sup> Recommendation Rec(2006)19 on policy to support positive parenting.

### **Violence in schools and pre-schools**

Assist member states in developing the legislation, policies and systems needed to assess, prevent and eliminate the various forms of violence in schools. Good practices using the whole-school approach and the tools provided by the Council of Europe programmes on human rights education and education for democratic citizenship will be promoted and shared with a view to providing for a healthy psychosocial and physical school environment which promotes children's well-being, as well as the elimination of practices such as bullying, discrimination, degrading punishment and harassment by promoting non-violent values and behaviour.

### **Strategic objective 3 – Guaranteeing the rights of children in vulnerable situations**

#### **What children and young people say**

*Generally, children resent being labelled as members of a “vulnerable group”. They prefer to be treated with respect as individuals, despite any common experiences or situations.*

*Consultations with children and young people in alternative care show that they are not properly prepared to enter care and that there is a lack of continuity in the provision of care, a failure to monitor their personal situation and a lack of consideration with regard to family ties.*

*Children in detention are concerned by having to share space with adult offenders, their lack of adequate preparation to reintegrate into the community, slow judicial proceedings and a lack of alternative approaches to tackle crime.*

*Asylum-seeking and unaccompanied children describe the procedures they have to undergo, in particular detention, as stressful and traumatic. They also say they are victims of widespread prejudice and discrimination.*

Children are legally entitled to equal enjoyment of their rights, yet in practice, some children are particularly exposed to rights violations, and need special attention and measures to protect them as well as measures to empower them, in particular through access to citizenship and human rights education. The Council of Europe is committed to eliminating discrimination against children in vulnerable situations, through stepped up co-operation with UNICEF, the EU and civil society. Besides the groups of children mentioned below, the Council of Europe will continue to protect the rights of other children in vulnerable situations, such as those from national minorities; living in poverty; children raised in social isolation; child victims of discrimination based on race, ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, property, disability, birth or other status such as sexual orientation or gender identity.

While implementing this objective, the Council of Europe will take into account that children are often exposed to multiple forms of discrimination.

#### **Children in alternative care**

Promote and provide expertise to member states in implementing the UN Guidelines for the Alternative Care of Children and the Council of Europe recommendations on the rights of

children living in residential institutions<sup>13</sup> and on children's rights and social services friendly to children and families.<sup>14</sup> The Council of Europe will focus on de-institutionalisation, monitoring adherence to the rights of children living in residential institutions, and empowering children in care by informing them of their rights in a child-friendly manner.

### **Children with disabilities**

Provide expertise and guidelines to member states with a view to protecting the rights of children with disabilities through the implementation of the UN Convention on the Rights of Persons with Disabilities and the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society (2006-15).<sup>15</sup>

### **Children in detention**

Promote and evaluate the implementation of Recommendation CM/Rec(2008)11 on the European Rules for juvenile offenders subject to sanctions or measures, the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice and relevant standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). The Council of Europe will pay particular attention to developing alternatives to detention, access to legal aid and legal representation, and protecting children in detention from violence. A specific focus will also be drawn to the rights of children with parents in prison.

### **Migrant children and children "on the move"**

Support member states in improving the protection of migrant children and children "on the move", including asylum-seeking, refugee, unaccompanied, separated, internally displaced and stateless children. In this context, promote the application of the guidelines on child-friendly justice to children in these situations and the implementation of recommendations CM/Rec(2007)9 on life projects for unaccompanied migrant minors, CM/Rec(2008)4 on strengthening the integration of children of migrants and of immigrant background, and CM/Rec(2009)13 on the nationality of children.

### **Roma children<sup>16</sup>**

Protect the rights of Roma children, through the training of Roma mediators in education and combating discrimination and segregation of Roma children in education and health systems. The Council of Europe will pay particular attention to the rights of Roma girls.

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<sup>13</sup> Recommendation Rec(2005)5 on the rights of children living in residential institutions.

<sup>14</sup> Recommendation CM/Rec(2011)12 on children's rights and social services friendly to children and families.

<sup>15</sup> Recommendation Rec(2006)5 on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015.

<sup>16</sup> See footnote 7.

## **Strategic objective 4: Promoting child participation**

### **What children and young people say**

*Children and young people say that their right to participation is respected the least. They feel excluded from civil life and from decisions on important topics affecting their lives, notably placement outside the family, schooling, and medical treatment. They see the following as major obstacles to their meaningful participation: age limits on the right to be heard; a low level of information; adults' prejudice and lack of listening skills when it comes to children; intimidating formal settings and tight schedules. The situation is even worse for children in vulnerable situations.*

All children have the legal right to be heard and taken seriously in all matters affecting them, whether in the family or alternative care environments; day-care; schools; local communities; health care, justice and social services; sport, culture, youth work and other recreational activities aimed at young people under the age of 18; and policy-making at domestic, European and international levels. A major obstacle to effective child participation can be attributed to adult attitudes. The Council of Europe and its member states are responsible for reversing this situation and establishing a culture of respect for children's views.

Children's participation is a cross-cutting approach throughout the whole strategy. The Organisation will continue to mainstream child participation as a working method and an attitude into its own standard-setting, monitoring and co-operation activities. This objective will be mainstreamed in particular in the Council of Europe sectors working on youth, on education and on media and information society.

### **The right to be heard and taken seriously**

Promote and evaluate the implementation of the children's right to be heard and taken seriously in line with Council of Europe standards, with a particular focus on participation of children in vulnerable situations.

### **Democratic citizenship and human rights education**

Support member states in implementing the Charter on Education for Democratic Citizenship and Human Rights Education<sup>17</sup>, focusing on the active participation of children and human rights education for and with children from a broad spectrum of educational settings, including formal and non-formal education.

### **Education on children's rights and information**

Produce and disseminate information on the rights of the child adapted to children as well as parents, teachers and other professionals working with children, both online and in print, and in non-official languages of the Council of Europe.

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<sup>17</sup> Recommendation CM/Rec(2010)7 on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education.

## **Protecting and empowering children in the media environment**

Empower children to exercise their participatory rights in the media environment, while securing their right to privacy by developing new tools that will help them better manage their privacy and personal data on the Internet and other media. Encourage self-regulation and governmental regulation of Internet providers, social networks and the media in compliance with the rights of the child, as well as the empowerment of children and parents towards enhanced on-line self-protection and prevention, taking into account the future Council of Europe Strategy on Internet Governance 2012-2015. Particular attention will be paid to the phenomenon of “hypersexualisation” of children in the media.

### **c. Partners**

Since 2006, the programme “Building a Europe for and with Children” has established important partnerships with key stakeholders at global, European, national and local level. This has proven to be highly effective in bringing the Council of Europe standards and work closer to policy makers, as well as to the programme’s primary stakeholders and ultimate beneficiaries: children. The programme will thus pursue the establishment, co-ordination and consolidation of partnerships with authorities and institutions at all levels, international organisations and networks as well as civil society.

### **Co-operation with the European Union**

The Council of Europe will continue co-operation with the EU, which is considered a major partner in achieving the strategy’s objectives and in building a pan-European space fit for children. The Council of Europe has high expectations that the EU will support its strategy by acceding to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 005) and to other core Council of Europe conventions relative to children’s rights. Work with the European Commission and its children’s rights co-ordinator will be reinforced. Due to potential synergies between the actions of the EU Agenda for the Rights of the Child<sup>18</sup> and the priority areas identified in the Council of Europe’s strategy – child-friendly justice, protecting children in vulnerable situations and fighting violence against children – co-operation between the EU and the Council of Europe will be particularly important, both inside the EU and externally.

Data collection and the development of indicators conducted by the EU Agency for Fundamental Rights (FRA)<sup>19</sup> will be actively supported with a view to monitoring the implementation of children’s rights standards. The Council of Europe will also develop and consolidate partnerships with intergovernmental bodies such as l’Europe de l’Enfance and ChildONEurope.

The Council of Europe will continue coordination of action with that undertaken at EU level in the framework of the European Commission communication of 5 April 2011 and the conclusions of the EPSSCO Council of 19 May 2011.<sup>20</sup>

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<sup>18</sup> Communication from the European Commission: An EU Agenda for the Rights of the Child, COM (2011) 60 final, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0060:FIN:EN:PDF>.

<sup>19</sup> Report by the EU Agency for Fundamental Rights, Developing indicators for the protection, respect and promotion of the rights of the child in the European Union, available at: [http://fra.europa.eu/fraWebsite/attachments/FRA-report-rights-child-conference2010\\_EN.pdf](http://fra.europa.eu/fraWebsite/attachments/FRA-report-rights-child-conference2010_EN.pdf).

<sup>20</sup> "An EU Framework for National Roma Integration Strategies up to 2020".

### **Co-operation with the UN Committee on the Rights of the Child (CRC)**

The Council of Europe will give specific consideration to the CRC's General Comments and concluding observations in all of its activities. Furthermore, in monitoring the effective implementation of European standards, the Council of Europe will build on the CRC's country reports with a view to assisting its member states ensure effective and consistent follow-up to the CRC's recommendations. Finally, the Council of Europe will promote, throughout its 47 members, the signature and ratification of the new Optional Protocol on a Communications Procedure for Children's Rights Violations, enabling the CRC to examine communications from children and their representatives.

### **Co-operation with the UN Children's Fund (UNICEF)**

The Council of Europe will step up its co-operation with UNICEF, in particular its Regional Office for Central and Eastern Europe and the Commonwealth of Independent states (CEE/CIS). It will seek UNICEF's expertise and programming experience in developing Council of Europe standards and guidelines and strengthen co-operation to promote equity, particularly in guaranteeing the rights of vulnerable children. In order to support implementation of standards, the Council of Europe will leverage UNICEF's field presence in the CEE/CIS region, while strengthening its own field presence in selected countries. In addition, the potential of common actions as foreseen by the 2007 Joint Declaration on the reinforcement of co-operation between the Council of Europe and UNICEF will be further explored.

### **Co-operation with non-governmental organisations**

The Council of Europe will intensify its relations with the non-governmental sector, facilitating their advisory role and their access to Council of Europe tools and consultation processes. Co-operating with research and academic institutions will be reinforced in order to promote data collection and analysis and to develop the impact assessment tools needed to guide action. The Council of Europe will also seek to strengthen co-operation with media and the private sector to promote awareness on and implementation of its standards. The Council of Europe will seek to build bridges between donors and NGOs as implementing partners.

### **d. Working methods and institutional setting**

Existing standards constitute an excellent basis for the effective protection and promotion of children's rights.

Yet, the lack of comprehensive data and thorough analysis of the situation in member states makes it difficult to remove the obstacles to implementation of laws and policies. It is therefore important to develop the Council of Europe capacity to identify shortcomings and good practices with a view to providing general guidance and tailor-made support to implementation in practice.

The programme's working methods will serve the following objectives:

- mainstreaming of children's rights in all Council of Europe actions and in particular in existing monitoring mechanisms;
- ensure transversality and co-ordination of actions;
- promote a holistic approach to the rights of the child;



- enhance communication with all stakeholders and the media;
- develop a culture of direct communication with children and families in a language they can understand;
- strengthen the Council of Europe capacity to provide comprehensive data on the implementation of children's rights standards in Europe.

### **Reinforcing the Council of Europe capacity to support the implementation of standards**

The Council of Europe, through the Programme "Building a Europe for and with Children" and this strategy, will continue to act as a regional forum for the promotion of the rights of the child and will focus on implementing the objectives of this strategy in co-operation with its key partners, whose role it shall strive to reinforce and support effectively in the implementation of the strategy objectives.

The key partners being:

- the Council of Europe Inter-Secretariat Task Force on the Rights of the Child which meets regularly to exchange on results and difficulties arising in their respective fields of activities, to co-ordinate the response and propose action;
- the Committee of Ministers Thematic Co-ordinator on children's rights (TC-ENF), who liaises with relevant rapporteur groups and ensures Committee of Ministers ownership and leadership of the programme;
- the Council of Europe Network of Focal Points on the Rights of the Child, which was created to promote co-ordination of the various actors and policies at national level, and to reinforce the link between such co-ordination mechanisms and the Council of Europe strategy and programme; the role of the Network of focal points will be redefined and reinforced;
- representatives of the Council of Europe Parliamentary Assembly, the Congress of Local and Regional Authorities, the Commissioner for Human Rights and other entities such as steering and expert committees, monitoring bodies and the relevant institutions and bodies;
- representatives from international organisations, civil society, ombudspersons, higher level education and research institutions, international experts, professional networks, youth organisations, parents associations and individual children.

The work is facilitated by the Secretariat of the Children's Rights Division (Directorate of Justice and Human Dignity, DG I).

In order to take into account the decision to focus on implementation of standards, the Council of Europe will have to strengthen its capacity to provide policy guidance and support to the member states. The Council of Europe also has to strengthen its capacity to provide expert's advice to guide and support the work of the Committee of Ministers, various steering committees, existing monitoring bodies and the member states. The possibility to address this need through the creation of a **children's rights commission** will be explored.

### **Reinforcing the role of Council of Europe monitoring bodies**

Given the number of Council of Europe treaties with implications for the rights of the child, as well as child specific legal instruments, priority will be given to the implementation of existing Council of Europe standards through a more proactive mainstreaming of the rights of the child into the Council of Europe monitoring bodies and human rights mechanisms.

Specific support will be provided to the European Court of Human Rights and other Council of Europe mechanisms and conventional committees.<sup>21</sup> Monitoring activities are also being pursued by the Committee of Ministers, the Parliamentary Assembly and the Commissioner for Human Rights. All these bodies will be encouraged to focus effectively on the rights of the child in their work and could benefit from the expertise available through a children's rights commission and an increased visibility thanks to the programmes' communication efforts.

The greater mainstreaming of children's rights in the monitoring bodies and human rights mechanisms will result in:

- the member states' full ownership of all Council of Europe children's rights standards and their more consistent and homogeneous interpretation and implementation at national level;
- a more efficient use of monitoring reports and of child-friendly feedback and advocacy mechanisms including those from UN treaty body monitoring<sup>22</sup> for the purpose of developing future Council of Europe activities in the children's rights field;
- the development of tailor-made co-operation packs for the member states focusing on the implementation of measures deriving from the judgments of the European Court of Human Rights, as well as recommendations and conclusions of other monitoring bodies; and<sup>23</sup> Including concluding observations and General Comments of the CRC, NGO reports to the CRC and the UN Human Rights Council Universal Periodic Review.
- an improved access of children to international justice, including through children's input and direct contribution to the monitoring and human rights mechanisms' work,<sup>24</sup> the development of child participation activities, child-friendly versions of the standards as well as through training and support of professionals (including NGOs, national human rights institutions, legal professionals and civil society representatives).

The Council of Europe will also increase its support for national institutions and organisations responsible for monitoring compliance with the rights of the child at the national level, including specific independent complaint and inspection mechanisms, and encourage the development of cross-border co-operation and exchange of information in the member states. These include national human rights institutions, including most notably ombudspersons for children, as well as a broad range of children's rights NGOs.

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<sup>21</sup> This could include the European Committee of Social Rights (ECSR), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Group of Experts on Action against Trafficking in Human Beings (GRETA), the European Commission against Racism and Intolerance (ECRI), the Enlarged Partial Agreement on Sport (EPAS), the Advisory Committee on the Framework Convention for the Protection of National Minorities, the Committee of Experts of the European Charter for Regional or Minority Languages, as well as a range of conventional committees, including the Convention Committee on the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children.

<sup>22</sup> Including concluding observations and General Comments of the CRC, NGO reports to the CRC and the UN Human Rights Council Universal Periodic Review.

<sup>23</sup> Including concluding observations and General Comments of the CRC, NGO reports to the CRC and the UN Human Rights Council Universal Periodic Review.

### Evaluation

Implementation of the strategy will be subject to internal and external evaluation. At the end of 2013, the Committee of Ministers' Thematic Co-ordinator on Children will effectuate a mid-term review to assess the efficiency, effectiveness, impact, sustainability and relevance of actions in the context of the objectives stated. A progress report on the implementation of the strategy will be presented to the Committee of Ministers by mid 2015.

### Action Plan

An action plan setting out proposed projects and activities to be implemented under the strategy is contained in document CM(2011)171 add.

### Budget

The strategy will have duration of **four years** covering two budgetary cycles (2012-2013 and 2014-2015).

The strategy's budget will be composed of the Council of Europe's ordinary budget and member states' voluntary contributions, including secondments. The ordinary budget will include the budget of the Programme's Co-ordination Unit, as well as resources from Council of Europe sectors and services implementing specific projects and activities on the rights of the child. 21 Following a pilot project with one monitoring body, a road map could be developed to mainstream child participation into as many Council of Europe monitoring bodies as possible.

**Council of Europe Strategy for 2009-2011  
adopted by the Committee of Ministers**

## Council of Europe Strategy for 2009-2011 adopted by the Committee of Ministers 27 November 2008

### Introduction

At their 3rd Summit, the heads of state and government of the Council of Europe renewed their commitment to children's rights and asked the Council of Europe:

- to mainstream children's rights in all Council of Europe policies and co-ordinate all Council of Europe activities related to children;<sup>25</sup>
- to eradicate all forms of violence against children, in particular through the launching of a three-year plan of action and specific measures against sexual exploitation of children.

The programme, "**Building a Europe for and with children**" is the Council of Europe's response to this mandate. Launched in Monaco in April 2006, it has strengthened the work on the rights of the child and developed specific tools to prevent and fight against several forms of violence against children.

Progress in mainstreaming and co-ordination is achieved thanks to the impulsion of an intersecretariat task force, a co-ordination unit and a thematic co-ordinator at the Committee of Ministers level. Practically all Council of Europe services, steering committees, bodies and institutions are involved in the programme which comprises more than 80 activities. Since its launch, the Council of Europe action has gained in impact, coherence and visibility. Within the framework of its Chairmanship of the Committee of Ministers in 2008, Sweden has proposed to take stock of the progress achieved through the programme "Building a Europe for and with children", assess the effectiveness of the methodology adopted and develop a strategy for the years 2009 to 2011 under the headings "Provision, Protection and Participation for Children in Europe".<sup>26</sup>

One of the objectives of the high-level conference "Building a Europe for and with children: towards a strategy for 2009-2011" (Stockholm, 8-10 September 2008) was to discuss the Council of Europe's future priorities in the field of children's rights. Following the thematic discussion held at the Ministers' Deputies' meeting on 18 June 2008, a document outlining the draft elements of the future Council of Europe strategy was submitted for comments to the 320 participants at the Stockholm conference. The strategy presented in this document reflects the result of the consultation and was adopted by the Committee of Ministers of the Council of Europe on 27 November 2008. strategy for 2009-2011

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<sup>25</sup> In this context the same definition of child is used as in the UN Convention on the Rights of the Child, that is every human being below the age of 18.

<sup>26</sup> The three Ps, a commonly used clustering of the rights in the Convention on the Rights of the Child, according to Professor Eugeen Verhellen. These include "provision": the rights of the child to access to certain goods and services such as education, health care, an adequate standard of living and social protection; "protection": the right of the child to be protected from all forms of violence, such as maltreatment, abuse and exploitation; "participation": the right of the child to be heard and involved in decision-making.

## **Programme “Building a Europe for and with children 2009-2011: the Stockholm strategy”**

### **I. Programme aim:**

The programme aim is:

- **to support the implementation of international standards in the field of children’s rights by all Council of Europe member states**, emphasising authorities’ responsibility and accountability at the national, regional and local levels. The programme aims in particular to promote the implementation of the United Nations Convention on the Rights of the Child, highlighting its main principles: non-discrimination, the right to life and development, the best interests of the child as a primary consideration for decision makers, and the right of children to be heard. It also aims to implement the European Convention on Human Rights and the European Social Charter and to promote other existing Council of Europe legal instruments in relation to childhood (participation, protection and rights), youth and family;
- **to introduce a child rights perspective in all policies and activities of the Council of Europe and to support such an approach within the member states**. The child rights perspective should be holistic and comprehensive, addressing the rights of the child to “provision, protection and participation”<sup>27</sup> and take into account equality and gender dimensions. The aim is to ensure to all children an adequate standard of living, social protection, the highest attainable standard of health, education, protection from maltreatment, abuse and exploitation, as well as the right to be heard and to be involved in decision making.

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<sup>27</sup> The three Ps, a commonly used clustering of the rights in the Convention on the Rights of the Child, according to Professor Eugeen Verhellen. These include “provision”: the rights of the child to access to certain goods and services such as education, health care, an adequate standard of living and social protection; “protection”: the right of the child to be protected from all forms of violence, such as maltreatment, abuse and exploitation; “participation”: the right of the child to be heard and involved in decision-making.

## Strategy for 2009-2011

### II. The strategic objectives:

#### *Mainstreaming and co-ordination*

The programme should continue to promote the mainstreaming of children's rights in all Council of Europe policy areas and to co-ordinate all its activities. As a matter of priority, the child rights perspective should be integrated into the following policy areas:

- *democracy*: promotion of children's participation and development of tools to involve children in good governance, including through training and capacity building of adults and young people;
- *media*: promotion of measures to disseminate information on the rights of the child to children and the media; promotion of the necessary educational, legal and technical measures to prevent children's exposure to violence and harmful content in the media and to empower children in the information society and enable them to protect themselves against the potential dangers of certain information and communication technologies;
- *family policies*: promotion of family policies in the best interests of the child, including parents' opportunities to reconcile family and work, and follow up to the recommendation on policies to support positive parenting;
- *health*: promote the exchange of experiences with regard to initiatives in health and medical care to increase the involvement of children and possibilities for them to express their opinion, their access to information, good care and to care adapted to their rights and needs.

To facilitate mainstreaming and co-ordination, the Council of Europe should:

- establish an online clearing house on children's rights at the Council of Europe level, with the aim of ensuring that all those working with children have easy access to information concerning standards, decisions of monitoring bodies, policies, materials and measures originated within the Organisation;
- reinforce the link with both governments and non-governmental networks;
- consider organising a high-level conference in 2011, to review progress and decide future orientations for the programme.

#### *Promotion of children's access to justice*

In the area of the administration of justice, as in all other areas, the general principles of the Convention on the Rights of the Child provide a decisive, normative and ethical approach to deal with children and ensure the protection of their rights:

- non-discrimination is instrumental to avoid the marginalisation, stigmatisation, traumatising or punishment of any child for reasons such as birth, gender, economic status, race or disability;
- the best interests of the child are a primary consideration to guide any legislative, administrative or judicial decisions, to determine the way proceedings are conducted and to help in addressing any conflict of interests concerning the child;

- the right of all children to life, survival and development should be clearly stated in legislation and become a primary concern for all policies affecting children;
- child participation and the respect for the views of the child are a requirement in all decisions affecting the child, and also a corollary of the consideration of the child as a subject of rights.

The general principles of the Convention on the Rights of the Child constitute core indicators that can be used to assess the extent to which a justice system (whether national or international) is child friendly and effective in the protection and fulfillment of children's rights. These general principles are relevant in civil, criminal and administrative matters, in immigration and refugee law when fundamental freedoms or economic or social rights are at stake, and they are valid for both national and international justice systems.

The Council of Europe should promote children's access to justice notably through:

- the drafting of European guidelines for a child-friendly justice at national level, including the issue of access to national justice;
- measures to improve children's access to international justice and in particular to Council of Europe human rights monitoring mechanisms;
- the development of child-friendly information and education and professional training on children's rights;
- encouraging member states to establish or develop national human rights institutions adapted to the rights and needs of children.

### *Eradication of all forms of violence against children*

**The Council of Europe will take on the role of regional initiator and co-ordinator of national and regional initiatives to combat violence against children including corporal punishment of children in all settings and act as the European forum for follow-up to the recommendations contained in the *UN Secretary-General' study on violence against children*.**

**In particular, the Council of Europe should:**

- **implement and follow up the UN Secretary-General' study, in co-operation with the UN Secretary-General's Special Representative on Violence against Children;**
- finalise the drafting of the European policy guidelines for national integrated strategies on violence against children and support the adoption and implementation of such strategies at national level;
- promote a cross-sectoral exchange of experiences between countries with regard to effective methods for protecting children from all forms of violence;
- promote ratification and implementation of relevant Council of Europe legal instruments and consider reviewing the list of children-related instruments with the view to evaluating their effectiveness;
- continue the campaign against corporal punishment of children launched in Croatia in June 2008 and also launch comprehensive awareness-raising actions to prevent and combat all other specific forms of violence, such as:
  - sexual exploitation and sexual abuse;
  - trafficking of children;



- violence in the name of honour and traditions affecting children.
- develop specific action to protect particularly vulnerable children (see “Special focus on particularly vulnerable children”).

### ***Participation of children and their influence in society***

The Council of Europe should:

- promote children’s access to information concerning their rights and human rights education for children;
- reinforce co-operation between children’s rights programme and the youth sector, building upon the youth sector's expertise in the field of participation and making use of the platform offered by the European Youth Forum;
- promote awareness raising on the right of the child to participate in decision-making processes and facilitate the exchange of experience and good practices with regard to:
  - various forms and methods of achieving child participation and of promoting dialogue between decision makers at all levels on the one hand, and children and young people on the other;
  - methods for children’s participation in individual decisions that concern them, such as in courts, the social services, schools and health and medical care;
  - positive parenting and family policies, acknowledging that child participation is crucial, including in the home setting;
- examine the possibility to update existing recommendations of the Committee of Ministers on children’s participation and influence in society,<sup>28</sup> or envisage the possibility of a new recommendation on this subject;
- launch a pilot project with volunteer countries to analyse participation policies and extract good practice and guidance for all those wishing to promote participation at local and national levels.

### ***Special focus on particularly vulnerable children***

When developing, implementing and evaluating activities, due consideration should be given to the rights and needs of particularly vulnerable children, notably in the context of access to education, social, health and legal services, and participation. The following children will receive special attention:

#### **Children without parental care**

- Promote the implementation of the Committee of Ministers Rec(2005) on the rights of children living in residential institutions and contribute to the exchange of experience within the field of the rights of children-in-care;
- in the context of migration, address the needs of children left in the countries of origin when their parents migrate;
- strengthen the work for the protection of the rights of children in detention centres;
- promote work in the member states to develop measures that ensure that children

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<sup>28</sup> Recommendations (97) 3 and (98) 8.

grow up in a family environment in their original families, in foster homes or via national adoptions;

- promote the ratification and the implementation of the Convention on Adoption of Children (revised).

### **Children with disabilities**

- Develop a forum for the exchange of experience on alternatives to institutional care and the dismantling of traditional institutions for children with disabilities, and for increasing children's opportunities for community living and develop tools to allow for children's involvement in the discussions;
- in line with the Committee of Ministers recommendation Rec(2006)5 on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society (2006-2015), disability aspects should be mainstreamed throughout the programme;
- help raise awareness of the UN Convention on the Rights of Persons with Disabilities, encourage the member states to become party to and implement it, and further develop their own initiatives and action plans.

### **Children in or at risk of poverty and social exclusion**

- Promote the support of children living in families with scarce financial resources or who are socially excluded, to prevent children being placed in care because of financial vulnerability or leaving home and thereby risking becoming victims of exploitation or living on the streets;
- develop measures to promote the rights of children belonging to national or ethnic minorities, and to prevent and actively combat discrimination against them;
- promote work with local authorities to address the problem of children living on the street;
- propose specific measures to promote the rights and address the needs of children seeking asylum, refugee and migrant children and, more generally, all unaccompanied children.

## **III. Working methods**

Mainstreaming, transversal work, co-ordination, integrated approaches, co-operation and communication should remain the key words of the working methods. The programme shall continue to use the existing resources in the most efficient manner, establishing the necessary links between activities and internal actors, using all available tools to address specific issues and establishing strategic partnerships with external partners.

Although the bulk of activities will be implemented through the relevant bodies and actors of the Council of Europe (steering committees, groups of experts, monitoring bodies, commissions, etc.), the transversal nature of some subjects may call for the creation of specific groups of experts or ad hoc advisory groups whose mandate should be clearly defined and limited in time.

At programme level, internal and external co-operation will be ensured through a permanent platform leading the strategic planning, implementation and evaluation of the programme.

This platform will be composed of:

- the co-ordination unit within the Council of Europe Secretariat;
- the Council of Europe intersecretariat task force;
- the thematic co-ordinator of the Committee of Ministers;
- an Internet-based clearing house, a website providing access to all relevant information and resources produced by the Council of Europe concerning children;
- a children's rights e-platform including a network of focal points in governments, representatives from Council of Europe bodies, civil society representatives, ombudspersons, international organisations, research institutions, international experts and children.

#### **IV. Partners**

**As a regional forum for the promotion of the rights of the child and the eradication of all forms of violence against children, the Council of Europe will develop and further consolidate partnerships with key international stakeholders, in particular with:**

- the European Union, including the Council of the European Union, the European Commission, the European Parliament, the Fundamental Rights Agency and intergovernmental bodies such as l'Europe de l'Enfance and ChildONEurope;
- the United Nations (notably Unicef, OHCHR, WHO, Unesco);
- the European Network of Ombudspersons for Children;
- NGO networks;
- professional networks (in particular in the fields of education, justice, social services, health and youth);
- the business sector (notably in the areas of entertainment, publishing, media, food, travel and leisure).

**Council of Europe Policy Guidelines on Integrated National  
Strategies for the Protection of Children from Violence  
adopted by the Committee of Ministers**

# Council of Europe Policy Guidelines on Integrated National Strategies for the Protection of Children from Violence adopted by the Committee of Ministers

*18 November 2009*

## Introduction

In 2005, the Warsaw Summit of Heads of State and Government asked the Council of Europe to:

- effectively promote children's rights and to fully comply with the obligations of the UN Convention on the Rights of the Child;
- mainstream children's rights in all Council of Europe policies and co-ordinate all Council of Europe activities related to children; and
- eradicate all forms of violence against children, in particular through the launching of a three year plan of action and specific measures against sexual exploitation of children.

The launching of the programme "Building a Europe for and with children" in 2006 was an answer to this mandate, which was further defined in its 2009-2011 Strategy adopted in Stockholm. The programme's main objective has been to help decision makers and stakeholders set up and implement comprehensive national strategies and policies to promote children's rights and eradicate all forms of violence against children, in the light of the UN Convention on the Rights of the Child and as recommended by the UN Committee on the Rights of the Child and the UN Secretary General's Study on Violence against Children.

To formulate recommendations at a European level, the Council of Europe started reviewing the way national policies, legislations and practices addressed the issue of violence in its member States. The methodology developed included in-depth analysis of the scale and nature of violence against children, the legal and institutional frameworks put in place to counter this phenomenon, recent trends in policy making, national and local prevention strategies and their implementation. Four countries volunteered for the first national policy reviews: Italy, Norway, Portugal and Romania.

Broad and iterative consultations in each pilot country resulted in the production of four national reports containing proposals for a model strategy against violence, and suggesting examples of national, regional and local good practices for inclusion therein. Based upon the reports' conclusions and the recommendations contained in the UN Study on Violence against Children, as well as bearing in mind, more generally, the Council of Europe's work on the rights of the child, the Council of Europe Policy Guidelines for National Integrated Strategies for the Protection of Children against Violence propose a multidisciplinary and systematic national framework to prevent and respond to all acts of violence against children. The guidelines are also expected to stimulate a much-needed cultural change in the perception of children as actors of change and of childhood in society as a whole.

Although primarily intended for the decision makers at national, regional and local levels, the guidelines are also addressed to all professionals working for and with children, as well as to families, civil society, communities, the media, and children themselves.

The guidelines were developed by an Editorial Group chaired by Ms. Marta Santos Pais and composed of representatives of the four pilot countries, local and international experts, representatives of UNICEF, OHCHR, the European Commission, Ombudspersons for children, and NGOs. During the drafting process, the guidelines were presented to numerous partners, first on the occasion of a high level conference in Stockholm, Sweden (September 8-10, 2008), and later in the Council of Europe Platform on Children's Rights in Strasbourg (June 1-2, 2009), ensuring a wide consultation process with key stakeholders, including the relevant Council of Europe steering committees and bodies.

In November 2009, the Committee of Ministers of the Council of Europe (representing its 47 member states) adopted a recommendation containing the guidelines. It is the Council of Europe's wish that this text and the process leading to its adoption inspire the development of national strategies both in Europe and outside the European region.

### **Recommendation CM/Rec (2009)10**

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe;

Recalling the Third Summit of Heads of State and Government (Warsaw, 16-17 May 2005) and the commitment made therein to take specific action to eradicate all forms of violence against children;

Recalling "Building a Europe for and with Children – 2009-2011 Strategy", giving the Council of Europe the role of regional initiator and co-ordinator of national and regional initiatives to combat violence against children and of the European forum for follow-up to the recommendations included in the United Nations Secretary-General's Study on Violence against Children;

Recalling the pan-European awareness-raising campaign against corporal punishment of children "Raise your hand against smacking", launched by the Council of Europe on 15 June 2008 in Zagreb, Croatia;

Considering that the well-being and best interests of children are fundamental values shared by all member states and must be promoted without any discrimination;

Recognising that violence against children constitutes a violation of the rights of the child, compromises children's development and affects the enjoyment of their other fundamental rights;

Observing that violence against children exists in every state and cuts across boundaries of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, state of health, disability or other status;

Considering that children's fragility and vulnerability and their dependence on adults for the growth and development call for greater investment in the prevention of violence and protection of children on the part of families, society and the state;

Having regard to the European Convention on Human Rights (ETS No. 5), securing to everyone within the member states' jurisdiction, including children, the right to be

protected from torture and inhuman or degrading treatment or punishment, the right to liberty and security, and the right to a fair trial;

Having regard to the revised European Social Charter (ETS No. 163), in particular its provisions on the right of children to be protected from negligence, violence and exploitation;

Bearing in mind the European Convention on the Exercise of Children's Rights (ETS No. 160), the Convention on Action against Trafficking in Human Beings (CETS No. 197), the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) and other relevant Council of Europe legal instruments;

Having regard to the following recommendations of the Committee of Ministers to member states: 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, CM/Rec(2008)11 on the European Rules for juvenile offenders subject to sanctions or measures, Rec(2006)19 on policy to support positive parenting, Rec(2006)12 on empowering children in the new information and communication environment, Rec(2006)5 on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life for people with disabilities in Europe 2006-2015, Rec(2005)5 on the rights of children living in residential institutions, Rec(2002)5 on the protection of women against violence, and Rec(2001)16 on the protection of children against sexual exploitation;

Having regard to the following recommendations of the Council of Europe Parliamentary Assembly:

Recommendation 1854 (2009) on "Access to rights for people with disabilities and their full and active participation in society", Recommendation 1828 (2008) on the "Disappearance of newborn babies for illegal adoption in Europe", Recommendation 1815 (2007) on "Prostitution – which stance to take?"

Recommendation 1778 (2007) on "Child victims: stamping out all forms of violence, exploitation and abuse", and Recommendation 1666 (2004) on "A Europe-wide ban on corporal punishment of children";

Also bearing in mind the United Nations Convention on the Rights of the Child, especially Article 19 thereof, providing for the clear obligation that states protect children from all forms of violence at all times and in all settings;

Taking due account of other relevant international instruments and commitments in this field, including the Rio de Janeiro Declaration and Action Plan to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008);

Recalling the recommendations of the United Nations Secretary-General's Study on Violence against Children in particular to develop a multifaceted and systematic framework to respond to violence against children, integrated into the national planning process through a national strategy, policy or plan, and to identify a focal point, preferably at ministerial level, to oversee the implementation of measures to prevent and respond to violence;

Committed to the promotion of integrated national strategies aimed at safeguarding the rights of the child and protecting children from all forms of violence, rooted in the United

Nations Convention on the Rights of the Child, Council of Europe standards, and developed with children's participation,

Recommends that the member states' governments, honouring their international obligations and having due regard to their specific national, regional and local structures and respective responsibilities:

**a. integrate, as appropriate, in their legislation, policy and practice the principles, and implement, as appropriate, the actions set out in the Council of Europe Policy guidelines** on integrated national strategies for the protection of children from violence, as they appear in Appendix 1 to this recommendation;

**b. promote the implementation and application of the guidelines in areas which are not the direct responsibility or competence of public authorities**, but where they nonetheless have a certain power or may play a certain role;

**c. ensure the widest possible dissemination of this recommendation** through awareness-raising campaigns and co-operation with civil society, independent children's rights institutions, the media, the private sector, children and families;

d. through their focal points on the rights of the child and elimination of violence against children, **co-operate with the Council of Europe** in developing, implementing and monitoring the national strategies;

**e. co-operate with and support the United Nations Special Representative to the Secretary General on Violence against Children.**



## Appendices to Recommendation CM/Rec(2009)10 of the Committee of Ministers

### Appendix 1 to Recommendation CM/Rec(2009)10

#### ***Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence***

##### **1. Executive summary**

In line with the recommendations of the United Nations Committee on the Rights of the Child and of the United Nations Secretary-General's Study on Violence against Children, these guidelines promote the development and implementation of a holistic national framework to safeguard the rights of the child and to eradicate violence against children.

The guidelines refer to the definitions of "children" and "violence" as contained in Articles 1 and 19, respectively, of the United Nations Convention on the Rights of the Child (hereinafter referred to as UNCRC).

The guidelines are based on eight general principles (protection against violence, the right to life and maximum survival and development, non-discrimination, gender equality, child participation, a state's obligations, other actors' obligations and participation, best interests of the child) and four operative principles (multidimensional nature of violence, integrated approach, cross-sectoral co-operation, multi stakeholder approach). These have been mainstreamed throughout, including into sections on integrated national, regional and local action; education and awareness-raising measures; legal, policy and institutional frameworks; research and data collection.

The guidelines support the promotion of a culture of respect for the rights of the child, based on an in-depth knowledge of the rights of the child and an understanding of children's vulnerabilities and capacities. The primary target group includes all relevant professionals in contact with children.

The guidelines' core recommendations call for the development of an integrated national strategy for the protection of children from violence. The strategy is understood as a multi-faceted and systematic framework fully integrated into a national policy for the promotion and protection of the rights of the child, with a specific timeframe, with realistic targets, co-ordinated and monitored by a single agency (where possible, and in conformity with national regulations), supported by adequate human and financial resources and based on current scientific knowledge.

The guidelines encourage the setting up of child-friendly services and mechanisms. These are understood as safeguarding the rights of the child and pursuing children's best interests. An important recommendation calls for the mandatory reporting by all relevant professionals of incidents of violence against children.

The guidelines recommend strengthening international co-operation to prevent violence against children Europe-wide.

## 2. Aims, scope, definitions and principles

### 2.1. Aims

The aims of these guidelines are to:

- a. protect the rights of children, in particular those who are victims of violence;
- b. prevent and combat all forms of violence against children;
- c. promote the adoption, implementation and monitoring of integrated national strategies for the protection of children from violence;
- d. reinforce international co-operation to safeguard the rights of the child and to protect children from violence.

### 2.2. Scope and definitions<sup>29</sup>

1. “Child” shall mean any person under the age of 18 years, including child victims, witnesses and perpetrators of violence.
2. In line with Article 19 of the UNCRC, “violence” is defined as including all forms of physical or mental violence, injury and abuse, neglect and negligent treatment, maltreatment or exploitation, including sexual abuse.<sup>30</sup> This definition covers the exposure of children to violence in the home and elsewhere. Violence is understood to occur not only between adults and children but also between children.

### 2.3. Principles

#### General principles

##### Protection against violence

All children have the right to protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.<sup>31</sup>

##### *The right to life and maximum survival and development*

Every child has the inherent right to life and to survival and development to the maximum extent possible.<sup>32</sup>

##### Non-discrimination

All children regardless of their sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, state of health, disability or other status, should be protected from all forms of violence and be provided with such care and assistance as to ensure to the maximum extent possible their survival and development.

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<sup>29</sup> Also, refer to Appendix 2 – Glossary of terms.

<sup>30</sup> Also, refer to the Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict.

<sup>31</sup> Article 19, UNCRC.

<sup>32</sup> Op. cit., Article 6.

## **Gender equality**

Gender aspects of violence should be addressed as part of the integrated approach to violence, and due account should be taken of the different risks girls and boys face in respect of violence and of the different consequences of violence for boys and girls.

## **Child participation**

1. Children have the right to express themselves freely on all matters affecting their lives, and their views should be given due weight depending on the child's age and maturity.<sup>33</sup>

Child participation entails in particular:

a. supporting children's expression of their views and respecting and taking into consideration the views of the child in all situations affecting her or him;

b. providing the child with the opportunity to be heard in any judicial, administrative or extrajudicial proceedings.

2. Children should be actively engaged in and empowered, according to their evolving capacity and with their informed consent, to participate meaningfully in the planning, implementation and evaluation of policies and programmes to prevent violence. The state and other appropriate actors should listen carefully to children's views in the light of the contribution that the child's perspective can bring to the quality of solutions under examination.

## **A state's obligations**

1. The state has the paramount responsibility to uphold the rights of the child and to protect all children within its jurisdiction from all forms of violence, however mild, at all times and in all settings.<sup>34</sup> States should invest in evidence-based policies and programmes, guided by the child's best interests, to address factors that give rise to violence and to respond effectively when violence occurs.

2. Recognising the central role that families play in children's development and well-being and in the safeguarding of their rights, including the right to protection from all forms of violence, the state should support families in their child-rearing role by:

a. providing for a network of accessible, flexible and quality childcare services;<sup>35</sup>

b. facilitating positive reconciliation of family and working life;

c. drawing up programmes to improve parental skills and to foster a healthy and positive family environment;<sup>36</sup>

d. incorporating a child rights perspective at all levels of the budgetary process.

## ***Other actors' obligations and participation***

The responsibility to prevent violence against children also extends to all services, institutions and professionals working for and with children, parents and the extended family, the media, private sector, religious communities and civil society.

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<sup>33</sup> Op. cit, Article 12

<sup>34</sup> Ibid., Article 19.

<sup>35</sup> Refer to Recommendation Rec(2002)8 of the Committee of Ministers on child day-care.

<sup>36</sup> Refer to Recommendation Rec(2006)19 of the Committee of Ministers on policy to support positive parenting.

### ***Best interests of the child***

In all actions affecting children, including those to protect them from all forms of violence, the best interests of the child should be the primary consideration.

### **Operative principles**

1. Violence against children is multidimensional. This approach presupposes that a combination of factors needs to come into play in order for violence to occur, recur, or cease. It calls for holistic treatment of the circumstances of the violent incident, on the basis of their interdependence, not dealing with a single cause and effect relationship.
2. Prevention of violence requires cross-sectoral co-operation and co-ordination. This involves, in particular, co-ordination across central government departments, across provinces and regions, and between government and civil society.
3. Violence against children demands an integrated (systemic, holistic) approach. This approach allows factors of different orders (cultural, psychological, pedagogical, behavioural, physical, political, socio economic, etc.) to be treated on the basis of common ground. It implies that all programmes and actions aimed at preventing and protecting children from violence, in the broad context of the promotion of the rights of the child, should operate across a range of disciplines and sectors. In the same spirit, the guidelines' sections are interrelated and should be read in conjunction with each other.
4. A multi-stakeholder approach is indispensable for the eradication of violence against children, as this is a responsibility that extends beyond state-controlled bodies and services to include all members of society, such as state institutions, local authorities, non-governmental organisations, professionals, the media, families and children. In the planning, implementation and evaluation of programmes and actions to protect children from violence priority should be attached to:
  - a. building partnerships between families and the state, based on trust and respect for different cultures and traditions;
  - b. engaging in true dialogue with children and progressively building a culture of respect for children's views, including by informing them of the outcome of the processes and explaining how their views were taken into account.

## **3. Integrated national, regional and local action**

### ***3.1. Integrated national strategies for the protection of children from violence***

1. A multidisciplinary and systematic framework (hereinafter referred to as "the strategy") integrated into the national planning process, rooted in the UNCRC and bringing together all stakeholders, represents the most effective response to violence against children that is sustainable over time.

The strategy's core element should be a complex of effective and comprehensive primary, secondary and tertiary prevention measures<sup>37</sup> that are child-centred, families-focused, multidisciplinary and oriented towards fulfilling children's and families' needs. The strategy should contain realistic and time-bound targets, be supported by adequate human and financial resources, be based on current scientific knowledge (with regard to what works) and be systematically evaluated.

2. The strategy should rely on cross-sectoral co-operation and co-ordination involving health, education and social sectors, agencies responsible for planning and budgetary appropriations, law enforcement authorities, and the justice system. At national level, an agency with primary responsibility for the protection of children against violence should assume (where possible and in conformity with national regulations) a key co-ordinating and monitoring role. Its capacity to involve multiple sectors in a broad-based action is crucial for the strategy's long-term success.

3. All actors concerned with the promotion and protection of the rights of the child, such as national, regional and local authorities, families, independent human rights institutions, professionals working for and with children, researchers, civil society and the media should be involved in the strategy's design, implementation and evaluation. Children should not only be heard but be empowered to contribute, with their informed consent and according to their evolving capacity, to this multi-stakeholder action. Adequate resources should be made available to ensure children's meaningful participation.

4. Methodologies should be developed to assess progress and evaluate actions foreseen by the strategy at all levels, including the cross-sectoral level. Evaluations should be conducted on a regular basis with a view to identifying policies and measures that are appropriate and effective in preventing and addressing violence.

5. Information on the strategy's implementation should be widely disseminated. The visibility of actions taken to prevent and to address violence should be increased, *inter alia*, through their discussion in elected fora at national, regional and local levels.

### **3.2. Regional and local action**

1. Local action to prevent violence is particularly important in view of its proximity to children and families as end recipients of services. It is at this level that the persons concerned will receive assistance, in line with their needs and characteristics.

2. Whereas national authorities set forth common standards for service provision, it is the regions' and municipalities' obligation to adhere to these standards and to provide for a network of childfriendly services and mechanisms. Responsibilities of regional and local authorities also include the collection of data on violence against children; the development, implementation and monitoring of preventive measures; funding and allocation of premises; etc.

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<sup>37</sup> Preventive work directed at society at large is known as primary prevention. It prevents violence by addressing broad issues, such as health or education, and reduces risk factors, such as unemployment and social exclusion. Children who run a high risk of being subjected to violence or inflicting violence upon others are targets of secondary prevention. Its examples include measures for children of drug or alcohol abusers, etc. Tertiary prevention attempts to prevent, reverse or limit the consequences of violence that has already occurred. It focuses on victims' and perpetrators' rehabilitation and re-integration.

3. National and regional authorities should provide adequate support to local violence prevention programmes in terms of financing, training, evaluation and follow-up. Co-operation and coordination among these levels are indispensable for constant improvements in service delivery and resource optimisation.
4. Community interventions to prevent violence against children, involving all sectors and stakeholders, should be supported. Such interventions could be effected via open platforms, councils or networks bringing together, for instance, municipal authorities, social and health care services, schools, local judiciary, police, migrants' or community associations, faith-based organisations and children and families.<sup>38</sup>
5. Co-operation and co-ordination between municipalities (and regions) should be reinforced, including through the exchange of experiences and good practices.
6. The appropriately regulated and monitored involvement of the private sector and of nongovernmental organisations should be promoted.
7. As large-scale decentralisation and privatisation of social services are now common in European states, the capacity of regional and local authorities to contribute to the strategy's implementation should be carefully assessed.

#### **4. Building a culture of respect for the rights of the child**

The strategy should have as its main objective the qualitative change in the perception of children and childhood, and of violence against children. This objective can only be achieved when all segments of society have become sufficiently aware of the rights of the child and of the harmful impact of violence on children; when organisational cultures and practices have been strengthened in this regard, and bridges built across professions to afford more and better protection to children; when mindsets have been transformed, including through the means of information and communication technologies; when the underlying economic and social conditions associated with violence have been addressed – in other words it is only possible when a genuine culture of respect for the rights of the child has permeated the fabric of society.

##### **4.1. Education and awareness raising**

1. It is the state's obligation to make information on the rights of the child widely known, by appropriate and active means, to children and adults alike.<sup>39</sup> This entails in particular:
  - a. incorporating the rights of the child into school curricula and promoting a child rights approach in education at all levels;
  - b. regular and ongoing training on the rights of the child for all those who work with and for children;
  - c. raising awareness, by means of public information and media campaigns, on the rights of the child, including the right to be protected from all forms of violence, the right to respect for human dignity and physical integrity and the right to be heard and taken seriously.

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<sup>38</sup> Also refer to the handbook "Preventing school violence: a handbook for local partnerships" (Council of Europe, 2005).

<sup>39</sup> Article 42, UNCRC.

2. A clear and unequivocal intolerance of all forms of violence against children, however mild, should be promoted throughout society. Public attitudes rooted in social and cultural norms and traditions which accept, condone or support violence, including stereotypical gender roles, racial or ethnic discrimination, acceptance of corporal punishment and other harmful traditional practices should be publicly condemned and eliminated. The harmful effects that all forms of violence have on children should be made widely known. An understanding of the state's obligations and the individual's responsibility to condemn and prevent violence and to assist child victims should be reinforced.

3. Parents' and carers' knowledge of the rights of the child and of positive parenting practices should be strengthened by all means, including encouraging their enrolment in positive parenting programmes.

#### **4.2. Professional training**

1. The training of professionals working for and with children represents an important long-term investment in children's development and well-being. Therefore, the state and society should value these professions by attributing to them the requisite moral, financial and other forms of public and private support.

2. It is the state's obligation to instil the culture of the rights of the child and responsibility for children into all professionals who come into contact with children through their work (for example, social workers, foster carers, police officers, judges, teachers, school principals, youth workers, people employed by detention facilities and child-care institutions, immigration and humanitarian workers, sports coaches, etc.). To promote knowledge of the rights of the child, relevant courses should be integrated into university and other training curricula.

3. All relevant professionals who in their work come in contact with children should be familiar with the UNCRC and methodologies and approaches, including those required for listening effectively to children, and be trained to work in a diverse ethnic, cultural, religious and linguistic environment.

4. All relevant professionals should have skills to prevent, detect and respond effectively to violence against children. To this end, national curriculum regulations should include compulsory, ongoing training on the prevention, identification, assessment and reporting of violence against children, and the protection and continuity of care of children. The training should pursue a comprehensive approach and prioritise early identification of potential risks to a child's well-being.

5. Specialised training should be offered to professionals working for and with vulnerable groups of children, such as children with disabilities.<sup>40</sup>

6. Bearing in mind the often difficult physical and psychological environment surrounding services assisting children affected by violence, adequate support should be rendered to their staff in terms of supervision, counselling, complementary training and the possibility of setting up professional interest groups.

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<sup>40</sup> Refer to the United Nations Convention on the Rights of Persons with Disabilities and to Recommendation Rec(2006)5 of the Committee of Ministers on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015.

### 4.3. Media and the information society

1. Free and independent media, with due respect for their self-regulation, can play a powerful role in building a culture of respect for the rights of the child and act as a natural partner in the strategy's implementation. The media should be encouraged to educate both children and adults in the rights of the child, promote child participation, foster positive parenting practices, strengthen intercultural and interfaith dialogue, and foster non-violent values in society.<sup>41</sup>

2. The state bears the primary responsibility for the protection of children against harmful media content and for the promotion of children's active participation in the information and communications environment.<sup>42</sup>

3. With regard to the portrayal of violence and the distribution of content potentially harmful to children, those responsible for the media should fully assume their duties and responsibilities which the exercise of their freedom of expression entails. This could be done through the removal of or blocking access to inappropriate material, or through the development of automated content rating systems, the adoption of codes of conduct and standards for content evaluation, the setting up of control mechanisms, the establishment of content complaints systems, etc.<sup>43</sup>

4. In order to meet children's and families' expectations for accessible, secure and reliable Internet services, Internet service providers should be encouraged to supply information on potential risks to their customers' rights, security and privacy online.<sup>44</sup> Co-operation with law enforcement authorities in the investigation of crimes committed through the use of telecommunication technologies should be strengthened.<sup>45</sup>

5. Given the potential impact of online games on the rights and sensibilities of children, game designers and publishers should be encouraged to regularly evaluate policies and practices regarding child safety.<sup>46</sup>

6. The media should be encouraged to build partnerships with all relevant actors in order to:  
a. develop children's media literacy skills;<sup>47</sup>

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<sup>41</sup> Refer to Recommendation No. R (97) 19 of the Committee of Ministers on the portrayal of violence in electronic media and Council of Europe Parliamentary Assembly Recommendation 1466 (2000) on "Media education".

<sup>42</sup> Refer to recommendations CM/Rec(2009)5 of the Committee of Ministers on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications environment, and CM/Rec(2008)6 on measures to promote the respect for freedom of expression and information with regard to Internet filters; the Committee of Ministers' 2008 Declaration on protecting the dignity, security and privacy of children on the Internet; European Court of Human Rights, judgment in *K.U. v. Finland* (2009), application No. 2872/02, and admissibility decision in *Perrin v. the United Kingdom*, application No. 5446/03.

<sup>43</sup> Also refer to Recommendation Rec(2001)8 of the Committee of Ministers on self-regulation concerning cyber-content.

<sup>44</sup> Council of Europe Guidelines to assist Internet service providers in their practical understanding of, and compliance with, key human rights and fundamental freedoms in the information society, in particular with regard to Article 10 of the European Convention on Human Rights (2008).

<sup>45</sup> European Court of Human Rights, *K.U. v. Finland*, 2009.

<sup>46</sup> Refer to Council of Europe Guidelines to assist online game providers in their practical understanding of, and compliance with, human rights and fundamental freedoms in the information society, in particular with regard to Article 10 of the European Convention on Human Rights (2008).



b. work with child safety experts, policy makers, social services and law enforcement authorities to develop, incorporate and monitor the application of new technologies to protect children from harm online;

c. raise media professionals' awareness of the rights of the child and of violence against children.

7. Parents and teachers have a special responsibility as far as children's access to and the use of the media at home and in school is concerned. They may assume this responsibility in various ways, including by conscious and selective use of the media, stimulation of children's critical attitudes, restriction of access to content that may adversely affect children's physical, emotional or psychological well-being, etc.

8. The establishment of the media by children and with children, for purposes including the elimination of violence, should be strongly encouraged and supported.

## 5. Frameworks

### 5.1. Legal framework

#### Compliance with UNCRC and other international standards

1. All member states of the Council of Europe are parties to the UNCRC and are bound to implement its provisions and to act in accordance with its principles. All reservations incompatible with the UNCRC's object and purpose should be withdrawn.

2. At global and regional levels numerous instruments have been adopted to safeguard the rights of the child and to protect children from various forms of violence.<sup>48</sup> Accession to these treaties should be strongly encouraged. Once ratified, they should be effectively implemented and monitored, and national laws, bylaws, policies, regulations, plans and programmes should be brought in line with them.

#### Prevention

The national legal framework should prioritise the prevention of violence and safeguard the rights of the child by taking action, such as:

a. registering children immediately after birth, subject to national regulations and state obligations under the relevant international treaties in this field;<sup>49</sup>

b. setting a minimum age of marriage that is not too low and that is applicable to both boys and girls;

c. setting a minimum age for sexual consent;

d. prohibiting employment into positions involving child supervision of persons convicted of violent, including sexual, offences against children;

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<sup>47</sup> Refer to Recommendation Rec(2006)12 of the Committee of Ministers on empowering children in the new information and communication environment.

<sup>48</sup> The non-exhaustive list of relevant international treaties appears in Appendix 3. Appendix 4 presents the list of recommendations adopted by Council of Europe bodies (Committee of Ministers, Parliamentary Assembly and Congress of Local and Regional Authorities of the Council of Europe).

<sup>49</sup> Refer to Article 7, UNCRC.

- e. developing intervention programmes and measures to evaluate and prevent the risk of violence against children from being committed;
- f. devising a system to vet fully those working with children, in any capacity, that ensures an appropriate balance between the child's right to protection from violence and the individual's right to a good name;<sup>50</sup>
- g. integrating in national laws an obligation to respect the right of the child to be heard and to attribute due weight to children's views.

### **Prohibition of violence**

The state has an explicit obligation to secure children's right to protection from all forms of violence, however mild. Appropriate legislative, administrative, social and educational measures should be taken to prohibit all violence against children at all times and in all settings and to render protection to all children within the state's jurisdiction. Legal defences and authorisations for any form of violence, including for the purposes of correction, discipline or punishment, within or outside families, should be repealed.<sup>51</sup>

Prohibition should imperatively cover:

- a. all forms of sexual violence and abuse, corruption of children and solicitation of children for sexual purposes;
- b. all forms of exploitation of children, including child prostitution, child pornography, sexual exploitation in travel and tourism, trafficking, sale of children, illegal adoption, forced labour or services, slavery and practices similar to it, removal of organs, for any purpose or in any form;<sup>52</sup>
- c. all forms of exploitation of children through the use of new technologies;
- d. all harmful traditional or customary practices, such as early or forced marriage, honour killing and female genital mutilation; e. exposure of children to violent or harmful content, irrespective of its origin and through any medium;
- f. all forms of violence in residential institutions;<sup>53</sup>
- g. all forms of violence in school;
- h. all corporal punishment and all other cruel, inhuman or degrading treatment or punishment of children, both physical and psychological;<sup>54</sup>

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<sup>50</sup> Refer, for instance, to European Court of Human Rights, *White v. Sweden*, 2006, and *Leander v. Sweden*, 1987.

<sup>51</sup> Refer to European Commission of Human Rights, admissibility decision in *Seven Individuals v. Sweden*, 1982, application No.8811/79; European Court of Human Rights, *Tyler v. the United Kingdom*, 1978; *Campbell and Cosans v. the United Kingdom*, 1982; *A. v. the United Kingdom*, 1998; admissibility decision in *Philip Williamson and Others v. the United Kingdom*, 2000, application No. 55211/00.

<sup>52</sup> Also refer to the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197, 2005/2008), the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), Articles 32, 34, 35, 36 of the UNCRC and the Palermo Protocol, as well as the International Labour Organisation Convention concerning the Minimum Age for Admission to Employment and Work (ILO C.138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of Worst Forms of Child Labour (ILO C. 182).

<sup>53</sup> Refer to Recommendation Rec(2005)5 of the Committee of Ministers on the rights of children living in residential institutions.

i. exposure of children to violence within the families and home.

### **The role of corporate actors**

Necessary legislative or other measures should be taken to ensure that legal persons can be held liable for offences established pursuant to Article 26 of the Council of Europe

Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201).

### **Sanctions and measures**

1. Violent, including sexual, offences against children should be punishable by effective, proportionate and dissuasive sanctions and measures, taking into account the seriousness of the offence.<sup>55</sup>

2. Those convicted of violent, including sexual, offences against children, as well as those subject to criminal proceedings should be provided with access to effective intervention programmes and measures with a view to preventing and minimising the risks of repeated offences.<sup>56</sup>

3. In accordance with the principles of social integration and education and of the prevention of reoffending, any justice system dealing with child perpetrators of violence should be integrated with wider social initiatives aimed at ensuring a holistic approach to and continuity of care of such children (principle of community involvement and continuous care).<sup>57</sup>

4. In accordance with its basic principles, the national legal system should provide for a possibility of not imposing penalties on child victims of violence for their involvement in unlawful activities, to the extent that they have been compelled to do so.

### **Aggravating circumstances**

Resorting to violence against children should be taken into consideration as an aggravating circumstance in the determination of a sanction. Other circumstances to be taken into account, in so far as they do not already form part of the constituent elements of the offence, should include the abuse of a recognised position of trust, authority or influence over the child, of a relationship based on economic or any other form of dependence, and the involvement in a criminal organisation.<sup>58</sup>

### **Jurisdiction**

1. Necessary legislative or other measures should be taken to establish jurisdiction over violent, including sexual, offences against children who are the state's nationals or have their habitual residence on the state's territory.

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<sup>54</sup> See footnote 22. Also refer to European Committee of Social Rights, General observations regarding Articles 7 (paragraph 10) and 17, *Conclusions XV-2*, Vol. 1, General introduction, p. 26.

<sup>55</sup> See, for example, Article 27, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

<sup>56</sup> See, for example, *op. cit.*, Articles 15, 16 and 17.

<sup>57</sup> Refer to Recommendation CM/Rec(2008)11 of the Committee of Ministers on the European Rules for juvenile offenders subject to sanctions or measures.

<sup>58</sup> Also, refer to Article 28 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

2. Subject to international treaties' requirements, necessary legislative or other measures should be taken to establish national jurisdiction over violent, including sexual, offences against children committed abroad by the state's nationals and persons who have their habitual residence on the state's territory.<sup>59</sup> To ensure effective extraterritorial legislation, prosecution of perpetrators and imposition of sanctions, the requirement of double criminality should be abolished and mutual legal assistance facilitated.

### **Statute of limitation**

With regard to offences identified by Article 33 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the statute of limitation should continue for a period of time which is sufficient to allow the efficient starting of proceedings after the child victim has reached the age of majority and which is commensurate with the gravity of the crime in question.

### **Enforcement**

Legislation safeguarding the rights of the child and protecting children from all forms of violence should be fully and appropriately enforced. To that effect, it should be supported by relevant institutions, including independent national institutions for the rights of the child and independent monitoring mechanisms, human and financial resources, and be accompanied by guidance to all relevant sectors and professionals.<sup>60</sup>

## **5.2. Policy framework**

### **National child rights policy**

1. The existence of a national child rights policy is crucial for the realisation of the child's right to be protected from all forms of violence. Such a policy initiates, promotes and co-ordinates processes aimed at ensuring that the provisions and principles of the UNCRC permeate all aspects of government policy and all public actions affecting children.

2. All national policies relevant to children's well-being (social policy, health care policy, educational policy, housing policy, etc.) should contribute to the promotion and protection of the rights of the child. Priority should be attached to policies aimed at reducing inequality, poverty and marginalisation; supporting families; addressing unemployment and income gaps; addressing social tolerance, beliefs and values that condone and sustain violence; improving social networks; facilitating social inclusion of migrants and their families. Policies and measures developed in related areas should be properly co-ordinated, and their outputs should be mutually reinforcing.

3. Policies, based on research, evidence, and children's own experiences, should be developed to prevent, detect and respond to violence against children. Particular attention should be paid to the protection of vulnerable groups, such as children with disabilities,<sup>61</sup>

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<sup>59</sup> Refer, *op. cit.*, to Article 25.

<sup>60</sup> See the case law of the European Court of Human Rights including *A. v. the United Kingdom*, 1998, and *Z and Others v. the United Kingdom*, 2001, which require states to ensure adequate legal protection of children from treatment that is inhuman and degrading contrary to Article 3 of the European Convention on Human Rights.

<sup>61</sup> Refer to Committee of Ministers' Recommendation Rec(2006)5, cited above, and to "Safeguarding adults and children with disabilities against abuse", Council of Europe, 2003.

children in or having experienced state care,<sup>62</sup> children in foster care, abandoned children,<sup>63</sup> unaccompanied and separated children,<sup>64</sup> refugee and asylum seeking children,<sup>65</sup> children belonging to minorities, children working and/or living on the street,<sup>66</sup> children living in extreme poverty and disadvantaged or segregated areas,<sup>67</sup> children in armed conflicts and emergency situations,<sup>68</sup> children in detention or in conflict with the law,<sup>69</sup> etc.

### **Children and families policies**

1. The overall goal of children and families policies should be:

- a. to support families in their child-rearing responsibilities;
- b. to prevent, as far as possible, the separation of children from their families;
- c. to provide for family-like and community-based alternatives to placement of children in institutions that are in the children's best interests; and
- d. in cases of separation and, when appropriate, to ensure ongoing contact between children and their parents and to support family reunification where that is in the best interests of the child.

2. The promotion of positive and non-violent forms of child-rearing should be central to children and families policies. Positive parenting refers to parental behaviour that respects the rights of the child and children's best interests, nurtures, empowers, guides and recognises children as individuals in their own right. Positive parenting is not permissive but sets the boundaries that children need to help them develop their potential to the full.<sup>70</sup>

3. Institutionalised care should be used only in a child's best interests, as a matter of last resort, for the shortest possible period of time, and have as the primary objective the child's successful integration and/or re-integration in society.<sup>71</sup> Children can be placed in institutions only to meet needs that have been established as imperative on the basis of a multidisciplinary assessment.

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<sup>62</sup> Refer to Committee of Ministers' Recommendation Rec(2005)5, cited above.

<sup>63</sup> Refer to Parliamentary Assembly Recommendation 1601 (2003) on "Improving the lot of abandoned children in institutions".

<sup>64</sup> Refer to Recommendations CM/Rec(2008)4 on strengthening the integration of children of migrants and of immigrant background and CM/Rec(2007)9 on life projects for unaccompanied migrant minors.

<sup>65</sup> Also refer to Parliamentary Assembly Recommendation 1703 (2005) on "Protection and assistance for separated children seeking asylum".

<sup>66</sup> Refer to the Congress of Local and Regional Authorities of the Council of Europe's Recommendation 253 (2008) on "The social reintegration of children living and/or working on the streets".

<sup>67</sup> Refer to "Youth and exclusion in disadvantaged urban areas: addressing the causes of violence" (Trends in social cohesion, No. 8, Council of Europe, 2004).

<sup>68</sup> Refer to Parliamentary Assembly Recommendation 1561 (2002) on "Social measures for children of war in South-East Europe" and its Resolutions 1587 (2007) on "The situation of children living in post-conflict zones in the Balkans", 1215 (2000) on "The campaign against the enlistment of child soldiers and their participation in armed conflicts", and 1212 (2000) on "Rape in armed conflicts".

<sup>69</sup> Committee of Ministers' Recommendation CM/Rec(2008)11, cited above.

<sup>70</sup> Refer to Recommendation Rec(2006)19 of the Committee of Ministers on policy to support positive parenting.

<sup>71</sup> Refer to Article 9, UNCRC, the draft UN Guidelines for the appropriate use and conditions of alternative care for children, and to Committee of Ministers' Recommendation Rec(2005)5, cited above.

### 5.3. Institutional framework

1. The sustainable institutional framework required for the strategy's realisation should comprise the following key elements:

a. an agency at national level (where possible and in accordance with national regulations) entrusted with the primary responsibility for the protection of children from violence. This authority should play a key co-ordinating and monitoring function as far as the strategy's implementation is concerned and assume overall responsibility in cases of violence against children;

b. each public institution contributing to child protection should have a clearly defined role consistent with the strategy's broader goals. Institutions' mandates should have a clear obligation to collaborate with the co-ordinating agency and all other institutions and actors, including civil society. The different institutions' mandates and the job descriptions of their staff should be linked;

c. an independent human rights institution should be established in line with the Paris principles<sup>72</sup> to promote and protect the rights of the child (for example, an ombudsperson/commissioner specifically for the rights of the child, established through legislation, either independently or as a focal point within an existing human rights institution). This institution should be accorded such powers as are necessary to enable it to discharge its mandate effectively and independently, including the power to hear any person; obtain any information and/or document necessary for assessing situations falling within its competence; access facilities providing care for children at all times; propose initiatives and measures, including legislative measures; conduct awareness-raising campaigns; disseminate information on the rights of the child, to children in particular; and monitor governments' actions. The institution should be provided with an adequate infrastructure, funding (including specifically for the rights of the child, within broad-based institutions), staff and premises. It should be associated with the strategy's design, evaluation and follow-up;

d. a body, such as an observatory on the rights of the child, a national statistical office or a research institute dealing with children should co-ordinate the collection, analysis management and dissemination of data on violence and promote research to inform the strategy's design and implementation;

e. all institutions providing care and services for children should be accredited and registered with competent public authorities on the basis of relevant legislation and national minimum standards of care. Internal control and independent monitoring mechanisms should be put in place to ensure compliance with the standards;

f. all institutions, services and facilities responsible for the care and protection of children should be encouraged to adopt codes of good conduct, incorporating the prohibition, prevention and rejection of all forms of violence against children, and be expected to adhere fully to these codes. Model job descriptions should be established for each professional category. They should contain an obligation to respect the rights of the child and to report violence to competent authorities;

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<sup>72</sup> UN General Assembly Resolution 48/134 of 20 December 1993.

g. the necessary links should be established between institutions at national, regional and local levels, and effective partnerships should be built, based on the clear division of competencies fixed in respective partnership agreements;

h. civil society should become an integral part of the institutional framework, and actors, such as human rights institutions, professional networks, children and children's organisations, should be invited to contribute to the strategy's design, implementation, evaluation and follow-up.

## **6. Child-friendly services and mechanisms**

### **6.1. General principles**

1. The prime objective of institutions, services and facilities responsible for the care, education and protection of children should be to ensure, to the maximum extent possible, children's survival, development and well-being.<sup>73</sup>

2. All children should have access to quality services adapted to their needs. The use of multidisciplinary models of services, comprising welfare, health, educational and psychological assistance and family guidance should be widely promoted. Such models should rely on strong intersectoral co-operation, appropriately qualified staff, an integrated curriculum, and a centralised implementation framework.

3. Services for the prevention of violence, the protection of children and the treatment of victims should be made available particularly at local level. Reliable procedures and mechanisms, including for the exchange of relevant information and best practice, should be put in place through interagency agreements and protocols.

### **6.2. Child care standards**

1. Regulations should be established for all institutions, services and facilities responsible for the care, education and protection of children, setting standards aimed at the best interests and full development of the child.<sup>74</sup> Respect for these standards should be ensured through training of staff, internal control and regular independent monitoring. Any infringements of the rights of the child in such establishments should be sanctioned in conformity with appropriate and effective procedures.

2. Specific requirements should apply to the juvenile justice system and facilities providing institutionalised care to ensure that the rights of the child are fully protected, children enjoy a good quality of life and there are opportunities for them to participate in all activities normally enjoyed by their peers.<sup>75</sup>

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<sup>73</sup> Refer to Article 6, UNCRC.

<sup>74</sup> Also refer to Article 3, UNCRC, the UN Guidelines for the appropriate use and conditions for alternative care, and to Committee of Ministers' Recommendation Rec(2002)8, cited above.

<sup>75</sup> Also refer to Recommendations Rec(2003)20 of the Committee of Ministers concerning new ways of dealing with juvenile delinquency and the role of juvenile justice, and Rec(2005)5, cited above.

3. A system should be put in place to vet fully those working in contact with children, in any capacity, that ensures an appropriate balance between the child's right to protection from violence and the individual's right to a good name.

### **6.3. Independent monitoring**

1. All institutions, services and facilities responsible for the care, education and protection of children should be subject to regular independent monitoring with a view to:

- a. providing legal safeguards for both children and staff that are fully observed;
- b. verifying the appropriateness and correctness of public expenditure;
- c. supplying guidance on the execution of child welfare laws and regulations.

2. Monitoring should be performed by an independent body determined by law and staffed with specially trained personnel.

### **6.4. Reporting of violence**

1. Education on the rights of the child and the knowledge and understanding of authorities to whom violence can be reported are two essential conditions enabling wider reporting of violence by both children and adults. To be truly effective, the reporting mechanism should be child-friendly and part of a broader system comprising reporting, referral and support services. Such a system should respect the rights of the child and offer children (and, where appropriate, their families) the necessary protection, including the protection of their privacy, without undue delay.

2. Reporting of violence should be mandatory for all professionals working for and with children, including those in organisations and private entities performing tasks on behalf of the state. Where mandatory reporting already exists, the extent to which various agencies fulfil their reporting obligations should be examined and kept under regular review.

3. To encourage wider reporting by professionals, legislative changes can be introduced in order to:

- a. protect those who report or initiate complaints from liability in cases of reasonable mistakes in the assessment of the risk of violence;
- b. remove a requirement to obtain parents' or carers' permission to file a complaint;
- c. ensure that confidentiality norms do not hamper the reporting where the child consents, or is judged not to have the capacity to understand, and where professionals believe reporting or referring is in the child's best interests.

4. Children and their families should have access to information, including in a child-friendly format, on what acts and practices constitute violence, for instance bullying and mobbing in schools, and to whom and how these cases could be reported. A child should be able to file a report without the consent of her or his parent or guardian.

5. Every service, institution or facility responsible for the care, education and protection of children should have a well-publicised and easily accessible service, respectful of the child's privacy and be required to investigate allegations of violence promptly and fully. All children, including those in care in a legal establishment, as well as children with



disabilities,<sup>76</sup> their parents and carers should be informed of such complaint mechanisms. The procedure should allow for effective access to support services while avoiding any stigmatisation of the child victim.

6. An independent, confidential, well-advertised, easy to memorise, toll-free telephone help line should be made available for children to seek confidential and professional counselling and to report violence.

7. Emergency response services should be established in every locality for child victims of violence, including victims of sexual exploitation, sexual abuse, harmful traditional practices and all forms of violence in the home and family. The services' contact details should be made known to children, families and others in contact with children.

### **6.5. Referral mechanisms**

1. Procedures for the referral of child victims of violence and the modalities for inter-agency cooperation should be clearly defined (that is, between social services, education, health, police, prosecution authorities, voluntary and private agencies). Such procedures should be adopted following an assessment of the specific circumstances of each particular victim, giving due weight to her or his views and, when it is in the child's best interests, also to her or his parents' or guardian's views.

2. Children should be encouraged, including through the provision of independent advocacy and support services, to speak to the relevant authority about their experience of violence.

3. Child victims should be assessed without delay, and for victims of violence within the home and family, the protective capacity of the non-violent caregiver and the situation of other children living in the home should be established.

### **6.6. Recovery, rehabilitation and social reintegration**

1. The state should take all appropriate measures to promote physical and psychological recovery and rehabilitation of child victims and witnesses of violence<sup>77</sup> and, if need be, of their families. Such services should be provided without delay and in an environment which fosters the child's health, self-respect and dignity.

2. The implementation of recovery and reintegration measures for child perpetrators of violence should be based on the child's best interests, limited by the gravity of the offence committed (principle of proportionality) and take account of the age, physical and mental well-being, development, capacities and personal circumstances (principle of individualisation), as ascertained when necessary by psychological, psychiatric or social inquiry reports.<sup>78</sup>

3. The services responsible for the recovery, rehabilitation and social reintegration of child victims, witnesses or perpetrators of violence should follow a multidisciplinary and multi-agency approach, seeing the child in the wider context of family, community and her or his cultural background. A proper balance should be sought between mainstream and

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<sup>76</sup> Not only children with physical disabilities such as those with visual impairment, but also children with intellectual disabilities. For information on "easy to read" format suitable for persons with mental handicap, see <http://www.osmhi.org/?page=139>

<sup>77</sup> Refer to Article 39, UNCRC and to Committee of Ministers' Recommendation Rec(2003)20, cited above.

<sup>78</sup> Refer to Recommendation CM/Rec(2008)11, cited above.

specialised services, as well as programmes addressing individual and relationship factors and those focusing on community and societal aspects.

### **6.7. The justice system<sup>79</sup>**

1. Judicial and extra-judicial proceedings should be pursued in the best interests and in full respect of the rights of the child, including the right to be protected from all forms of violence.

2. To protect the rights of the child and children's legitimate interests throughout the process, children should be granted access to mediation, free and independent legal services, and advocacy and support services. Efforts should be made to ensure that the remedies available are effective and that there is effective enforcement of judicial decisions and judgments.

3. Judicial and extra-judicial proceedings involving children should be expedited, treated as a priority and be completed without unjustified delay. To this end, stronger co-operation and co-ordination among all parties to the judicial process should be encouraged.

4. Judicial and extra-judicial proceedings should respect the child's right to be heard and to have her or his views given due weight. To allow their meaningful participation, children should be informed about their procedural rights in a manner which takes full account of their age and level of maturity and supported by an independent representative.

5. Special protection, procedures and facilities should be provided to ensure child victims and witnesses of violence are fully supported. In particular:

a. judicial proceedings should not aggravate the trauma experienced by the child. Where appropriate, the justice response should be followed swiftly by adequate support services;

b. the privacy of children and of their families should be protected throughout the process.<sup>80</sup> Where necessary, appropriate security measures should be taken to avoid intimidation, subjection to retaliation or repeat victimisation of child victims and witnesses of violence and of their families.

6. The age of criminal responsibility should be determined by law and be set suitably high, bearing in mind factors related to the child's development. For child perpetrators of violence, concepts of retribution and repression should give way to rehabilitation and restorative justice objectives, with due attention to effective public safety and appropriate human rights and legal safeguards for the child victims.<sup>81</sup>

7. Alternatives to institutionalised care for child perpetrators of violence should be established, such as help, guidance and supervision orders; counselling; probation; foster care; and educational and vocational training programmes. The overall objective of such measures should be to facilitate children's successful socialisation and reintegration in the family, the community and society.

8. Child perpetrators of violence should not be deprived of their liberty other than where it is necessary as a measure of last resort, used for the shortest period of time and takes place

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<sup>79</sup> In 2009 the Group of Specialists on Child-Friendly Justice (CJ-S-CH) drafted Council of Europe Guidelines on child-friendly justice. The guidelines will be adopted as a Committee of Ministers' recommendation in 2010.

<sup>80</sup> Refer to the European Court of Human Rights, *V. v. the United Kingdom*, 1999.

<sup>81</sup> Refer to Recommendation CM/Rec(2008)11, cited above.

in specially designed premises. The conditions of the detention should be in conformity with the UNCRC and other relevant standards and take into account children's specific needs.<sup>82</sup> Children undergoing any form of detention should be detained separately from adults, unless this is considered to be contrary to their best interests.<sup>83</sup>

## 7. Research and data

1. Identification of an effective strategy for the protection of children from violence depends on the availability and proper analysis of data at national, regional and local levels. The adoption of a national research agenda represents the most appropriate way of promoting an integrated and systematic approach to data collection, analysis, dissemination and research. This approach, inter alia, implies the following:

### Research

- a. baseline study on violence against children as a prerequisite to any strategic planning process;
- b. ethical and regular research involving interviews with children and separately with their parents or carers, in conditions of confidentiality and trust, to establish as accurately as possible the actual experience of violence by children;
- c. longitudinal large-scale research on the root causes of violence and the inter-dependence of its various forms;
- d. development of a harmonised methodology with a common set of indicators, allowing for the identification of groups of children vulnerable to violence;
- e. ongoing research into the precise nature of risks to children via the Internet, and how these risks shift over time and are mitigated by interventions;
- f. research into protective factors, notably children's resilience mechanisms;
- g. surveys on adult and child perpetrators of violence to develop criteria and parameters for their assessment and treatment;
- h. research into what works to protect children from violence and to evaluate existing responses, including methodologies for the evaluation and assessment of violence prevention services and programmes and the development of quality criteria;
- i. surveys to quantify the social costs of violence against children.

### Statistical monitoring

- a. regular statistical monitoring, on the basis of established methodology, of violence against children at national, regional and local levels in all settings. The data should be broken down by gender, age, form of violence, urban or rural household, families' characteristics, level of education and national, social and ethnic origin;

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<sup>82</sup> Refer to Committee of Ministers 'Recommendations Rec(2006)2 and CM/Rec(2008)11, both cited above.

<sup>83</sup> Op. cit., refer also to the UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), the UN Minimum Rules for Non-custodial measures (Tokyo Rules) and the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).

b. collection of quantitative and qualitative data on the length and outcomes of judicial proceedings involving children, including protective measures provided for child victims of violence.

#### ***Establishment of national databases***<sup>84</sup>

a. on children's births and deaths, including the establishment of a child death (and serious injury) review mechanism;

b. on children entering, leaving, or changing institutions, and all forms of alternative care and detention facilities, including the recording of all cases of violence against children in such institutions;

c. on persons convicted of violent offences against children, including their genetic profile (DNA).<sup>85</sup>

#### **Co-ordination**

a. the designation (where possible and in conformity with national circumstances) of a single authority, preferably an observatory on the rights of the child, a national statistical office or a research institute, to coordinate and disseminate children-related data nationwide and exchange information internationally;

b. active contribution by all agencies with a child protection role to data collection.

2. All institutions, services and facilities recruiting personnel to work for and with children should be afforded easy but appropriately controlled access to data on persons convicted of violent offences against children.

3. Personal data processing at national, regional and local levels should comply with internationally accepted standards and ethical safeguards.<sup>86</sup>

4. Internationally agreed uniform standards should be established to facilitate international comparability of data.

#### **8. International co-operation**

1. Member states of the Council of Europe should co-operate with each other, in accordance with these guidelines and through application of relevant international and regional instruments and arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:

a. preventing and combating all forms of violence against children;

b. protecting and assisting child victims and witnesses;

c. investigating or prosecuting criminal offences involving violence against children.

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<sup>84</sup> In accordance with data protection rules.

<sup>85</sup> Refer to Article 37, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

<sup>86</sup> Refer to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) and the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding Supervisory Authorities and Transborder Data Flows (ETS No. 181).

2. Member states should afford each other the widest measure of mutual assistance in proceedings on offences involving violence against children, such as child abductions, trafficking in children, sexual exploitation and sexual abuse of children.
3. To facilitate implementation of the guidelines, member states should strengthen, as appropriate, co-operation within relevant intergovernmental bodies, transnational networks and other international organisations.
4. Each member state should endeavour to integrate, where appropriate, prevention and eradication of all forms of violence against children into development assistance programmes provided for the benefit of third countries.

## Appendix 2

### to Recommendation CM/Rec(2009)10

#### *Glossary of terms*

**Best interests of the child:** That the best interests of the child shall be a primary consideration in all actions concerning children is a concept contained in Article 3 of the UNCRC. It stands out as one of the UNCRC general principles, alongside Articles 2, 6 and 12, and acquires particular significance in situations where other more specific provisions of the convention do not apply. Article 3(1) emphasizes that governments and public and private bodies must ascertain the impact on children of their actions, in order to ensure that the best interests of the child are a primary consideration, giving proper priority to children and building child-friendly societies. Article 3(2) outlines an active overall obligation for states to provide the necessary protection and care for the child's well-being in all circumstances, while respecting the rights and duties of parents. Article 3(3) requires that standards be established by "competent bodies" for all institutions, services and facilities for children, and that the state ensures that the standards are complied with ("Implementation Handbook for the Convention on the Rights of the Child" UNICEF, 2002).

**Bullying** is an act of repeated aggressive behavior in order to intentionally hurt another person, physically or mentally. Bullying is characterised by an individual behaving in a certain way to gain power over another person (Besag V., *Bullies and Victims in Schools*, 1989). Behaviour may include name calling, verbal or written abuse, exclusion from activities, exclusion from social situations, physical abuse, or coercion (Whitted K.S. and Dupper D.R., *Best Practices for Preventing or Reducing Bullying in Schools. Children and Schools*, Vol. 27, No. 3, July 2005). Bullies may behave in this way to be perceived as popular or tough or to get attention. They may bully out of jealousy or because they themselves are bullied (Crothers L.M. and Levinson E.M., *Assessment of Bullying: A review of methods and instruments*, *Journal of Counselling and Development*, 84(4), 2004).

**Child exploitation:** The term exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime).

**Child pornography** means any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child's sexual organs for primarily sexual purposes. Offences related to child pornography include the following intentional conduct, when committed without right: a) producing child pornography; b) offering or making available child pornography; c) distributing or transmitting child pornography; d) procuring child pornography for oneself or for another person; e) possessing child pornography; and f) knowingly obtaining access, through information and communication technologies, to child pornography (Article 20, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201; also refer to Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography).

**Child prostitution** means the fact of using a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment, regardless of whether this payment, promise or consideration is made to the child or to a third person. Offences related to child prostitution include the following intentional conduct: a) recruiting a child into prostitution or causing a child to participate in prostitution; b) coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes; c) having recourse to child prostitution (Article 19, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201; also refer to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography).

**Child trafficking** means the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation even if this does not involve any of the means set forth in subparagraph (a) of this article (the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person). Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime. (See also the definition of trafficking below).

**Corporal punishment** is a form of violence, defined as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light, to a child (for detailed definition, see Committee on the Rights of the Child, General Comment No. 8, paragraph 11).

**Corruption of children** means the intentional causing, for sexual purposes, of a child who has not reached the nationally prescribed legal age for sexual consent to witness sexual abuse or sexual activities, even without having to participate (Article 22, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201).

**Harmful traditional practices:** Every social grouping in the world has specific traditional cultural practices and beliefs, some of which are beneficial to all members, while others are harmful to a specific group, such as women. Harmful traditional practices include female genital mutilation; early marriage; female infanticide; honour killings; early pregnancy, etc. (See Factsheet No. 23, Harmful Traditional Practices Affecting the Health of Women and Children, [www.ohchr.org/Documents/Publications/FactSheet23en.pdf](http://www.ohchr.org/Documents/Publications/FactSheet23en.pdf)).

**Mobbing:** Mobbing is a group bullying. It is ganging up on someone using the tactics of rumor, innuendo, discrediting, isolating, intimidating, and above all, making it look as if the targeted person is responsible. As is typical of many abusive situations, the perpetrators maintain that the victim “deserved it” (Elliot G.P. School Mobbing and Emotional Abuse, [www.selfgrowth.com/articles/Elliott9.html](http://www.selfgrowth.com/articles/Elliott9.html)).

**Monitoring** is the authorities’ activities to ensure that child welfare legislation is maintained. It consists of the following three distinct elements: a) the central authorities passing laws and regulations; b) the municipal level and childcare institutions delivering services; and c) an independent body monitoring performance at local level. Monitoring can be conducted as either announced or unannounced inspections or management system audits. The establishment of a standardized national monitoring regime facilitates the

gathering of statistics on child welfare in a country and contributes to governmental decision making.

**Neglect** means the failure of parents or carers to meet a child's physical and emotional needs when they have the means, knowledge and access to necessary services; or failure to protect her or him from exposure to danger (World Report on Violence against Children, World Health Organisation, Geneva, 2002).

**Participation of a child in a pornographic performance:** Offences related to the participation of a child in pornographic performance include the following intentional conduct: a) recruiting a child to participate in pornographic performances or causing a child to participate in such performances; b) coercing a child to participate in pornographic performances or profiting from or otherwise exploiting a child for such purposes; c) knowingly attending pornographic performances involving the participation of children (Article 21, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201).

**Psychological violence** refers to insults, name-calling, ignoring, isolation, rejection, threats, manipulation, emotional indifference, and belittlement, witnessing domestic violence, and other behaviour that can be detrimental to a child's psychological development and well-being (UN Secretary General's World Report on Violence against Children).

**Sex tourism** means trips organised from within the tourist sector, or from outside this sector but using its structures and networks, with the primary purpose of effecting a commercial sexual relationship between the tourist and residents at the destination (World Tourism Organisation (UNWTO), Statement on the Prevention of Organised Sex Tourism, 1995).

**Sexual abuse:** Offences related to sexual abuse of children include the following intentional conduct:

a) engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities (this does not apply to consensual sexual activities between minors), and b) engaging in sexual activities with a child where use is made of coercion, force or threats; or abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence (Article 18, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201).

**Sale of children** means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration (Article 2 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography).

**Solicitation of children for sexual purposes:** Offences related to solicitation of children for sexual purposes include the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the nationally prescribed legal age for sexual activities for the purpose of engaging in sexual activities with the child or producing child pornography and where this proposal has been followed by material acts leading to such a meeting (Article 23 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201).



**Trafficking in human beings** means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. "Exploitation" shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs. The consent of a victim of "trafficking in human beings" to the intended exploitation is irrelevant where any of the means cited above have been used. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in human beings" even if this does not involve any of the means set forth above (Article 4, Council of Europe Convention on Action against Trafficking in Human Beings, CETS No. 197).

**Joint Communication to the European Parliament and the Council:  
Human Rights and Democracy at the Heart of EU External Action  
towards a more effective approach**

## **Joint Communication to the European Parliament and the Council: Human Rights and Democracy at the Heart of EU External Action towards a more effective approach**

***European Commission High Representative of the European Union  
For Foreign Affairs and Security policy  
Brussels, 12.12.2011***

All human rights – civil, political, economic, social and cultural – are universal in nature, valid for everyone, everywhere. Respect for human rights and fundamental freedoms is at the core of the European Union. The protection and promotion of human rights is a silver thread running through all EU action both at home and abroad. On human rights and democracy, the EU must be principled when it comes to the norms and values it seeks to uphold, creative in the ways it does so, and absolutely determined to achieve concrete results.

The objective of this Communication is to open a discussion with the other European institutions on how to make the EU's external policy on human rights and democracy more active, more coherent and more effective. With a view to producing a step change in the EU's effectiveness, it sets out a vision of how the EU will broaden, deepen and streamline its action on the international scene to make a real difference to people's lives.

It proposes action in four areas – delivery mechanisms, integrating policies, building partnerships, and speaking with one voice. It seeks the views of the Council and the European Parliament on how opportunities can be exploited and challenges can be addressed. It provides an orientation around which to gather views and evidence, including from other interested parties, so as to strengthen the EU's external human rights strategy.

*"The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law."*

Treaty on European Union, Article 21

### **The context: the EU as a global force for human rights**

Ten years have passed since the Commission Communication of 8 May 2001 on "The European Union's role in promoting human rights and democratisation in third countries". Since then there have been seismic changes in the world, from 9/11 to the Arab Spring. The events of 2011 in the Middle East and North Africa show the central importance of human rights and democracy. It is important now to renew the EU's efforts to frame an effective response to the challenges that human rights and democracy face worldwide.

The EU has developed in its external action a broad range of policy instruments and guidelines to put its commitment to human rights and democracy into practice, working

together with EU Member States and the European Parliament, as well as civil society. Several Guidelines adopted by Council (as well as toolkits and similar instruments) guide EU action on key human rights concerns such as the death penalty, the fight against torture, the protection of Human Rights Defenders, freedom of religion or belief, child rights, the rights of women, or sexual orientation. An Agenda for Action has created a new basis for the EU's response on democracy support.

On this basis, the EU has been raising human rights questions and the situation of individuals under threat with other countries: in a growing number of human rights dialogues and consultations, at political meetings, in diplomatic démarches and publicly. The EU has been offering its advice and support in strengthening democratic institutions and human rights, and has taken action to impose restrictive measures because of serious human rights violations.

Close engagement with and support to civil society is a key feature of EU action.

The EU has also been at the forefront in building strong standards and mechanisms for the promotion and protection of human rights at the United Nations, the Council of Europe and the OSCE. The EU has been working with other organisations and stakeholders to ensure that the UN addresses serious human rights violations in specific countries, and to take up key human rights concerns.

The EU has itself put human rights at the core of its enlargement policy, which is governed by the Copenhagen criteria.

The Universal Declaration of Human Rights sets international standards for all UN Member States. Every UN Member State is a party to at least one of the six major human rights treaties that the Universal Declaration has inspired, with 80% of states having ratified four or more. And ratification continues at a steady pace. In the area of human labour rights, the eight Core Labour Conventions of the ILO have achieved a high ratification rate worldwide including full ratification by all EU Member States. A global legal framework therefore exists: the real challenge lies in ensuring its implementation.

The EU promotes human rights inside and outside its borders on the basis that human rights are indispensable both for individual dignity and social justice and for the promotion of international peace, prosperity and stability.

### **The challenges**

In recent years, several challenges have emerged. First, the legitimacy of international human rights and democracy norms and standards has been called into question, sometimes by emerging powers with which the EU seeks cooperation. At the UN, some States have contested well-established human rights norms, suggesting – wrongly – that human rights violations can be justified by cultural differences. Laws on blasphemy have been used to limit freedom of expression. The current economic crisis, has resulted in a further shift in global economics which in turn has led some to question the universal nature and utility of human rights. When the EU promotes human rights, in areas such as death penalty abolition or sexual orientation, it often runs into objections.

Even where international standards are generally accepted, implementation at the national level often remains slow. Women and girls still face discrimination and violence. Discrimination on grounds of sexual orientation and gender identity is widespread. The last decade has not seen enough progress in the eradication of torture and inhuman treatment, or on protecting and promoting child rights. The EU was instrumental in bringing about the United Nations Convention on the rights of persons with disabilities, and has acceded to it as a full party – but considerable challenges remain to ensure its full implementation.

There is also the perception that the EU's statements on human rights and democracy are not always fully matched by its external or internal policies. In the context of the Arab Spring there has been a debate whether previously the EU had done enough to support civil society and to promote change rather than stability. At the same time, the EU's internal human rights record has come under increasing scrutiny.

Finally, globalisation is presenting new challenges for the promotion of human rights. New actors have emerged under the ever increasing internationalisation and interdependency of economies, with complex implications for human rights. While human rights obligations have traditionally concerned States, human rights abuses today come from a wider range of sources ranging from indigenous people having their land taken from them, to the export of new technologies used for censorship and surveillance. While in many countries globalisation has contributed to improving the situation of a large number of people, by lifting them out of poverty and opening societies, in others globalisation is blamed for widening inequalities and aggravating discrimination and exploitation.

### **The EU response**

The EU has not always been as effective or as joined-up as it might have been. The task in hand is to ensure the clarity, coherence, and effectiveness of policy, by being smarter and more strategic. The promise of the Lisbon Treaty to put human rights, democracy and the rule of law at the centre of all external action and to ensure consistency between the different areas of its external action and the implementation of the principles of the EU's foreign policy make this even more pressing.

The following sets out key elements of a strategic framework – a suggested vision and actions to which the European institutions can contribute their experience and views.

The EU's objective should remain to prevent violations of human rights and, where they occur, to ensure that victims have access to justice and redress and those responsible are held to account.

In doing so, the EU should reaffirm its commitment to the universality, indivisibility and interdependence of all human rights – civil, political, economic, social and cultural. Respect for human rights is laid down in the Universal Declaration of Human Rights, the UN Charter and international human rights treaties.

Democracy is a universal value based on the freely expressed will of people to determine their own political systems. Human rights and democracy go hand in hand with the empowering freedoms – freedom of expression, association and assembly – which underpin

democracy. Developments such as the Arab Spring demonstrate once more that liberty cannot be suppressed.

The EU considers that respect for the rule of law, including access to justice and the right to a fair trial, is essential for the protection of human rights and democratic principles. The EU should commit itself to promoting and protecting freedom, dignity, equality and justice for all as a key foreign policy priority. Human rights and democracy must run as a “silver thread” throughout EU external policies. The promotion of these goals is important for other objectives, such as security, development, economic participation and social inclusion. Human rights and democracy should be taken into account in foreign policy decision making at every stage.

EU external action has to comply with the rights contained in the EU Charter of Fundamental Rights which became binding EU law under the Lisbon Treaty, as well as with the rights guaranteed by the European Convention on Human Rights.

To promote these principles, the EU needs to revisit its delivery mechanisms, processes and structures. Action is needed in a number of areas, including:

- On external delivery mechanisms – would not a bottom-up, tailored, country-based approach, coupled with cross-cutting worldwide campaigns on specific themes achieve better the human rights and democracy objectives?
- On process – how can the EU become more joined up across the whole range of its policies and Institutions, and externally when working with international partners, NGOs, regional groupings and international organisations?
- On internal structures – should we place priority on the completion of a network of human rights and democracy focal points across EU Delegations worldwide, and a standing capability in the Council on external human rights and democracy issues?

## **A. OVERHAULING DELIVERY: EFFECTIVE ACTION, MADE TO MEASURE**

### ***Maximising impact on the ground through tailor-made approaches***

Traditionally the EU has adopted a top-down approach to its human rights strategy, agreeing worldwide priorities in Brussels and then seeking to apply these through political dialogues and meetings with third countries. But even if the principles and objectives are universal, the immediate priorities, and therefore the route and timetables, can and must vary from country to country.

Thus, while the overall objectives of the EU’s human rights and democracy policy remain valid and unaltered, an approach that seeks to match objectives in a country with the realities on the ground is more likely to deliver concrete results than a one size fits all approach. Tailor made country strategies covering human rights and democracy should therefore be an integral part of the EU’s overall strategy towards that country. This will help to prioritise and rationalise work, especially of EU Delegations and Member State Embassies, whilst better drawing on the relevant mix of EU tools and instruments and working in the areas most likely to deliver lasting improvements and change. That is not to say that the EU should, not for example, condemn the use of the death penalty in a country

that continues to apply it, rather that this should not be the sole focus of EU human rights work when other areas might deliver change.

The EU is currently developing human rights strategies for over 150 countries (and ultimately all countries should be covered). These should help the EU to tailor its approach and to have a stronger positive impact on the ground. The country strategies aim to bring together the resources of EU Delegations and the diplomatic missions of EU Member States in the field. They establish country-specific priorities and objectives, which can be integrated in all relevant EU external policies such as development, trade or security, and so fit into the EU's overall political and economic relations with any given country. They are drafted taking into account the views of civil society.

The EU should ensure that the human rights country strategies are taken into account in human rights dialogues, in policy-making and when programming and implementing financial assistance with third countries, including in the post-2013 Country Strategy Papers.

#### ***Delivering results on cross-cutting themes through a campaign-based approach.***

In addition to country based tailored strategies the EU should identify cross cutting themes to put its collective weight behind as time limited, targeted campaigns. Longstanding work on support to the ICC (International Criminal Court) and abolition of the death penalty are good examples. Such campaigns should be the subject of collective action by all EU institutions and individual EU Member States.

The High Representative has proposed to focus on three themes for the next three years:

- judicial reform focusing on the right to a fair trial;
- rights of women – building on the EU's comprehensive approach to Women, Peace and Security, as well as the EU strategy for equality between women and men;
- rights of the child – building on the "EU agenda for the rights of the child" and both sets of EU guidelines on children.

EU Institutions and Member States should be involved in drawing up specific, measurable, achievable, realistic, time-limited objectives along with implementation plans for each campaign.

#### ***A new approach with neighbours and beyond***

The recent review of the European Neighbourhood Policy further developed the EU's policies in support of democracy. The new approach is based on mutual accountability and an enhanced commitment to the universal values of human rights, democracy and the rule of law, including an intensified policy dialogue in this respect. It introduced two concepts: "deep democracy", aiming at setting a baseline of necessary accomplishments against which progress can be assessed; and "more for more", rewarding countries that are willing to make real progress on the road towards democracy by making additional funds available for cooperation. The reverse of "more for more" should also apply. Partnerships with civil society will be enhanced and additional financial assistance will be made available, including through a new dedicated funding facility.

### *Working in partnership with civil society*

The EU needs to work closely with civil society and to draw on its expertise and alternative channels of communication. The longstanding dialogue among officials, NGOs, business, trades unions and the media needs to be developed. The EU should continue to support the vibrant civil societies which are vital to democratic states, and social partners who are key to sustaining reforms. Even where there is little or no reasonable prospect of engaging effectively with a government, this should not mean lessening contacts with the people of that country. The need is then all the greater for the EU to engage with civil society and peaceful political opposition, supporting human rights defenders in the face of risks and threats. The EU should continue to speak out on specific human rights situations and violations and on democratic regress, with particular emphasis on preserving or creating the necessary opportunities for civil society to prosper.

The EU takes a systematic approach to consultations with international and local human rights NGOs in all aspects of its human rights policy. Specific attention will be given to supporting conditions in third countries that will enable civil society to operate freely. The annual EUNGO forum on human rights should continue to review and contribute to EU action.

Human rights defenders are indispensable allies for the EU in the worldwide promotion and protection of human rights and are key interlocutors for EU Delegations and the diplomatic missions of EU Member States in third countries. The EU should continue to support the effective implementation of the EU Guidelines on human rights defenders, including through awareness raising among all relevant stakeholders. The EU should continue to address urgent protection needs of human rights defenders at immediate risk, notably through an emergency shelter scheme at an EU level. Political support to human rights defenders is complemented by dedicated financial assistance from the EIDHR, taking account of the specific obstacles faced by such people in their daily work.

The European Instrument for Democracy and Human Rights (EIDHR), € 1.1 billion for the period 2007-2013, reflects the EU's commitment to promote and support democracy and human rights, by providing support to civil society and human rights institutions worldwide. For the forthcoming Multi-Annual Financial Framework 2014-2020, the Commission has proposed to scale up funding to € 1.4 billion (in 2011 prices).

In the context of the Multi-Annual Financial Framework, suggestions will be made to make the EIDHR more flexible so that it delivers better, faster and more, and so that more organisations are able to access funds, and a quick response is ensured to address the needs of civil society in countries facing the most pressing and difficult situations.

### **B. A JOINED UP APPROACH TO POLICY**

The EU is committed to putting human rights and democracy at the centre of its external action, as a "silver thread" running through all that it does. The Treaty on European Union makes clear that human rights and democracy are guiding principles for all the EU's actions. There is scope to be more joined up across the wide range of EU policies, so that together they achieve their full impact.



Various EU policies with an external dimension have clear relevance for human rights and democracy, including those on development cooperation; trade; the area of freedom, security and justice; counter-terrorism; crisis management; conflict prevention; and governance of the internet.

All actions developed in the framework of these policies (including measures taken by Member States implementing them within their respective areas of competence) must continue to be fully compatible with the respect, protection and promotion of human rights.

### ***Democracy and elections***

Concerning democracy support, the EU and its Member States have a strong commitment to democracy, which is enshrined in treaties and constitutions, and draws on strong parliamentary traditions. In 2009 the EU adopted a strategy and an Agenda for Action on democracy support in its external action. This called for greater policy coherence and more coordinated use of instruments, in the spirit of the Lisbon Treaty.

Elections play a vital role for a wide range of human rights, such as freedom of expression, assembly and association. The EU is a major actor in electoral support and helps partner countries to implement credible, transparent and inclusive electoral processes. Moreover, its Election Observation Mission (EOMs) are an important instrument available to the EU. Their recommendations represent a very useful contribution to further support human rights and democracy in a country. The EU will give greater focus in its election observation to the participation of women and national minorities, as well as persons with disabilities both as candidates and voters. Ensuring synergy between election support and election observation is a very important element of the EU's strategy. The EU will make active use of the EOM reports.

Elections alone cannot sustain democracy. The EU's approach to democracy, should create synergies between direct support to electoral process, political society (parliaments and political parties, civil society and media) and support to other critical components of state building, such as the rule of law, the judiciary, public administration reform and decentralisation.

The EU is strengthening its implementation of the Agenda for Action on democracy support, having initiated a first round of pilot countries, by using the democracy component of the EIDHR and seeking better coherence in the use of political and financial instruments in its overall approach to democracy support globally. The EU's response to recent developments in North Africa was based on initiatives taken in the review of the European Neighbourhood Policy, further to develop methodology on supporting reforms that build sustainable democracy. This means applying positive and negative incentives as appropriate, and developing benchmarks to assess progress in human rights, democracy and the rule of law.

### ***Development cooperation.***

The human rights and development cooperation agendas are closely interlinked. Respect for human rights is key to the full achievement of the Millennium Development Goals (MDGs).

The EU has a longstanding commitment to ensure that respect for human rights and democratic development is "mainstreamed" across development cooperation. This may take the form of ensuring transparency in decision making, to allow the full participation of women and marginalised groups, thereby avoiding contributing to their further exclusion. Efforts should be made to ensure that EU financed development programmes and projects contribute to the fulfilment of partner countries' international human rights obligations, including the recommendations put forward by UN treaty bodies during the Universal Periodic Review, as well as other monitoring bodies such as the ILO. Linking human rights, democracy and development, is essential to achieve success in fields from access to water and sanitation to food security.

The recent Communication "Increasing the impact of EU Development Policy: an Agenda for Change" highlights the challenge of better supporting the efforts of partner countries in implementing their domestic and international obligations on human rights. The EU is committed to ensuring that a country's record concerning human rights, democracy and rule of law has a more direct impact on the programming, modalities and channels of aid, and on the reviewing of direct budget support.

In the evaluation of direct budget support contracts, specific conditions may be attached to supporting deep and sustainable democracy and human rights, in line with the Commission Communication on "The Future approach to EU Budget Support to third countries". Country human rights strategies and a Human Rights Based Approach should ensure that human rights and democracy are reflected across the entire development cooperation process, and ensure continuity between political and policy dialogue on human rights issues and development cooperation.

### ***Human Rights clauses***

Since 1995 the EU has included a human rights clause in political framework agreements with third countries. It reaffirmed this policy in 2010. The clause is now contained in agreements with more than 120 countries and more are under negotiation. The clause provides the basis for cooperation on human rights and for promotion of human rights in relation to all areas covered by these agreements. The clause also forms the legal basis for measures taken in response to violations of human rights. These measures can include suspension of meetings and technical co-operation programmes with the country concerned.

### ***Trade policy***

The Common Commercial Policy is one of the most visible manifestations of the EU's external action. The EU's trade and human rights agenda needs to be coherent, transparent, predictable, feasible and effective. The challenge is to make trade work in a way that helps rather than hinders human rights concerns.

The EU approach to trade policy focuses on using positive incentives, making use of trade preferences to promote human rights, coupled with a process of dialogue about the conditions to maintain those preferences. The EU's trade partners are very different and the way in which coherence with human rights objectives is ensured needs to reflect this diversity. One embodiment of this approach is the Generalised System of Preferences' GSP+

scheme, which grants additional preferences to countries that commit to embracing core universal values on human rights, labour rights, environment and governance. The EU's Free Trade Agreements are linked to the EU's political framework agreements (see previous section on "Human rights clauses"); the human rights situation in the partner country should be considered when the EU decides whether or not to launch or conclude FTA negotiations.

The Lisbon Treaty conferred new competences in the field of investment policy; the EU's common investment policy should be guided by the principles and objectives of the Union's external action, including on human rights.

Specific trade measures are also used to support human rights objectives. Examples include Regulation 428/2009 on the control of exports of dual use items, Regulation 1236/2005 concerning trade in goods which can be used for capital punishment or torture and Council Common Position 2008/944/CFSP on Arms Exports.

### ***Information and communications technology***

Developments in information and communication technologies (ICT), such as the internet, mobile telephony, and social media, have enormous potential to promote human rights such as freedom of expression and assembly. A global flow of information can truly empower civil society and human rights activists. These technological developments can also, however, reinforce authoritarian states by increasing opportunities for surveillance and censorship.

There is currently a lack of clear standards for European companies concerning the sale of such technologies to authoritarian States, as well as for the provision of ex post services, such as training and consulting. In this light, the EEAS and the relevant Commission services will develop appropriate measures to ensure that people are not subject to indiscriminate censorship or mass surveillance when using the internet and other ICTs, and can truly put them to their best use to promote human rights, also taking into account privacy and personal data protection.

### ***Business and human rights***

Corporate Social Responsibility (CSR) allows companies to integrate social and environmental concerns in their business and in their interaction with their stakeholders on a voluntary basis. European businesses should be encouraged to undertake adequate due diligence to ensure that their operations respect human rights, wherever they are performed.

Globalisation has created more opportunities for enterprises to contribute to the fulfilment of human rights and also created heightened risks of business involvement in human rights harm.

The EU welcomed the United Nations Guiding Principles on Business and Human Rights, endorsed unanimously by the UN Human Rights Council in June 2011. The European Commission published a Communication on Corporate Social Responsibility in October 2011. It expressed the Commission's expectation that all enterprises should meet the corporate responsibility to respect human rights as defined in the UN Guiding Principles. In

the light of this Communication, the Commission will, inter alia, develop human rights guidance for small and medium-sized enterprises, invite Member States to develop their own national plans for the implementation of the UN Guiding Principles and continue to encourage partner countries to adhere to internationally-recognised CSR standards, such as the OECD

Guidelines for Multinational Enterprises and the ILO Tri-Partite Declaration of principles concerning multinational enterprises and social policy.

### ***Conflict prevention***

Human rights violations, the lack of fundamental freedoms, and a prevailing culture of impunity – particularly in fragile situations – cause or exacerbate political instability and violent conflicts.

The EU will further strengthen the focus on the human rights situation and on the respect of fundamental freedoms in its conflict risk analysis and in its early warning systems. The EU should also continue and reinforce its efforts to mainstream human rights and fundamental freedoms in its conflict prevention and peace building activities, and – where appropriate – translate analysis and early warning into options for early action.

### ***Crisis management***

The EU's crisis management missions and operations operate in close interaction with local forces, often in a context of conflict, and many of them come across human rights violations. Since the first EU crisis management operation in 2003, best practices have been identified on incorporating human rights and gender considerations in planning and implementation. The EU will align itself with international best practice on planning, training and deploying, following the UN's inter-agency approach to human rights in its Peacekeeping Operations.

The EU will strengthen the human rights, child protection and gender elements of its conflict prevention, crisis management and peace-building efforts, taking into account international best practice and aiming at a democratic outcome, replacing violence with political conflict resolution mechanisms.

The implementation of the Comprehensive Approach to the EU Implementation of the UNSCR 1325 and 1820 on Women, Peace and Security, and the Guidelines on violence against women and girls and combating all forms of discrimination will be integrated in EU human rights policy, including in the annual report.

Implementation of the Guidelines on International Humanitarian Law will also be stepped up.

### ***Counter-terrorism***

Counter-terrorism activities must be conducted in full compliance with fundamental rights and international law. This includes human rights law, international humanitarian and refugee law, free and fair judicial proceedings as well as the protection of personal and private data. In its human rights dialogues with third countries, the EU already raises

violations of human rights committed under the guise of counter-terrorism activities. However, there is scope to intensify discussion of this issue with third countries in dialogues devoted to counterterrorism co-operation. In these dialogues, the EU calls for non EU countries to ratify counterterrorism related UN conventions and protocols. Human rights should be more firmly embedded in the planning and implementation of counter-terrorism assistance projects with third countries.

### ***Freedom, security and justice***

In the external dimension of the area of Freedom, Security and Justice – including police and judicial cooperation, the fight against drugs and organised crime, the functioning and independence of the judiciary, border management, trafficking in human beings, mobility, asylum and migration – the protection of fundamental rights is paramount. When developing cooperation with third countries in these fields, it is essential to ensure that practices fully respect human rights, including non-discrimination. For example, if information is exchanged with the police forces of third countries, that information cannot have been obtained by torture or inhumane treatment, and adequate protection must be in place.

Strengthening respect for human rights and the human rights of migrants in source, transit and destination countries is also a central concern of the EU's Global Approach to Migration and Mobility, which defines the EU's external migration policy. Special attention should be paid to protecting and empowering vulnerable migrants, such as unaccompanied minors, stateless persons and victims of trafficking.

The phenomenon of human trafficking is especially relevant in this area. It is important to ensure that crime control / security and human rights are understood as complimentary dimensions of the same issue, and that the root causes of trafficking are also addressed. In particular, it is crucial to protect women against gender-based forms of violence, and to fight the feminisation of poverty. The EU will continue to prioritise trafficking in human beings in its external action from a human rights approach. This prioritisation will reflect on funding, training and information exchange activities and it will go beyond the external dimension of Freedom, Security and Justice. The EU Anti-trafficking Coordinator and the EEAS have already established contacts to start developing a list of priority countries and regions for future partnerships in the area of human trafficking.

In the field of border management, the EU actively promotes the integration of the Human Rights dimension in the development of efficient border control in third countries. In particular, it is essential that border guards are appropriately equipped and trained to ensure that persons in need of protection who present themselves at the border are given access to the appropriate assistance and procedures.

### ***360 degree policy coherence***

That the EU is exemplary in respecting fundamental rights is vital, not only for the people living within the EU but also for the development of the Union itself. A strong track record will strengthen the EU's action to promote human rights around the world.

The Lisbon Treaty has made the Charter of Fundamental Rights of the European Union a

legally binding document. It has to be respected equally by all EU institutions, bodies, offices and agencies, as well as by Member States, when they are implementing EU law. The EU's obligation to respect human rights implies not only a general duty to abstain from acts violating these rights, but also to take them into account in the conduct of its own policies, both internal and external.

In October 2010 the Commission adopted a Strategy for the effective implementation of the Charter of Fundamental Rights. It explains how the Charter is to be put into practice by EU Institutions and Member States. It has been welcomed by the European Parliament and the Council of the EU. Each year, the Commission will publish a report on progress made. In March 2011 the first report on the application of the Charter by EU institutions was published.

The EU's commitment to accede to the European Convention on Human Rights complements the strong protection of human rights that already exists in the Union's legal order through the EU Charter of Fundamental Rights and the jurisprudence of the Court of Justice of the EU.

These EU policies are relevant to Europe's credibility in raising human rights with other countries. When the EU raises human rights issues with third countries, it bases itself on international standards: these are mainly the core UN human rights treaties and core labour standards as well as (for partners in Europe), Council of Europe and OSCE standards. It is important that the EU and its Member States, within their respective areas of competence, should implement these standards visibly and effectively.

## **C. BUILDING STRONG PARTNERSHIPS**

### ***Multilateral cooperation***

To get strong UN action, the EU needs to build common ground with partner countries. It has invested much over recent years in the ability of the UN Human Rights Council (HRC) in Geneva, and the Third Committee of the UN General Assembly, to set and protect universal human rights norms and standards, and to address serious human rights violations. This has led to some notable successes such as rallying worldwide support for a moratorium on the death penalty, or achieving consensus on initiatives related to freedom of religion or belief.

Success largely depends on the capacity of the EU to outreach and be receptive to third country partners, to engage in cross-regional coalition, using also its bilateral relations. The EU needs to increase its capacity to agree common positions and speak as one, using the cumulative weight and resources of the Member States through burden sharing and taking a more strategic approach to the setting of its priorities. Better synergy and coordination have to be developed between Geneva, New York and Brussels, as well as with EU action in other multilateral forums, such as the Council of Europe and the OSCE.

The EU should work to increase its effectiveness at the UN, building cross-regional coalitions, supporting the UN system's human rights mechanisms and promoting better synchronisation with its actions at bilateral level and in other multilateral forums. The EU will

develop an annual approach to the identification of priorities at the UN across all human rights related meetings in Geneva and New York, in consistency with the mid-term priorities defined for its action at the UN.

### ***International justice***

The EU is fully committed to promoting International Justice – combating impunity and promoting a law-based international order, preventing genocide, crimes against humanity and war crimes, and holding the perpetrators of such crimes accountable. The EU will continue to advocate accountability for violations of international humanitarian law and human rights law. The EU will continue to provide substantial support to the International Criminal Court, as well as to other international criminal tribunals, and to campaign for universal ratification of the Rome Statute. The EU is fully committed to supporting the universality and integrity of the Rome Statute of the ICC and the independence of the ICC. The EU is also committed to giving full effect to the Rome Statute by implementing the principle of complementarity and reinforcing effective links between national justice systems and the ICC.

The EU should develop a specific policy on transitional justice through its external action to support societies in dealing with abuses of the past, through mechanisms for justice, truth, reparations and institutional reform.

### ***Regional organisations***

The EU will strengthen its cooperation on human rights and democracy with regional and intergovernmental organisations, both at the political level and at the local level, between EU Delegations and headquarters, field offices or missions of these organisations. It will use its cooperation with the Council of Europe and the OSCE more systematically. The EU should explore the possibilities of deepening cooperation with the AU, ASEAN, OAS and others, building on their consolidated or emerging regional human rights and democracy mechanisms. The EU should use its dialogues with different regions, such as ASEM, EULAC, AU/EU and ACP, to strengthen cooperation on human rights.

The EU should further promote human rights, democracy and the rule of law in the Arab world and beyond, by closer cooperation with other organisations, such as the Arab League and the OIC.

### ***Impact through dialogue***

Human rights and democracy are an integral part of the EU's dialogue with other countries, up to and including Summit level. While the EU has launched some 40 dedicated human rights dialogues and consultations, these achieve best results when firmly embedded in the wider fabric of the EU's relations with a given country.

Learning from experience, the EU should take a number of steps to make these dialogues more effective.

- Ensure a closer link of the human rights dialogues with other policy instruments;
- Establish priorities, objectives and benchmarks for the dialogues to allow their review in conjunction with the human rights country strategies;
- Generalise best practices across the various formats of human rights dialogues,

including local dialogues with ACP countries under the Cotonou Convention (Art. 8).

– Explore possibilities for reinforcing dialogue and cooperation with the EU's

### ***Strategic Partners.***

Responding to serious violations

In some cases, the EU takes measures (for example asset freezes, arms embargoes or visa bans) in reaction to serious human rights abuses in third countries. These are invariably the subject of careful consideration in accordance with the EU's 2004 "basic principles on the use of restrictive measures" and the EU Charter of Fundamental Rights.

Restrictive measures are regularly reviewed by the Council of the EU. It is important that they contribute to the stated objective, that they are targeted, that they do not have an adverse impact on the civilian populations and that they comply with requirements on clear and fair procedures, including the right to an effective remedy.

## **D. HARNESSING EUROPE'S COLLECTIVE WEIGHT**

To deliver on the approach set out in previous sections, the EU needs to strengthen the way that it deals with human rights and democracy in its external action.

### ***European Parliament***

The European Parliament has made human rights and democracy one of its highest priorities. By making its voice heard systematically as well as urgently on the key questions of the day, the Parliament has taken up a leading role in promoting human rights in all the EU does. Its work with other parliaments (through its parliamentary cooperation committees and delegations to regional parliamentary assemblies) is especially valuable in reinforcing the EU's signals. The European Parliament could usefully step up efforts to spread its vital human rights message beyond the Human Rights Sub-Committee to its delegations to third countries.

### ***Member States***

For the EU to be more effective and credible in promoting and protecting human rights and democracy, the collective weight of EU institutions and EU Member States must be mobilised. Member States must continue to have strong ownership and responsibility for the EU human rights and democracy policy both at the multilateral level and in bilateral relations with third countries. This requires the formulation of strong common positions on human rights which guide both EU institutions and EU Member States in order to speak as one. This can be facilitated by regular discussions on human rights questions also at the political level. In addition, Member States have an important role to play in contributing to the implementation of the EU human rights and democracy policy through burden sharing and division of labour.

A standing capability on human rights and democracy in the Council of the EU The Council Working Group on Human Rights (COHOM) has a key role in steering the EU human rights policy and in advising the PSC and the Council. Currently, COHOM is staffed from capitals and meets only once a month and can no longer fully respond to the increased workload and demands. Effective implementation of EU external human rights policy would requires



more frequent meetings of COHOM and also a standing capability and expertise on human rights and democracy among the Permanent Representations in Brussels of EU Member States. A Brussels formation of COHOM would ensure closer integration with the work of the Council, COREPER and PSC other thematic or geographic Working Groups. It would also allow monthly meetings of Human Rights Directors to concentrate on the strategic aspects of the EU policy on human rights and democracy, while the Brussels formation would address ongoing issues.

### ***Building a culture of human rights and democracy***

A Directorate on Human Rights and Democracy has been created within the EEAS. As a general principle, it is understood that human rights are not only the responsibility of experts, but that they are key to the work of everyone. To this end there is now a human rights focal point in all EU Delegations worldwide – this system should be formed into a network for the delivery of cross-cutting campaigns. A similar network of focal points is in the process of being created in the EEAS and in the Commission services.

Training on human rights and democracy is provided to all Heads of Delegation and to EEAS and Commission staff.

A network of focal points on human rights and democracy will be completed, using latest available technologies for the sharing of information and best practice.

### ***A rethink of EU communications***

Throughout the world, social media networks provide a platform for human rights defenders to provide support and information to one another, and to reach their supporters around the world. They also allow them to document and relay their personal experiences, often circumventing State-controlled media. Video- and message-sharing services can make it more difficult for brutal regimes to hide human rights repression and the subversion of democracy.

At the same time, these services can be used for more accurate monitoring and profiling of citizens. This connectivity – and the community of people newly created through social media networks – can also be used to bring together policy makers and people for political discussions. For example, by using a live webcast, people from around the world can discuss human rights issues with leading political figures from the EU and its international partners. This breaks down traditional barriers of hierarchy and access to political influence. If people want to have a say in the discussion, all they now need is internet access.

Engagement with different groups in society through digital diplomacy is a key way to promote EU values, and the EU's work around the world. There have been significant developments in the EU's digital diplomacy through its use of social media, although more needs to be done to develop these new techniques, and tap into the potential of its Delegations around the world.

The EU could mobilise key Delegations to use social media for digital diplomacy using existing communication resources. The EU will give practical support to those using social media to enhance civic engagement on the ground.

### *Next steps*

The European Union has both the will and the means to be a leader when it comes to protecting human rights and supporting democracy worldwide.

This Communication is designed as a contribution to the ongoing discussion within the EU institutions on a more effective and comprehensive approach to human rights and democracy. It seeks views on a number of possible actions and options. The next step should be to refine these ideas through inter-institutional discussions into an agreed EU approach.

In order to track progress in achieving the objectives set out in this Communication, the EU will present its performance in its annual report on human rights and democracy in the world. This should give an opportunity to all stakeholders in EU policy, including civil society, to assess the impact of EU action and contribute to defining future priorities.

The Council and the Parliament are invited to review this performance regularly, and to review the EU's strategic objectives after five years.

**European Union Agenda  
for the Rights of the Child**

# European Union Agenda for the Rights of the Child

15 February 2011

## Introduction

The promotion and protection of the rights of the child is one of the objectives of the EU on which the Treaty of Lisbon has put further emphasis. Notably, Article 3(3) of the Treaty on European Union today explicitly requires the EU to promote the protection of the rights of the child. The rights of the child are furthermore enshrined in the Charter of Fundamental Rights of the European Union<sup>87</sup>. Article 24 of the Charter recognises that children are independent and autonomous holders of rights. It also makes the child's best interests a primary consideration for public authorities and private institutions.

Promoting the rights of the child is also a result of international commitments. All EU Member States ratified the United Nations Convention on the Rights of the Child (UNCRC).<sup>88</sup> The standards and principles of the UNCRC must continue to guide EU policies and actions that have an impact on the rights of the child. In 2006, the Commission established a basis for promoting and protecting the rights of the child in its internal and external policies with its Communication "Towards an EU Strategy on the Rights of the Child"<sup>89</sup>. The Commission thereby set up structures<sup>90</sup> to strengthen the capacity of EU institutions to address child rights issues, laying the foundations for evidence-based policies and stepping up interaction with stakeholders.

In view of the strong and reinforced commitment to the rights of the child in the Treaty of Lisbon and in the Charter of Fundamental Rights, the Commission believes it is now the time to move up a gear on the rights of the child and to transform policy objectives into action. The Europe 2020 Strategy<sup>91</sup> sets out a vision for the 21st century of a Europe where the children of today will have a better education, access to the services and to the resources they need to grow up and, one day, lead Europe into the 22nd century. This is why the Commission, with this Communication, advocates "An EU Agenda for the Rights of the Child". The purpose is to reaffirm the strong commitment of all EU institutions and of all Member States to promoting, protecting and fulfilling the rights of the child in all relevant EU policies and to turn it into concrete results. In the future, EU policies that directly or indirectly affect children should be designed, implemented, and monitored taking into

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<sup>87</sup> Charter of Fundamental Rights of the European Union, OJ C 83, 30.3.2010, p. 389–403.

<sup>88</sup> Available at: <http://www2.ohchr.org/english/law/crc.htm>. The Optional Protocol of the UNCRC on the

<sup>89</sup> Communication from the Commission: Towards an EU Strategy on the Rights of the Child, COM(2006) 367 final, available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0367:FIN:EN:PDF>

<sup>90</sup> European Forum on the Rights of the Child and its Steering Group; Commission Interservice Group; Commission Coordinator for the Rights of the Child.

<sup>91</sup> Communication from the Commission on Europe 2020 - A Strategy for smart, sustainable and inclusive growth, COM (2010) 2020 final, available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:EN:PDF>.

account the principle of the best interests of the child enshrined in the EU Charter of Fundamental Rights and in the UNCRC.

This EU Agenda for the Rights of the Child is based on contributions from a wide public consultation<sup>92</sup> and on the needs and concerns that children from all EU Member States expressed during a separate, targeted consultation<sup>93</sup>. It also takes into account the preliminary results of an evaluation of the impact of EU instruments affecting the rights of the child. The European Parliament<sup>94</sup>, the Committee of the Regions<sup>95</sup>, the Economic and Social Committee and the Council of Europe<sup>96</sup> as well as key stakeholders such as UNICEF, the Ombudspersons for children in the Member States, and civil society have contributed to the preparation of this Communication including through the work of the European Forum on the Rights of the Child<sup>97</sup>.

The EU Agenda for the Rights of the Child presents general principles that should ensure that EU action is exemplary in ensuring the respect of the provisions of the Charter and of the UNCRC with regard to the rights of children. In addition, it focuses on a number of concrete actions in areas where the EU can bring real added value, such as child-friendly justice, protecting children in vulnerable situations and fighting violence against children both inside the European Union and externally.

## 1. GENERAL PRINCIPLES

The EU's commitment to the rights of the child requires a coherent approach across all relevant EU actions. This objective can be reached by using the Treaties, the Charter of Fundamental Rights of the European Union and the UN Convention on the Rights of the Child (UNCRC) as a common basis for all EU action, which is relevant to children. The "child rights perspective" must be taken into account in all EU measures affecting children.

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<sup>92</sup> In addition to the public consultation, available at:

[http://ec.europa.eu/justice/news/consulting\\_public/news\\_consulting\\_0009\\_en.htm](http://ec.europa.eu/justice/news/consulting_public/news_consulting_0009_en.htm) this Communication is also based on the results of a targeted consultation with experts from specific policy areas.

<sup>93</sup> Eurobarometer Qualitative study on the Rights of the Child, October 2010, available at:

[http://ec.europa.eu/public\\_opinion/archives/quali/ql\\_right\\_child\\_sum\\_en.pdf](http://ec.europa.eu/public_opinion/archives/quali/ql_right_child_sum_en.pdf)

<sup>94</sup> European Parliament resolution of 16 January 2008 (2007/2093 INI): Towards an EU Strategy on the rights of the child, available at:

<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2008-0012>.

<sup>95</sup> Opinion of the Committee of the Regions on "Local and regional cooperation to protect the rights of the child in the European Union", OJ C 267, 1.10.2010, p. 46–51; Opinion of the Committee of the Regions towards an EU Strategy on the Rights of the Child, OJ C 146, 30.6.2007, p. 58–62.

<sup>96</sup> Council of Europe reaction to Consultation document: European Commission's Consultation on the Rights of the Child, available at:

[http://www.coe.int/T/TransversalProjects/Children/News/EU%20Consultation%20paper%20final\\_en.pdf](http://www.coe.int/T/TransversalProjects/Children/News/EU%20Consultation%20paper%20final_en.pdf)

<sup>97</sup> The European Forum on the Rights of the Child – created by the Commission under German Presidency in 2007 – brings together representatives of Member States, the European Parliament, the Committee of the Regions, the European Economic and Social Committee, the Council of Europe, UNICEF, national observatories on childhood, Ombudspersons for children, civil society and other stakeholders.

### **1.1. Making the rights of the child an integral part of the EU's fundamental rights policy**

The Commission's Strategy for the effective implementation of the Charter of Fundamental Rights, adopted on 19 October 2010<sup>98</sup>, requires the Commission to ensure from an early stage, by means of a "**fundamental rights check**", that its legislative proposals are always in full compliance with the fundamental rights guaranteed by the Charter. In line with this Strategy, the Commission is working with the European Parliament and the Council to ensure that also amendments introduced during the legislative process are fully respecting the Charter. The Commission is also working with Member States that they comply with the Charter when implementing EU legislation into national law, as required by Article 51(1) of the Charter.

The rights of the child, guaranteed by Article 24 of the Charter, are one of the fundamental rights mentioned explicitly in the Commission's Strategy. It is thus included in the regular "fundamental rights check" which the Commission applies to relevant draft EU legislation.

As announced in the Communication on the Strategy for the effective implementation of the Charter, the Commission has developed mechanisms to monitor the conformity of draft legislative actions with the Charter. In order to reinforce its assessment of the impact of its proposals on fundamental rights, including on the rights of the child, the Commission has prepared operational guidance that will enable its departments to examine the impact of an Initiative on fundamental rights, including the rights of the child, and to select the option that best takes into consideration the best interests of the child. This operational guidance covers the questions set out in the "fundamental rights check-list" announced in the Strategy for the effective implementation of the Charter. The Commission will also provide practical internal training on the rights of the child and other fundamental rights to reinforce and further promote a culture of respect for fundamental rights. The Commission will also continue to follow attentively the work of the UN Committee on the Rights of the Child and its interpretation of the provisions of the UNCRC. Where relevant, the explanatory memorandums of the relevant legislative proposals will explain how child rights considerations were taken into account in the drafting of proposals.

### **1.2. Building the basis for evidence-based policy making**

Experience with implementing the 2006 Communication has revealed a **significant lack of reliable, comparable and official data**. This is a serious obstacle for the development and implementation of genuine evidence-based policies. Improving the existing monitoring systems, establishing child rights-related policy targets, and monitoring their impact are one of the key challenges. Gaps in knowledge about the situation and needs of the most vulnerable groups of children should be addressed as a matter of priority. In this context, there is also a need for more information on methods to prevent crimes against children.

The Commission will cooperate with the relevant organisations and institutions to **produce basic data** and information to guide decision making. The process will take stock of existing work in this area, including the outcome of the study on indicators carried out by the EU

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<sup>98</sup> Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union COM(2010) 573 final, 19 October 2010, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0573:FIN:EN:PDF>

Fundamental Rights Agency<sup>99</sup>. These indicators were developed on the request of the Commission to measure how the rights of the child are implemented, protected, respected and promoted across the EU. They are intended to guide the Agency's data collection and research, allowing it to develop evidence-based opinions and support the EU institutions and Member States when they take measures or formulate actions.

### **1.3. Cooperation with stakeholders**

The Commission will continue to work together and maintain a dialogue with all stakeholders through the **European Forum for the Rights of the Child**, which meets regularly.

There are a variety of institutional and policy structures designed to protect and promote the rights of the child in Member States. While all EU Member States have recognised the need to develop policies in relation to the rights of the child, the institutional mechanisms for making and delivering policy in this area vary among them. In full respect of the principle of subsidiarity the Commission will continue to support Member States' efforts by promoting exchange of best practice, cooperation and communication with and among national authorities responsible for protecting and promoting the rights of the child.

## **2. TOWARDS CONCRETE EU ACTION FOR CHILDREN**

### **2.1. Child-friendly justice**

Making the justice system more child-friendly in Europe is a key action item under the EU Agenda for the Rights of the Child. It is an area of high practical relevance where the EU has, under the Treaties, competences to turn the rights of the child into reality by means of EU legislation. The Commission's Action Plan implementing the Stockholm Programme<sup>100</sup> has therefore highlighted this aspect for the period 2010-2015.

Children may become involved with the justice systems in a number of ways, for example when their parents' divorce or disagree over custody, when they commit offences, when they witness crimes or are their victims, or when they seek asylum. When children are involved with justice systems that are not child-friendly, they can be subject to manifold restrictions or violations of their rights.

Children can face obstacles with regard to legal representation or being heard by judges. Likewise, the information, which is necessary for children and their representatives to exercise their rights or defend their interests in judicial proceedings can be inadequate. Children can be treated as adults without always being afforded specific safeguards in accordance with their needs and vulnerability, and may have difficulties coping with this situation. Effective access to justice and participation in administrative and court

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<sup>99</sup> Developing indicators for the protection, respect and promotion of the rights of the child in the European Union, available at:

[http://fra.europa.eu/fraWebsite/attachments/RightsOfChild\\_summary-report\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/RightsOfChild_summary-report_en.pdf).

<sup>100</sup> Communication from the Commission on Delivering an area of freedom, security and justice for Europe's citizens: Action Plan Implementing the Stockholm Programme, COM (2010) 171 final, available at: [http://ec.europa.eu/justice/news/intro/doc/com\\_2010\\_171\\_en.pdf](http://ec.europa.eu/justice/news/intro/doc/com_2010_171_en.pdf).

proceedings are basic requirements to ensure a high level of protection of children's legal interests.

**Family law disputes** may have adverse effects on the well-being of children. Children who are separated from one or both parents must be allowed to maintain personal relations and direct contacts with both of them on a regular basis, except where it is contrary to their best interests.<sup>101</sup> Civil proceedings, especially transnational litigation, deriving from dissolution of marriage or legal separation may result in a restriction of this right. Particularly during proceedings to determine parental responsibility, children can become hostage to long cross border legal disputes between the former partners. EU legislation<sup>102</sup> already facilitates the recognition and enforcement of decisions on parental responsibility. The **adequate provision of information** to children and parents about their rights under EU law and national law is a prerequisite to enable them to defend their rights in family law litigation. Information should be easily accessible and provide clear guidance on the relevant procedures. The Commission, in cooperation with Member States, will develop and keep updated factsheets on EU and national legislation on maintenance obligations, mediation and recognition and enforcement of decisions on parental responsibility. As regards **parental child abduction**, the Commission will pay particular attention to the information provided by the European Parliament Mediator for International Parental Child Abductions.

The **registration and recognition of documents related to civil status** are important for the determination of a child's rights. When children and their parents move within the EU and need to use such documents in another Member State they often encounter costly and lengthy requirements for their recognition (involving translations and proof of authenticity), which may make access to justice difficult. This is why the Commission has launched a public consultation on ways to facilitate the mutual recognition across the EU of the effects of civil status documents with a view to proposing EU measures in 2013<sup>103</sup>.

The right to a fair trial for children who are subject to **criminal proceedings** implies the protection of privacy, the right to be informed about the charges and the proceedings in a way which is adapted to the child's age and maturity, legal assistance and legal representation. This is especially important when the language of the proceedings is not the mother tongue of the child. In 2010, the EU adopted **rules on interpretation and translation** that ensure that all persons, including children, receive information about their rights in the proceedings in a manner that they can understand<sup>104</sup>. The Commission will pursue its agenda aiming at strengthening the **procedural rights** of suspected or accused persons in criminal proceedings, including children. In 2011 the Commission will put forward a proposal containing rules to ensure access to a lawyer, and a proposal concerning the right for detainees to communicate with family members, trusted persons, employers and

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<sup>101</sup> Article 24(3) Charter of Fundamental Rights of the European Union.

<sup>102</sup> Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, OJ L 338, 23.12.2003, p. 1–29.

<sup>103</sup> Commission's Green Paper on Less Bureaucracy for Citizens: Promoting free movement of public documents and recognition of the effects of civil status records, COM (2010) 747 final, available at: [http://ec.europa.eu/justice/policies/civil/docs/com\\_2010\\_747\\_en.pdf](http://ec.europa.eu/justice/policies/civil/docs/com_2010_747_en.pdf)

<sup>104</sup> Directive 2010/64/EU of the European Parliament and the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, OJ L 280, 26.10.2010, p. 1–7.



consular authorities. Special attention is due with regard to suspected or accused persons who cannot understand or follow the content or the meaning of the proceedings, owing, for example, to their age, mental or physical condition. In 2012 the Commission will table a legislative proposal on **special safeguards** for suspected or **accused persons who are vulnerable**. This measure will be of key importance to ensure child-friendly justice.

**Children sentenced to custody and placed in criminal detention** structures are particularly at risk of violence and maltreatment<sup>105</sup>. At international level there are several guiding principles on how to deal with children who are deprived of their liberty<sup>106</sup>. Detention of children should be a measure of last resort and for the shortest appropriate period of time<sup>107</sup>.

Children **often participate as vulnerable witnesses or victims in criminal judicial proceedings**. They may be exploited in criminal activities, such as trafficking of illicit drugs. Legal and practical arrangements should be put in place to avoid unnecessary multiple interrogations, and to reduce the negative experience of being involved in criminal proceedings. Child victims should be given the opportunity to play an active part in criminal proceedings so as to have their testimony taken into account. The use of Information and Communication Technology (ICT) tools, and especially video-conferencing, can allow child victims to take an active part in the proceedings while not being put in direct contact with the accused persons. Child victims should receive adequate support leading to their recovery and compensation for the harm inflicted on them.

#### **Actions:**

**In the context of its civil and criminal justice policies, and in line with its Strategy on the effective implementation of the Charter of Fundamental Rights, the Commission will contribute to making the justice systems in the EU more child-friendly, notably by:**

- 1. Adopting, in 2011, a proposal for a Directive on victims' rights raising the level of protection of vulnerable victims, including children;**
- 2. Tabling, in 2012, a proposal for a Directive on special safeguards for suspected or accused persons who are vulnerable, including children;**
- 3. Revising, by 2013, the EU legislation facilitating the recognition and enforcement of decisions on parental responsibility with a view to ensuring, in the interest of the child, that decisions can be recognised and enforced as quickly as possible, including, where appropriate, the establishment of common minimum standards;**

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<sup>105</sup> Pinheiro, P. 'World Report on Violence Against Children', United Nations, Geneva, 2006, p. 195–199. Available at: <http://www.unviolencestudy.org/>.

<sup>106</sup> See for example United Nations Rules for the Protection of Juveniles Deprived of their Liberty, General Assembly Resolution 45/113 of 14 December 1990, available at: [http://www2.ohchr.org:80/english/law/res45\\_113.htm](http://www2.ohchr.org:80/english/law/res45_113.htm); Council of Europe Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules, 11 January 2006, available at: <https://wcd.coe.int/ViewDoc.jsp?id=955747>.

<sup>107</sup> Art. 37 of the United Nations Convention on the Rights of the Child.

**4. Promoting the use of the Council of Europe Guidelines of 17 November 2010 on child-friendly justice<sup>108</sup>22 and taking them into account in future legal instruments in the field of civil and criminal justice;**

**5. Supporting and encouraging the development of training activities for judges and other professionals at European level regarding the optimal participation of children in judicial systems.**

## **2.2. Targeting EU action to protect children when they are vulnerable**

Some categories of children are particularly vulnerable and face greater risks to their lives and well-being due to social, political and economic factors. For example, children growing up in poverty and social exclusion<sup>109</sup>23, often accompanied with drug abuse, are less likely to do well in school and enjoy good physical and mental health<sup>110</sup>. They are also more likely to find themselves in conflict with the justice system. The needs of children at risk of poverty and social exclusion will be addressed in a Commission Recommendation on child poverty, which will outline common principles and propose effective monitoring tools to prevent and combat child poverty within the framework of the Platform against Poverty and Social Exclusion.

**Disabled children** are also more vulnerable to the violation of their rights and they require and deserve special protection<sup>111</sup>.

The well-being of children can only be achieved in a society which is free of violence, abuse and exploitation of children. In March 2010, the Commission adopted two proposals for Directives aiming at reinforcing the framework for protection of some of most vulnerable children, those who are victims of sexual exploitation and trafficking. In the area of trafficking it is important that specific needs of children are fully taken into account in further development of trafficking policy notably within the integrated strategy on countering trafficking in human beings which will be adopted in 2012.

As regards detention for administrative purposes of children seeking asylum, the Commission has worked to take forward its 2008 and 2009 proposals amending EU asylum law. These proposals prohibit the detention of children unless it is in their best interest and only after all possible alternatives have been exhaustively assessed. A number of necessary safeguards and procedural guarantees are also introduced concerning access to a judicial review and legal representation. Finally, the proposals provide for a clear prohibition of the detention of unaccompanied asylum seeking children.

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<sup>108</sup> 22 Guidelines of the Council of Europe on Child Friendly Justice - Adopted by the Committee of Ministers on 17 November 2010, available at: <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1705197&Site=CM>

<sup>109</sup> See the report by the Commission's DG Employment, Social Affairs and Equal Opportunities on Child poverty and well-being in the EU: Current status and way forward, 28 February 2008, available at: <http://ec.europa.eu/social/main.jsp?catId=751&langId=en&pubId=74&type=2&furtherPubs=yes>

<sup>110</sup> Commission Communication on Solidarity in Health: Reducing health inequalities in the EU, COM (2009) 567 final, available at: [http://ec.europa.eu/health/ph\\_determinants/socio\\_economics/documents/com2009\\_en.pdf](http://ec.europa.eu/health/ph_determinants/socio_economics/documents/com2009_en.pdf).

<sup>111</sup> Commission Communication on a European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe, COM (2010) 636 final, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:EN:PDF>

The Commission's 2010 Action Plan on Unaccompanied Minors<sup>112</sup> puts forward a common EU approach towards unaccompanied or separated children coming from outside the EU. The Action Plan identifies child-specific reception measures and procedural guarantees that should apply from the moment the child is found until a durable solution is found. It also stresses the importance of appropriate representation of the child, proposes actions to address the shortcomings in the care provided to unaccompanied asylum-seeking children in the EU<sup>113</sup> and to avoid the disappearance of unaccompanied children who are in the care of public authorities.

Experienced and well trained professionals can prevent problems and help children deal with the trauma they experience. Professionals working with and for children should receive adequate training on the rights and needs of children of different age groups, as well as on the type of proceedings that are adapted to them. They should also be trained in communicating with children of all ages and stages of development, as well as with children in situations of particular vulnerability.

In 2009, more than 6 million young people left education and training, completing lower secondary education or less; 17.4% of them completed only primary education. This is the reason why one of the headline targets agreed by the European Council in the framework of the Europe 2020 Strategy is to reduce the share of early school leavers to less than 10%. Giving all children access to early childhood education and care is the foundation for successful lifelong learning, social integration, personal development and later employability. The Commission has already identified specific policy actions and recommendations to tackle early school leaving<sup>114</sup>. It will also promote initiatives in collaboration with Member States to encourage quality early childhood education and care, fight against segregation in educational systems, and disseminate good practices.

The situation of **Roma children** in the EU is particularly worrying, due to a range of factors that may make them especially vulnerable and exposed<sup>115</sup> to poor health, poor housing, poor nutrition, exclusion, discrimination and violence<sup>116</sup>. Social exclusion of Roma children is often linked to lack of birth registration, low participation in early childhood and higher education, high school drop-out rates, trafficking and labour exploitation. Segregation is a crucial barrier preventing access to quality education for Roma children.

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<sup>112</sup> Communication from the Commission to the European Parliament and the Council on an Action Plan on Unaccompanied Minors (2010–2014), COM(2010) 213 final, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0213:FIN:EN:PDF>.

<sup>113</sup> Report by the EU Agency for Fundamental Rights, Separated, asylum-seeking children in EU Member States, April 2010.

<sup>114</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Tackling early school leaving: A key contribution to the Europe 2020 Agenda, COM(2011)18 final, available at [http://ec.europa.eu/education/school-education/doc/earlycom\\_en.pdf](http://ec.europa.eu/education/school-education/doc/earlycom_en.pdf)

<sup>115</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Non-discrimination and equal opportunities: A renewed commitment, COM (2008) 420 final, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0420:FIN:EN:PDF>.

<sup>116</sup> Breaking the barriers: Romani women and access to public health care. Report by the former EU European Monitoring Centre on Racism and Xenophobia (now EU Fundamental Rights Agency), 2003.

Children may go missing regardless of their age, gender or social status. There is little knowledge about the reasons why children **run away** from home or from institutions in which they live, but we do know that the risks are enormous: risks to their safety, mental and physical health, well-being and life. Missing children can suffer violence and abuse; they can be trafficked or exposed to begging and prostitution.

The Commission has identified a number of tools that can be of help in case a child is missing. For several years now, some Member States<sup>117</sup> have been introducing public alert systems in cases of child abduction or disappearances of children in circumstances which could pose a serious risk to the safety and well-being of the children concerned. The Commission will continue to promote cross-border cooperation between Member States in cases of criminal abductions of children through **child alert mechanisms**. In order to enhance cooperation in this field, the Member States agreed, in June 2009, on better use of the Schengen Information System, and the related SIRENE Bureaux based in each Member State, in the search for the missing children. The Commission will contribute to this process by adopting, by May 2011, a new version of the SIRENE Manual, within a Commission Decision. This will contain the set of rules and procedures for such cases.

The **116 000 hotline for missing children** offers help, support and a potential lifeline for missing children and their parents. Because of the poor rate of implementation of the hotline at EU level, in 2010 the Commission adopted a Communication<sup>118</sup>32 with the objective to encourage the Member States to implement the missing children hotline as a matter of priority and to ensure that the same high quality of service is offered throughout the Union. The Commission will continue to closely monitor the implementation of the hotline for missing children in all Member States. If no further progress is made within a reasonable timeframe, the Commission will consider presenting a legislative proposal to make sure that the 116 000 hotline is fully operational in all Member States.

Children can also be especially vulnerable in relation to modern technology. Online technologies bring unique opportunities to children and young people by providing access to knowledge and allowing them to benefit from digital learning and participate in the public debate. Children are particularly vulnerable when they are confronted with harmful content and conduct, such as **cyber-bullying** and **grooming**, in audiovisual media and on the Internet. Children across Europe testify that physical and emotional **bullying in schools** is part of their everyday lives<sup>119</sup>. Cyber-bullying has been identified as a modern manifestation of bullying that calls for urgent responses and the involvement of all relevant actors, such as social networking sites, internet providers and the police. The Commission aims at achieving a high level of protection of **children in the digital space**, including of their personal data<sup>120</sup>, while fully upholding their right to access internet for the benefit of their social and cultural

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<sup>117</sup> To date, a child alert system is in place in eight Member States: the Netherlands, Portugal, France, Luxembourg, Belgium, Greece, Germany and the United Kingdom.

<sup>118</sup> Commission Communication "Dial 116000: the European hotline for missing children" COM(2010) 674, available at: [http://ec.europa.eu/justice/policies/children/docs/com\\_2010\\_674\\_en.pdf](http://ec.europa.eu/justice/policies/children/docs/com_2010_674_en.pdf).

<sup>119</sup> Eurobarometer Qualitative study on the Rights of the Child, October 2010, available at: [http://ec.europa.eu/public\\_opinion/archives/quali/ql\\_right\\_child\\_sum\\_en.pdf](http://ec.europa.eu/public_opinion/archives/quali/ql_right_child_sum_en.pdf)

<sup>120</sup> See the Commission Communication on a comprehensive approach on personal data protection in the European Union, COM(2010)609 final, point 2.1.2., available at:

development. Through the Safer Internet programme<sup>121</sup>, the Commission coordinates and supports efforts to empower and protect children online. Various sectors of the Information and Communication Technologies industry have been engaged in self-regulatory initiatives in particular to increase the protection of **children using mobile phone**<sup>122</sup> and **social networking services**<sup>123</sup> and through the Pan European Game Information rating system of **video and online games**<sup>124</sup>. The Commission will now expand its call for action to manufacturers of mobile devices and game consoles, internet service providers, mobile applications and content providers, consumer organisations, researchers and child welfare organisations.

The Commission is closely monitoring the transposition of the **Audiovisual Media Services Directive**<sup>125</sup> by the Member States into their national law, for which the deadline was 19 December 2009. The Directive extends the standards for protection of children from traditional TV programmes to the fast growing on-demand audiovisual media services, particularly on the Internet.

#### **Actions:**

**The Commission will contribute to empowering and protecting children when they are vulnerable, notably by:**

**6. Supporting the exchange of best practices and the improvement of training for guardians, public authorities and other actors who are in close contact with unaccompanied children (2011-2014);**

**7. Paying particular attention to children in the context of the EU Framework for National Roma Integration Strategies, which will be adopted in spring 2011 and will notably promote the more efficient use of structural funds for the integration of Roma;**

**8. Strongly encouraging and providing support to all Member States to ensure the swift introduction and full functioning of the 116 000 hotline for missing children and the child alert mechanisms (2011-2012).**

**9. Supporting Member States and other stakeholders in strengthening prevention, empowerment and participation of children to make the most of online technologies and counter cyber-bullying behaviour, exposure to harmful content, and other online risks namely through the Safer Internet programme and cooperation with the industry through self-regulatory initiatives (2009-2014).**

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[http://ec.europa.eu/justice/news/consulting\\_public/0006/com\\_2010\\_609\\_en.pdf](http://ec.europa.eu/justice/news/consulting_public/0006/com_2010_609_en.pdf)

<sup>121</sup> Decision No 1351/2008/EC of the European Parliament and of the Council of 16 December 2008 establishing a multiannual Community programme on protecting children using the Internet and other communication technologies, OJ L 348, 24.12.2008, p. 118–127.

<sup>122</sup> [http://ec.europa.eu/information\\_society/activities/sip/docs/mobile\\_2005/europeanframework.pdf](http://ec.europa.eu/information_society/activities/sip/docs/mobile_2005/europeanframework.pdf).

<sup>123</sup> [http://ec.europa.eu/information\\_society/activities/social\\_networking/docs/sn\\_principles.pdf](http://ec.europa.eu/information_society/activities/social_networking/docs/sn_principles.pdf).

<sup>124</sup> <http://www.pegi.info/>

<sup>125</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), OJ L 95, 15.4.2010, p. 1–24.

### 2.3. Children in the EU's external action

The EU is determined to give priority to the **promotion and protection of the rights of the child also in its external action**<sup>126</sup> including in judicial cooperation in civil matters in areas of EU competence. In this respect, it is crucial for the EU to have a strong single voice in external matters when the rights of the child are concerned in relations with third countries to ensure swift and effective action where necessary. The EU's external policy on the rights of the child will be conducted in line with the 2008 Communication "A Special Place for Children in EU External Action" and the accompanying Action Plan.

The EU is strongly committed to eliminating all forms of violence against children. Approximately 200 million children worldwide witness domestic violence annually, over 200 million children worldwide are subject to sexual violence, over 50 000 children die as a result of homicide every year, and up to 2 million children are treated in hospitals for violence related injuries. The EU will continue the implementation of the EU Guidelines on the Rights of the Child, which currently focus on combating all forms **of violence against children**. By the end of 2011, the EU will evaluate the implementation of the Guidelines since 2007. The "Investing in People" thematic programme envisages funding for projects aimed at combating violence against children in the years 2011-2013.

More than 200 million children worldwide are still in **child labour** and a staggering 115 million at least, are subject to its worst forms. The EU will continue its efforts to combat child labour, in line with the 2010 Commission Staff Working Document and Council conclusions on Child Labour. The EU will prepare by the end of 2011 a report on the worst forms of child labour and trade, taking into account international experience and the views of competent international organisations. In 2011, the EU will select projects targeting child labour in third countries under the "Investing in People" thematic programme.

**Children in armed conflicts**<sup>127</sup> are particularly vulnerable, even more so when they have lost or have been separated from their parents or care-givers.

Children are exposed to risks of recruitment by armed groups, sexual abuse and exploitation or trafficking. They disproportionately suffer from malnourishment and illness as they are deprived from access to basic social services, health care and education. At any given time, an estimated 300 000 children are associated with armed forces and groups, among which 40% girls. The EU will continue its work on safeguarding rights of children in and affected by armed conflicts based on the concrete actions envisaged in the 2010 Implementation Strategy of the EU Guidelines on Children in Armed Conflicts.

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<sup>126</sup> The 2006 Communication Towards an EU Strategy on the Rights of the Child led to the development of a comprehensive policy framework in the external EU action, including the Communication "A Special Place for Children in EU External Action" and its accompanying Staff Working Paper on "Children in Emergency and Crisis Situations" (2008), the EU Guidelines on the Rights of the Child (2007), the EU Guidelines on Children and Armed Conflicts (2003, updated 2008), the Council Conclusions on Children in Development and Humanitarian Settings (2008) and the Council Conclusions on Child Labour (2010).

<sup>127</sup> In the past decade alone, armed conflicts are estimated to have claimed the lives of over 2 million children and physically maimed 6 million more while some 20 million children are displaced or refugee and one million have become orphans due to conflicts.

**Child sex tourism** must be eradicated. This phenomenon is part of an organised sex industry that includes prostitution, human trafficking, the production and distribution of child pornography and the exploitation of children by travelling sex offenders. Since few travelling sex offenders face legal consequences in their respective home countries in the EU, action should be undertaken to increase the number of investigations and prosecutions within the EU for offences committed outside the EU.

The EU will continue to pursue a **political dialogue** with third countries and international organisations, in order to maintain or improve the respect and promotion of the rights of the child. As part of its **enlargement policy**, the EU will continue to promote the reform of child protection and will closely monitor progress on the rights of the child throughout the accession process in the candidate countries and potential candidates, especially as regards children of ethnic minorities and marginalised groups, such as Roma, which have been identified as particularly vulnerable.

**Bilateral co-operation** with third countries will be structured around measures such as scaling up development programmes focused on the rights of the child to, for instance, support stronger national structures and institutions, including the development of independent child rights institutions, promote legislative reforms in conformity with relevant international standards and promote the rights of the child through trade instruments and in international negotiations.

In **multilateral cooperation** the EU will continue its support for international initiatives, including tabling resolutions at the UN General Assembly and the UN Human Rights Council. It will also intensify coordination with international stakeholders.

In **humanitarian aid**, the EU will continue and increase the support to projects and activities that directly target the specific needs of children in emergencies along the lines set in the 2008 Staff Working Paper on "Children in Situations of Emergency and Crisis".<sup>128</sup>

#### **Action:**

**10. The EU will continue the implementation of the 2007 EU Guidelines on the Protection and Promotion of the Rights of the Child<sup>129</sup> that focus on combating all forms of violence against children. The EU will also evaluate the implementation of the Guidelines. The EU will implement the EU Guidelines on Children and Armed Conflicts<sup>130</sup> based on the 2010 Revised Implementation Strategy.**

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<sup>128</sup> Commission Communication on a Special Place for Children in EU External Action, COM (2008) 55 final, available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0055:FIN:EN:PDF>

<sup>129</sup> Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/16031.07.pdf>

<sup>130</sup> Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/10019.en08.pdf>

### 3. CHILD PARTICIPATION AND AWARENESS RAISING

The results of two Eurobarometer surveys of 2008 and 2009 showed that 76% of children<sup>131</sup> interviewed were not aware of having rights and 79 % did not know who to contact in case of need. When asked what action the EU should take to promote and protect the rights of the child, 88 % of respondents indicated that the EU should provide more information to children about their rights in an accessible way.

Full recognition of the rights of the child means that **children must be given a chance to voice their opinions** and participate in the making of decisions that affect them. Article 24(1) of the Charter requires the EU to take children's views into considerations on matters which concern them in accordance with their age and maturity.

Steps taken by the Commission so far to **consult children and listen to them**<sup>132</sup> are a starting point in providing possibilities for greater participation of children in the development and implementation of actions and policies that affect them, such as for example education, health or environment policies. To this end, the Commission will draw on the expertise of the European Forum on the Rights of the Child and will continue to work with this Forum and with Ombudspersons for children and other relevant partners in this area.

To ensure **better and more effective information of children** about their rights and about relevant EU policies will require consolidation and modernisation of existing information tools. At present the information targeting children on the EU's web portal EUROPA can be found via Quick links for kids<sup>133</sup> and the Teachers' Corner<sup>134</sup>. These links give access to material provided by all EU institutions which is relevant for children. Many of the material accessible from these web pages are also hosted on individual Commission Directorate Generals' or the websites of other EU institutions. However, comprehensive, consolidated and easily accessible information on the rights of the child and EU policies relevant for children is currently missing.

#### Action:

**11. The Commission will set up, in the course of 2011, a single entry point on EUROPA with information for children on the EU and on the rights of the child. This single entry point will provide easy access to information that can be understood by children of different age groups and can be used by parents and teachers to find information and teaching materials. The Commission will invite other EU institutions to join this initiative.**

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<sup>131</sup> Available at: [http://ec.europa.eu/public\\_opinion/flash/fl\\_235\\_en.pdf](http://ec.europa.eu/public_opinion/flash/fl_235_en.pdf) and [http://ec.europa.eu/public\\_opinion/flash/fl\\_273\\_en.pdf](http://ec.europa.eu/public_opinion/flash/fl_273_en.pdf).

<sup>132</sup> Eurobarometer Qualitative study on the Rights of the Child, October 2010, available at: [http://ec.europa.eu/public\\_opinion/archives/quali/ql\\_right\\_child\\_sum\\_en.pdf](http://ec.europa.eu/public_opinion/archives/quali/ql_right_child_sum_en.pdf)

<sup>133</sup> [http://europa.eu/quick-links/eu-kids/index\\_en.htm](http://europa.eu/quick-links/eu-kids/index_en.htm)

<sup>134</sup> [http://europa.eu/teachers-corner/index\\_en.htm](http://europa.eu/teachers-corner/index_en.htm)



## CONCLUSION

With this EU Agenda for the Rights of the Child, the Commission calls on the EU institutions and on the Member States to renew their commitment to step up efforts in protecting and promoting the rights of children. The action of the EU should be exemplary in ensuring the respect of the provisions of the Treaties, the Charter of Fundamental Rights of the European Union and of the UNCRC with regard to the rights of children. The Commission will review regularly progress made in the implementation of the EU Agenda for the Rights of the Child in its Annual Report on the application of the Charter.

As underlined in the Europe 2020 Strategy, the long-term effects of not investing enough in policies affecting children may have a profound impact on our societies. Many of these policies require determined action by the Member States, and the Commission is ready to offer its support and cooperation. The Commission will continue to play its part in joint efforts to achieve well-being and safety of all children. A renewed commitment of all actors is necessary to bring to life the vision of a world where children can be children and can safely live, play, learn, develop their full potential, and make the most of all existing opportunities.

**European Union Guidelines for the Promotion and Protection of the  
Rights of the Child with Implementation  
Strategy on all forms of Violence against Children**

# European Union Guidelines for the Promotion and Protection of the Rights of the Child with Implementation Strategy on all forms of Violence against Children

*10 December 2007*

## I Introduction

- 1) The Convention on the Rights of the Child is the most widely ratified human rights treaty in history. In conjunction with its two Optional Protocols it contains a comprehensive set of legally binding international standards for the promotion and protection of children's rights. Together with other international and regional standards on the rights of the child, including those adopted by the Council of Europe, these instruments provide a solid foundation for the enjoyment of human rights by all children without discrimination of any kind, while constituting a reference for promoting and monitoring progress in the realization of the rights of the child.
- 2) Further international commitments to promote and protect children's rights were made at the UN Special Session on Children (UNGASS) in May 2002, providing a time-bound strategy for implementation and for monitoring progress. With the adoption of the UNGASS Declaration and Plan of Action "A World fit for Children" in 2002, Heads of State and Government committed themselves to advancing the rights of the child worldwide and to implementing the agreed goals, strategies and actions.

In addition, the Millennium Declaration and Millennium Development Goals with direct relevance for the rights of the child were globally endorsed. The World Summit outcome document 2005 reiterated the importance of achieving their goals and targets.

- 3) At the EU level, Guidelines in the area of human rights serve as a solid regional framework for the EU's work to promote and protect human rights in the EU's overall external human rights policy, also regarding children's rights. To further the rights of the child, the EU has for years been engaged in multi-faceted action comprising, in particular, the following elements:

- Implementation of the 2003 EU Council Guidelines on Children and Armed Conflict;
- Raising the rights of the child with Third Countries, in particular in the framework of political dialogue;
- Funding, in particular through EIDHR, to projects to promote and protect children's rights;
- Throughout its enlargement process, monitoring progress in advancing the rights of the child and supporting the reform of child protection in the candidate and potential candidate countries;
- In the United Nations, the EU, together with Latin American states, annually sponsors a resolution on the "Rights of the Child" and regularly calls upon states to sign, ratify and implement the Convention on the Rights of the Child and its Optional Protocols;

- Support for the work of relevant international and regional actors in the area of the rights of the child, in particular the UN Secretary General, the UN Security Council, UN treaty bodies, particularly the Committee on the Rights of the Child, UN Special Procedures and mechanisms as well as support for relevant UN organizations, particularly UNICEF, OHCHR, ILO, WHO and UNFPA and regional mechanisms, in particular the Council of Europe, the OSCE, the European Network of Ombuds on Children and civil society organizations;
- In the EU's Development Policy, the "*European Consensus on Development*" includes respect for the rights of the child among the EU Member States through reference to main international frameworks on human rights and the Millennium Development Goals.

For the EC, there is a three-track approach on children addressing (i) specific issues like violence against children, children affected by armed conflicts, child trafficking, etc, (ii) children's rights and needs through specific themes like education and health as well as (iii) increasing mainstreaming of children's rights as one of the cross-cutting issues to consider in all programmes and projects funded by the EC.

Guidance Notes to implement this policy and EC guidelines on mainstreaming children's rights at the country level require that children's rights are covered under a rights-based approach as a cross-cutting issue. Sector policy documents are further tools for action.

- 4) In spite of the comprehensive framework of instruments, standards and commitments on the rights of the child and of first progress in achieving the agreed objectives, the daily reality for millions of children worldwide is still in sharp contrast to these commitments and objectives: Children still face major threats to survival, lack opportunities for quality education, proper health and social care; they are victims of worst forms of child labour, sexual exploitation and abuse, diseases, armed conflict, various forms of violence; they are forced into early marriages and have to endure harmful traditional practices. Children belonging to vulnerable groups or children in particularly difficult situations face particular risks and are exposed to discrimination, marginalization and exclusion. Girl children face specific risks and need particular attention.

The follow-up process to the United Nations General Assembly's Special Session on Children 2002 (UNGASS) and the monitoring work of the Committee on the Rights of the Child show that the Convention on the Rights of the Child is still insufficiently implemented and that many time-bound objectives of UNGASS as well as benchmarks regarding the Millennium Development Goals are far from being achieved.

- 5) To address this situation and to allow for even more sustained and systematic action to advance children's rights in its external human rights policy, the EU has resolved to henceforth base the worldwide promotion and protection of the rights of the child on the following Guidelines.

## II Political Chapeau: Purpose of the Guidelines

With these “*EU Guidelines for the Promotion and Protection of the Rights of the Child*” (the “*Guidelines*”), the EU stresses the importance of key international and European legal human rights instruments, norms and standards as well as political commitments relevant to the promotion and protection of the rights of the child, in particular the Universal Declaration of Human Rights, Declaration of the Rights of the Child, the International Covenants on Human Rights, the Convention on the rights of the Child and its two Optional Protocols, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Statute of the International Criminal Court as well as the Millennium Development Declaration and Millennium Development Goals, the Declaration and Plan of Action “A World fit for Children” of UNGASS 2002 as well as other instruments and standards relevant to the rights of the child as listed in Annex II.

The EU reaffirms its determination to observe as a matter of priority in its external human rights policy the promotion and protection of ALL rights of the child, i.e. persons below the age of 18 years, taking into account the best interests of the child and its right to protection from discrimination and participation in decision-making processes, founded on the principles of democracy, equality, non-discrimination, peace and social justice and the universality, indivisibility, interdependence and interrelatedness of all human rights, including the right to development.

To achieve these objectives, the EU will promote general measures as contained in these Guidelines as well as specific action in Priority Areas, based on Implementation Strategies to be decided separately. By adopting an integrated approach on **the promotion and protection of the rights of the child** the EU will complement **with these Guidelines** its 2003 *Guidelines on Children and Armed Conflict* which will continue to guide EU actions in that specific area.

The Guidelines will contribute in particular to:

- . Giving the rights of the child more weight on the international agenda with a view to advancing their realization and to preventing violations of children’s rights worldwide, especially at the national level;
- . Stressing the EU’s commitment to the full realization of children’s rights, as enshrined in relevant international instruments, most importantly the Convention on the Rights of the Child and its Optional Protocols;
- . Underlining that children’s rights are an inalienable, integral and indivisible part of universal human rights and that all rights recognized by the Convention on the Rights of the Child have an equal importance, although actions to ensure their realization need to be prioritized in the light of specific national contexts;
- . Advancing the process of implementation of the Convention on the Rights of the Child and its two Optional Protocols, and of other international and regional instruments and standards on the rights of the child;
- . Raising awareness of EU action on the rights of the child within the EU and with Third Countries;
- . Supporting the mainstreaming of children’s rights in EU policy and action and enhance the capacity of all relevant EU actors on the rights of the child;

- . Promoting synergies and strengthen inter-institutional cooperation, and complement the actions of EU institutions, including the initiatives promoted by the European Commission on the rights of the child<sup>135</sup>;
- . Providing the EU with an additional operational tool to be used in political contacts with Third Countries and in international fora in any area of relevance for the promotion and protection of children’s rights.

### III Operational Guidelines

#### A) Basic Principles

In its relations with Third Countries, and in international fora, the EU will in particular:

- . Actively promote its objectives regarding the promotion and protection of the rights of the child as an integral part of the EU’s external human rights policy, including in development and peace and security contexts and further promote the mainstreaming of these objectives into other EU external policies, including through political dialogue, development cooperation, humanitarian assistance and the accession process;
- . Pursue a human rights-based approach in the implementation of these objectives guided by the general principles of the Convention on the Rights of the Child, namely non-discrimination, best interests of the child, child participation and child survival and development;
- . Promote a holistic approach, thus reaffirming the indivisibility, interdependence and inter-relationship of children’s rights while giving specific attention to priority areas of concern;
- . Pursue the promotion and protection of the rights of the child in full conformity with relevant international instruments and standards, in particular the Convention on the Rights of the Child, by adopting all necessary legislative, administrative and other measures, in particular the cross-cutting measures identified as “general measures of implementation” by the Committee on the Rights of the Child.
- . Aim for capacity building of “duty-bearers” (states and governments, to meet their obligations) as well as of “rights-holders” (children, to enjoy and claim their rights).

#### B) EU objectives

- . To remind and encourage Third Countries, and to support them in their efforts, to honour and fulfil their legal obligations and their specific commitments for the promotion and protection of children’s rights under international law and political commitments, with special reference to those obligations contained in the Convention on the Rights of the Child and its Optional Protocols, the UNGASS Declaration and Plan of Action “*A World fit for Children*”, the Millennium Declaration and the Millennium Development Goals and the relevant provisions of the World Summit outcome document, and to support them in meeting these obligations and commitments;
- . To raise awareness and promote a better understanding of the principles and provisions on the rights of the child as enshrined in the Convention on the Rights of the

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<sup>135</sup> 1 General Comment 5 (2003)

Child, its Optional Protocols and other international and regional instruments and standards with relevance to children's rights;

- . To complement and strengthen ongoing EU efforts in multilateral fora and in the EU's relations with Third Countries to promote and protect children's rights with specific action in Priority Areas;

- . To improve coherence between activities undertaken by Member States as well as in the overall European Union's external action on children's rights.

### **C) Operational tools for EU action in relations with Third Countries**

To achieve these objectives the EU will use, in particular, the following tools for action:

**Political dialogue** (i.e. inclusion of children's rights in meetings and discussions in international and regional organizations and with Third Countries at all levels, including ministerial talks, joint committee meetings, formal dialogues led by the Presidency of the Council, the Troika, Heads of Mission or the Commission), particularly with the objectives to:

- . Raise awareness of children's rights and of international norms and standards concerning their promotion and protection;

- . Promote the ratification and effective implementation of relevant international instruments on the rights of the child;

- . Promote legislative reform to ensure conformity of national laws with international norms and standards on the rights of the child;

- . Promote the development of national independent institutions on the rights of the child in conformity with the Paris Principles;

- . Promote the effective coordination of cross-departmental activities and of actions between national and sub-national authorities, as well as the allocation of adequate resources with a view to ensuring the promotion and protection of the rights of the child;

- . Develop child-sensitive indicators and child impact assessments for the promotion and protection of the rights of the child;

- . Advocate engagement of civil society in promoting and protecting the rights of the child;

- . Promote the participation of children in decision making processes for the promotion and protection of their rights.

**Démarches** (in connection with public statements, where appropriate) to react to topical relevant developments with an impact on the promotion and protection of children's rights, particularly with the aim to remind Third Countries to undertake effective measures to promote and protect children's rights, including by taking into account the concluding observations of the Committee on the Rights of the Child and of other relevant treaty bodies, using information from UN agencies, regional organizations, national independent institutions, civil society organizations;

**Bi- and multilateral cooperation**, including the following measures:

- . Scaling up development and humanitarian assistance programmes focussing on children's rights;

- . Raising the rights of the child in trade negotiations, programming discussions, country strategy papers, dialogues on development goals and National Action Plans for children as foreseen under UNGASS;
  - . Using bilateral and Community Funding and development cooperation programmes when funding projects to promote the rights of the child;
  - . Aiming to improve coherence between activities undertaken by Member States as well as in the overall European Union's external action on children's rights, particularly in Priority Areas;
  - . Strengthening national structures and institutions, promoting legislative reform in conformity with relevant international standards, developing independent child rights institutions in accordance with the Paris Principles;
  - . Developing child sensitive indicators and child impact assessments;
  - . Promoting the involvement of civil society and child participation.
- **Developing partnerships and intensifying coordination with international stakeholders, e.g.:**
- . The UN, in particular UN human rights mechanisms, Special Procedures and treaty bodies, in particular the Committee on the Rights of the Child;
  - . UN organizations, especially UNICEF, OHCHR, ILO, WHO, UNFPA;
  - . Regional organizations, in particular the Council of Europe and the OSCE;
  - . The European Forum on Children's Rights;
  - . Public-private partnerships, research institutions;
  - . Civil society and international financial institutions.

## **D) Implementation**

### ***(i) General Action to strengthen children's rights***

As a matter of principle, the EU remains committed to promote and protect all rights of the child on an equal basis. The EU will thus continue and enhance ongoing efforts in its external human rights policy, in multilateral fora and in its relations with Third Countries, encouraging States to:

#### ***a) Adhere to and implement international norms and standards and cooperate with international human rights mechanisms and procedures, in particular by:***

- Acceding and adhering to and promoting the effective implementation of relevant international instruments and standards for the promotion and protection of children's rights, particularly the Convention on the Rights of the Child and its Optional Protocols, ILO Conventions 138 and 182, the Convention relating to the Status of Refugees and its Protocol, the Convention on the Rights of Persons with Disabilities and the Rome Statute of the International Criminal Court;



- Complying with requests for protective measures, rulings, decisions and recommendations of international human rights bodies, including those of the Committee on the Rights of the Child;
- Cooperating with the relevant UN human rights mechanisms and procedures, thematic as well as country mechanisms, in particular those with relevance to the promotion and protection of children's rights;
- Cooperating with the relevant Council of Europe mechanisms, and promoting compliance with decisions by the European Court of Human Rights;
- Cooperating with regional mechanisms to ensure the promotion and protection of children's rights, including monitoring progress.

***b) Reinforce capacity for the promotion and protection of children's rights at the national level, in particular by:***

- Supporting the development of comprehensive national plans or strategies for the promotion and protection of the rights of the child;
- Supporting the development and strengthening of governmental mechanisms for coordinating action to promote and protect the rights of the child at the national and sub-national level.

***c) Improve monitoring processes and structures, in particular by:***

- Improving data bases and surveillance systems and the development of indicators to gather, analyse and promote dissemination of child-rights disaggregated related data;
- Promoting research on the rights of the child and including children in research and monitoring;
- Establishing observer capacities, including through the establishment of national independent institutions on children's rights, such as ombudsmen;
- Promoting the participation of civil society.

***d) Promote the allocation of resources for the promotion and protection of children's rights, in particular by:***

- Supporting the development and use of tools for making children visible in budgetary processes at the national and sub-national levels, including in the context of international cooperation;
- Promoting the evaluation of the impact of economic and social policies on children.

***e) Promote law reform for the promotion and protection of children's rights, in particular by:***

- Encouraging and supporting the enactment and review of national legislation to ensure its compatibility with relevant international norms and standards on the rights of the child, in particular the Convention on the Rights of the Child and its Optional Protocols;
- Encouraging and supporting the enhancement of capacity of law enforcement agencies for the investigation of the violation of children's rights and the development of child friendly procedures for the investigation and prosecution of violations of children's rights.

***f) Combat and discourage violations of children's rights, in particular by:***

- Prohibiting violations of the rights of children and ill-treatment of children, in law, including criminal law, and ending impunity for violations of children's rights;
- Condemning at the highest level all forms of violations of children's rights, including through their inclusion as offences in criminal law;
- Taking effective legislative, administrative, judicial and other measures to prevent violations of children's rights under the jurisdiction of the State and combat impunity for such violations;
- Establishing domestic legal guarantees to promote and protect children's rights;
- Providing effective training for law enforcement officials and other relevant professionals working with and for children to promote the safeguard of children's rights and ensuring compliance with international norms and instruments;
- Providing for the recovery, rehabilitation and social reintegration of victims of violations of children's rights.

***g) Empower children for a more effective participation in decision making and implementation of policies affecting them, and facilitate their participation***

***h) Enhance families` and other caretakers` capacities to fully carry out their roles with regard to the protection of children's rights***

***i) Support the development of awareness raising programmes on children's rights, in particular by:***

- Promoting campaigns for making the public aware of the rights of children and ensuring the promotion and protection of children's rights;
- Promoting the incorporation of the rights of the child in school curricula and the development of professional training programmes in all relevant areas.

***(ii) Specific Action to strengthen children's rights in Priority Areas***

Within the overall framework of these Guidelines, specific action will be taken in Priority Areas on the basis of separate Implementation Strategies which will complement these Guidelines. To enable the EU to better address different sets of rights of the child over time, a Priority Area will be selected by COHOM for a period of two years and an Implementation Strategy developed accordingly. The Priority Area is subject to regular review and possible change. The first such Priority Area will be "All Forms of Violence against Children", for which the Implementation Strategy is contained in Annex I.

***(iii) Role of Council Working Parties***

In accordance with its mandate COHOM will keep under review the implementation and follow-up to the Guidelines on the promotion and protection of the rights of the child in close co-ordination and co-operation with other relevant Council Working Parties. This will include:

- . Promoting the integration of the issue of the promotion and protection of the rights of the child into relevant EU policies and actions;
- . Undertaking reviews of the implementation of the Guidelines at appropriate intervals and in the form of ad-hoc meetings;
- . Reporting to Council, via PSC and COREPER, as appropriate on an annual basis on progress made towards implementing these Guidelines.

#### ***(iv) Informal platform for exchange of views with external third parties***

In implementing these Guidelines members of COHOM may informally exchange views, if appropriate, with external third parties, in particular with NGOs, and international organizations. The Commission shall be fully associated. The Council decision No. 2001/264/EC of 19.3.2001 on Council security regulations shall be respected<sup>136</sup>.

#### **E) Monitoring and reporting**

In view of the wide scope of these Guidelines, the EU will, in monitoring progress in the implementation of these Guidelines, aim at making extensive use of the expertise of and cooperate closely with relevant actors outside the EU, in particular UN bodies and mechanisms, Special Procedures, treaty bodies, in particular the Committee on the Rights of the Child, UN organizations, especially OHCHR, UNICEF, WHO, UNDP, ILO, UNFPA as well as with civil society.

#### **F) Assessment**

The Council Working Group on Human Rights, COHOM, will:

- . Review these Guidelines and the Implementation Strategy every two years after their adoption;
- . Focus the first review of the Guidelines on the progress achieved in their implementation and on suggestions for further improvements as well as on deciding whether the Priority Area should be maintained until the next review or changed, and submit these reviews to the Council;
- . Focus the first review of the Implementation Strategy on the pilot programme and progress achieved in the development of country strategies;
- . Seek to identify further ways of cooperation with the UN and regional inter-governmental organisations, NGO and other relevant actors in implementing and monitoring these Guidelines and will submit, if appropriate, related proposals to COREPER or the Council;
- . Promote and oversee further mainstreaming of the issue of promoting and protecting children's rights throughout relevant EU policies, regional and multilateral fora and actively disseminate these Guidelines and promote their implementation with Members States, the EU Commission and the European Parliament.

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<sup>136</sup>Reference: OJ L 101, 11.4.2001, p.1

## Annex

### Implementation Strategy for the Priority Area “All Forms of Violence against Children”

#### I Introduction

To allow for specific action in the implementation of the “EU Guidelines for the Promotion and Protection of the Rights of the Child”, the area of “All Forms of Violence against Children” has been selected as first Priority Area of these Guidelines.

Cutting across culture, social status, education, income and ethnic origin, violence against children represents a particularly widespread violation of children’s rights, also compromising children’s developmental needs. Different forms of violence continue to affect the lives of children of all ages in every region of the world, including physical, mental, psychological and sexual violence, torture and other cruel, inhumane or degrading treatment, child abuse and exploitation, hostage taking, domestic violence, trafficking in or sale of children and their organs, pedophilia, child prostitution, child pornography, child sex tourism, gang-related violence, harmful traditional practices in all settings and corporal punishment in schools. For example, according to official estimates, during 2002 around 150 million girls and 73 million boys under 18 experienced forced sexual intercourse or other forms of sexual violence. Between 100 and 140 million girls and women in the world are believed to have undergone some form of female genital mutilation/cutting. Still in 2004, 126 million children were subjected to hazardous work.

Although the consequences of violence for children may vary according to its nature and severity, the short- and long-term repercussions are in most cases grave and damaging. The vulnerability of children and their dependence on adults demand special care and determined international action to protect them from all forms of violence.

#### II Objectives

To advance the promotion and protection of children from all forms of violence, the EU will pursue a two-track approach, based upon the UN Secretary General’s global “Study on Violence against Children”:

*I. To stress the global character of the issue of violence against children, affecting all parts of the world, and to promote worldwide support for the recommendations of the UN Secretary General’s Study, where suitable, in particular in relevant UN fora;*

*II: To support country-specific action to prevent and combat all forms of violence against children, taking into account the different forms of violence against children in the various countries/regions of the world.*

#### III Operational Part

To further the afore-mentioned objectives, the EU will take action in the following areas:

***(i) Advocacy for the UN Secretary General’s study on violence against children as global reference document for the prevention of and combat against all forms of violence against children***

Action to be taken:

- . EU to support publicly in relevant UN, international and regional fora the UN *Secretary General's* study and its findings and to promote follow-up and implementation of the recommendations contained therein;
- . EU to specifically support at UN General Assembly the establishment of a mandate for a UN Special Representative on Violence against children, as recommended by the UN *Secretary General's* study on violence against children;
- . EU to make, also in bilateral contacts with Third Countries, appropriate reference to the **recommendations and the overall UN Secretary General's** study on violence against children as the key reference document for EU action on violence against children.

***(ii) Advocacy for ratification and effective implementation of international human rights instruments relevant to fighting violence against children, in particular the Convention on the Rights of the Child and its Optional Protocols, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the Rome Statute of the International Criminal Court, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, ILO Conventions 138 and 182, the UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.***

Action to be taken:

- . EU to recognize the desirability of all States that have not yet ratified the two Optional Protocols of the Convention on the Rights of the Child to increase their efforts to complete the ratification process and **to promote the effective** implementation of these Optional Protocols;
- . EU to step up efforts to encourage, in international human rights fora as well as in bilateral contacts with Third Countries, as appropriate, **ratification** of the Convention on the Rights of the Child, its Optional Protocols and other international and regional instruments relevant to the issue of violence against children;
- . EU to put special emphasis, in international and regional human rights fora as well as in bilateral contacts with Third Countries, on the promotion of the **effective implementation** of the provisions of the Convention on the Rights of the Child and its two Optional Protocols, and the implementation of other relevant international and regional norms and standards, and to promote the effective follow-up and implementation of relevant political commitments, in particular the results and objectives of the 27th Special Session of the General Assembly dedicated to promoting the rights of children (UNGASS) and its time-bound action plan "A World fit for Children " of 2002, the provisions of the Millennium Declaration and the time-bound Millennium Developments Goals as well as the World Summit outcome document of 2005.

***(iii) Development of country-specific strategies to prevent and to combat all forms of violence against children***

To complement its global action to fight all forms of violence against children with specific measures in individual countries, the EU, taking into account the predominant forms of violence in various countries and regions of the world, and also addressing the gender dimension of violence against children, will develop *Country Strategies* for focused action in Third Countries:

a) For the development of and as a basis for these strategies, the EU will first make a comprehensive assessment of the situation in the various countries as regards violence against children. Such assessments should draw to the maximum extent possible on existing materials, in particular from UNICEF, UN Special Mechanisms, government sources and relevant civil society actors.

b) On the basis of such comprehensive assessments, and taking into account the recommendations of the UN Secretary General's study on violence against children, where suitable, the concluding observations of the Committee on the Rights of the Child and of other relevant human rights treaty bodies, recommendations by human rights mechanisms, as well as relevant information provided by stakeholders, particularly UN organizations, such as OHCHR, UNICEF, WHO, ILO and UNFPA, regional and civil society organizations, **country strategies could be composed of the following elements:**

- . Advocacy for speedy **ratification** of the Convention on the Rights of the Child and its two Optional Protocols and of other international and regional human rights instruments and standards to prevent and address all forms of violence against children;
- . Advocacy for the **withdrawal of reservations** to the Convention on the Rights of the Child and its Optional Protocols which are incompatible with the object and purpose of the Convention and its Optional Protocols or otherwise contrary to international law;
- . Advocacy for the **effective implementation** of the Convention on the Rights of the Child and its Optional Protocols, and – as appropriate – other regional and international human rights instruments and standards and for the follow-up and implementation of political commitments with particular relevance to fighting violence against children;
- . Advocacy and support to **legislative reform** for the inclusion of the prohibition of all forms of violence against children in national legislation and for fighting impunity;
- . Encouragement and support for the establishment of **independent national monitoring** and child-friendly reporting **and complaint mechanisms** and procedures concerning cases of violence, with the development of relevant child friendly proceedings and support services;
- . Advocacy and support for the **active involvement of children** in the development and implementation of monitoring systems and mechanisms;
- . Advocacy and support for the establishment of **independent national institutions** to promote the prevention of and combat all forms of violence against children;
- . Advocacy and support for the **development of national strategies, action plans and policies** on violence against children that promote, inter alia, non-violent values and awareness raising and that prioritize prevention, taking account of the gender dimension of violence, duly supported by the allocation of required resources;

- . Encouragement and support for the development and implementation of **national data collection**, analysis and dissemination efforts and promotion of relevant research initiatives;
- . Advocacy and support for **capacity building measures** for those who work with and for children to enhance the protection of children from violence and prevent, detect and respond to all forms of violence against children;
- . Advocacy and support for the provision of **child-friendly recovery and social reintegration services to victims**, for the development of prevention mechanisms and child-friendly juvenile justice systems;
- . Advocacy and support for the **establishment of accountability mechanisms** for ending impunity and to bring all perpetrators of violence against children to justice.

c) After deciding on a list of countries for which specific action is to be taken, COHOM will take the necessary measures to establish the respective country assessments and to elaborate draft **Country Strategies**, outlining the particularly relevant forms of violence against children and making concrete proposals how to address them.

The draft country strategies will be submitted by COHOM to EU Heads of Mission in the respective countries for additional input, assessment and endorsement at local level. After such input is received, COHOM will adopt the country strategies and initiate their implementation.

d) To speed up concrete EU action on violence against children in different parts of the world, a **Pilot Programme** will be set up in the initial stage of the implementation of the Guidelines, focusing EU action on a maximum of ten countries from different regions and in light of the various settings identified by the UN Study on Violence against Children. When choosing the countries to be included in the Pilot Programme, the EU could give special consideration to countries with which the EU already maintains Human Rights Dialogues or Consultations, thus allowing the EU an early and systematic inclusion of the issue of violence against children in those Human Rights Dialogues and Consultations.

***(iv) Co-operation with other relevant actors***

To make best use of existing expertise, the EU, as a matter of principle, will seek a maximum of cooperation from outside the EU in its action to combat violence against children, in particular:

- . Relevant UN mechanisms, in particular Special Procedures and human rights treaty bodies, in particular the Committee on the Rights of the Child;
- . UN organizations, particularly OHCHR, UNICEF, WHO, UNDP, ILO, UNFPA;
- . Other international organizations, particularly the Council of Europe;
- . International, governmental and non-governmental organizations locally involved in child protection, including child protection networks.

To do so, the EU will **strengthen existing partnerships**, in particular with the UN, the Council of Europe<sup>137</sup> and the OSCE, particularly around research and systematic data collection, analysis and dissemination and in designing appropriate country response strategies, as well as consider **forming new partnerships** with other potential allies, such as public-private partnerships, academic institutions, civil society organisations and international financial institutions.

#### **(v) Monitoring and reporting**

COHOM will take the necessary measures in order to monitor progress achieved under country-specific strategies.

In countries covered by country-strategies on violence against children, EU Heads of mission should include this subject in their regular human rights reporting and should also report ad hoc on relevant developments, as appropriate.

Besides reports and other relevant information from EU sources, monitoring of the development of the situation of violence against children will also be based on other reliable information, in particular from UN mechanisms and organizations, especially Treaty Bodies, in particular the Committee on the Rights of the Child and UNICEF.

In addition, relevant information provided by civil society organizations and child protection networks will be taken into consideration. The participation of children in the monitoring process should be ensured wherever possible.

#### **IV EU tools for action**

Besides including the issue of violence against children, as appropriate, into Political Dialogue and making it the object of *démarches*, the EU will in particular identify possibilities for using bilateral and *Community Funding*, as appropriate, in support of specific measures to fight violence against children according to these Guidelines and their Implementation Strategy.

#### **V Assessment**

COHOM will carry out a first review of the Implementation Strategy two years after the adoption of these Guidelines, focusing on the pilot programme and the process of the development of country strategies. In this review, COHOM will also examine whether the Priority Area “All Forms of Violence against Children” should be maintained until the next regular review or changed.

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<sup>137</sup> See Memorandum of Understanding between the Council of Europe and the European Union, of 10 May 2007, particularly Art. 21,– CM (2007)



The Special Representative of the Secretary-General on Violence against Children is an independent global advocate in favour of the prevention and elimination of all forms of violence against children, mobilizing action and political support to achieve progress the world over. The mandate of the SRSG is anchored in the Convention on the Rights of the Child and other international human rights instruments and framed by the UN Study on Violence against Children.



<http://srsg.violenceagainstchildren.org>  
<http://facebook.com/msantospaispage>  
<http://twitter/srsgvac>  
<http://youtube.com/srsgvac>