
1042bis Meeting, 27 November 2008

1 General questions

1.2 Stocktaking of the Swedish Chairmanship and decisions to be adopted

c. Building a Europe for and with children - Strategy 2009-2011

Introduction

At their Third 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:

1. to mainstream children's rights in all Council of Europe policies and coordinate all Council of Europe activities related to children²;
2. 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 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 coordination is achieved thanks to the impulsion of an intersecretariat Task Force, a Co-ordination Unit and a Thematic Coordinator 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 2009-2011 under the headings "Provision, Protection and Participation for Children in Europe"³.

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 future priorities in the field of children's rights.

¹ This document has been classified restricted until examination by the Committee of Ministers.

² In this context the same definition of child is used as in the UN Convention on the Rights of the Child, i.e. every human being below the age of 18.

³ The three Ps, a commonly used clustering of the rights in the Convention on the Rights of the Child, according to Prof. Eugeen Verhellen: 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.

Following the thematic discussion held at the Minister's Deputies' meeting on 18 June 2008, a document outlining the draft elements of the future Council of Europe future 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.

Programme Building a Europe for and with children 2009-2011: the Stockholm strategy

I. Programme aim:

The Programme aim is:

1. to **support the implementation of international standards** in the field of children's rights by all Council of Europe member states, emphasizing authorities' responsibility and accountability at the national, regional and local levels. The programme aims in particular to promote the implementation of the 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;
2. 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 and take into account the 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.

II. The strategic objectives:

1. Mainstreaming and coordination

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

- a. 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;
- b. 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;
- c. family policies: promotion of family policies in the best interest of the child, including parents' opportunities to reconcile family and work, and follow up to the recommendation on policies to support positive parenting ;
- d. health: Promote the exchange of experiences with regard to initiatives in health and medical care to increase the involvement of children and promote their possibility to express their opinion, their access to information, good care and to care adapted to their rights and needs.

To facilitate mainstreaming and coordination, the Council of Europe should:

- a. establish an on-line 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 ;

- b. reinforce the link with both governments and non governmental networks;
- c. consider organising a high-level conference in 2011, to review progress and decide future orientations for the programme.

2. 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 safeguard 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 is 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 and;
- 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 with which to assess the extent to which a justice system (whether national or international) is child-friendly and effective in the safeguard and fulfilment 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:

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

3. Eradication of all forms of violence against children

The Council of Europe will take on the role of regional initiator and coordinator 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 the follow-up to the recommendations contained in the UN Secretary General's Study on violence against children. In particular, the Council of Europe should:

- a. implement and follow-up the UN Secretary General's study, in co-operation with the UN Secretary General Special representative on violence against children;
- b. 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;
- c. promote a cross-sectoral exchange of experiences between countries with regard to effective methods for protecting children from all forms of violence;

- d. 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;
- e. continue the campaign against corporal punishment of children launched in Croatia in June 2008 and launch comprehensive awareness raising actions to prevent and combat also 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.
- f. Develop specific action to protect particularly vulnerable children (see below under point 5).

4. Participation of children and their influence in society

The Council of Europe should:

- a. promote children's access to information concerning their rights and promote human rights education for children;
- b. reinforce co-operation between the children's rights programme and the Youth sector, building upon the Youth sector expertise in the field of participation and making use of the platform offered by the European Youth Forum;
- c. 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:
1. 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,
 2. methods for children's participation in individual decisions that concern them, such as in courts, the social services, schools and health and medical care;
 3. positive parenting and family policies, acknowledging that child participation is crucial, including in the home setting;
- d. examine the possibility to update existing recommendations of the Committee of Ministers on children's participation and influence in society⁴, or envisage the possibility of a new recommendation on this subject;
- e. 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.

5. 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:

- a. Children without parental care
- Promote the implementation of the CoE recommendation on the rights of children in 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;

⁴ Recommendations (97)3 and (98)8.

- promote work in the member states to develop measures that ensure that children 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 new convention on adoption.

b. 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 Council of Europe Recommendation on the 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.

c. Children in or at risk of poverty and social exclusion

- Promote the support to 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, of refugee and migrant children and, more generally, all unaccompanied children.

III. Working methods

Mainstreaming, transversal work, co-ordination, integrated approach, co-operation and communication should remain the key words of the working methods. The Programme shall continue using 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 Council of Europe relevant bodies and actors (steering committees, groups of experts, monitoring bodies, commissions, etc), the transversal nature of some subjects may call for the creation of specific group 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 coordination unit within the Council of Europe secretariat;
- ⇒ the Council of Europe intersecretariat task force;
- ⇒ the thematic coordinator 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 CoE 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:

1. 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;
2. The United Nations (notably UNICEF, OHCHR, WHO, UNESCO);
3. The European Network of Ombudspersons for Children;
4. NGOs networks;
5. Professional networks (in particular in the fields of education, justice, social services, health and youth);
6. the business sector (notably in the areas of entertainment, edition, media, food, travel and leisure).