

# Council of Europe Strategy for the Rights of the Child (2016-2021)



” Final implementation report  
of the Council of Europe Strategy  
for the Rights of the Child

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Building a Europe  
for and with children



# **Council of Europe Strategy for the Rights of the Child (2016-2021)**

Final implementation report  
of the Council of Europe Strategy  
for the Rights of the Child

**French edition:**

*Rapport final sur la mise en œuvre de la Stratégie  
du Conseil de l'Europe pour les droits de l'enfant*

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## Executive summary

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1. For six years, the third Council of Europe Strategy for the Rights of the Child (2016-2021) has been the lighthouse for action taken in favour of the protection and promotion of the rights of the child in the Council of Europe, both at the European and at national levels. Following this Strategy implementation period, it is high time to review achievements, trends and events that happened under the Strategy, to see which activities have had an impact and should be pursued, but also to identify remaining challenges, gaps in legislative and policy responses and newly emerging challenges.

2. Much progress towards promoting and protecting the rights of the child has been made since 2016, in all five priority areas of the Strategy. At the European level, many Council of Europe sectors and bodies have deployed action that can be referred to as a result of the Strategy. Overseeing the implementation of the Strategy and its objectives had been assigned to the Steering Committee for the Rights of the Child (CDENF) when it was created in 2020, following upon its predecessor committee, the Ad hoc Committee for the Rights of the Child (CAHENF). Continuity of follow-up is also ensured via the competent Secretariat unit in the Children's Rights Division. But the work of other intergovernmental or monitoring bodies, the Council of Europe Commissioner for Human Rights, the Parliamentary Assembly and dedicated units managed by all major administrative entities of the Council of Europe has significantly contributed to promoting and implementing objectives and activities aimed at strengthening the human rights of children. And of course, European action could not have been as dynamic and successful without the continuous presence and support coming from international partners, comprising both other global and European institutions and international civil society organisations, and, last but not least, children who are regularly invited to contribute to activities under the Strategy in all areas of the "strategic triangle" of the Council of Europe (standard-setting, monitoring and co-operation).

3. But meetings, events, instruments and publications prepared at the European level, are often meant to be starting points. They stimulate dialogue, trigger attention for specific children's rights issues and needs of children, provide frameworks and tools for legislative and policy measures, and prepare fertile grounds for any action undertaken at the national, regional and local levels. The closer we get to the local level, where children live in their local communities and families, the more relevant and effective child protection measures and the promotion of children's rights will be for the individual child. The Council of Europe Strategy therefore wants to be a milestone on the path towards meaningful, effective and sustainable action in favour of children in all Council of Europe member States. Against this background, this final implementation report, like previous editions, puts national action at its centre. It aims at demonstrating what national governments and their partners have achieved over the past six years, be it with European support or at their own initiative, will be part of this review, next to the numerous European activities organised by the Council of Europe and its different bodies.

4. Beyond "extrapolating" some of the indicators and categories that had already been examined in the second implementation report in 2019 (published in 2020), through desk research, surveys and contributions by different Council of Europe sectors, this final implementation report includes some new features. It notably completes the picture of what has been achieved over the past five years by examining more closely the findings and conclusions produced by Council of Europe monitoring bodies. By gathering information stemming directly from their Secretariats, this implementation report wishes to increase its accountability, by naming successful results and those who have contributed to it, but also by pointing to what remains to be done. The report generally completes the picture by drawing information from the action plan tables updated by members of the Inter-Secretariat Task Force for the Rights of the Child and further elements shared with the Children's Rights Division.

5. Despite progress made, much remains to be done to protect and uphold the rights of children in Europe in the most effective and comprehensive manner, and to grant equal opportunities and human rights guarantees to all children. In recent years, children's lives have not only been marked by technological developments (e.g. the immersion of information and communication technologies into all spheres of society), but also by environmental challenges (e.g. the degradation of their direct living environment, leading to the loss of their homes in the worst case), public health challenges, i.e. notably, the global Covid-19 pandemic which has been a significant interruption of the normal functioning of our societies, institutions and relations, both for adults and children.

6. At the time when this implementation report is being finalised, the new Strategy for the Rights of the Child (2022-2027) is already adopted; however, having been prepared in parallel to the conclusions of the former Strategy, the new instrument is reflecting what had been noted in terms of priorities to be pursued and shaped activities to be added to the intergovernmental work programme. Notably in the light of the persistent pandemic and other crisis situations, the new Strategy will, more than ever before, aim at increasing governments' awareness of the need to remain alert and reactive to new child rights issues, vulnerabilities that had not yet been sufficiently considered and emerging crisis situations. Some of the recent and current crisis situations have shown that the role of children in decision-making processes has changed, just like their own expectations; more than ever before an increasing number of children become activists for their own rights and for the causes they have at heart, such as climate change. More than ever before, children are thrust into situations where their equal opportunities are at stake, and they are put in vulnerable situations. Under the new Strategy, the Council of Europe will therefore have step up its actions in the areas of participation and social inclusion, not least to make a meaningful contribution to the UNSDG Agenda 2030 for sustainable development.

7. In the meantime, while closing one Strategy cycle and entering into the next, the Council of Europe will not rest on achievements made at the European and the national levels but address and reflect on the progress made under the current Strategy in the most transparent and honest manner, pointing to remaining gaps that need to be addressed by intergovernmental action and co-operation in the upcoming years. This final implementation report will allow you to discover what has been achieved in the last five years, under the current Strategy striving for the "heights of the rights of the child".

# Introduction

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1. On 3 March 2016, the Committee of Ministers adopted the Council of Europe Strategy for the Rights of the Child (2016-2021) (hereinafter “the Strategy”), reaffirming its commitment to protecting and promoting the rights of the child in line with international and European standards.

2. The Strategy was formally launched during the High-Level Conference “Reaching the heights for the rights of the child” held in Sofia, Bulgaria, in April 2016.<sup>1</sup> The so-called “Sofia Strategy” set out a robust agenda for the Organisation’s contribution to strengthening the protection and promotion of children’s rights and child protection systems in Council of Europe member States, through five priority areas:

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

3. A first implementation report presenting an overview of the Organisation’s activities and achievements under each thematic area from the Strategy’s adoption date up to June 2017 was published in October 2017.<sup>2</sup> A second Implementation Report covering the period from July 2017 to December 2019 was published in July 2020.<sup>3</sup> This final implementation report covers notably the developments and achievements for the last implementation period of the Strategy, from January 2020 to December 2021, whilst sometimes referring back to action taken in 2019 or earlier. The report bases itself on the results of the mid-term evaluation undertaken in 2019 and “extrapolates” some of the indicators used there. The reason for this is that during the period 2020-2021, resources available to the Secretariat of the Children’s Rights Division have not allowed to undertake yet another detailed survey on national action towards the Strategy, whilst implementing more specific activities and preparing for the new Strategy in parallel. National activities reported by 2019, have therefore rather been completed by a new dimension analysing the findings and recommendations by monitoring mechanisms before turning to an outlook to the way forward.

4. For a start, **Chapter I** of the report assesses the overall level of attainment both at the national and the European level, pointing to some indicators and underlying the importance of internal and external partnerships, coming along both in the format of formal collaborations with organisations and bodies acting as “participants” and “observers” of the Steering Committee for the Rights of the Child (CDENF) and, more informally, at secretariat level.

5. **Chapter II** evaluates the results achieved under each priority area, again both at the level of the Council of Europe and at member State level, also including a focus on the impact of the Covid-19 pandemic on children. It then zooms in on the findings and recommendations coming from various Council of Europe monitoring bodies whose secretariats were explicitly solicited for the purpose of this report, before ending on an overview of recent case law of the European Court of Human Rights that has been particularly relevant for children.

6. The last part of the report, in **Chapter III** looks towards the challenges and considerations beyond 2021 and towards the period to be covered by the new Strategy (2022-2027) by reflecting on lessons learned through the implementation of the Strategy, not only in terms of substantive work under different priority areas but also of working methods. The chapter also briefly covers the Council of Europe contribution made to the 2030 Agenda of the UN Sustainable Development Goals before pointing to some recommendations for action to be pursued or to be developed under the new Strategy.

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1. See Report on the high-level launching Conference, presented to the Committee of Ministers on 1 June 2016 (CM(2016)71).
  2. See the First report on the implementation of the Council of Europe Strategy for the Rights of the Child, presented to the Committee of Ministers on 17 October 2017 (CM(2017)114-final)
  3. See the Second report on the implementation of the Council of Europe Strategy for the Rights of the Child, presented to the Committee of Ministers on 1 July 2020 (CM(2020)59-final)

## Chapter I

# Delivering the strategy through european and national action and partnerships: calling it a success?

### 1. OVERALL PROGRESS MADE UNDER THE STRATEGY

7. Action under the Strategy has been developed fully in line with the key values of the Council of Europe – human rights, democracy and the rule of law – and the “strategic triangle” of international co-operation that was last reminded by the Strategic Framework of the Council of Europe, as including “multi-disciplinary [action] carried out through an integrated model of standard setting, monitoring and co-operation”.

8. Accordingly, the overarching objective in the field of the rights of the child over recent years has been to promote the effective implementation of existing standards in member States and to develop new standards, the work on some of which was initiated between 2016 and 2021 but will be pursued under the next strategic period. This important work was, until the end of 2019 overseen by the Ad hoc Committee for the Rights of the Child (CAHENF), then, as of 2020, by the new Steering Committee for the Rights of the Child (CDENF), further consolidating the work on the rights of the child at the Council of Europe in the Committee of Minister’s work structure. This decision to establish the CDENF to continue the oversight and leadership role initiated by the CAHENF has certainly given impetus to the implementation of the Strategy as of 2020 and strengthened the ownership taken by the 46 member States<sup>4</sup>, out of which 44 had appointed a delegation to the CDENF around the end of 2021.

9. During the first four years of Strategy implementation (2016-2019), the Council of Europe Committee of Ministers had adopted several new instruments related to the rights of the child, including<sup>5</sup>:

- ▶ Recommendation CM/Rec(2018)5 [of the Committee of Ministers to member States] concerning children with imprisoned parents;
- ▶ Recommendation CM/Rec(2018)7 on Guidelines to respect, protect and fulfil the rights of the child in the digital environment;
- ▶ Recommendation CM/Rec(2019)4 on supporting young refugees in transition to adulthood;
- ▶ Recommendation CM/Rec(2019)11 on Effective guardianship for unaccompanied and separated children in the context of migration;
- ▶ CM/Rec(2020)2 on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials.

10. Accordingly, and to complement and set these instruments “in motion”, and make them more accessible, this last implementation period was focused on the publication of practical tools, such as handbooks or child-friendly material, for example the Handbook for policy makers on the rights of the child in the digital environment (2020), the child-friendly version of CM/Rec(2018)7 (2020), the compilation of standards, guidance and current practices on Promoting child-friendly standards in the area of migration (2019) or the Handbook for policy makers on How to convey child-friendly information to children in migration (2018).<sup>6</sup>

11. At the same time, a number of actions aimed at making the Strategy work for children have been undertaken. This also included the translation, promotion and implementation of key Recommendations which dated back before 2016 but remain highly relevant today, in particular:<sup>7</sup>

- ▶ Recommendation CM/Rec(2005)5 on the rights of children living in residential institutions;
- ▶ Recommendation CM/Rec(2006)19 on policy to support positive parenting;
- ▶ Recommendation CM/Rec(2007)9 on life projects for unaccompanied migrant minors;

4. Following the decision of the Committee of Ministers on 16 March 2022 the Russian Federation is no longer a member of the Council of Europe, even though it still appears in some of the working documents that form the basis of this implementation report.

5. CM/Rec(2018)5; CM/Rec(2018)7; CM/Rec(2019)4; CM/Rec(2019)11; CM/Rec(2020)2.

6. <https://www.coe.int/en/web/children/publications>.

7. CM/Rec(2005)5; CM/Rec(2006)19; CM/Rec(2007)9; CM/Rec(2009)10; CM/Rec(2011)12; CM/Rec(2012)2.



- ▶ Recommendation CM/Rec(2009)10 on Guidelines on integrated strategies on violence against children; CM/Rec(2011)12 on child-friendly social services;
- ▶ Recommendation CM/Rec(2012)2 on the participation of children and young people under the age of 18.

12. As of 2020, the Covid-19 pandemic has affected global societies and their functioning, impacting not only the fulfilment of human rights for children but also relevant international co-operation. Working in an online environment has, for example made the adoption of new standards and related drafting processes and exchanges of good practice more difficult; thus slowing down the pace of setting new European standards during the last biennium (2020-2021). The work on some of the instruments that were planned to be adopted during this period will therefore be pursued under the next Strategy and upcoming mandate of the CDENF and its subordinate bodies.

13. Despite this impact on the Organisation's working methods, and partly in reaction to the new challenges, the Committee of Ministers has adopted the following specific declarations and recommendation:

- ▶ Declaration by the Committee of Ministers on strengthening the rights of the child as the key to a "future-proof" Europe (11/03/2020), inspired by the High-level conference for the mid-term evaluation of the present Strategy held in November 2019 in Strasbourg;<sup>8</sup>
- ▶ Recommendation CM/Rec(2020)2 of the Committee of Ministers to member States on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials (1/07/2020);<sup>9</sup>
- ▶ Declaration of the Committee of Ministers on the need to protect children's privacy in the digital environment (28/04/2021).<sup>10</sup>

14. However, even during the public health crisis affecting all Council of Europe member States, continuous efforts have been made, both by member States' governments and other stakeholders, to further implement the Strategy across Greater Europe, not least thanks to the fact that it had been made so widely accessible: by the end of 2021, it had been translated into 19 languages,<sup>11</sup> with the vast majority of these versions being accessible via the Council of Europe or national websites. The Strategy has thus been widely disseminated and promoted at member State level, through direct dissemination to relevant departments, authorities and civil society organisations, and through web-postings by governments, Ombudspersons and NGOs. In the light of this positive echo, it is suggested to follow the same lines for the new Strategy (2022-2027) and also have it translated and disseminated in a number of European languages and countries to make it more accessible.

15. Next to its numerous editions in different languages, the Sofia Strategy was also accompanied by a shorter version entitled "The Strategy in a nutshell". Whilst this summary was often used as a more accessible version for children, for example in the context of one of the child consultation activities around the Strategy or relevant events, it is suggested, for the new Strategy, to produce a truly child-friendly version the text of which will have been consulted with children themselves, so as not only to make the Strategy accessible for children and young people but make them take ownership of it.

16. The Strategy has clearly had a positive impact on strategic action at national level. Around 30 member States have taken inspiration from the Strategy in preparing a national or regional strategy or action plan on the rights of the child. Other member States have used the Strategy to inspire more general state action on the rights of the child or launching strategic programmes in more limited areas.<sup>12</sup> Others have action plans or strategies that, although not explicitly referring to it, are aligned with the priorities of the Council of Europe Strategy.

17. Corresponding to the mainstreaming responsibility assigned to the CDENF via its terms of reference, the rights of the child have also been continuously promoted across and subsequently been "picked up" by Council of Europe sectors and bodies, for example in their thematic and country-based monitoring processes of Council of Europe Conventions. Bodies concerned in this manner included, for example, the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee), the Group of Experts on Action against Trafficking in Human Beings (GRETA), the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), the European Committee of

8. See Declaration.

9. See Declaration.

10. See Declaration.

11. Azerbaijani, Bosnian, Bulgarian, Croatian, English, French, German, Italian, Latvian, Montenegrin, Polish, Portuguese, Russian, Serbian, Slovak, Slovene, Spanish, Turkish and Ukrainian.

12. In addition to the 26 countries having responded positively by the end of 2019, via a dedicated survey, on having been inspired by the Strategy, Finland and Luxembourg also launched action towards children's rights strategies, and France initiated, towards the end of 2019, its comprehensive programme on children's "1000 first days" (*les 1000 premiers jours*), fostering a healthy early childhood development.

Social Rights (ESCR), the Committee of Experts of the European Charter for Regional or Minority Languages (COMEX), or the European Committee for the Prevention of Torture (CPT).

18. Further work considering how the rights of the child are being respected and implemented at domestic level, preparing thematic reports and recommendations, and calls to member States to take appropriate action have been undertaken by:

- ▶ the Commissioner for Human Rights through relevant Comments or Issue Papers,
- ▶ the Parliamentary Assembly of the Council of Europe (PACE), notably through its Committees on Social Affairs, Health and Sustainable Development (AS/SOC) and on Migrants, Refugees and Displaced Persons (AS/MIG),
- ▶ the Special Representative of the Secretary General on Migration and Refugees,
- ▶ the European Commission against Racism and Intolerance (ECRI),
- ▶ the Committee of Experts on Roma and Traveller Issues (ADI-ROM),
- ▶ and bodies under the Enlarged Partial Agreement on Sport (EPAS).

19. Over the period 2020-2021 the Council of Europe committed substantial efforts to building all these stakeholders' ownership, enhancing strategic programming and actions. Overall, nearly 400 activities have been started or completed by the Council of Europe to implement the Strategy, spanning from legal standards, monitoring work to co-operation and capacity-building projects, and involving studies and consultations, educational or practical tools and awareness-raising campaigns.<sup>13</sup> Increased efforts have been put into co-operation activities across and within countries: the number of child-rights-related projects has grown, reaching over 50, and including actions being implemented in member States and neighbouring regions, such as Tunisia and Morocco. Several bodies of the Council of Europe have published dedicated factsheet, including the European Committee on Social Rights (ECSR), the European Court of Human Rights (ECtHR) and the Department for the Execution of Judgements.<sup>14</sup>

20. 2019 was a milestone year. It marked not only the 30<sup>th</sup> anniversary of the adoption of the United Nations Convention on the Rights of the Child and the 10<sup>th</sup> anniversary of the adoption of the Committee of Ministers' Recommendation CM/Rec(2009)10 setting out Policy guidelines on integrated national strategies for the protection of children from violence. It also saw the mid-term evaluation and review of the Council of Europe Strategy, both through an implementation report and a conference held on 13-14 November 2019 in Strasbourg, in the framework of the French Presidency of the Committee of Ministers.<sup>15</sup> At the event, European governments and other stakeholders shared their experiences in a direct dialogue with 13 young delegates who actively contributed and acted as "challengers" in all sessions and "power talks".

21. As of 2020, and following the outbreak of the global pandemic, many member States adopted restrictive measures that impacted negatively on the enjoyment of children's rights and freedoms. In the attempt made to adapt rapidly to the new situation, the confinement measures introduced to reduce the spread of the virus often severely impacted children. At the same time, Governments regularly underestimated the potential downsides of the measures undertaken and found it difficult to keep children's rights high up on political agendas, whilst children themselves were often less visible, met obstacles in accessing education or flagging any personal issues, including conflicts or mistreatment happening within their own families.

22. In response to the pandemic, the Council of Europe Children's Rights Division developed a dedicated website on how to protect and empower children during the pandemic,<sup>16</sup> gathering responses to the crisis by Council of Europe bodies and international and civil society organisations, including to support children in the digital environment. The CDENF held a first thematic exchange in 2020 to take stock of the lessons learnt and the adaptation measures taken to ensure continuous child protection; an overview of national responses was gathered in a report<sup>17</sup> and a factsheet<sup>18</sup>. In 2021, the CDENF held a series of webinars at which the specific challenges related to education, mental health and intrafamily violence were respectively addressed with highly renowned international experts and children themselves.<sup>19</sup>

13. As reflected by the action plans regularly updated by the members of the Intersecretariat Task Force for the Rights of the Child to keep track of Strategy implementation.

14. See further European Committee of Social Rights 24/03/2020: ECSR 2020 conclusions on children, families and migrants in danger; ECtHR Factsheet on Children's Rights; Department for the Execution of ECtHR Judgements: thematic factsheet.

15. For a full overview, see also the Mid-term Evaluation Report (2019) available at: [www.coe.int/children](http://www.coe.int/children)

16. For further reference, see Protecting and empowering children during the Covid-19 pandemic ([coe.int](http://coe.int))

17. See the full report here.

18. See the factsheet here.

19. See dedicated pages of CDENF webinars on Covid-19 and children's rights, held in March and November 2021.

23. A range of promotional and awareness-raising activities have been undertaken by the Council of Europe and jointly with member States to raise awareness of children's rights among all stakeholders. Efforts have been put into producing and disseminating awareness-raising materials, such as video clips and child-friendly leaflets, across a range of sectors and projects. Meanwhile, the website [www.coe.int/children](http://www.coe.int/children) has further developed to become a "European communication hub", thanks to regular news items, links to all event-related resources and an immediate upload of new publications. This hub still includes important resources developed in the past, such as the repository of good practices promoting non-violent parenting and will soon be completed by a fully operational online platform on responses to violence against children the "VAC Clearinghouse", the work process towards which was slightly slowed down due to the pandemic and the overall audit and review of the website of the Children's Rights Division.

24. However, even in its current format, the Children's Rights website is well-placed among Council of Europe pages, when it comes to Internet traffic and the frequency of users' visits. The Division is also regularly producing and disseminating a quarterly newsletter to communicate about developments in the area of children's rights and upcoming events. Notably since the mid-term evaluation conference in 2019, even since before for individual activities, the Division is actively communicating via social media about action led by the two bodies it is responsible for, the CDENF and the Lanzarote Committee, and under its numerous co-operation projects.

## 2. PARTNERSHIPS AS ESSENTIAL PRECONDITIONS OF STRATEGY IMPLEMENTATION

25. Since January 2020, the implementation of the Strategy has been guided and overseen by the Steering Committee for the Rights of the Child (CDENF)<sup>20</sup>. In pursuit of fostering co-operation and co-ordination with other international organisations, the meetings of the CDENF have been regularly attended by representatives of partner organisations coming in as CDENF "participants", including the European Commission, the EU Fundamental Rights Agency (FRA), the UN Special Rapporteur on the Sale and Sexual Exploitation of Children, the Special Representative of the UN Secretary-General on Violence against Children (SRSG-VAC), UNICEF, the Office of the UN High Commissioner on Refugees, the World Health Organisation (WHO) and the Council of the Baltic Sea States (CBSS).

26. More systematic co-operation with the UN Committee on the Rights of the Child (CRC) has been achieved in 2021, notably through a contribution to the CRC Day of General Discussion on "children's rights in alternative care" taking the form of a CDENF Regional exchange,<sup>21</sup> and through the submission of a contribution by the Children's Rights Division towards the preparation of the General Comment No. 25 (2021) on children's rights in relation to the digital environment. Participation in trainings and meetings of regional organisations, such as the Council of Baltic Sea States (CBSS) or the Nordic Council of Ministers, and the International Organisation of La Francophonie (OIF) have also been pursued.

27. As further CDENF "participants", various Council of Europe bodies and over 30 administrative entities supporting them, have actively continued to contribute to the implementation of the Strategy. Internal coordination and co-operation are led by the Children's Rights Coordinator together with the Children's Rights Division and facilitated through the Inter-Secretariat Task Force on the Rights of the Child, that also ensures follow-up of activities under the Strategy, organises relevant exchanges of good practice and initiates joint collaborations as appropriate, via meetings held once or twice a year; during the pandemic period and confinement, these meetings continued to take place in online format, including to inform and orient the preparatory work for the new Strategy (2022-2027) in a widely inclusive process.

28. The Parliamentary Assembly of the Council of Europe (PACE) has always been a crucial partner in achieving Strategy objectives and continues to do so. During the present reporting period, PACE contributed through reports, leading to Resolutions (for member States) and Recommendations (for the Committee of Ministers), on children on the move or otherwise affected by migration, on the impact of labour migration on "left-behind" children, on digital education and on child sexual exploitation and abuse.

29. Likewise, the Congress of Local and Regional Authorities has taken focused action under the Strategy by pursuing action under its Pact of Towns and Regions to stop the sexual exploitation of children which was still promoted in 2021 in the context of the European Day for the Protection of Children against Sexual

20. See <https://www.coe.int/en/web/children/cdenf>

21. See Children's Rights and Alternative Care (coe.int)

Exploitation and Sexual Abuse (an initiative by the Children's Rights Division),<sup>22</sup> and collaboration also took place in the framework of the preparation of a child-friendly brochure on children's role in the implementation of the UNSDGs at the local level (see chapter III.2.).The protection of the rights of the child has equally remained high on the agenda of the Council of Europe Commissioner for Human Rights, with a special focus on the increased risks of violence and sexual abuse online for children during the pandemic and on the need of comprehensive sexuality education.

30. Amongst CDENF "observers", notably including international NGOs, the Council of Europe Conference of INGOs remains a regular and important partner of the CDENF, closely following and supporting its activities. Co-operation has also continued with the Ombudspersons for Children and their European network (ENOC), as well as individual international and national NGOs as important implementing partners for the Council of Europe. In this area, regular co-operation with Eurochild, Defence for Children International (DCI) Italy, Hintalovon or Terre des Hommes may be highlighted; with child consultation and participation processes around the mid-term evaluation conference in 2019 supported by Eurochild and wide-spread consultation process led towards the new Strategy (2022-2027) coordinated by DCI Italy.

31. The Council of Europe has pursued its close co-operation with the European Union, as a key partner in promoting the implementation of Council of Europe standards, including in the context of the preparation of both Organisations' strategies for the rights of the child<sup>23</sup> as well as through several major joint projects,<sup>24</sup> and mutual participation in important events, such as the EU Forum on the Rights of the Child. Collaboration, in particular with DG-JUST and their Coordinator for the Rights of the Child, as well as with the EU Fundamental Rights Agency, have been regular and strategic, whilst the collaboration with the European Parliament Intergroup on Children's Rights has been slightly strengthened most lately, but could still be set on a more regular basis.

32. In conclusion of this first part, it can be said that the Strategy lives on and is nurtured by its partnerships, both those developed at the institutional level through the CDENF and those led at the work level between the Children's Rights Division and its partner organisations. A Strategy is a federating and coordinating instrument that lives of the contributions of many and cannot exist in a vacuum. The outgoing Strategy has certainly achieved a certain level of excellence in fulfilling its different coordinating functions and activating partnerships, by mainstreaming the rights of the child, providing a platform for exchanges and initiating joint projects and activities. The figures on the number of activities deployed speak for themselves. From there to the question whether this should be called a success, will first be illustrated in the next chapter, by looking into specific activities and their impact, led under each priority area of the Strategy.

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22. <https://www.coe.int/en/web/congress/-/brigitte-van-den-berg-local-and-regional-authorities-are-well-placed-to-detect-early-warning-signs-and-put-a-stop-to-child-abuse->.

23. The EU adopted its Strategy on the Rights of the Child on 24 March 2021.

24. Human Rights and Democracy in Action" pilot projects, Pro Safe Sport + (addressing child sexual abuse in sport), INSCHOOL, "Barnahus/Children's House" in Slovenia, CP4Europe project.

## Chapter II

# Final review of progress made under the five priority areas of the strategy (2016-2021): a wealth of activities putting the child at the centre

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33. This chapter undertakes an in-depth examination of activities led by various Council of Europe bodies and Secretariat units under the outgoing Strategy (2016-2021). Key sources of information for this exercise were the qualitative and quantitative elements raised through the 2019 surveys, to take stock of general action under the Strategy and specific responses to violence against children, and the action plan tables regularly updated by all members of the Inter-secretariat Task Force for the Rights of the Child until the end of 2021. However, beyond “extrapolating” some of the indicators and categories already gathered for the second implementation report in 2019 (published in 2020), the present report includes a new “dimension” summarising, under each priority area, the findings and conclusions produced by Council of Europe monitoring bodies, carefully analysed with the help of an external consultant specialising in children’s rights.<sup>25</sup> The chapter ends with a focus on recent case-law by the European Court of Human Rights; information that is also shared with the CDENF on a regular basis in the format of a factsheet. The aim of the report is not to cover all child-rights-related activities by the Council of Europe or national governments in an exhaustive manner, but to provide an overview and shed light on selected activities in an exemplary manner.

### 1. PRIORITY AREA 1: EQUAL OPPORTUNITIES FOR ALL CHILDREN

34. In line with relevant European standards, the Council of Europe’s actions under this priority aim at guaranteeing children’s social rights and protecting and promoting the rights of children in vulnerable situations such as children with disabilities, children in the context of migration, children from minorities, Roma and Traveller children or LGBTI children.

#### 1.1 Achievements, outcomes and impact

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35. During the reference period, the Council of Europe and its partners have taken numerous actions to promote **children’s social rights**, such as activities following up on the conclusions and decisions of the European Committee of Social Rights (ECSR), capacity-building activities of Ombudspersons and NGOs for advocacy on social rights, awareness-raising actions for Council of Europe tools and standards relating to child poverty and social inclusion, and promotion of inclusive education. Activities, conclusions and decisions by the ECSR are in particular referred to under the specific dimension relating to monitoring bodies under each priority area, so for equal opportunities under chapter 1.2 below. Children’s social rights are also regularly mainstreamed through the work of the European Social Cohesion Platform that focused on measures to eradicate child poverty during its latest two-year mandate (2020-2021). As of 2022, this platform will be discontinued and replaced by the Ad hoc European Committee on Social Cohesion (CCS) that continues to cover the rights of the child as a cross-cutting issue.

36. Regarding **children with disabilities**, the Council of Europe has been implementing the Disability Strategy: Human Rights, a reality for all (2017-2023), which dedicates sections to quality education, both on and for children with disabilities. The Council of Europe has also led an innovative participatory study on the experiences of children with disabilities in the digital environment, which involved extensive consultation with children of varying ages and disabilities.<sup>26</sup> The Human Rights Commissioner has issued several country reports examining the key challenges for protecting the rights of children with disabilities.<sup>27</sup>

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25. A substantive contribution to this part of the report was made by Ms Susanna Greijer, international consultant specialising in the protection of children from violence.

26. See further <https://rm.coe.int/two-clicks-forward-and-one-click-back-report-on-children-with-disabili/168098bd0f>

27. See further <https://www.coe.int/en/web/commissioner/country-monitoring>

37. The rights of **children in alternative care** have been supported through the organisation of a Regional exchange on “children’s rights and alternative care” by the CDENF as a contribution to the CRC Day of General Discussion 2021. In its sphere of competence, the Lanzarote Committee adopted in October 2019 a Declaration on protecting children in out-of-home care from sexual exploitation and sexual abuse.<sup>28</sup> In this context, the Committee of Ministers’ Recommendation Rec(2005)5 on the rights of children living in residential institutions continues to be promoted online, but no specific activity on their situation or the de-institutionalisation of children in care, was developed under the Strategy. This area could possibly be covered more extensively under the next Strategy, for example with regard to groups overrepresented in institutions, such as Roma and Traveller children.

38. Work to protect and promote the rights of **children on the move or otherwise affected by migration** has been prioritised under the mandate of the Special Representative of the Secretary General on Migration and Refugees (SRSG) and also in the framework of the CDENF. Since 2021, various monitoring bodies (i.e. ECRI, ECRML, CPT, GRETA, Lanzarote Committee) are following the situation of migrant children under the Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025).

39. The CDENF itself has conducted a review of the implementation of the Recommendation CM/Rec(2007)9 on life projects for unaccompanied migrant minors, has prepared Recommendation CM/Rec(2019)11 of the Committee of Ministers on Effective guardianship for unaccompanied and separated children in the context of migration, and has been working towards the adoption of a Recommendation on human rights principles in age assessment procedures which was approved at Committee level in early 2022 and will soon be sent to the Committee of Ministers with its explanatory memorandum. Several tools related to refugee and migrant children have been developed to support the work of legal and frontline professionals, child protection services, and policy makers and are available in several languages<sup>29</sup> and already existing publications on children in migration have been further translated and disseminated.

40. Other Council of Europe bodies have equally paid attention to the **situation of young refugees and migrants**, such as the Youth Department in supporting the inclusion of young refugees through youth work and relevant trainings for youth workers and refugees, or the HELP unit through new e-learning courses on the rights of refugee and migrant children and on alternatives to immigration detention.

41. The Council of Europe has continued to uphold the rights of **children from minorities**, through COMEX’s work on the rights regarding the use of regional and minority languages, and particularly children’s right to speak regional and minority languages in the educational context, as well as the ACFC’s monitoring work on the protection of the rights of children from minorities.

42. A special focus has been placed on safeguarding the **right to education** during the pandemic. The CDENF itself organised a webinar on “Overcoming education challenges”<sup>30</sup> with an exchange on good practices identified during the pandemic. Moreover, a political declaration on the education response to the Covid crisis was issued as a result of an Informal Conference of Ministers of Education.<sup>31</sup> Inclusive education for Roma children was the focus of the second round of a joint Council of Europe-EU project “Inclusive schools: making a difference for Roma children” (INSCHOOL) across five countries. On this issue, the Committee of Ministers also adopted a Recommendation on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials (CM/Rec(2020)2).

43. Other sectors have equally worked towards furthering **inclusive education**, such as the Education Department and its Co-operation and Capacity-Building Division through projects in Kosovo\* (for children from Roma, Ashkali and Egyptian communities) and in Bosnia and Herzegovina, Montenegro and Serbia (to promote democratic practices and non-discrimination). However, whilst the Children’s Rights Division and the Education Policy Division, are keeping each other regularly updated on respective activities, synergies have not yet been fully explored – this is something that could be stepped up under the new Strategy.

28. See further <https://rm.coe.int/declaration-of-the-lanzarote-committee-on-protecting-children-in-out-o/1680985874>

29. Including the Handbook “Family reunification for refugee and migrant children - standards and promising practices”; a video animation on age assessment for children in migration (launched jointly with EASO); and a child-friendly leaflet “Your rights in the age assessment procedure - Information for children in migration”.

30. See further <https://www.coe.int/en/web/children/-/covid-19-and-children-s-rights-overcoming-education-challenges>

31. See further <https://rm.coe.int/the-education-response-to-the-covid-crisis-political-declaration-for-t/16809fee7a>

\* All reference to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

44. Fighting discrimination and promoting **gender equality between boys and girls** is a priority in the Council of Europe's Gender Equality Strategy (2018-2023). Gender equality continues to be mainstreamed in all activities on children's rights, including in the CDENF and thanks to its dedicated Gender Equality Rapporteur, while an intersectional approach to discrimination has been taken in work relating to the rights of girls in migration, including forced marriage and female genital mutilation. In 2021, the Council of Europe Drafting committee on migrant women (GEC-MIG) prepared a Recommendation on migrant and refugee women and girls that was adopted by the CM in spring 2022.

45. Different sectors of the Council of Europe are regularly promoting the rights of specific groups of children and have continued to do so under the Sofia Strategy: steps have for example been taken to address discrimination against **LGBTI children** more generally. The Committee on Bioethics (DH-BIO) organised a conference on early interventions on **intersex children**, an activity that is further pursued into the new intergovernmental biennium. The Council of Europe Pompidou Group has started assessing the human rights challenges for **children whose parents use drugs** as a group of children in a particular vulnerable situation. Already in 2018, the Council for Penological Co-operation (PC-CP) had prepared Recommendation CM/Rec(2018)5 concerning **children with imprisoned parents**.

46. Notably through the 2019 survey, clear evidence has been raised for positive outcomes at member State level under this priority area. At the time, the vast majority of member States had reported a change in legislation or policy for the purpose of tackling **child poverty and social exclusion**. Nearly all reporting states indicated that they had used the standards and tools issued by the Council of Europe for these purposes, in particular the European Social Charter and the Committee of Ministers Recommendation on child-friendly social services. The Recommendation on child-friendly healthcare, meanwhile, is enjoying only moderate use, while the Recommendation on the access of young people from disadvantaged neighbourhoods to social rights is being used by a further, but relatively small number of States.

47. While Council of Europe tools and standards have been used in many member States to foster initiatives which combat **discrimination** against children in alternative care and to promote gender equality, few initiatives have been reported by States with respect to actions regarding migrant children, children of national minorities, Roma children and relatively few initiatives have been reported on countering discrimination against LGBTI children. Especially with regard to migrant and refugee children, this response may change as of 2022, and the need to welcome and provide support to children and families fleeing the war in Ukraine. Other responses by the Council of Europe and its member States have been very much focused on adapting child protection and other social services to make them fit to support children and families in the pandemic situation. This will, here following and also under subsequent priority areas, be covered by the "In focus" box on the Covid-19 pandemic.

### **In focus: The impact of the Covid-19 pandemic**

The challenges that hamper the achievement of an equal society for children are of structural nature, and they have been exacerbated by the short- and long-term impact of the Covid-19 pandemic. In particular, there is concern that continued austerity will significantly affect children's social rights in a short- and a long-term perspective, especially for children in vulnerable situations. Child poverty has increased during the pandemic.

The increased economic insecurity for many families, with parents who risk losing or actually having lost their jobs, has produced negative consequences for a large number of children, with those from already low-income or socially marginalised families suffering the most. In some places, school closures have led to missing out on school meals, which to some children represented the most significant meal of the day. Some parents are living the difficulties of unemployment and financial constraints. Other parents had to leave their children unattended at home to continue working, often even abroad, leaving children attended by wider family or neighbours.

Next to these difficulties in meeting children's vital and physical needs, a decrease in children's emotional and mental well-being has been observed, with many children suffering from anxiety, due to lack of information, and uncertainty about the current situation, experiencing loneliness from being kept away from friends, school, sport and leisure activities, worrying about the health of family members, suffering from fear of becoming themselves sick and even coping with the loss of loved ones. The lack of adequate physical activity, the absence of a daily structure and routine also played a role, leading to increased and regularly unsatisfied demand for mental health support services. One of the consequences drawn by the CDENF has been to envisage a mapping study on children's access to quality mental health care under the new Strategy cycle, to be prepared by the end of 2023.

Furthermore, the rapid adaptation of educational methods as a result of the closure of schools and the implementation of distance learning has revealed not only a digital divide, but has also exacerbated the pre-existing social divide and educational inequalities more generally. The availability of and access to high-quality online education during the pandemic has been unequal, within and between countries. In many cases, the availability and capacity of parents to compensate for the lack of formal education during the lockdown has made a difference. For instance, living in poor or overcrowded housing, in noisy environments and without the possibility to concentrate made home schooling extremely challenging. Varying problems of access to digital devices or the Internet to carry out schoolwork online has affected the possibilities of many children to study regularly and effectively. As restriction measures were gradually eased in 2021 and equipment improved, serious concerns remained with regard to children who had fallen behind or would increase the number of school drop-outs, while reflections on the right policy measures were impacted by the uncertainty of the pandemic's continuity.

It was also observed that children in vulnerable situations, such as migrant children, children with disabilities, Roma children, children in conflict with the law or children in care have been even more exposed during the pandemic and have severely suffered from the consequences of lockdown measures. In some cases, the crisis has revealed or increased discrimination and inequalities that were previously ignored or invisible. Children with disabilities (and their families) have been isolated, often without fully understanding the exact reasons.

Action to respond to the Covid-19 pandemic has been taken in 2020 and 2021 through the exchange of views, report, factsheet, dedicated webpage and series of webinars as mentioned in chapter I. Various other Council of Europe bodies and sectors have developed targeted responses to address matters of equal opportunities, reaching from reports, resolutions and recommendations (e.g. by the Parliamentary Assembly to political declarations (e.g. by the education policy division or the data protection unit), and listing them all would exceed the scope of this report.

## 1.2 Findings and recommendations from Council of Europe monitoring bodies

48. In terms of introduction to the findings and recommendations from monitoring bodies, presented here and under each of the following priority areas, it may be recalled that the Strategy informs that *"children's rights issues will be mainstreamed into relevant co-operation projects and activities of other sectors of the Council of Europe [... and] the rights of the child will continue to be addressed in the Council of Europe's thematic and country-based monitoring of conventions. [...]"* For this implementation report, the Children's Rights Division therefore decided to take stock not only of what has been done to implement the rights of the child by the Division itself and directly related bodies such as the Steering Committee on the Rights of the Child (CDENF), but also by the Council of Europe monitoring bodies. The selected timeframe for this review is 2019-2021, i.e. since the last mid-term review report.

49. While only few of the monitoring bodies address children's rights explicitly, such as the Lanzarote Committee, it is important to acknowledge that many of them work with thematic issues which are of a direct relevance to, or have a direct impact upon, the rights of the child. This is the case of GRETA, ECRI and the CPT, among others. Also, the Commissioner for Human Rights, independently of any Council of Europe Action Plans or Strategies, is very active in the promotion and monitoring of children's rights. For this specific research, 14 monitoring bodies were requested to share information about how they have addressed children's rights during the past 2-3 years. Of those, 11 contributed with information that was considered for this report. Further findings were added based on desk research by the Children's Rights Division.



## Migrant children

50. The rights of children in migration were in focus for a number of monitoring bodies during the relevant time frame. For the **Commissioner for Human Rights** for instance, the repatriation of children from war and conflict zones came to the attention in January 2020, when she addressed the Parliamentary Assembly to underscore that the children of suspected ISIS and other fighters stranded in the camps of Northern Syria were not responsible for their parents' decisions and should be treated first and foremost as victims. She stated that repatriating these children was the only way forward from a human rights perspective and invited Council of Europe member States to consider repatriating also their mothers, noting that this did not prevent states from bringing them to justice as appropriate. In March 2020, the Commissioner issued a statement<sup>32</sup> in which she noted the poor possibilities in migration centres to protect migrants and staff against Covid-19 and called on member States to release rejected asylum seekers and irregular migrants if possible, prioritising the most vulnerable, in particular children.

51. In December 2020, the Commissioner addressed a letter<sup>33</sup> to the Chairman of the Council of Ministers of Bosnia and Herzegovina and the Minister for Security setting out a number of concerns regarding shortcomings in the authorities' handling of migration and asylum, including the human rights of hundreds of unaccompanied migrant children. In particular, she underlined the need for legal guardians to be assigned to them and for providing mainstream education to migrant children throughout the country.

52. Other monitoring bodies also addressed children in migration. For example, in its 2019 annual conclusions, the **European Committee on Social Rights (ECSR)** underscored its increasing concern about the treatment of children in situations of irregular migration, whether they be accompanied or not, and asylum-seeking children. Access to appropriate and safe housing was a particular concern for the Committee.

53. The country reports of the sixth cycle of the **European Commission against Racism and Intolerance (ECRI)** looked at the issue of "irregularly present migrants" and mentioned the need for so-called "firewalls" to protect their fundamental human rights, including for example with regard to education and health for children. Such firewalls should exempt educational institutions such as schools and nurseries from any duty to report the irregular presence of migrants. Migrant children were also of interest to the **Lanzarote Committee**, which addressed the sexual exploitation and abuse of children affected by the refugee crisis.<sup>34</sup>

## The right to an identity

54. The **Venice Commission** participated in a conference in Rabat, held jointly by the *Association des Ombudsmans et Médiateurs de la Francophonie* (AOMF) and the *Assemblée Parlementaire de la Francophonie* (APF), on the occasion of the 30<sup>th</sup> anniversary of the CRC. The conference was dedicated to the importance of children's rights as a priority for ombudspersons and parliamentarians, and one of the focal issues was the right of each child to an identity. A model for a framework law on the right to an identity was presented and discussed, and the Rabat Declaration, adopted at the end of the conference, expresses the need to ensure an identity to each child, enabling him or her to be a full-fledged actor in society, as well as respect for his or her status as a subject of law, born and remaining equal in rights and dignity to adults. In this regard, the **ECSR** pointed out in its 2019 annual conclusions that there is an increasing number of stateless children in Europe, with reduced access to basic rights and services, including health care and education.

## Child poverty

55. The **ECSR** is the main body in charge of monitoring States' compliance with the central mechanism of the European Social Charter (ESC), including Article 30 on the right to protection against poverty and social exclusion and Article 17 on the right of children to social, legal and economic protection. During 2021, compliance with Article 30 was examined, and the conclusions published in early 2022. In its questionnaire to States parties, the ECSR pointed out that *"Living in a situation of poverty and social exclusion violates the dignity of human beings. Living at risk of falling into poverty and exclusion is damaging for the person, not only as regards dignity, but it also entails suffering, loss in cognitive function and social abilities. Risk of poverty and actual poverty and exclusion also compromise the exercise of a range of other rights, both social and economic (employment, health, education, housing, etc.) and civil and political (...) and ultimately involves total disenfranchisement."* The ECSR considers that poverty – whether absolute or relative – has implications for children's enjoyment of their

32. Available at: <https://www.coe.int/en/web/commissioner/-/commissioner-calls-for-release-of-immigration-detainees-while-covid-19-crisis-continues>

33. Available at: <https://www.coe.int/en/web/commissioner/-/bosnia-and-herzegovina-must-urgently-improve-its-migrant-reception-capacities-improve-access-to-asylum-and-protect-unaccompanied-migrant-children>

34. See under Priority Area 3.

participation rights, including in education and cultural and social life. The role of the Council of Europe in this area had already been underlined in a 2019 report prepared by the Department of Social Rights entitled “Protecting the Child from Poverty: The Role of Rights in the Council of Europe.

### Children’s right to privacy

56. The **Department for the execution of judgments** noted following a ECtHR judgment concerning a child, that a provision on ‘intrusive photography’ was introduced into the Criminal Code of a member State. This provision criminalised, under certain circumstances, acts of covert filming of individuals in private places, such as bathrooms and changing rooms, without their permission, thus ensuring protection of one’s private life as prescribed by the Convention.

### Education and protection of children’s data

57. In 2019, the **Committee of Convention 108** (Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data) prepared a report and a set of Guidelines on data protection in the educational setting, in which it addressed the challenges to children’s data protection, including children’s consent and agency, the opaque nature of data processing, and the roles and responsibilities of parents and teachers.

### De-institutionalisation of children

58. Regarding the institutionalisation of children, the **Commissioner for Human Rights** encouraged the authorities of the Republic of Moldova to move further away from practices of institutionalising children, including on the basis of poverty or disability, and to expand alternative care models in family-type settings including by allocating more resources and support to guardians and foster care providers. In 2021, the Steering Committee for Human Rights (CDDH) prepared a Guide on family-based care for unaccompanied and separated children.

### Protection of children from discrimination

59. In 2021, the **Department for the Execution of Judgments of the ECtHR** published a thematic factsheet on children’s rights, outlining a number of measures adopted and reported by States to safeguard and protect children’s rights.<sup>35</sup> The factsheet illustrates how children’s right to live free from discrimination has been upheld in some family law matters following judgments by the ECtHR, such as the removal of filiation-related discrimination of children born out of wedlock or the removal of discrimination of adulterine children in inheritance matters.

### Discrimination of Roma and Traveller children

60. With regard to Roma and Traveller children and the discrimination that they continue to face, the **National Minorities and Minority Languages Division** paid specific attention to children, in particular students, in its recommendations related to combating inequalities and discrimination of Roma children, including in the care system and in schools, and providing equal opportunities and equal access to them in the education system. It was noted that the number of teachers and pedagogical assistants who can work with Roma children needed to be increased.

61. Furthermore, in 2020, the **Commissioner for Human Rights** published a submission to the Committee of Ministers with regard to the case of D.H. and Others v. the Czech Republic, relating to a violation of Article 14 of the Convention (prohibition of discrimination) in conjunction with Article 2 of Protocol No. 1 (right to education) on account of the fact that children were assigned to special education as a result of their Roma origin. The Commissioner noted that measures taken to improve the inclusion of Roma children in mainstream education had not provided the breakthrough necessary to solve deeply rooted inequalities.

62. In its country monitoring work, **ECRI** recommended that the authorities of certain States ensure that all forms of de-facto segregation affecting Roma children in schools are ended.

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35. Some of these are addressed under Priority Area 4 – Child-friendly justice.

## Inclusive education

63. **ECRI** strongly supports inclusive education which ensures that children are afforded equal opportunities in education by respecting diverse needs and abilities and eliminating all forms of discrimination. In its recent country monitoring work, **ECRI** looked at inclusive education<sup>36</sup> and noted that some States understand this concept mainly as integrating children with disabilities into mainstream schooling, rather as a broader concept which includes also national minorities, such as Roma and Travellers. In 2020, ECRI organised a webinar<sup>37</sup> on inclusive education for migrant and Roma children in times of Covid-19.

64. During its 6<sup>th</sup> monitoring cycle, ECRI's recommendations to the monitored States included building on already existing prevention work to combat racism and intolerance in schools, developing and implementing group-specific modules against bullying of members of vulnerable communities, such as Roma and/or LGBTI children and young people; as well as expanding these activities across the country, including into rural areas.<sup>38</sup>

65. ECRI also recommended that the authorities give instructions to schools to include human rights education in the mandatory parts of their curricula and reinforce initial and ongoing teacher training on inclusive teaching in diverse classrooms and on effective responses to cases of bullying and discrimination,<sup>39</sup> as well as to put in place policies for schools and guidelines for pupils, teachers and parents.<sup>40</sup>

## Specific challenges identified by monitoring bodies

66. With regard to **Priority Area 1 – Equal opportunities for all children**, a challenge that continues to grow and that needs increased attention is the deepening of pre-existing inequalities during Covid-19, and the fact that children's ability to enjoy their human rights has been undermined by growing violence, poverty and neglect.

67. On the occasion of World Children's Day in November 2020, the **Commissioner for Human Rights expressed**<sup>41</sup> her serious concern about the possible adverse long-term effects of Covid-19 on children's health, safety, education and living conditions across Europe, and called on all member States to safeguard the best interest of the child in all their Covid-19-related measures and adhere to their commitments stemming from the UN Convention on the Rights of the Child.

68. Another challenge that will need future attention, also according to the ECSR, is that of children's right to an identity, an issue of major concern in Europe with increased immigration flows and an increasing number of stateless children in Europe. The Council of Europe would be well-placed to look further into the many risks of discrimination and rights violations that children without an identity and a nationality run in its member States.

## 1.3 Outstanding challenges: looking forward

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69. Major obstacles to ensuring children's access to equal opportunities are social exclusion, child poverty and lack of equal access to quality education. As the Covid-19 pandemic has proven, children continue to be particularly vulnerable to the effects of crisis situations and the rights of the child are at heightened risk of being violated during emergency situations. One of the major challenges resulting from the pandemic is a rise or at least persistence in child poverty. Prevention of child poverty should therefore be prioritised and investment in children should be increased, to ensure that all children, regardless of their status, have the same start in life and the same opportunities to fulfil their potential. This should be done with a targeted allocation of adequate resources at the national level and the implementation of child-friendly budgets developed with child-rights impact assessments.

70. Difficulties also continue in access to and availability of adequate services for children, including health-care provision. As evidenced by several recent Council of Europe reports, access to justice, education, social and health services, remain limited and there are clear gaps between the standards set by the various human rights instruments and children's experiences with the denial of both substantive and procedural rights. Inclusive and quality education for all children has not yet been achieved and remains a particular challenge for children in vulnerable situations, including children with disabilities, children belonging to minorities, and Roma and Traveller children, as well as those facing poverty more generally.

36. Based on ECRI's General Policy Recommendation No. 10 on inclusive education.

37. Available at: <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/webinar-greece>

38. 6<sup>th</sup> ECRI report on Albania.

39. 6<sup>th</sup> ECRI report on Austria.

40. 6<sup>th</sup> ECRI reports on Switzerland and Germany.

41. Available at: <https://www.coe.int/en/web/commissioner/-/member-states-must-give-renewed-impetus-to-children-s-rights?inheritRedirect=true&redirect=%2Fen%2Fweb%2Fcommissioner%2Fthematic-work%2Fchildren-rights>

71. Child mental health and well-being, as well as healthy lifestyles, appear to be attracting increased concern, including among children themselves. Mental health issues among children are further fuelled, by poverty, lifestyle factors, modern and social media. They are also related to issues of violence against children, both by representing a consequence of violence experienced or witnessed by children (in the family or in schools (e.g. through bullying)), and a root cause of violence exerted by children themselves, whilst the lack of access to mental health services can have serious consequences, such as self-harm, getting into conflict with the law or other. Mental health issues in Europe are regularly overlooked, despite their impact on children's well-being. On the other hand, addressing mental health of children continues to be a taboo and underfunded in many countries and children concerned are often stigmatised.

72. At the same time, there is increasing awareness of the risks which pollution and environmental degradation pose to a multitude of children's rights, including their health. It has been recognised that children are among the most vulnerable group of people to climate change.

73. Finally, many children continue to be discriminated against on the basis of sex, sexual orientation or gender identity, "race", ethnic or national origin, minority status or disability. Refugee and migrant children continue to be one of the most vulnerable groups in Europe today and remain exposed to particular and heightened risks. Several years after the heights of Europe's last refugee and migrant crisis, member States are facing questions of how to ensure systemic and sustainable solutions for unaccompanied children, and the effective integration of migrant children more generally. With the current arrival of many Ukrainian families fleeing the war since February 2022, this issue remains high on political agendas and is likely to remain there. A first reaction by the Council of Europe is the recent creation, under the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI), of a new subordinate body, the Committee of Experts on Intercultural Integration of Migrants (ADI-INT).

## 2. PRIORITY AREA 2: PARTICIPATION OF ALL CHILDREN

74. Child participation is one of the core principles of the UN Convention on the Rights of the Child which provides, in its Article 12, for children's rights to be heard and express their views. Accordingly, child participation has always been a priority for the Council of Europe and participation rights have not only been promoted at the European and national levels through various instruments and projects, but also been practised in the Organisation's own monitoring and standard-setting activities and at major events.

### 2.1 Achievements, outcomes and impact

75. Under the Sofia Strategy, the Council of Europe has supported member States in **embedding participation in practice in a systematic manner and in all contexts relevant for children**. Based on Recommendation CM/Rec(2012)2 on the participation of children and young people under the age of 18, the Council of Europe has supported two annual work cycles of the Child Participation Assessment Tool (CPAT)<sup>42</sup> in six volunteering countries: Bulgaria, Italy and Latvia (2016-2017); Finland, Malta and Slovenia (2018-2019), thus carrying to ten the overall number of countries having used the tool (also including a pilot work cycle in Estonia, Ireland and Romania, and an assessment led on the initiative of the Ombudsman's office in Armenia).

76. The Organisation has continued to **involve children and give due respect to their views in its own research and monitoring activities and for the purpose of informing the development of its tools and standards**. Most lately, for example, a vast child consultation process was held involving 220 children in 10 countries, with the support of national CDENF delegations and their partner NGOs and coordinated by DCI Italy, to inform the development of the new Strategy for the Rights of the Child (2022-2027). Further consultations took place in the monitoring work of the Lanzarote Committee<sup>43</sup>, in a project to support the implementation of the Barnahus model in Slovenia, in a participatory research project on experiences of children with disabilities in the digital environment, or in the development of campaign material entitled "4Children-by-Children" to the DOSTA! campaign encountering prejudice and challenging stereotypes on Roma and Traveller children; children themselves participated in the 2019 mid-term evaluation conference of the Strategy and in the 2021 online webinars on Covid-19 and children's rights.

42. Council of Europe (2016), Child Participation Assessment Tool: Indicators for measuring progress in promoting the right of children and young people under the age of 18 to participate in matters of concern to them.

43. See further, below §85 and the Lanzarote Committee's guidelines for implementation of child participation by states and other stakeholders to reflect children's views in the second monitoring round.

77. In any child participation activities, when participating in meetings or events in the presence of adults (be it online or face-to-face), children are potentially at risk of being unduly exposed, put on the spot or approached in an inappropriate manner. As a mitigating action, the Children's Rights Division developed in 2019 its own **Child Safeguarding Policy**, which is currently serving as an internal reference for all measures taken to protect children in the context of activities led by the Division; it also regularly serves to request commitment to child safeguarding from any consultants collaborating under formal contracts (after having been validated by DLAPIL). A more comprehensive draft policy was prepared in 2020/2021 for the Organisation within as a whole, accompanied by an Implementation Toolkit. The draft policy is currently being considered within the Organisation for being integrated with other new rules to be adopted for the Council of Europe overall (e.g. a "Speak-up policy"). The Implementation Toolkit, once finalised is likely to encourage other services to start involving children more actively in their work.

78. The collaborative efforts in the area of child participation produce Council of Europe tools and standards that are **more adapted, more accountable and more credible** towards children and provide for events in which children are being heard amongst the key stakeholders. Across the Council of Europe, various child-friendly tools and publications<sup>44</sup> have been produced as the result of consultation processes and promoted at different events, including with the participation of children. Through a resolution adopted in January 2022, the **Parliamentary Assembly** even decided to "consult children [...] in the preparation of the Assembly reports that concern them, in an appropriate way and with due respect for child safeguarding procedures, for example through written consultations, participation in hearings, focus groups and parliamentary networks; give children a voice in the debates on Assembly reports that concern them, for example by inviting a child representative to take the floor [...]".

79. Up until late 2021, the Children's Rights Division has supported different services of the Organisation in this respect, for example in the framework of the Compasito training course for Human rights education with children organised by the **Youth Department** at the European Youth Centre in Budapest on 17–24 October 2021, including the Launch event of the 3<sup>rd</sup> Edition of Compasito: A Manual for Human Rights Education with Children, to the preparation of which the Children's Rights Division had equally contributed.

80. Closely related to the Strategy's objectives, the **Education Department** of the Council of Europe has strengthened the opportunities for children's participation in the school setting and the democratic governance of schools by offering and implementing the project<sup>45</sup> aimed at developing democratic and inclusive schools, and even inviting schools across Europe to join the "democratic schools network", aimed at promoting the Charter for Democratic Citizenship and Human Rights Education and the Reference Framework of Competences for Democratic Culture (RFCDC).

81. Throughout 2021, the **World Forum for Democracy** was dedicated to the thematic campaign "Can democracy save the environment?". A dedicated event in June 2021 focused on "Children and youth leading the fight against climate change", involving events and discussions on how children and youth are affected by climate change, how they are organising themselves to pressure society into action and how governments should react to their demands.<sup>46</sup>

82. Amongst the numerous activities by the **Children's Rights Division** in the area of child participation, the following may be highlighted:

- ▶ The new **handbook** on children's participation for professionals working for and with children "Listen – Act – Change"<sup>47</sup> launched, with the participation of children, at a webinar in January 2021<sup>48</sup> to support the implementation of the Council of Europe Recommendation on the participation of children and young people under the age of 18;<sup>49</sup>
- ▶ The joint **EU/CoE co-operation project** "CP4EUROPE - Strengthening National Child Participation Frameworks and Action in Europe", aimed at promoting children's rights to participation at national and pan-European levels in line with Council of Europe standards and tools (CPAT, Handbook on children's participation, etc.), implemented during 1 April 2021- 31 March 2023 in 5 partner countries (Czech Republic, Iceland, Portugal, Slovenia and Finland) and at European level;

44. In particular, the Council of Europe Youth Sector has updated the "Compasito", a manual on human rights education for children.

45. See further <https://www.coe.int/en/web/campaign-free-to-speak-safe-to-learn-what-the-project-will-do>.

46. See further <https://www.coe.int/en/web/world-forum-democracy/12-months-1-question-june-2021>.

47. See further <https://rm.coe.int/publication-handbook-on-children-s-participation-eng/1680a14539>.

48. See further <https://www.coe.int/en/web/children/-/listen-act-change-launch-of-a-new-council-of-europe-guide-on-children-s-participation>.

49. See CM/Rec(2012)20.

- ▶ The current joint activity with the Committee on Bioethics (DH-BIO; Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO) as of 2022), kicked off in November 2021 via a **Joint Drafting Group** BIO/ENF-CP preparing guidance on the participation of children in decision-making processes regarding their health, the outcomes of which are expected towards the end of 2023;
- ▶ Since the end of 2021, the **consultation of children towards non-binding instruments** on the rights and the best interests of the child in parental separation and in care proceedings, in collaboration with the Hintalovon Foundation in the framework of the Committee of experts CJ/ENF-ISE, one of the subordinate bodies to the CDENF.

83. There have also been **positive outcomes in the area of child participation at member State level**. Until 2019, 34 member States had changed their legislation and introduced policies to implement children's right to participation; as of 2020, national efforts in this area were further stepped up, not least in the context of the above CP4EUROPE project joined by 5 national partners. 14 member States<sup>50</sup> had indicated having ratified, since 2016, the Optional Protocol to the UN Convention on the Rights of the Child on a communication procedure.

84. According to the 2019 survey, steps had been taken by policy makers and other stakeholders in member States to embed **child participation** in all contexts relevant for children, notably education, justice, healthcare, social services, sports, culture, leisure, and family policies. Given the Strategy's focus on improving participation in and through schools, it is positive to see more action in a context of education. About one third of member States had taken action to implement the Charter for Democratic Citizenship and Human Rights Education.

85. Overall, developments suggest that many more children are currently enjoying their right to participation both at European and national levels, and are increasingly truly listened to. Over the past years, this has contributed to children's voices being better heard in specific areas such as the justice system, schools (e.g. to fight bullying and abuse), health services (e.g. to respect children's wishes about their treatment) or in the online environment (e.g. to develop solutions which are effective in ensuring children's access to digital tools and in protecting them from harm). There is increasing awareness-raising and discourse on taking child participation to some of the next levels, e.g. by involving children as trainers for human rights education and as child rights activists – or children human rights defenders - speaking up for their own rights and on behalf of others. This is certainly a new dimension to be further explored under the new Strategy.

### In focus: The impact of the Covid-19 pandemic

Children's participation in social life and recreational activities, but also in Covid-19 related decision making, has been limited, as has their access to information during the pandemic. Communication with children directly has been poor and efforts to communicate information in a child-friendly way, as well as to seek children's voices about the ongoing situation, have been largely insufficient. This has resulted in many children's needs and rights not being considered, e.g. the need to have social contacts with family and friends, the right to education, the right to see both parents in case they are separated or divorced, and the right to be informed about what is going on in a language that is understandable to them. This lack of appropriate communication has resulted in significant additional stress for children that could potentially have been avoided.

Besides, the pandemic context has made child participation even more difficult, as the capacities for reaching out to children through digital technologies were limited in some national or social contexts. Besides, in the light of Covid-19-related confinement, restrictions and new ways of providing essential services to children, not only children, but also many adults have seen how important it is to let children participate in decisions affecting them in order to better respond to their needs. Likewise, all parties have seen that continuous child participation requires qualified staff who know how to reach out to children, and how to use dedicated information and communication technologies.

50. Armenia, Bosnia and Herzegovina, Croatia, Cyprus, France, Georgia, Italy, Liechtenstein, Luxembourg, San Marino, Slovenia, Switzerland, Turkey, Ukraine.

## 2.2 Findings and recommendations from Council of Europe monitoring bodies

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86. The following paragraphs present the findings and recommendations by monitoring bodies as compiled through the analysis undertaken at the end of 2021 (see also chapter 1.2).

### Consultation processes involving children

87. For its second monitoring round, dedicated to “The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by child self-generated sexual images and/or videos”, the **Lanzarote Committee** opened, for the first time, the process for the direct participation of children, and reflected their contributions in the implementation report.<sup>51</sup> Their views were incorporated in the Lanzarote Committee implementation report adopted on 10 March 2022.<sup>52</sup> In 2021, the Chairperson of the Lanzarote Committee sent a letter to thank the young participants for their valuable contribution and input and to inform them that the Committee will consider the possibility of creating a child- and user-friendly version of the key messages and recommendations brought by the implementation report of the second monitoring round once adopted. A **child-friendly version of the Lanzarote Convention** was also prepared with the support of the End Violence against Children Fund and the Hıntalovon Child Rights Foundation and published under the title “So this is Sexual Abuse?” in November 2019.<sup>53</sup>

### Promoting the participation of children in matters that concern them

88. In 2019, the **Venice Commission** participated in a conference by the *Association des Ombudsmans et Médiateurs de la Francophonie* (AOMF) on children’s right to an identity, during which the Rabat Declaration was adopted to express concerns about the “absence of a genuine culture of children’s participation and the persistence of resistance in both legal provisions and customs, which deprives children of their right to be heard”. It calls upon governments to adopt “a legal framework that provides for the systematic involvement of children and young people in the reflection, development, monitoring and evaluation of public policies that concern them”.

### Participation of Roma children

89. In its recommendations to States parties, the **National Minorities and Minority Languages Division** focused on increasing the participation of Roma children in pre-school and secondary education, as well as on building trust and participation by involving Roma children and their parents in intercultural education models.

### Specific challenges identified by monitoring bodies

90. With regard to **Priority Area 2 – Participation of all children**, significant challenges remain to ensure a more active, meaningful and representative role for children in matters that concern them. From the call for input among the Council of Europe monitoring bodies, it quickly became clear that child participation in general represents a challenge. Indeed, apart from a couple of exceptions, involving children directly in monitoring work is complex, needs thorough planning and further capacity-building within the Council of Europe.

91. Although the mandates of many monitoring bodies do not include children’s rights directly, children are affected by Council of Europe legal standards and their implementation. Hence, it would be important to consider ways to include references to the rights of the child and children themselves more systematically in monitoring work.

## 2.3 Outstanding challenges: looking forward

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92. Children in Council of Europe member States continue to face exclusion and barriers in expressing their views on decisions which affect them and having these views accorded due weight, with insufficient opportunities for participation in law, policy and decision making, as well as in local and community life. Particular barriers exist with regard to the participation of so-called “seldom heard” children, including, depending on the national context, girls, children with disabilities, or minority children, as well as those on the move or otherwise affected by migration. There is still much room for improvement in terms of children’s democratic participation through safe, ethical and enabling child participation processes.

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51. See further <https://www.coe.int/en/web/children/2nd-monitoring-round>.

52. See further <https://rm.coe.int/implementation-report-on-the-2nd-monitoring-round-the-protection-of-ch/1680a619c4>

53. See further “So, this is sexual abuse?”

93. Amongst the specific challenges to be addressed are the capacity-building and training of professionals working for and with children, as well as the development of formal mechanisms to take children's views into account (next to "ad hoc" opportunities for consulting children). Low awareness or knowledge of the right to participate, as well as negative attitudes, are unfortunately still present in both adults and children. With many member States witnessing challenges to human rights and democratic values, not least in the light of current crisis and war situations, there is increasing need to step up efforts to empower, inform and engage children in civic life, as they are amongst the first affected by adult decisions. However, children acting as human rights defenders (in the context of the climate change movement for example) are regularly subject to increased hate speech and harassment. In some contexts, they are even threatened, pressured or prevented from acting. Understanding the challenges that child human rights and environmental defenders face and putting up the safeguards for protecting them will therefore be an important issue to explore further by the Council of Europe in the years to come.

### 3. PRIORITY AREA 3: A LIFE FREE FROM VIOLENCE FOR ALL CHILDREN

94. The Sofia Strategy for the Rights of the Child (2016-2021) was designed to stimulate action by States and other stakeholders to eliminate all forms of violence against children. In this respect, the Strategy's priority area 3 has been very much aligned with Target 16.2 of Agenda 2030 of the Sustainable Development Goals that will be covered in a separate section (see chapter III.2) to assess the global impact of the Strategy.

#### 3.1 Achievements, outcomes and impact

95. Under the Sofia Strategy, the Council of Europe has continued to promote an **integrated and strategic approach to addressing violence against children** and aimed at contributing to the **elimination of all forms of violence in all settings** according to a wide understanding. Violence against children has therefore been addressed in a number of key policy areas, including education, media, justice, equality, family, migration, or alternative care.

96. Over the past years, the Council of Europe has always supported member States in implementing Recommendation CM/Rec(2009)10 containing **Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence**. Through the "VAC Clearinghouse", an online platform on responses to violence against children<sup>54</sup> that will soon be made more accessible through the revised Children's Rights website, access to and exchanges on national strategies will be further facilitated. The Council of Europe has also regularly provided technical assistance and support to member States in the development of integrated responses to violence against children through a projects and initiatives, including in the Republic of Moldova (2018-2021), Slovenia (2019-2021) and Ukraine (2020-2021).

97. Work has been pursued by various sectors and bodies to promote, monitor and support the implementation of the Council of Europe treaties aimed at **preventing and addressing the various forms of sexual violence against children**. The second monitoring round by the Lanzarote Committee on the "Protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by child self-generated sexual images and/or videos" has just been completed, with an implementation report adopted on 10 March 2022.<sup>55</sup> The Lanzarote Committee had previously adopted an opinion on 6 June 2019 on child sexually suggestive or explicit images and/or videos generated, shared and received by children.<sup>56</sup>

98. Two additional countries have ratified the Lanzarote Convention since 2020,<sup>57</sup> which now covers 48 countries: **all Council of Europe member States** and the Russian Federation and Tunisia. In addition, the European Council has called for EU accession to the Lanzarote Convention.<sup>58</sup> The Lanzarote Committee has continued to serve as a platform for **capacity-building and collection of good practices**: including through capacity-building events.<sup>59</sup> Its Chairperson and Vice-Chairperson released a Statement on stepping up protection of children against sexual exploitation and abuse in times of the Covid-19 pandemic,<sup>60</sup> on means to protect and empower children during the health crisis. Parties to the Lanzarote Convention, observers on the Committee and other partners were called to send information on initiatives taken following the lock-down to ensure protection of children against sexual violence and on the effect of the crisis.<sup>61</sup>

54. See <https://www.coe.int/en/web/children/clearinghouse-on-responses-to-violence-against-children>.

55. See further <https://rm.coe.int/implementation-report-on-the-2nd-monitoring-round-the-protection-of-ch/1680a619c4>

56. See <https://rm.coe.int/opinion-of-the-lanzarote-committee-on-child-sexually-suggestive-or-exp/168094e72c>

57. Armenia and Ireland.

58. See Council Conclusions on EU priorities for cooperation with the Council of Europe 2020-2022

59. See further [https://www.coe.int/en/web/children/good-practices#%2212443521%22:\[\]](https://www.coe.int/en/web/children/good-practices#%2212443521%22:[])

60. See <https://rm.coe.int/covid-19-lc-statement-en-final/16809e17ae>

61. See the compilation of the information received: <https://www.coe.int/en/web/children/covid-19>



99. The **European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse** has been marked to highlight the need to act against child sexual abuse, under the following themes: “The protection of children against sexual exploitation and sexual abuse facilitated by ICTs” (2017); “The protection of children against sexual abuse in sport” (2018); “Empowering children to stop sexual violence” (2019); “Preventing risky behaviour by children: child self-generated sexual images and/or videos” (2020); and “Making the circle of trust truly safe for children” (2021). Next to numerous activities organised by member States’ governments and civil society, the Parliamentary Assembly has always actively supported the European Day through a number of initiatives, including in national parliaments.<sup>62</sup>

100. Co-operation activities led by the Children’s Rights Division have been focused on preventing and fighting against **online child sexual exploitation and abuse (OCSEA)** through the project “End Online Child Sexual Exploitation and Abuse@Europe” (EndOCSEA@Europe),<sup>63</sup> which sought to address the challenges identified and support national efforts to prevent and combat OCSEA. In this context, the Council of Europe organised various webinars<sup>64</sup>, published and translated child-friendly material<sup>65</sup> and published a report on “Respecting human rights and the rule of law when using automated technology to detect online child sexual exploitation and abuse (OCSEA)”.

101. The Council of Europe Commissioner on Human Rights has issued a Human Rights Comment on **comprehensive sexuality education**,<sup>66</sup> pointing to overwhelming evidence that comprehensive sexuality education benefits children and society as a whole by teaching young people about their human rights and their bodies and empowering them to develop safe and respectful relationships, and deplored the proliferation of myths and misinformation about sexuality education being a threat to traditional and religious values.

102. Accordingly, the Working group on responses to against children (CDENF-GT-VAE), subordinate group of the CDENF, has started exploring this matter through a major report on harmful sexual behaviour by children in a context of peer-to-peer violence, but then decided to focus on preparing a draft Recommendation and Guidelines on **Strengthening reporting systems on violence against children**. However, the matter of age-appropriate and comprehensive sexuality education will be addressed by the CDENF and its subordinate bodies in the near future and on the basis of previous work undertaken by experts.

103. To address the need to change social norms that condone or tolerate corporal punishment, the Council of Europe has continued to promote the effective **elimination of corporal punishment and other cruel or degrading forms of punishment of children in all settings**, including within the home, by continuously promoting its campaign and educational material developed under previous Strategy cycles<sup>67</sup> against corporal punishment and in favour of non-violent positive parenting.<sup>68</sup> Currently a total of 34 member States have a full legal ban on corporal punishment in all settings and since 2016 a total of 4 member States have newly committed to such a ban including France, Georgia, Lithuania and Slovenia. It should also be noted that Scotland and Wales of the United Kingdom have recently introduced a full ban.<sup>69</sup>

104. Pursuing a transversal approach, the outgoing Strategy has aimed to strengthen the **role of education in preventing specific forms of violence**, such as bullying, including in schools, homophobic bullying and cyber-bullying, as well as violence linked to radicalisation. Action has been carried out on the basis of the Council of Europe Charter on Education for Citizenship and Human Rights Education. A three-volume Reference Framework of Competences for Democratic Culture was completed in 2018 and adapted for use in schools, and national curricula. Awareness-raising actions against violence have been implemented through the “Free to Speak – Safe to Learn: Democratic Schools for all” campaign<sup>70</sup> already mentioned previously as a good example for a child participation initiative (see chapter 2.1 above).

62. European Day website: <https://www.coe.int/en/web/children/end-child-sex-abuse-day>

63. See <https://www.coe.int/en/web/children/endocsea-europe>

64. Topics covered included OCSEA in times of the Covid-19 pandemic, educational measures to prevent risks associated with child self-generated sexual images/videos and cyberbullying.

65. See “So this is sexual abuse?” booklet and new animation “Kiko and the Manymes”.

66. See <https://www.coe.int/en/web/commissioner/-/comprehensive-sexuality-education-protects-children-and-helps-build-a-safer-inclusive-society>

67. See the campaign material on “Raise your hand against smacking!” available in 19 languages.

68. See further Recommendation CM/Rec(2006)19 on policy to support positive parenting

69. See further on the End Violence Against Children / End Corporal Punishment website.

70. See <https://www.coe.int/en/web/campaign-free-to-speak-safe-to-learn>.

105. Member States have also been encouraged to sign, ratify and effectively implement the Council of Europe Convention on preventing and combating **violence against women and domestic violence** (Istanbul Convention), under which country monitoring reports have been adopted for 17 member States.<sup>71</sup> The Council of Europe has also supported member States in fulfilling their obligations under the **Convention on Action against Trafficking in Human Beings**, and through GRETA's urgent country monitoring reports on victims of trafficking among unaccompanied children and third monitoring round on access to justice and effective remedies for victims of trafficking in human beings. In 2021, GRETA organised a regional conference on "Taking action in the face of crisis: working together in the Western Balkans to protect children from trafficking and exploitation".<sup>72</sup> Further findings and recommendations coming from monitoring bodies are covered below (see chapter 3.2 below).

106. Through the Enlarged Partial Agreement on Sport (EPAS), the Council of Europe has continued to promote a **healthy and safe sports environment for children**. The project Pro Safe Sport (PSS) has been followed by a new EU-Council of Europe joint initiative, Pro Safe Sport + (PSS+), focusing on sexual violence against children in sport. Through this initiative, the campaign "Start to Talk" was launched, calling on governments, sports clubs, associations, and federations as well as athletes and coaches to pledge to take concrete measures to respond to abuse. The campaign has attracted much interest in Europe and was actively disseminated in 21 member States and beyond (in Australia, Canada (Quebec), Uruguay and Chile). FIFA, UEFA and the International Olympic Committee have been among the sports organisations supporting the campaign. Monitoring work has been carried out regarding the implementation of the Recommendation CM/Rec(2012)10 on the protection of child and young athletes from dangers associated with migration.

107. By the time of the national survey in 2019, the majority of the member States had significant measures in place to fight violence against children, both at the legislative and at the policy level. More than two thirds had developed **integrated strategies** at national level to protect children from violence; an undertaking which in most member States had been inspired by the Council of Europe Policy Guidelines in establishing clear targets, timeframes, and resources. There is evidence of positive outcomes at member State level for children's right to a life free from violence. Since 2016, around 30 member States have put in place a national programme, action plan or strategy, or have introduced policy initiatives to improve integrated measures on violence against children. Approximately two-thirds of member States have developed an integrated strategy on violence against children, since the adoption of the Policy Guidelines. However, not all member State responses to violence against children fully align with the essential elements and principles laid out in the Policy Guidelines (for example, in relation to dedicated specific resources, data collection, or mandatory reporting mechanisms).

108. There have been significant steps forward in ensuring that all member States ratify relevant Council of Europe conventions related to violence against children. All member States and the Russian Federation and Tunisia have ratified the **Lanzarote Convention**, 16 further member States have ratified the Istanbul Convention, bringing the current total to 34. Meanwhile, approximately half the member States had said that they had taken action since 2016 to further implementation of the Lanzarote Convention and **Istanbul Convention**, through the adoption of new laws, dedicated strategies and action plans and the development of tools (including telephone or online helplines). There has been investment in relevant support services and initiatives have been carried out to improve the coordination of services and bodies involved in combating violence.

109. Policies and legislation have also been changed to implement Council of Europe standards concerning **other forms of violence**. Greatest progress has been seen, over the past decade, in the domestic setting and the school environment, and stakeholders praised awareness-raising and educational initiatives against violence. However, children living in institutions have not benefited from the same level of attention. Moreover, certain efforts, including campaign and awareness-raising measures, often appeared not to be adapted to specific groups of children, including children with disabilities or those living in institutions.

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71. Albania, Andorra, Austria, Belgium, Denmark, Finland, France, Italy, Malta, Monaco, Montenegro, the Netherlands, Portugal, Serbia, Spain, Sweden and Turkey

72. See further Regional conference - News (coe.int).

### In focus: The impact of the Covid-19 pandemic

With the pandemic increasing levels of stress, fear and financial insecurity, the risks of abuse, neglect, domestic violence, criminal or sexual exploitation of children have also increased. It has been observed in many countries that children's exposure to physical, psychological and sexual violence increased, both offline and online.

Offline, as evidenced by the increased difficulties in relationships and conflict within the family home, whether between children, siblings and parents, which have been reported: many children have been locked in together with perpetrators of violence during this time and have been unable to call for help; the same is true for domestic violence more broadly, and information was shared on how domestic violence had increased during the pandemic at a time when state interventions are significantly limited, causing such acts to be further hidden from detection. The restriction measures have made it much more difficult for the abused parent and/or child to report violence in the home. In many instances, children were exposed directly or indirectly and witnessed acts of violence against their mother.

Online, because children have been spending an increasing amount of time on the internet, and so have perpetrators: recent data from Europol and Interpol have showed an increased in online sexual offences against children, notably the sharing of child sexual abuse material online, potentially also impacted by the restrictions on travel.

The Covid-19 pandemic has also shown the vulnerability of child protection systems in times of crisis as well as the shortcomings of existing identification and reporting mechanisms. It has shown the urgent need to address that vulnerability, especially during times of crisis, in particular through an integrated and strategic approach to violence, by strengthening legal systems and the gathering of evidence, stepping up prevention and reinforcing reporting and response systems through multi-disciplinary and interagency approaches, including alternative reporting mechanisms. Due to the lack of contact between non-parental duty bearers and children in times of crisis, violence against children has been less visible.

## 3.2. Findings and recommendations from Council of Europe monitoring bodies

110. With regard to the 3<sup>rd</sup> Priority Area of the Strategy, the monitoring work of three monitoring bodies are mentioned explicitly among the outputs of the Strategy, namely the Lanzarote Committee, GREVIO and GRETA.<sup>73</sup> Their Secretariats and others have responded to the call to provide for information on child-related action.

### Sexual violence against children

111. According to its mandate, the **Lanzarote Committee**, Committee of the Parties to the Convention on the Protection of children against sexual exploitation and sexual abuse (Lanzarote Convention) focused on different issues related to protecting children from sexual violence. In particular, it addressed the protection of children against sexual exploitation and abuse facilitated by information and communication technologies (ICTs) with a specific focus on the challenges raised by child self-generated sexual images and/or videos, it followed up on how children affected by the refugee crisis were protected from sexual exploitation and abuse, it looked at how the Covid-19 pandemic was affecting protection mechanisms and services, and it addressed the protection of children in out-of-home care.

112. Several other monitoring bodies also addressed the issue of sexual violence against children under the Strategy, most prominently, the **Cybercrime Convention Committee**. In the framework of the project EndOCSEA@Europe, implemented jointly by the **Cybercrime Office** and the Children's Rights Division, a series of conferences, webinars and other activities was carried out between 2019 and 2021. The project aimed at protecting the rights of children through effective multi-national, interdisciplinary and cross-sectorial co-operation and child-friendly measures to prevent and combat child sexual exploitation and abuse facilitated by ICTs, on the basis of three mutually reinforcing components: strengthening governance structures; conducting national situation analyses and legislative and procedural reforms; awareness-raising and education. The Cybercrime Office also supports the identification of responses to the production of child sexual abuse material (CSAM) via its **Octopus project**, promoting a multidisciplinary approach including prevention, awareness raising

73. Council of Europe, Strategy for the Rights of the Child (2016-2021), p. 17.

and criminal justice responses. In addition, the Human Rights Comment<sup>74</sup> by the **Commissioner for Human Rights**, on comprehensive sexuality education published in July 2020 may be recalled here, as it focuses on the importance of such education benefits children and society as a whole by empowering young people to develop safe and respectful relationships including in an online environment.

## Domestic violence and violence against women and girls

113. **GREVIO**, monitoring the implementation of the Istanbul Convention on preventing and combating violence against women and domestic violence, has highlighted that in some countries insufficient funding is hindering the promptness and sustainability of assistance and/or insufficient coverage of help services, and has strongly encouraged the authorities in the State parties to introduce dedicated services for children who are victims or witnesses of all forms of violence against women, such as age-appropriate psychosocial counselling. GREVIO has also noted that staff of general support services may not have the required training or expertise to support and protect children victims of domestic violence, and has urged State parties to ensure wider levels of awareness among professionals concerned, such as social workers, legal and health professionals, and psychologists, of the harmful effects of witnessing domestic violence on children and to provide access for child witnesses to appropriate, age-specific support services based on a gendered understanding of violence against women.

114. The **Commissioner for Human Rights** called on the Portuguese authorities,<sup>75</sup> among others, to take additional steps to prevent and combat violence against women and domestic violence, and to ensure that children who witness domestic violence are considered as victims and receive adequate protection. In this context, the authorities of the Republic of Moldova were invited to improve access to social protection, to guarantee the right of all children to an adequate standard of living, to further strengthen the national framework for eliminating violence against children, including by encouraging a shift in attitudes towards corporal punishment, and to promote child-friendly justice aiming at rehabilitation and integration.

115. The **Department for the Execution of judgments** has underscored that in all decisions by the European Court of Human Rights concerning children, the child's best interests are paramount and must be fully and effectively respected. Therefore, the measures taken by States to execute ECtHR judgments must safeguard and protect children's rights, including their right to freedom from ill-treatment and servitude, and protection from domestic violence and abuse. The Department for the Execution of judgments pointed to several examples of judgments which have led to concrete change in member States, such as reforms and amendments of Criminal Codes or Codes of Civil Procedure, notably to reinforce criminal liability for child abuse, to enhance more speedy decisions in domestic violence cases, as well as to enable the removal of the perpetrator the family home in such cases. New laws have also been adopted in some States, to ensure closer co-operation between the justice system and child protection services.

## Trafficking of children

116. **GRETA**, mandated to monitor the implementation of the Convention on Action against Trafficking in Human Beings, has continually focused on ending trafficking of children and young persons, and recommended to improve the detection of child victims, the investigation of cases and the protection of victims' rights. GRETA has also carried out activities to raise public awareness about the trafficking of children and how to prevent it, including among the specific target groups of high-school students, youth, children with special needs and their parents, and Roma girls. Building the capacity of relevant professional groups to identify, protect and refer potential child victims of trafficking has been another priority. Currently, co-operation projects are being implemented in Bosnia and Herzegovina, North Macedonia, Serbia and Türkiye, which address child trafficking through a range of capacity-building, awareness-raising and other activities.

117. The **Department for the Execution of judgments** noted in its factsheet on children's rights (2021)<sup>76</sup> that one member State had amended the legal framework to protect migrant children from servitude, including by adding a presumption of vulnerability and by increasing criminal sanctions against offenders. A new crime of trafficking in human beings was introduced.

74. Available at: <https://www.coe.int/en/web/commissioner/-/comprehensive-sexuality-education-protects-children-and-helps-build-a-safer-inclusive-society>

75. Available at: <https://www.coe.int/en/web/commissioner/-/portugal-should-act-more-resolutely-to-tackle-racism-and-continue-efforts-to-combat-violence-against-women>

76. Available at: <https://rm.coe.int/thematic-factsheet-children-eng/1680a14a43>

## Child labour

118. The **ECSR** expressed concerns in its 2019 annual conclusions<sup>77</sup> about the prevalence of children's exploitation through child labour, both in the formal and informal economy. The ECSR accordingly requested that States provide more comprehensive data and information on what is being done to detect and tackle illegal child labour.

## Bullying and violence in schools and educational settings

119. **ECRI's** findings and recommendations in its 6<sup>th</sup> cycle country reports looked at "bullying" related to racism and discrimination against national minorities and LGBTI children, in particular in the school environment. ECRI recommended, inter alia, that more tailor-made policies on tackling discriminatory bullying should be developed, and teachers better trained to intervene in cases of bullying and discrimination.<sup>78</sup>

120. In 2021, the **Department for the Execution of judgments** summarised progress in member States with regard to the protection of children from ill-treatment in schools,<sup>79</sup> and noted that a couple of States had, following ECtHR judgments, taken measures to prevent and de-escalate violence among pupils as well as to prevent potential abuse by teachers. Such measures included psychological and social intervention action plans, increasing the number of teachers on duty, and reviewing child protection policies and teacher trainings.

## Specific challenges identified by monitoring bodies

121. Violence against children continues to be one of the most tremendous challenges to children's rights, and the Covid-19 pandemic and related confinement measures, which marked last two years of Strategy implementation, have further exacerbated the situation. In April 2020, a statement by leaders of some of the world's major child protection organisations<sup>80</sup> expressed concerns that efforts to contain the Coronavirus – while vital to the health of the global population – were also exposing children to increased risk of violence, including maltreatment, gender-based violence and sexual exploitation.

122. The Council of Europe will have to continue, and yet further reinforce, its work to end all forms of violence against children, by maintaining its role both as a watchdog and in leading the way towards policies and measures that protect children in member States. The monitoring bodies will need to supervise even more closely how children are affected by violence and other human rights violations and guide the States parties in implementing their legal obligations.

## Outstanding challenges: looking forward

123. Numerous activities have been deployed under the Sofia Strategy to protect children from violence, both at the European level and through a number of Council of Europe bodies, and the national level. The majority of member States currently have significant legislative and policy measures in place to protect children from violence. A true understanding appears to have emerged regarding the need to follow a multi-stakeholder approach and reinforce intersectoral and interservice co-operation to provide children with adequate protection from violence and effective responses when it occurs.

124. More children appear to be enjoying their right to be free from violence or benefit of higher protection levels. However, with too many children still falling victim to violence in Europe, including through challenges having emerged recently, the battle is yet to be won. This is further supported by the findings of the Council of Europe monitoring bodies. The risk of violence against children persists in all settings and forms, with girls and vulnerable groups of children being at greatest risk. Some of these vulnerable groups are being overlooked when it comes to specific policies and action (e.g. children in institutions), including in contexts like the digital environment (e.g. children with disabilities).

125. Although much action has been taken in the area, children continue to experience violence by peers and in school. Disturbing trends of sexual violence carried out by other children have been facilitated by the digital environment. In the light of several high-profile cases and investigations led across Europe, there has also been increased awareness of the risk of violence against children in institutions, including in the field of sports and in leisure activities. Several challenges also remain in providing solid frameworks for identifying

77. Available at: <https://rm.coe.int/general-intro-2019-rev-en-/16809e09f3>

78. ECRI Recommendations to Germany, Austria, Norway.

79. Available at: <https://rm.coe.int/thematic-factsheet-children-eng/1680a14a43>

80. Available at: <https://www.who.int/news/item/08-04-2020-joint-leader-s-statement---violence-against-children-a-hidden-crisis-of-the-covid-19-pandemic>

and responding to violence against children, such as regarding the reporting of violence incidents, or the collection, disaggregation and sharing of data. Finally, the need for comprehensive age-appropriate sexuality education for all children has been identified, as a means of preventing violence.

126. Europe is not a safe haven in terms of crisis or emergency situations, and children living in conflict areas remain a reality in Council of Europe member States, more than ever before in the past decades. The Council of Europe will need to pay attention to the specific situation of these children in its future work. Through different bodies working on violence against children in different manners, the Council of Europe plays a critical role in further strengthening the capacity of member States to address violence against children. It acts as a “convener” of member States and other stakeholders in nurturing policy dialogue, in facilitating intergovernmental dialogue and exchange of good practice, identifying policy and implementation gaps, and in disseminating specific guidance in this area.

#### 4. PRIORITY AREA 4: CHILD-FRIENDLY JUSTICE FOR ALL CHILDREN

127. The Sofia Strategy has continued to promote child-friendly procedures in the area of justice in continuity with previous Strategies and based on existing key instruments.

##### 4.1 Achievements, outcomes and impact

128. The Council of Europe has notably continued to promote the implementation of the **Council of Europe Guidelines on child-friendly justice** by supporting member States in strengthening children’s access to, appropriate treatment in and participation in civil, administrative and criminal justice proceedings. In 2017, the Programme on Human Rights Education for Legal Professionals (HELP)<sup>81</sup> and the Children’s Rights Division developed a **training course aimed at lawyers, judges, ombudspersons and other stakeholders on child-friendly justice**. The course has been very successful and is currently available in 13 languages<sup>82</sup> and has been used by more than 1,400 people during the reference period. This, and other related HELP courses also serve as risk mitigating and awareness-raising action for Council of Europe guidance and tools being met with resistance in national justice systems. The Council of Europe has also developed a dedicated webpage to raise awareness and to support exchange of knowledge on child-friendly justice with a focus on participation and restorative justice.<sup>83</sup>

129. One of the key areas targeted by co-operation projects is the improvement of practices and procedures to uphold the rights of child victims and witnesses within judicial investigations and prosecutions on child sexual abuse and exploitation (see also EndOCSEA@Europe).<sup>84</sup> Action has notably been taken to develop a “Barnahus/Children’s House” in Slovenia,<sup>85</sup> as part of a joint EU-Council of Europe project, which led to the development of a Law and National Guidelines for Barnahus in Slovenia, and a roadmap towards establishing, operating and evaluating them. A feasibility assessment on Barnahus in Ukraine has been conducted within the remit of the project “Combating violence against women and children in Ukraine”<sup>86</sup> A leaflet explaining the concept and benefits of Barnahus has been published to raise awareness about this multidisciplinary and interagency response.<sup>87</sup>

130. Further action has been taken to seek to improve material conditions and detention regimes, in line with Council of Europe standards. Notably, the ECtHR has decided upon numerous cases condemning the living conditions of unaccompanied<sup>88</sup> and accompanied<sup>89</sup> minors as a violation of their right to freedom from

81. The HELP e-learning programmes currently also include courses on Family law, Refugee and migrant children and Alternatives to immigration detention.

82. Albanian, Bosnian, English, Georgian, Macedonian, Moldovan, Montenegrin, Polish, Portuguese, Romanian, Russian, Spanish, Ukrainian.

83. See [https://www.coe.int/en/web/children/child-friendly-justice-europe-may-2020#%2263489140%22:\[0\]](https://www.coe.int/en/web/children/child-friendly-justice-europe-may-2020#%2263489140%22:[0]) The webpage pools the speaking statements from a High-Level Roundtable that was not able to go ahead due to the Covid-19 pandemic.

84. See <https://www.coe.int/en/web/children/endocsea-europe>.

85. See <https://www.coe.int/en/web/children/barnahus-project-in-slovenia>

86. See <https://www.coe.int/en/web/children/ukraine>.

87. Council of Europe (2018), Protection of children against sexual exploitation and abuse: Child-friendly, multidisciplinary and interagency response inspired by the Barnahus model.

88. See *Moustahi v. France* (Application No. 9347/14); *Abdullah Elmi and Aweys Abubakar v. Malta* (Application Nos. 25794/13 and 2815/13); *H.A. and Others v. Greece* (Application No. 19951/16); *Sh.D and Others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia* (Application No. 14165/16).

89. See *Bilalova and Others v. Poland* (Application No. 23685/14); *A.B. and Others v. France* (Application No. 11593/12); *A.M. and Others v. France* (Application No. 24587/12), *R.C. and V.C. v. France* (Application No. 76491/14), *R.K. and Others v. France* (Application No. 68264/14) and *R.M. and Others v. France* (Application No. 33201/11); *S.F. and Others v. Bulgaria* (Application No. 8138/16).

inhuman and degrading treatment under Article 3 ECHR. The standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) regarding the protection of children deprived of liberty from ill-treatment and violence have been promoted and numerous activities were implemented on dealing with and improving support services for detained juveniles within the Balkans and Eastern Partnership countries.

131. The Council of Europe has pursued promoting the **implementation of its standards on family law**. This is the case, for example, of the European Commission for the Efficiency of Justice (CEPEJ) providing a collection of good practices from member States on its platform. Concerning the evaluation of judicial systems of CEPEJ (2020-2022), it has been further complemented to include questions concerning children's access and relation with the justice systems, which will allow the Council of Europe to have data available on the subject.

132. Action on the best interests of the child in family matters has been undertaken in the context of **new family forms and bioethics**. The Committee on Bioethics (DH-BIO; CD-BIO as of 2022) has incorporated children's rights issues into the Strategic Action Plan on human rights and technologies in biomedicine (2020-2025), including with regard to children's participation in matters regarding their health and medical practices with long-term implications for children.

133. Particular attention has been paid to the **best interests of the child in family matters**, including in removal from parental care, placement and reunification decisions. The Committee of experts on the rights and the best interests of the child in parental separation and in care proceedings (CJ/ENF-ISE), joint subordinate body of the European Committee on Legal Co-operation (CDCJ) and the CDENF, is currently preparing a non-binding instrument in this area.

134. Closely related to justice matters, the Council of Europe has also started addressing the welfare and child protection challenges related to **children returning from conflict zones** under the control of terrorist organisations. PACE has adopted a Recommendation 2160 (2020) on International obligations concerning the repatriation of children from war and conflict zones. The CDENF held a thematic exchange with experts to discuss the human rights challenges linked to the repatriation, rehabilitation and reintegration of child returnees.<sup>90</sup> Besides, the Committee on Counter-Terrorism (CDCT) has prepared a Recommendation on the measures aimed at protecting children from radicalisation for the purposes of terrorism (adopted by CM in October 2021)<sup>91</sup> and organised an International Conference on the Roles of Women and Children in Terrorism in December 2021.

135. Positive outcomes of the Strategy have also been identified at member State level. Around 30 member States have changed legislation and policy to implement the Guidelines on child-friendly justice; the authorities of a number of member States have used the HELP course on child-friendly justice;<sup>92</sup> further member States have established or committed to the creation of Children's Houses, including thanks to the support through co-operation activities led by the Children's Rights Division. In the 2019 survey, at least 13 member States had indicated having taken steps to decrease the number of children deprived of liberty, while four had said that they had taken steps to improve deprivation of liberty conditions for children. In both cases, however, action in relation to deprivation of liberty was focused upon children in conflict with the law, rather than children in or at risk of migration detention. Besides, the minimum age of criminal responsibility still appears as being too low in some member States.

136. Meanwhile, a significant majority of member States have strengthened the realisation of the rights of the child, including the best interest determination, within the family context. Action had been taken to improve early intervention responses and support, encourage and streamline adoption procedures, for example as an alternative to residential institutions, to improve contact between children and incarcerated parents, and to establish specialised courts, judges and services in family law cases involving children.

137. Overall, children appear to be better enjoying their rights in the justice system and their seems to be greater awareness for the need to protect children in this context. The 2020 EU Justice Scoreboard results found an increase in member States arrangements to make justice systems more accessible for children and suited to their needs, for example by providing child-friendly information on proceedings or undertaking measures to prevent children having to go through several hearings. However, less than half of EU member States have dedicated child-friendly websites providing information about the justice system.

90. The report resulting from the thematic exchange can be consulted here: <https://rm.coe.int/cdenf-bu-2021-02-cdenf-thematic-exchange-child-returnees/1680a13b59>

91. See CM/Rec(2021)7.

92. Albania, Georgia, Montenegro, Republic of Moldova, Romania, Ukraine.

### In focus: The impact of the Covid-19 pandemic

A major challenge that has arisen during the pandemic restrictions is the capacity for children to have access to those who represent and protect them within the justice system; namely social workers, those who provide regular interventions and support (education, health, development etc.), engagement with their guardian ad litem or legal representative – and all of these limitations impact negatively upon the protection and representation of children. More broadly, closures and restrictions have given rise to a lack of timely, or any indeed any access to the courts – which removes a critical platform for the protection of children. In particular, children in divorced and separated families were identified as being facing increased risks, as the right of access of non-custodial parents has been limited by restrictions on movement and *inter parte* engagement. Also, in this case, the best interests of the child have often not received the deserved attention, coupled with a lack of clear communication and inability to convey information to parents, legal representatives and other competent authorities in a coherent manner.

Confinement and other restrictive measures have sometimes led to a further isolation of children deprived of liberty or in care. Children in institutions were no longer able to go home during weekends or to receive visits from family members and have been isolated from the outside world. At the same time, residential care institutions have been under severe strain as human resources have often proven insufficient during this time, or have followed schools and closed, leaving children without appropriate care placements.

## 4.2 Findings and recommendations from Council of Europe monitoring bodies

138. The 4<sup>th</sup> Priority Area of the Strategy englobes issues such as children's best interests, the right of the child to be heard in any proceedings that affect them, and children's access to complaints mechanisms in case of rights violations. Among the outputs of the Strategy, the monitoring work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) is explicitly mentioned, in particular its monitoring of places where children are detained and deprived of their liberty.<sup>93</sup>

### Deprivation of liberty and detention of children

139. During the reference period, the **CPT** continued to examine the situation of children and young people in detention, for example, through 14 monitoring visits alone in the year 2020. In particular, CPT delegations focused on children in immigration detention in Greece and Malta, including families with young children and unaccompanied minors. It also carried out targeted visits to juvenile detention centres in several countries, including Azerbaijan, Spain, Switzerland and the United Kingdom, and looked at the conditions of juvenile detention in social care homes, residential schools and psychiatric facilities. In its 2020 report, the CPT welcomed the policy decision of the Turkish authorities to no longer hold unaccompanied minors in removal centres, while recommending that a thorough review be carried out of the situation of accompanied minors in all removal centres, to ensure the provision of appropriate (health-)care and the psychosocial and educational activities for children.<sup>94</sup>

140. Previously, the CPT had found that children suspected of having committed criminal or other offences could face a higher risk of ill-treatment than adults, due to their particular vulnerabilities.<sup>95</sup> In many member States, juveniles on remand were frequently held in prisons for adults, even if this was usually in a designated juvenile unit. While there had been significant improvements in recent years in terms of material conditions in juvenile units, the CPT had also found that in some of them, there had been allegations of physical and verbal ill-treatment of male juveniles by staff. As regards material conditions, some detention centres were found to be too austere and impersonal, or held too many prisoners. A well-designed juvenile detention centre would be expected to provide personalised conditions of detention for young persons who should normally be accommodated in individual bedrooms.<sup>96</sup>

93. Council of Europe, Strategy for the Rights of the Child (2016-2021), p. 19.

94. Available at: <https://rm.coe.int/1680a25e6b>

95. CPT (2018), 28<sup>th</sup> General Report of the CPT, para 67.

96. CPT (2019), 29<sup>th</sup> General Report of the CPT, para 49 and CPT (2020), 30<sup>th</sup> General Report of the CPT, paras 31 and 44.



## Children's access to the justice system and child-friendly justice procedures

141. The **Department for the execution of ECtHR judgments** notes in its factsheet that several Court judgments (in 2017-2019) underlined the State's obligation to enable children to participate in criminal proceedings against those who have ill-treated them and pointed to members States having amended national laws to ensure that child victims of sexual offences have access to free psychological assistance and support, and free legal aid. It also notes that one State has ordered specialised prosecutors to be in charge of cases where the rights of the child are at stake. Others have introduced accelerated procedures in special hearing rooms adapted to children, when these are available, organised targeted training sessions for judges, prosecutors, police officers, staff of the social and child protection services and psychologists, and introduced special procedures for police working with children. In one State, a new Criminal Code now foresees penalties for failures by the Child Protection Authority to verify complaints of ill-treatment, to refer them to the police and to take appropriate measures for the protection of child victims.

142. On similar matters, the Council of Europe **European Commission for the efficiency of justice (CEPEJ)** published a set of "*Guidelines and comparative studies on the centrality of the user in legal proceedings in civil matters and on the simplification and clarification of language with users*"<sup>97</sup> in 2021. In the Guidelines, the CEPEJ recalls the right of the child under articles 9.2 and 12.2 of the CRC to be heard and mentions the encouraging fact that many member States by now have special trainings for judges and court staff which are "focused on dealings with children, minors, victims, and other vulnerable parties or witnesses in the proceedings". A positive example was provided from Lithuania, where training for judges also involved training on communication with and questioning of children, including: the psychological aspects of questioning children; establishing contact with the child having regard to age, development and maturity; children's cognitive processes and their impact on giving evidence as a witness; how to assess sexual behaviours of children in cases of sexual violence; efficient methods of listening to the child's opinion; questioning in complicated cases, such as cases including children with special needs, or children with particular mental, developmental, or cognitive disorders.

143. With regard to child-friendly justice, the **National Minorities and Minority Languages Division** recommended in one of its country monitoring reports to ensure that children have access to free legal aid and to the justice system. It also decided to include meetings with Ombudspersons for Children's Rights during monitoring visits to member States from 2021.

## Child-friendly justice in trafficking cases

144. **GRETA** mentioned several projects in which legal professionals were trained to handle cases of children victims of trafficking, including through the Council of Europe HELP training courses. This also includes currently ongoing co-operation projects in Bosnia and Herzegovina, North Macedonia, Serbia and Türkiye, which address child trafficking through a range of capacity building and other activities. In one of the projects, a legal analysis of the rights of victims of human trafficking in judicial proceedings was also included. In May 2021, a conference was organised on "Ending trafficking in children and young persons: together, towards a future without child trafficking in Europe". The aim of the conference was to discuss challenges and innovative approaches which can have a positive impact on combating child trafficking. It enabled the sharing of practice-oriented, multi-disciplinary knowledge which could improve the detection of child victims, the investigation of cases and the protection of victims' rights.

## Child-friendly justice in cases regarding the sexual exploitation of children

145. The **Lanzarote Committee** addressed two specific issues related to the legal framework and judicial system to protect children from sexual exploitation and abuse, namely the legal age for sexual activities / age for sexual consent and the existence of statutes of limitation for sexual offences against children in the States parties. Recognising that in several States parties, internal discussions on new legislation were being held on the legal age for sexual activities and that questions were being raised regarding the statute of limitations for sexual offences against children, the Bureau of the Lanzarote Committee decided to send two focused questionnaires to gather precise information on the state of play on these issues in the States parties to the Convention.<sup>98</sup> The Committee also agreed to discuss the possible organisation in 2022 of capacity-building events on legal age for sexual activities and statute of limitations for sexual offences against children.

97. Available at: <https://rm.coe.int/cepej-2021-6-en-guidelines-and-comparative-study-centrality-user/1680a2dd63>

98. Replies to these questionnaires are made available online: <https://rm.coe.int/legal-age-for-sexual-activities-age-of-sexual-consent-compilation-of-i/1680a3b36d> and <https://rm.coe.int/statute-of-limitation-compilation-of-information-received-from-state-p/1680a3b36e>

## Children's rights in cases of domestic violence

146. **GREVIO** noted that in all States parties to the Istanbul Convention, it had observed shortcomings in the legal framework and/or implementation as regards the obligation to ensure the safety of victims and their children in the decision on and exercise of custody and visitation rights after domestic violence arising from Article 31 of the Istanbul Convention. Such shortcomings include a lack of screening for a history of abuse/ domestic violence, shortcomings in the implementation of supervised visitation schemes, ordering the child to have contact with the abusive parent even after a conviction, bias and lack of training of professionals involved.

147. Moreover, in its baseline evaluation reports, GREVIO noted that barriers for child witnesses/victims with regards to support and protection were linked to the judicial practice of granting joint parental custody in cases of domestic violence, which in some cases resulted in the perpetrator impeding the counselling of their children. This raises serious concern in relation to the best interests of the child. A problematic lack of consultation of family courts with criminal courts when taking decisions on custody and visitation, including on whether criminal proceedings are pending against the father of a victim's children or have been engaged in the past, was also observed in some countries.

### Specific challenges identified by monitoring bodies

148. The monitoring of issues related to child-friendly justice under the Strategy shows progress in establishing child-friendly procedures in many member States, be it for administrative or criminal justice proceedings, and there are positive examples of police services developing child-friendly approaches. Nevertheless, such progress cannot yet be said to be sufficiently systematic and comprehensive across member States and important challenges remain. Among others, a narrow and sometimes erroneous interpretation of the best interests of the child has been noted, as well as the lack of children's access to free legal aid everywhere.

149. GREVIO, in particular, noted that States parties to the Istanbul Convention mostly fail to provide appropriate and sufficient access to specialised and age-appropriate services for children who are victims and witnesses of violence. As pointed out by the CEPEJ in its Guidelines (see above), children have the right to be heard and member States should strive towards comprehensive training of justice professionals to ensure adequate specialisation on children's rights and the specific skills needed to handle cases involving children. The CPT also underscored the importance of monitoring work in connection with issues such as children and vulnerable groups placed in closed institutions and separated from their families, as well as inhuman and degrading treatment in migrant facilities.

## 4.3 Outstanding challenges: looking forward

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150. While significant action and progress could be seen under this priority area, European justice systems continue to face difficulties in adapting to the needs of children. Many felt that there were specific and persistent challenges in implementing the best interests of the child in judicial proceedings, particularly in the family law context, and where parents' rights may be perceived as conflicting with those of the child. Children continue to be excluded from meaningful participation in decisions which affect them across the entire board of legal issues.

151. Furthermore, too many children in conflict with the law are still being deprived of their liberty, and more attention is needed for alternative measures. Children in migration are still subjected to administrative detention, often in unsuitable conditions. Several countries have moved towards the use of detention instead of child welfare protection, while the case-law of the ECtHR has identified numerous violations resulting from the detention of migrant children, both accompanied and unaccompanied.<sup>99</sup>

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99. See the regularly updated Factsheets "Accompanied migrant minors in detention", and "Unaccompanied migrant minors in detention" on the ECHR's webpage.

## 5. PRIORITY AREA 5: THE RIGHTS OF THE CHILD IN THE DIGITAL ENVIRONMENT

152. Under the Sofia Strategy, action to protect and promote the rights of the child in the digital environment and the light of fast evolving digital technologies, has been undertaken in numerous areas and through various partnerships.

### 5.1 Achievements, outcomes and impact

153. All children should be able to safely access Information and Communication Technologies (ICTs) and digital media, and be empowered to fully participate, express themselves, seek information and enjoy their rights fully, whether online or offline. This priority area of the Strategy focuses on provision of rights for, as well as participation and protection of, children in the digital environment.

154. The key instrument prepared under the outgoing Strategy are the **Guidelines to respect, protect and fulfil the rights of the child in the digital environment**, adopted by the Committee of Ministers as CM/Rec(2018)7, which provide comprehensive and holistic guidance to member States in maximising the full range of children's rights, both of protective and empowering nature, in the digital environment. The Guidelines themselves are currently available in 19 languages, and have been completed by the **child-friendly version** "Learn about your rights in the digital environment" and a **Handbook for Policymakers**, which provides concrete measures and checklists for implementing the Guidelines.

155. The Council of Europe has promoted and protected **children's access, information, expression and participatory rights in the digital environment in co-operation with other stakeholders**. Different communication tools have been developed and disseminated to children, parents and educators to allow them to make full and safe use of ICTs and digital media, including a fully revised, third edition of the "Internet Literacy Handbook" (2017). Particular attention has been paid to empowering children in vulnerable situations: children with a diverse range of disabilities were consulted on their experiences of the digital environment and a follow-up report makes practical recommendations to different stakeholders for increasing their access and inclusion in the digital environment. It found that, while the digital environment opened up a range of possibilities and can be an "equaliser" for some children with disabilities, they were also disproportionately disadvantaged in terms of their ability to access and make use of its benefits. Drawing on the Recommendation on policy to support positive parenting and other relevant standards, several publications have been produced, which contain rights-based parenting in the digital age with strategies for different scenarios, on topics relating to online child sexual violence and empowering children as digital citizens.<sup>100</sup>

156. To promote **digital literacy and citizenship skills**, the Council of Europe has launched a pan-European project on digital citizenship education which builds on the achievements of the programme on Education for Democratic Citizenship and Human Rights Education, leading to the publication of a Handbook on Digital Citizenship Education (2019) targeted at learners, teachers, parents and school managers. Numerous summer schools, workshops and training events have taken place within member States in relation to democratic citizenship education (e.g. in Estonia, France, Germany, Georgia, Lithuania, Republic of Moldova, Montenegro, the Netherlands, Poland).<sup>101</sup> Educational tools<sup>102</sup> were also developed for the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2020, dedicated to preventing risky behaviour by children, such as child self-generated sexual images and/or videos.

157. The Council of Europe has taken action to **counter the use of internet and social media in advocating hate speech, radicalisation and terrorism among young people**. The No Hate Speech Campaign went into its second phase in 2016-17, reaching up to 100,000 social media users across 45 countries on each of the campaign's action days. The campaign has continued beyond 2017 through national campaign committees in 43 states. The "Free to Speak – Safe to learn: Democratic Schools for all" campaign was launched in 2018, with a focus on addressing controversial issues to promote tolerance and human rights; preventing violence; and dealing with propaganda. The Parliamentary Assembly also adopted a Resolution and Recommendation on ending cyber-discrimination and online hate, which recognises that children are particularly vulnerable to the negative effects of both.

100. For all relevant resources, see <https://www.coe.int/en/web/children/the-digital-environment>.

101. For all resources linked to Digital Citizenship education see <https://www.coe.int/en/web/digital-citizenship-education/home>.

102. See list: <https://rm.coe.int/listawarenessraisingactivities-en-rev/1680a0515c>

158. The Council of Europe has also dedicated efforts to **protecting children's data and privacy**. The Committee of Convention 108 has adopted Guidelines on Children's Data Protection in an Education Setting,<sup>103</sup> while the Committee of Ministers has adopted a Declaration on the need to protect children's privacy in the digital environment,<sup>104</sup> calling on member States to step up the promotion of the rights of the child in the digital and to further develop critical digital literacy, youth empowerment initiatives and parenting skills.

159. **At member State level, there is significant evidence of positive outcomes under this priority area.** Since 2016, far more than 30 member States have changed legislation or policy to protect children in the digital environment. National strategies, action plans or other policy mechanisms have been introduced to protect or provide for children online in a number of member States.

160. Overall, children seem to be enjoying better protection of their rights in the digital environment. There has been action taken in member States with regard to the Guidelines to respect, protect and fulfil the rights of the child in the digital environment, including translation and dissemination to relevant stakeholders (e.g. NGOs and National Human Rights Institutions), as well as the development of national strategies or action plans based upon the Guidelines. NGOs and other stakeholders have also engaged with the Guidelines and other relevant Council of Europe tools and standards, including through translation, dissemination and the organisation of thematic conferences. They have also taken significant action in the field, notably through awareness-raising campaigns and materials, online helplines and reporting mechanisms, and the development of guidelines for relevant actors.

### **In focus: The impact of the Covid-19 pandemic**

The Covid-19 pandemic has led to a higher use of technologies by children (both for socialising as well as for education purposes) with the consequent increased risk of online child sexual abuse and exploitation and impact on the full enjoyment of their human rights. As schools closed, e-learning became a cornerstone for many children's education. Guaranteeing an inclusive education during the pandemic, including for children with disabilities, children in migration or children from poor households has raised new and emerging challenges for Council of Europe member States.

The pandemic has shown that those countries endowed with more advanced digital services have managed to be more resilient and adapt more easily in many respects, including online schooling, care and support.

On the one hand, children were able to have access to quality electronic devices limiting their isolation and enabled virtual contacts; on the other hand, child protection staff and social workers were able to provide alternative services and solutions to children in need, at a time when physical interaction was ruled out. For example, Ireland's experience of the gradual digitalisation of the social services' system prior to the pandemic has shown its success by enabling case workers to soften the blow of the pandemic on their work. This shows how the challenges faced by disadvantaged children have been experienced as opportunities by others, depending on their geographical location. Continued training of professionals in this context was also considered very important, given the need to adapt existing working methods.

## **5.2 Findings and recommendations from Council of Europe monitoring bodies**

161. The Strategy for the Rights of the Child (2016-2021) states that the Council of Europe will provide guidance and support to member States in ensuring children's participation, protection and provision rights in the digital environment. The issues raised in the previous Priority Areas (in particular 1-3) are therefore relevant also to Priority Area 5, with the specific focus on how these issues manifest – and can be tackled – when they arise online.

103. See <https://rm.coe.int/t-pd-2019-6bisrev5-eng-guidelines-education-setting-plenary-clean-2790/1680a07f2b>

104. See [https://search.coe.int/cm/pages/result\\_details.aspx?objectId=0900001680a2436a#showRefiner=0#showDesign=0#showBanner=0#showSearchBar=0#showSearchBox=0#k=#f=\[{&quot;p%22:&quot;CoELanguage%22,%22i%22:-1,%22o%22:1,%22m%22:0,%22l%22:-2,%22value%22:&quot;english%22},{&quot;p%22:&quot;CoEVTG%22,%22i%22:1,%22o%22:1,%22ix%22:1,%22value%22:&quot;children%22}\]](https://search.coe.int/cm/pages/result_details.aspx?objectId=0900001680a2436a#showRefiner=0#showDesign=0#showBanner=0#showSearchBar=0#showSearchBox=0#k=#f=[{&quot;p%22:&quot;CoELanguage%22,%22i%22:-1,%22o%22:1,%22m%22:0,%22l%22:-2,%22value%22:&quot;english%22},{&quot;p%22:&quot;CoEVTG%22,%22i%22:1,%22o%22:1,%22ix%22:1,%22value%22:&quot;children%22}])

## Online child sexual exploitation and abuse (OCSEA)

162. The **Lanzarote Committee** dedicated an important part of its monitoring work under the Strategy to addressing the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs), focusing more particularly on the challenges raised by child self-generated sexual images and/or videos. In that regard, it first adopted an Opinion on 6 June 2019,<sup>105</sup> and an implementation report on 10 March 2022.<sup>106</sup>

163. In November 2020, the Lanzarote Committee organised an exchange of information on the use of digital tools to automatically detect online child sexual abuse and exploitation material, allowing Parties to the Convention to share information on the legislation in place and the impact that the entry into force of the European Electronic Communications Code<sup>107</sup> (on 21 December 2020) might have for them in the event that a temporary solution was not found at the European Union level to avoid its unintended effects (i.e. a decrease in voluntary detection of online sexual abuse material by the private sector). At its 30<sup>th</sup> meeting (7-10 December 2020), the Lanzarote Committee noted that the European Commission planned to submit a proposal for a long-term solution in July 2022 and asked for contributions, acknowledging that a solid contribution to comprehensive long-term solution required an in-depth knowledge not only of child protection against sexual violence but also of data protection and cybercrime benchmarks, and that all Council of Europe member States needed to understand how best to reconcile apparently conflicting rights. To this end, the Committee undertook at its 32<sup>nd</sup> meeting (28-30 June 2021) the live public launch of the report on “Respecting human rights and the rule of law when using automated technology to detect online child sexual exploitation and abuse”,<sup>108</sup> which compiles relevant Council of Europe standards for a comprehensive human-rights based framework for the use of automated technology to detect online child sexual abuse and exploitation and sets forward nine concrete recommendations.

164. The joint endeavour of the Children’s Rights Division and the Cybercrime Office, undertaken via the “EndOCSEA@Europe” project was already described under priority area 3 (violence against children); however, in addition, it is worth mentioning here that the project included a mapping of the legal systems in member States in order to gain a detailed overview of how OCSEA is covered by national legal frameworks across Europe, and also to support legislative and procedural reforms and strengthen national governance structures.

## Online hate speech and online bullying

165. In its 6<sup>th</sup> monitoring round, **ECRI** noted that in some of the monitored States most complaints regarding hate speech were related to social media (with Facebook being mentioned in particular) or TV online portals, an indication of how hate speech is often an issue related to the rights of the child in the digital environment. It was also pointed out that evidence of online hate speech is not systematically transmitted to police and prosecution services. Moreover, in one country, it was noted that the police had no mandate to work on online hate speech, and hence no resources have been allocated to this task. In that regard, ECRI recommended that the police should set up a network of specialised units that ensure effective investigation of hate crime and the police should systematically detect and remove hate speech from the Internet. ECRI also recommended to another State to preserve evidence of online hate speech and transmit it to the law enforcement authorities, thus allowing police and prosecution to close new channels for the dissemination of hate speech online.

166. The **Cybercrime Convention Committee**, in the framework of projects such as EndOCSEA@Europe previously mentioned, also referred to online bullying, online violence and sexual violence under the Strategy, among others via a webinar on cyber-bullying in 2021.

## Children’s privacy in the digital environment

167. In April 2021, the Committee of Ministers adopted a declaration on the need to protect children’s privacy in the digital environment.<sup>109</sup> The declaration, which was prepared jointly by the **Committee of Convention 108** and the CDENF, recommends to actively promote the Guidelines on children’s data protection in an education setting, prepared by the Committee of Convention 108 in order to address the challenges identified in such settings. The Declaration also mentions the awareness that “personal data can be used to the benefit but also to the detriment of children”, and recognises that, at present, the understanding of the impact of processing biometric data, digital tracking and surveillance, automated decision making and profiling activities on children’s well-being and rights in the long term is still limited and needs to be assessed at regular intervals. It is noteworthy that, in the workplan of the Committee of Convention 108 for 2022-2025, further strategic co-operation with CDENF is foreseen.

105. See <https://rm.coe.int/opinion-of-the-lanzarote-committee-on-child-sexually-suggestive-or-exp/168094e72c>

106. See: <https://rm.coe.int/implementation-report-on-the-2nd-monitoring-round-the-protection-of-ch/1680a619c4>

107. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L1972>

108. Available at: <https://www.coe.int/en/web/children/-public-launch-of-the-report-on-the-use-of-automated-technology-to-detect-online-child-sexual-exploitation-and-abuse>

109. Available at: [https://search.coe.int/cm/pages/result\\_details.aspx?ObjectId=0900001680a2436a](https://search.coe.int/cm/pages/result_details.aspx?ObjectId=0900001680a2436a)

## Specific challenges identified by monitoring bodies

168. With the Covid-19 pandemic and related confinement measures, many activities, including basic education, that were previously carried out with the physical presence of children have been cancelled or moved online, making the digital environment ever more omnipresent. This makes Priority Area 5 of the Strategy both more challenging and more significant than ever.

169. Particular challenges that could be tackled under the next Strategy will be the use of digital tools to automatically detect online child sexual abuse and exploitation material, the increased online violence occurring during the pandemic, including online hate speech and cyber-bullying, and the fact that increasingly younger children spend a considerable amount of time in front of screens, which in turn increases the risks of online violence for children of very young ages, besides other physical and psychological consequences (e.g. lack of physical activity, isolation etc.). Generally speaking, children's privacy in the digital environment remains a tremendous challenge in need of continued attention to better understand how processing of children's data affects them, their rights and well-being in the long term; not least when addressing potential conflicts between child protection requirements, and the need to share data in this context, and children's right to privacy.

### 5.3 Outstanding challenges: looking forward

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170. Children, as well as their parents and teachers, continue to lack awareness and knowledge of children's online rights and protection measures. In particular, education on internet literacy, risks encountered online, and digital citizenship skills continue to be lacking in classrooms and on national curricula. Not all children have equal access to the internet and digital tools, and limits to child participation in and via the digital environment continue to persist, through a lack of adapted content and platforms. Education in the use of digital tools is also a key factor in acquiring essential skills for future vocational training, thus becoming a pre-condition for finding equal opportunities, including between girls and boys.

171. Significant concerns cited by a range of stakeholders, in relation to the digital environment, involve children's access to digital tools and exposure to harmful or illegal content, including child sexual abuse or exploitation materials, pornography, fake news and extremist material. There is also concern about protecting children's online privacy, whether in relation to data collection and processing, or self-generated content, particularly where it is sexually explicit. Other negative effects of the digital environment, such as isolation and over-use, are also perceived as challenges. The rapid development of new technologies, including the rise of smart or connected products running on artificial intelligence, are creating concerns about the future of children's rights in the digital world, with legal frameworks and enforcement already struggling to keep up. Accordingly, a lack of robust, scientific research on the possible effects of digital technologies becomes an additional challenge. Increasingly, the necessity of ensuring that business and industry are fulfilling their responsibility towards children, and the need to increase collaboration with the private sector, is becoming evident.

172. The issue of children's rights in the digital environment should continue to be approached from the angle of opportunity as much as from the angle of risk. There are many opportunities in terms of exercising the right to education, the right to participate or even the rights of children with disabilities. The risks and opportunities posed by the use of digital technologies are yet to be fully understood to define appropriate law and policy responses, including under the new Strategy cycle (2022-2027).

## 6. FOCUS ON THE CASE-LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS (2020-2021)

173. The European Convention on Human Rights (ECHR) and its additional Protocols contain specific references to children: Article 5 (1) (d) provides for the lawful detention of a child for the purposes of educational supervision; Article 6 (1) restricts the right to public hearing where this is in the interest of juveniles; Article 2 of Protocol No. 1 provides for the right to education and requires states to respect parents' religious and philosophical convictions in the education of their children. All other general provisions of the ECHR are applicable to everyone, including children. By using interpretative approaches that focus on the living instrument doctrine and on the positive obligations inherent in the ECHR provisions, the European Court of Human Rights (ECtHR) has developed a large body of case-law dealing with children's rights, including frequent references to the UNCRC. In this chapter, the report will give an overview of the most recent and relevant ECtHR judgements related to the rights of the child, thematically clustered under the Strategy's five priority areas.

174. More information on children's rights in the ECtHR case-law can be found in the dedicated Factsheets<sup>110</sup> and in the second edition of the Handbook on European law relating to the rights of the child,<sup>111</sup> jointly prepared by the European Union Agency for Fundamental Rights (FRA) and the Council of Europe. Since 2015, the Handbook provides guidance to integrate a child's rights perspective to legal professionals, judges, public prosecutors, child protection authorities, and other practitioners and organisations responsible for ensuring the legal protection of the rights of the child; its new version notably includes an update on important judgments in the areas of violence against children and detention of migrant children.

### Highlights in 2020-2021

25 Court judgments explicitly refer to "children's rights"	67 Court judgments refer to the "best interests of the child"	42 Court judgments refer to the "Convention on the Rights of the Child"
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### Equal opportunities for all children

175. Moving to the area of equal opportunities and social inclusion, **access to education for certain groups of children** was an important source of ECtHR case-law. In the case *G.L. v. Italy*<sup>112</sup>, concerning the lack of provision of specialised learning support for a **child with disabilities** and the repercussions on her development, the Court found a violation of the provision of discrimination under Article 14 of the Convention (prohibition of discrimination) taken in conjunction with the right to education under Article 2 of Protocol No. 1. The ECtHR also adjudicated other cases concerning discrimination against children in school settings (*Ádám and Others v. Romania*).<sup>113</sup>

176. The ECtHR also examined alleged discrimination in the granting of **parental allowances and the deprivation of parental rights**, finding a violation of article 8 ECHR alone (*Y.I. v. Russia*)<sup>114</sup> and together with Article 14 (*Yocheva and Ganeva v. Bulgaria*).<sup>115</sup> Although not explicitly mentioned in the ECHR, **sexual orientation and gender identity** are protected characteristics included among 'other status' under the relevant ECHR provisions. In the case *A.M. and Others v. Russia*<sup>116</sup> the Court found a breach of Article 8 of the ECHR (right to respect for private and family life) taken alone and in conjunction with Article 14 of the ECHR for the restriction of applicant's parental rights and deprivation of contact with her children without required scrutiny on gender identity grounds.

177. It is important to highlight the Grand Chamber judgment *Abdi Ibrahim v. Norway*,<sup>117</sup> where the Court has recently found a violation of Article 8, in light of Article 9 ECHR (freedom of thought, conscience and religion), in a case concerning the adoption process resulting in severance of mother-child ties, in a **context of different cultural and religious backgrounds** of mother and adoptive parents.

110. See the European Court of Human Rights' Factsheets on "Children Rights", "International child abductions", "Parental rights", "Protection of minors", "Accompanied migrant children in detention" and "Unaccompanied migrant minors in detention". See also the thematic factsheet on children's rights of the Department for the Execution of Judgments of the European Court (February 2021).

111. FRA and Council of Europe (2022): Handbook on European law relating to the rights of the child.

112. *G.L. v. Italy*, No. 59751/15, 10 September 2020

113. *Ádám and Others v. Romania*, No. 81114/17, 13 October 2020.

114. *Y.I. v. Russia*, No. 68868/14, 25 February 2020.

115. *Yocheva and Ganeva v. Bulgaria*, Nos. 18592/15 and 43863/15, 11 May 2021.

116. *A.M. and Others v. Russia*, No. 47220/19, 6 June 2021.

117. *Abdi Ibrahim v. Norway* [GC], No. 15379/16, 10 December 2021.

178. Furthermore, the **detention for migrant children** was addressed in the context of Articles 3 (prohibition of inhuman or degrading treatment), 5 (right to liberty and security), 8 and 13 (right to an effective remedy) of the ECHR and Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens). Countries have been found responsible for placing children in administrative detention together with adults to whom they were arbitrarily associated and for the conditions of their removal (*Moustahi v. France*)<sup>118</sup>, for the conditions and length of their detention (*Bilalova and Others v. Poland*)<sup>119</sup> for the lack of a legal remedy to complain about it (*R.R. and Others v. Hungary*)<sup>120</sup>; and for the lack of a review encompassing all the conditions required for administrative detention to be lawful (*M.D. and A.D. v. France*).<sup>121</sup>

179. Finally, the ECtHR has recently upheld the **principle of the best interests of the child in healthcare** even where there is a conflict with the interest or wishes of the parents, including in the context of vaccination schemes (*Vavříčka and Others v. the Czech Republic*)<sup>122</sup>.

## Participation of all children

180. Although Article 8 ECHR does not contain explicit procedural requirements, the Court affirms that **children must be sufficiently involved in the decision making related to their family and private life**. For children of a certain age, the Court favours the national judge hearing them in person in any proceedings affecting their rights. In the recent case of *C. v. Croatia*<sup>123</sup>, the Court found that Article 8 ECHR was violated as the views of a nine-year-old child were not heard at the time of the court proceedings where the issue of his custody was being determined.

## A life free from violence for all children

181. The ECtHR has analysed violence against children under various provisions of the ECHR, notably Articles 2 (right to life), 3 and 8. In the last two years, the Court judgements have been related to **violence against children in particular settings**, including in the family environment) and in alternative care and educational institutions.

182. Cases regarding **domestic violence** were brought either by women alone or together with their children, complaining that the state has failed to adequately discharge its obligation under Articles 2, 3 and 8 of the ECHR to protect them against harm. In *Kurt v. Austria [GC]*,<sup>124</sup> the mother complained that the authorities had failed to protect her family from her violent husband, who murdered the applicant's son at school. This judgement affirms that violence against children belonging to the common household could be used by perpetrators as the ultimate form of punishment against their partner. The Court found no violation of Article 2 ECHR since there had been no obligation incumbent on the authorities to take further preventive operational measures specifically with regard to the applicant's children. A joint dissenting opinion<sup>125</sup> considered that a risk to the life of the applicant's son was sufficiently discernible at the time, and that the authorities had failed to take appropriate preventive measures.

183. Regarding **corporal punishment**, the Court had already agreed that when measures do not reach the threshold of severity required under Article 3, they may nevertheless fall under Article 8 as part of the right to physical and moral integrity. This was the case in *F.O. v. Croatia*<sup>126</sup> concerning the alleged harassment of a pupil by a teacher in a public school and the failure on the part of the state authorities to effectively respond to his allegation.

184. Despite the ECHR does not refer specifically to trafficking, the ECtHR has interpreted Article 4 of the ECHR as **including a prohibition of trafficking** and has analysed whether or not the measures applied by the States to protect them against acts falling within the scope of Article 4 are effective, include reasonable steps to prevent acts of which the authorities had, or ought to have had, knowledge, and are effectively deterrent (*S.M. v. Croatia*<sup>127</sup> and *V.C.L. and A.N. v. the United Kingdom*).<sup>128</sup>

118. *Moustahi v. France*, No 9347/14, 25 June 2020.

119. *Bilalova and Others v. Poland*, No. 23685/14, 26 March 2020.

120. *R.R. and Others v. Hungary*, No. 36037/17, 2 March 2021.

121. *M.D. and A.D. v. France*, No. 57035/18, 22 July 2021.

122. *Vavříčka and Others v. the Czech Republic*, No. 47621/13, 8 April 2021.

123. *C. V. Croatia*, No. 80117/17, 8 October 2020.

124. *Kurt v. Austria [GC]*, No. 62903/15, 15 June 2021.

125. Joint dissenting opinion of Judges Turković, Lemmens, Harutyunyan, Elósegui, Felici, Pavli and Yüksel, *Kurt v. Austria [GC]*.

126. *F.O. v. Croatia*, No. 29555/13, 28 April 2021.

127. *S.M. v. Croatia*, No. 60561/14, 25 June 2020.

128. *V.C.L. and A.N. v. the United Kingdom*, Nos. 77587/12 and 74603/12, 16 February 2021.



185. The European Court of Human Rights has dealt with cases of **child sexual exploitation and sexual abuse** since its early beginnings, finding that children and other individuals in vulnerable situations are entitled to effective protection by the State. Six Court judgements refer to the Lanzarote Convention in the period 2020-2021. In the case of *X and Others v. Bulgaria [GC]*<sup>129</sup>, concerning child sexual abuse in an orphanage, the ECtHR found that the State breached the procedural obligation under Article 3 ECHR and interpreted it in the light of other applicable international instruments and in particular the Lanzarote Convention with regards to investigation and procedural requirements.

186. The recent case *R.B. v. Estonia*<sup>130</sup> concerned the criminal investigation into the allegations of **sexual abuse** of a four-and-a-half-year-old child by her father. In the case the failure of the investigator to advise the child of her duty to tell the truth and her right not to testify against her father led to the exclusion of her testimony and her father's acquittal of sexual abuse by the decision of the Supreme Court. Without expressing an opinion on the guilt of the accused, the Court concluded that the manner in which the criminal-law mechanisms had been implemented had been defective to the point of constituting a violation of the respondent State's positive obligations under Articles 3 and 8.

187. Finally, in the case *N.C. v. Turkey*,<sup>131</sup> concerning the **sexual exploitation of a girl**, the Court found a violation of Articles 3 and 8 of the ECHR due to the lack of assistance to the applicant, the failure to provide her with protection from the perpetrators, the unnecessary reconstruction of the rape incidents, the repeated medical examinations, the failure to ensure a calm and safe environment at the hearings, the assessment of the victim's consent, the excessive length of the proceedings and, lastly, the fact that two of the charges had become time barred amounted to a case of serious secondary victimisation.

### Child-friendly justice

188. In the afore-mentioned case *R.B. v. Estonia*<sup>132</sup> the ECtHR stressed that investigations and criminal proceedings had to be carried out to protect the best interests and rights of children, such protection including the adoption of child-friendly and protective measures for child victims. Quoting the **Council of Europe Committee of Ministers' Guidelines on child-friendly justice**, the Court found the applicant's testimony was inadmissible because of the strict application of procedural rules, which made no distinction between adults and children, and thus did not provide for exceptions or adaptations for child witnesses. Overall, the child-friendly justice guidelines are referred to in three Court judgements in the reference period. In addition, in the already referred case *X and Others v. Bulgaria [GC]* the Court found that the respondent authorities failed to give proper weight to the views of the abused child and disregarded the obligation of promptly inform child victims and their parents and legal representatives of the progress of their case.

### Rights of the child in the digital environment

189. The Court has not yet had an opportunity to deal with cyberbullying in respect of children. However, it is noteworthy to outline that in *Buturugă v. Romania*,<sup>133</sup> the Court found that the Romanian authorities had failed to respond to a woman's complaints of domestic violence and cyberbullying by her former husband. The Court pointed out that **cyberbullying was recognized as an aspect of violence against women and girls** and that it could take on a variety of forms, including cyberbreaches of privacy, intrusion into the victim's computer and the capture, sharing and manipulation of data and images, including private data.

129. *X and Others v. Bulgaria*, No. 22457/16, 2 February 2021.

130. *R.B. v. Estonia*, no. 22597/16, 22 June 2021.

131. *N.C. v. Turkey*, No. 40591/11, 9 February 2021.

132. *R.B. v. Estonia*, no. 22597/16, 22 June 2021.

133. *Buturugă v. Romania*, No. 56867/15, 11 February 2020.

## Chapter III

# Lessons learnt and outlook beyond 2021: what comes next?

190. In the light of the wealth of activities led under the Strategy for the Rights of the Child (2016-2021), it is worth to briefly take note of some of the lessons learnt from the implementation period which was strongly impacted by the Covid-19 pandemic, both in terms of challenges to be addressed and working methods to be adapted in the intergovernmental co-operation at the Council of Europe. The contribution made by the CDENF and the Children's Rights Division to the UNSDGs and its Agenda 2030 is briefly evaluated, before noting a few pointers towards action to be undertaken under the new Strategy (2022-2027) that has already been launched at the time when the present report is being finalised.

### 1. LESSONS LEARNT: CONCLUSIONS FROM THE IMPLEMENTATION PERIOD 2016-2021

191. The outgoing "Sofia Strategy" has been an ambitious undertaking, reaching for "The heights of the rights of the child" as it was proclaimed at its launching conference in Sofia in April 2016. However, a Strategy is not like a motorized plane that people just "hop on" to be taken to their destination, in this case the highest spheres of children's rights fulfilment. A Strategy is a federating and coordinating instrument that lives of the contributions of many and relies on well-functioning partnerships to move forward. Stakeholders in the Sofia Strategy knew from the very beginning that this comprehensive instrument would only take off the ground if they all contribute to it and give the Strategy its wings, which is definitely what happened over the past five years.

192. The outgoing Strategy has therefore certainly fulfilled its coordinating and federating role, providing a multidimensional and multistakeholder platform for exchanges on the rights of the child, and activating numerous partnerships both within the Council of Europe and with external partners. But can it be called a "success", or would this go too far? In an immediate response, one could say that, for the Council of Europe, success in the area of the rights of the child will not be achieved until all children of Europe are fully protected and guaranteed equal well-being and opportunities. However, the multitude of measures listed in the present report, shows that progress has been achieved in raising the awareness of many stakeholders for the rights of the child, in shedding light on some of the blind spots of legal and policy action, and in showing which areas will require further attention. This in itself can be called a success.

193. Progress has also been achieved more concretely through legislative changes strengthening the rights of the child and stepping up child protection in many countries, new policy programmes promoting the rights of the child in different places where children live and act, including homes, schools, care institutions, leisure associations, the digital environment, judicial proceedings and other contexts, as well as through changed attitudes towards children, for example when it comes to giving them a voice and listening to them when they speak up for their own rights and as child's rights activists.

194. Nevertheless, numerous challenges remain to be addressed under the new Strategy for the Rights of the Child (2022-2027); quite a few of them had already been identified in the "transitional period" between the two Strategies and could therefore make it into the new one, which has, not least in the light of the Covid-19 pandemic, been extended by a new priority area on children's rights in crisis and emergency situations. At that time, no one had imagined that, ironically, the new strategic objective also represented a topical response to a new war emerging in Europe, which leads to the next lesson learnt - always expect the unexpected and be ready to respond to it.

195. Finally, amongst the lessons learnt under the Sofia Strategy are also those related to the institutional and human limits that become visible in the fulfilment of such a complex undertaking. Without disposing of excessive resources, the Children's Rights Division has successfully initiated numerous activities with external and internal partners and mainstreamed the rights of the child through the organisation. Once again, it has become evident that effective action in favour of the rights of the child involves clear and transparent priority-setting and distribution of tasks, not least to manage the expectations of different stakeholders and keep everyone on board for the six-year journey under the Strategy.

196. Last but not least, many of the activities led towards the rights of the child and meant to step up the promotion and dissemination of the Strategy, could not be undertaken without the commitment and support of member States that regularly provide voluntary contributions to the Council of Europe. The Children's Rights Division and the CDENF Secretariat have amply benefited of this opportunity of extended resources and would like to thank, in particular, the governments of Albania, Armenia, Bosnia and Herzegovina, Denmark, Estonia, Georgia, Hungary, Liechtenstein, Luxembourg, Monaco and Ukraine to have supported the Strategy implementation, under a project on "Protecting children against violence, including sexual exploitation and sexual abuse" (VC1814) led in the period 2018-2021.

197. At a very practical level, ensuring follow-up to the Sofia Strategy has proved to be a challenge in itself. In the light of time and resources available for the CDENF, it was unfortunately not possible to gather detailed data about national action taken under the Strategy through comprehensive surveys for all six years of implementation. Accordingly, national responses to the Strategy were analysed in-depth notably for the first four years (2016-2019), whilst progress achieved under the last two years of the Strategy (2020-2021) was rather illustrated through the work of various monitoring bodies and the ECtHR case-law, and drawn from the Action Plan tables regularly filled by members of the Inter-Secretariat Task Force for the Rights of the Child, as well as by adding references to Covid-19 responses under each priority area.

198. Finally, difficulties arose from the different timelines followed for the implementation reports (every two years) and an additional mid-term evaluation report (after three years) presented at the 2019 Strasbourg conference. For the new Strategy, it has therefore been decided to focus on the reporting obligations towards the Committee of Ministers via implementation reports prepared every two years, but to undertake the mid-term evaluation after three years through a stock-taking event only. Moreover, under the new Strategy, some of the working methods should be further simplified and streamlined, for example by developing a clear set of indicators for reporting back on the Strategy implementation and a set of electronic response forms aimed at facilitating national reporting.

## 2. GLOBAL IMPACT: CONTRIBUTING TO UNSDG AGENDA 2030

199. Throughout its last mandate (2020-2021), the CDENF has explored how to "contribute to the achievement of the UN 2030 Agenda for Sustainable Development", as it was noted in its terms of reference in line with the general aim of the Council of Europe to contribute to global progress in various areas of human development. For its part, the CDENF had noted from the very start (in February 2020) that this task should not trigger additional reporting efforts for delegations and preferred to promote exchanges of experiences and good practices and a reflection on common challenges and solutions, including by associating international organisations to this exercise.

200. Accordingly, the CDENF held exchanges of view with various stakeholders, including (in November 2020) Ms Najat Maalla M'jid, Special Representative of the UN Secretary General on Violence against Children (UNSRSG VAC), who commended the priority focus on protecting children against violence of the Sofia Strategy and underlined the importance of children's access to justice in fighting violence in the context of UNSDG 16.3.

201. In May 2021, the CDENF conducted a review of progress towards Target 16.2 of the UNSDGs (end abuse, exploitation, trafficking and all forms of violence against and torture of children), through an exchange of views with representatives of the Office of the UNSRSG VAC and the Regional Office for Europe and Central Asia of UNICEF, who both underlined the need to fill the gaps by better coordinating data collection in the implementation of laws and policies at the national level, and by adopting systemic and holistic approaches when addressing offline and online violence as closely connected phenomena. In the same context, the CDENF also heard reports by national delegations which had respectively prepared Voluntary National Reviews (VNR) as part of their contribution to the UNSDGs in 2017 (Portugal) or were in the process of doing so in 2021 (Czech Republic), by adopting approaches which were transversal, evidence-based and participative.

202. More concrete action towards promoting the UNSDGs for children was taken in collaboration with the Congress of Local and Regional Authorities of the Council of Europe and notably the Congress rapporteur on children rights and SDGs, Ms Brigitte van den Berg. This co-operation led to the production of an interactive booklet on concrete actions that children could take at the local level to contribute to the UNSDGs. This booklet entitled "How to make your town a better place" was published at the end of 2021 and officially launched by the Congress in early 2022.<sup>134</sup> The CDENF and Children's Rights Division could therefore make a modest contribution to the UNSDGs and have never lost sight of this global framework.

134. See further <https://www.coe.int/en/web/congress/-/children-and-sustainable-cities-congress-adopts-guidelines-for-local-and-regional-authorities>.

### 3. THE WAY FORWARD: FROM ACTION TO BE PURSUED TO INNOVATIVE ACTION

203. As mentioned previously, the new Strategy for the Rights of the Child (2022-2027), adopted by the Committee of Ministers on 23 February 2022 and launched at a High-level Conference in Rome on 7-8 April 2022, was already under preparation while taking stock of the implementation of the outgoing Sofia Strategy and preparing the present report. Even though the report could not be formally concluded before launching the new Strategy, its first lessons learnt, and legislative and policy gaps identified in “wrapping up” have of course still found their way into the new Strategy and into the new Terms of Reference of the CDENF (2022-2025). Whilst methodological challenges and responses envisaged were already addressed under section 1., it may finally be worth recalling which thematic challenges identified in the last implementation phase of the Sofia Strategy have been kept on board for the Rome Strategy.

204. A great challenge during the final implementation of the Sofia Strategy was the Covid-19 pandemic that has put some of the *lacunae* of State action for child protection and children’s rights promotion on the spot whilst exacerbating certain risks for children. With regard to priority area 1 of the Strategy (equal opportunities) the public health crisis has notably deepened inequalities and mental health problems. Other issues, such as challenges related to migration have persisted during this time. This is reflected by the new Terms of Reference of the CDENF through new activities on children’s mental health care and continuous action on children in migration. The CDENF future work therefore clearly follows the same logic as the new Strategy, by pursuing action that needs to be continued and innovating in other areas.

205. The same line is followed for action taken under other priority areas. Notably the activities relating to reporting systems on violence against children, to the best interest of the child in parental separation and care proceedings and to child participation in health decisions will be pursued from the previous Strategy. Further innovative action to be developed to respond, to gaps identified by the Sofia Strategy, will include the challenges faced by children acting as human rights defenders, the development of guidance on comprehensive and age-appropriate sexuality education, the assessment of the impact of new technologies, in particular artificial intelligence, on the rights of the child. Last but not least, in recognition of the fact that agreed standards sometimes need adaptation to new realities, the CDENF will also proceed with the review of existing guidance on child-friendly justice, on integrated national strategies for child protection against violence and on children living in residential institutions.

206. The Sofia Strategy is closed – it has been a rich journey towards the “heights of the rights of the child” in which many partners took part and contributed to advancing the rights of the child at the Council of Europe and in its 46 member States. In the light of the positive experiences made under the Sofia Strategy, in different areas and both at the European and national levels, the new Strategy will strive to act in continuity in the most reliable manner for all partners of the Council of Europe and to innovate and remain reactive to the greatest extent possible in order to respond to the actual needs of children; it will do so in the most transparent and realistic manner, building on resources available in and around the Steering Committee for the Rights of the Child (CDENF) and, once again, making the most of long-standing valuable partnerships.

## Appendix: list of acronyms

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<b>CDENF</b>	Steering Committee for the Rights of the Child
<b>CJ/ENF-ISE</b>	Committee of Experts on the rights and the best interest of the child in parental separation and in care proceedings
<b>CDENF-GT-VAE</b>	Working Group on responses to violence against children
<b>BIO/ENF-CP</b>	Drafting Group on Developing a Guide to good practice concerning the participation of children in the decision-making process on matters regarding their health
<b>CAHENF</b>	<i>Ad hoc</i> Committee for the Rights of the Child
<b>ACFC</b>	Advisory Committee on the Framework Convention for the Protection of National Minorities
<b>ADI-INT</b>	Committee of Experts on Intercultural Integration of Migrants (subordinate body to CDADI)
<b>CDADI</b>	Steering Committee on Anti-Discrimination, Diversity and Inclusion
<b>CM</b>	Committee of Ministers of the Council of Europe
<b>COMEX</b>	Committee of Experts of the European Charter for Regional or Minority Languages
<b>CPT</b>	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
<b>DLAPIL</b>	Legal Advice and Litigation Department of the Council of Europe
<b>ECRI</b>	European Commission against Racism and Intolerance
<b>ECHR</b>	European Convention for the Protection of Human Rights and Fundamental Freedoms
<b>ECtHR</b>	European Court of Human Rights
<b>ESCR</b>	European Committee of Social Rights
<b>ECRML</b>	The European Charter for Regional or Minority Languages
<b>GRETA</b>	Group of Experts on Action against Trafficking in Human Beings
<b>GREVIO</b>	Group of Experts on Action against Violence against Women and Domestic Violence
<b>Lanzarote Committee</b>	Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
<b>OCSEA</b>	Online Child Sexual Exploitation and Abuse

Since the launch of the Programme "Building a Europe for and with children" in 2006, the Council of Europe has promoted and supported the implementation of the rights of the child across Europe under a number of Strategy cycles. This report, presented to the Committee of Ministers of the Council of Europe in October 2022, illustrates the implementation of the 3rd Strategy for the Rights of the Child (2016-2021). It builds on information coming from a variety of sources: information that was provided by member States through a survey and by different Council of Europe bodies via the Inter-Secretariat Task Force on the Rights of the Child, or that was researched amongst the most recent case of the European Court of Human Rights or the findings of a range of Council of Europe monitoring bodies.

Covering all five priority areas of the 3rd Strategy - equal opportunities, participation, a life free from violence, child-friendly justice and children's rights in the digital environment – the report points to achievements, innovative solutions and remaining gaps in law and policies that may also serve as sources of inspiration for upcoming national and European action.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.