



**Recommendation CM/Rec(2009)10
of the Committee of Ministers to member states
on integrated national strategies for the protection of children from violence**

*(Adopted by the Committee of Ministers on 18 November 2009
at the 1070bis meeting of the Ministers' Deputies)*

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

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

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

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

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

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

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

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

Having regard to the European Convention on Human Rights (ETS No. 5), securing to everyone within the member states’ jurisdiction, including children, the right to be protected from torture and inhuman or degrading treatment or punishment, the right to liberty and security, and the right to a fair trial;

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

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

Having regard to the following recommendations of the Committee of Ministers to member states: CM/Rec(2009)5 on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications environment, CM/Rec(2008)11 on the European Rules for juvenile offenders subject to sanctions or measures, Rec(2006)19 on policy to support positive parenting, Rec(2006)12 on empowering children in the new information and communication environment, Rec(2006)5 on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life for people with disabilities in Europe 2006-2015, Rec(2005)5 on the rights of children living in residential institutions, Rec(2002)5 on the protection of women against violence, and Rec(2001)16 on the protection of children against sexual exploitation;

Having regard to the following recommendations of the Council of Europe Parliamentary Assembly: Recommendation 1854 (2009) on “Access to rights for people with disabilities and their full and active participation in society”, Recommendation 1828 (2008) on the “Disappearance of newborn babies for illegal adoption in Europe”, Recommendation 1815 (2007) on “Prostitution – which stance to take?”, Recommendation 1778 (2007) on “Child victims: stamping out all forms of violence, exploitation and abuse”, and Recommendation 1666 (2004) on “A Europe-wide ban on corporal punishment of children”;

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

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

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

Committed to the promotion of integrated national strategies aimed at safeguarding the rights of the child and protecting children from all forms of violence, rooted in the United Nations Convention on the Rights of the Child, Council of Europe standards, and developed with children’s participation,

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

- a. integrate, as appropriate, in their legislation, policy and practice the principles, and implement, as appropriate, the actions set out in the Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence, as they appear in Appendix 1 to this recommendation;
- b. promote the implementation and application of the guidelines in areas which are not the direct responsibility or competence of public authorities, but where they nonetheless have a certain power or may play a certain role;
- c. ensure the widest possible dissemination of this recommendation through awareness-raising campaigns and co-operation with civil society, independent children’s rights institutions, the media, the private sector, children and families;
- d. through their focal points on the rights of the child and elimination of violence against children, co-operate with the Council of Europe in developing, implementing and monitoring the national strategies;
- e. co-operate with and support the United Nations Special Representative to the Secretary General on Violence against Children.

Appendices

Contents¹

Appendix I – Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence

1. Executive summary
2. Aims, scope, definitions and principles
 - 2.1. Aims
 - 2.2. Scope and definitions
 - 2.3. Principles
3. Integrated national, regional and local action
 - 3.1. Integrated national strategies for the protection of children from violence
 - 3.2. Regional and local action
4. Building a culture of respect for the rights of the child
 - 4.1. Education and awareness raising
 - 4.2. Professional training
 - 4.3. Media and the information society
5. Frameworks
 - 5.1. Legal framework
 - 5.2. Policy framework
 - 5.3. Institutional framework
6. Child-friendly services and mechanisms
 - 6.1. General principles
 - 6.2. Child care standards
 - 6.3. Independent monitoring
 - 6.4. Reporting of violence
 - 6.5. Referral mechanisms
 - 6.6. Recovery, rehabilitation and social reintegration
 - 6.7. The justice system
7. Research and data
8. International co-operation

Appendix II – Glossary of terms

Appendix III – International texts aimed at safeguarding the rights of the child and protecting children from violence

Appendix IV – Other actions and publications

¹ All cited texts from the Committee of Ministers and from the Parliamentary Assembly are from the Council of Europe.

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

1. Executive summary

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

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

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

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

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

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

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

2. Aims, scope, definitions and principles

2.1. Aims

The aims of these guidelines are to:

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

2.2. Scope and definitions²

1. “Child” shall mean any person under the age of 18 years, including child victims, witnesses and perpetrators of violence.

2. In line with Article 19 of the UNCRC, “violence” is defined as including all forms of physical or mental violence, injury and abuse, neglect and negligent treatment, maltreatment or exploitation, including sexual abuse.³ This definition covers the exposure of children to violence in the home and elsewhere. Violence is understood to occur not only between adults and children but also between children.

2.3. Principles

General principles

Protection against violence

All children have the right to protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.⁴

The right to life and maximum survival and development

Every child has the inherent right to life and to survival and development to the maximum extent possible.⁵

Non-discrimination

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

Gender equality

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

Child participation

1. Children have the right to express themselves freely on all matters affecting their lives, and their views should be given due weight depending on the child's age and maturity.⁶ Child participation entails in particular:

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

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

² Also, refer to Appendix 2 – Glossary of terms.

³ Also, refer to the Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict

⁴ Article 19, UNCRC.

⁵ Op. cit., Article 6.

⁶ Op. cit, Article 12

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

A state's obligations

1. The state has the paramount responsibility to uphold the rights of the child and to protect all children within its jurisdiction from all forms of violence, however mild, at all times and in all settings.⁷ States should invest in evidence-based policies and programmes, guided by the child's best interests, to address factors that give rise to violence and to respond effectively when violence occurs.

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

- a. providing for a network of accessible, flexible and quality childcare services;⁸
- b. facilitating positive reconciliation of family and working life;
- c. drawing up programmes to improve parental skills and to foster a healthy and positive family environment;⁹
- d. incorporating a child rights perspective at all levels of the budgetary process.

Other actors' obligations and participation

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

Best interests of the child

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

Operative principles

1. Violence against children is multidimensional. This approach presupposes that a combination of factors needs to come into play in order for violence to occur, recur, or cease. It calls for holistic treatment of the circumstances of the violent incident, on the basis of their interdependence, not dealing with a single cause and effect relationship.

2. Prevention of violence requires cross-sectoral co-operation and co-ordination. This involves, in particular, co-ordination across central government departments, across provinces and regions, and between government and civil society.

3. Violence against children demands an integrated (systemic, holistic) approach. This approach allows factors of different orders (cultural, psychological, pedagogical, behavioural, physical, political, socio-economic, etc.) to be treated on the basis of common ground. It implies that all programmes and actions aimed at preventing and protecting children from violence, in the broad context of the promotion of the rights of the child, should operate across a range of disciplines and sectors. In the same spirit, the guidelines' sections are interrelated and should be read in conjunction with each other.

⁷ Ibid., Article 19.

⁸ Refer to Recommendation Rec(2002)8 of the Committee of Ministers on child day-care.

⁹ Refer to Recommendation Rec(2006)19 of the Committee of Ministers on policy to support positive parenting.

4. A multi-stakeholder approach is indispensable for the eradication of violence against children, as this is a responsibility that extends beyond state-controlled bodies and services to include all members of society, such as state institutions, local authorities, non-governmental organisations, professionals, the media, families and children. In the planning, implementation and evaluation of programmes and actions to protect children from violence priority should be attached to:

- a. building partnerships between families and the state, based on trust and respect for different cultures and traditions;
- b. engaging in true dialogue with children and progressively building a culture of respect for children's views, including by informing them of the outcome of the processes and explaining how their views were taken into account.

3. Integrated national, regional and local action

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

1. A multidisciplinary and systematic framework (hereinafter referred to as "the strategy") integrated into the national planning process, rooted in the UNCRC and bringing together all stakeholders, represents the most effective response to violence against children that is sustainable over time. The strategy's core element should be a complex of effective and comprehensive primary, secondary and tertiary prevention measures¹⁰ that are child-centred, families-focused, multidisciplinary and oriented towards fulfilling children's and families' needs. The strategy should contain realistic and time-bound targets, be supported by adequate human and financial resources, be based on current scientific knowledge (with regard to what works) and be systematically evaluated.

2. The strategy should rely on cross-sectoral co-operation and co-ordination involving health, education and social sectors, agencies responsible for planning and budgetary appropriations, law enforcement authorities, and the justice system. At national level, an agency with primary responsibility for the protection of children against violence should assume (where possible and in conformity with national regulations) a key co-ordinating and monitoring role. Its capacity to involve multiple sectors in a broad-based action is crucial for the strategy's long-term success.

3. All actors concerned with the promotion and protection of the rights of the child, such as national, regional and local authorities, families, independent human rights institutions, professionals working for and with children, researchers, civil society and the media should be involved in the strategy's design, implementation and evaluation. Children should not only be heard but be empowered to contribute, with their informed consent and according to their evolving capacity, to this multi-stakeholder action. Adequate resources should be made available to ensure children's meaningful participation.

4. Methodologies should be developed to assess progress and evaluate actions foreseen by the strategy at all levels, including the cross-sectoral level. Evaluations should be conducted on a regular basis with a view to identifying policies and measures that are appropriate and effective in preventing and addressing violence.

5. Information on the strategy's implementation should be widely disseminated. The visibility of actions taken to prevent and to address violence should be increased, *inter alia*, through their discussion in elected fora at national, regional and local levels.

¹⁰ Preventive work directed at society at large is known as primary prevention. It prevents violence by addressing broad issues, such as health or education, and reduces risk factors, such as unemployment and social exclusion. Children who run a high risk of being subjected to violence or inflicting violence upon others are targets of secondary prevention. Its examples include measures for children of drug or alcohol abusers, etc. Tertiary prevention attempts to prevent, reverse or limit the consequences of violence that has already occurred. It focuses on victims' and perpetrators' rehabilitation and re-integration.

3.2. Regional and local action

1. Local action to prevent violence is particularly important in view of its proximity to children and families as end recipients of services. It is at this level that the persons concerned will receive assistance, in line with their needs and characteristics.
2. Whereas national authorities set forth common standards for service provision, it is the regions' and municipalities' obligation to adhere to these standards and to provide for a network of child-friendly services and mechanisms. Responsibilities of regional and local authorities also include the collection of data on violence against children; the development, implementation and monitoring of preventive measures; funding and allocation of premises; etc.
3. National and regional authorities should provide adequate support to local violence prevention programmes in terms of financing, training, evaluation and follow-up. Co-operation and co-ordination among these levels are indispensable for constant improvements in service delivery and resource optimisation.
4. Community interventions to prevent violence against children, involving all sectors and stakeholders, should be supported. Such interventions could be effected via open platforms, councils or networks bringing together, for instance, municipal authorities, social and health care services, schools, local judiciary, police, migrants' or community associations, faith-based organisations and children and families.¹¹
5. Co-operation and co-ordination between municipalities (and regions) should be reinforced, including through the exchange of experiences and good practices.
6. The appropriately regulated and monitored involvement of the private sector and of non-governmental organisations should be promoted.
7. As large-scale decentralisation and privatisation of social services are now common in European states, the capacity of regional and local authorities to contribute to the strategy's implementation should be carefully assessed.

4. Building a culture of respect for the rights of the child

The strategy should have as its main objective the qualitative change in the perception of children and childhood, and of violence against children. This objective can only be achieved when all segments of society have become sufficiently aware of the rights of the child and of the harmful impact of violence on children; when organisational cultures and practices have been strengthened in this regard, and bridges built across professions to afford more and better protection to children; when mindsets have been transformed, including through the means of information and communication technologies; when the underlying economic and social conditions associated with violence have been addressed – in other words it is only possible when a genuine culture of respect for the rights of the child has permeated the fabric of society.

4.1. Education and awareness raising

1. It is the state's obligation to make information on the rights of the child widely known, by appropriate and active means, to children and adults alike.¹² This entails in particular:
 - a. incorporating the rights of the child into school curricula and promoting a child rights approach in education at all levels;
 - b. regular and ongoing training on the rights of the child for all those who work with and for children;

¹¹ Also refer to the handbook "Preventing school violence: a handbook for local partnerships" (Council of Europe, 2005).

¹² Article 42, UNCRC.

c. raising awareness, by means of public information and media campaigns, on the rights of the child, including the right to be protected from all forms of violence, the right to respect for human dignity and physical integrity and the right to be heard and taken seriously.

2. A clear and unequivocal intolerance of all forms of violence against children, however mild, should be promoted throughout society. Public attitudes rooted in social and cultural norms and traditions which accept, condone or support violence, including stereotypical gender roles, racial or ethnic discrimination, acceptance of corporal punishment and other harmful traditional practices should be publicly condemned and eliminated. The harmful effects that all forms of violence have on children should be made widely known. An understanding of the state's obligations and the individual's responsibility to condemn and prevent violence and to assist child victims should be reinforced.

3. Parents' and carers' knowledge of the rights of the child and of positive parenting practices should be strengthened by all means, including encouraging their enrolment in positive parenting programmes.

4.2. Professional training

1. The training of professionals working for and with children represents an important long-term investment in children's development and well-being. Therefore, the state and society should value these professions by attributing to them the requisite moral, financial and other forms of public and private support.

2. It is the state's obligation to instil the culture of the rights of the child and responsibility for children into all professionals who come into contact with children through their work (for example, social workers, foster carers, police officers, judges, teachers, school principals, youth workers, people employed by detention facilities and child-care institutions, immigration and humanitarian workers, sports coaches, etc.). To promote knowledge of the rights of the child, relevant courses should be integrated into university and other training curricula.

3. All relevant professionals who in their work come in contact with children should be familiar with the UNCRC and methodologies and approaches, including those required for listening effectively to children, and be trained to work in a diverse ethnic, cultural, religious and linguistic environment.

4. All relevant professionals should have skills to prevent, detect and respond effectively to violence against children. To this end, national curriculum regulations should include compulsory, ongoing training on the prevention, identification, assessment and reporting of violence against children, and the protection and continuity of care of children. The training should pursue a comprehensive approach and prioritise early identification of potential risks to a child's well-being.

5. Specialised training should be offered to professionals working for and with vulnerable groups of children, such as children with disabilities.¹³

6. Bearing in mind the often difficult physical and psychological environment surrounding services assisting children affected by violence, adequate support should be rendered to their staff in terms of supervision, counselling, complementary training and the possibility of setting up professional interest groups.

¹³ Refer to the United Nations Convention on the Rights of Persons with Disabilities and to Recommendation Rec(2006)5 of the Committee of Ministers on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015.

4.3. Media and the information society

1. Free and independent media, with due respect for their self-regulation, can play a powerful role in building a culture of respect for the rights of the child and act as a natural partner in the strategy's implementation. The media should be encouraged to educate both children and adults in the rights of the child, promote child participation, foster positive parenting practices, strengthen intercultural and interfaith dialogue, and foster non-violent values in society.¹⁴
2. The state bears the primary responsibility for the protection of children against harmful media content and for the promotion of children's active participation in the information and communications environment.¹⁵
3. With regard to the portrayal of violence and the distribution of content potentially harmful to children, those responsible for the media should fully assume their duties and responsibilities which the exercise of their freedom of expression entails. This could be done through the removal of or blocking access to inappropriate material, or through the development of automated content rating systems, the adoption of codes of conduct and standards for content evaluation, the setting up of control mechanisms, the establishment of content complaints systems, etc.¹⁶
4. In order to meet children's and families' expectations for accessible, secure and reliable Internet services, Internet service providers should be encouraged to supply information on potential risks to their customers' rights, security and privacy online.¹⁷ Co-operation with law enforcement authorities in the investigation of crimes committed through the use of telecommunication technologies should be strengthened.¹⁸
5. Given the potential impact of online games on the rights and sensibilities of children, game designers and publishers should be encouraged to regularly evaluate policies and practices regarding child safety.¹⁹
6. The media should be encouraged to build partnerships with all relevant actors in order to:
 - a. develop children's media literacy skills,²⁰
 - b. work with child safety experts, policy makers, social services and law enforcement authorities to develop, incorporate and monitor the application of new technologies to protect children from harm online;
 - c. raise media professionals' awareness of the rights of the child and of violence against children.

¹⁴ Refer to Recommendation No. R (97) 19 of the Committee of Ministers on the portrayal of violence in electronic media and Council of Europe Parliamentary Assembly Recommendation 1466 (2000) on "Media education".

¹⁵ Refer to recommendations CM/Rec(2009)5 of the Committee of Ministers on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications environment, and CM/Rec(2008)6 on measures to promote the respect for freedom of expression and information with regard to Internet filters; the Committee of Ministers' 2008 Declaration on protecting the dignity, security and privacy of children on the Internet; European Court of Human Rights, judgment in *K.U. v. Finland* (2009), application No. 2872/02, and admissibility decision in *Perrin v. the United Kingdom*, application No. 5446/03.

¹⁶ Also refer to Recommendation Rec(2001)8 of the Committee of Ministers on self-regulation concerning cyber-content.

¹⁷ Council of Europe Guidelines to assist Internet service providers in their practical understanding of, and compliance with, key human rights and fundamental freedoms in the information society, in particular with regard to Article 10 of the European Convention on Human Rights (2008).

¹⁸ European Court of Human Rights, *K.U. v. Finland*, 2009.

¹⁹ Refer to Council of Europe Guidelines to assist online game providers in their practical understanding of, and compliance with, human rights and fundamental freedoms in the information society, in particular with regard to Article 10 of the European Convention on Human Rights (2008).

²⁰ Refer to Recommendation Rec(2006)12 of the Committee of Ministers on empowering children in the new information and communication environment.

7. Parents and teachers have a special responsibility as far as children's access to and the use of the media at home and in school is concerned. They may assume this responsibility in various ways, including by conscious and selective use of the media, stimulation of children's critical attitudes, restriction of access to content that may adversely affect children's physical, emotional or psychological well-being, etc.

8. The establishment of the media by children and with children, for purposes including the elimination of violence, should be strongly encouraged and supported.

5. Frameworks

5.1. Legal framework

Compliance with UNCRC and other international standards

1. All member states of the Council of Europe are parties to the UNCRC and are bound to implement its provisions and to act in accordance with its principles. All reservations incompatible with the UNCRC's object and purpose should be withdrawn.

2. At global and regional levels numerous instruments have been adopted to safeguard the rights of the child and to protect children from various forms of violence.²¹ Accession to these treaties should be strongly encouraged. Once ratified, they should be effectively implemented and monitored, and national laws, bylaws, policies, regulations, plans and programmes should be brought in line with them.

Prevention

The national legal framework should prioritise the prevention of violence and safeguard the rights of the child by taking action, such as:

- a. registering children immediately after birth, subject to national regulations and state obligations under the relevant international treaties in this field;²²
- b. setting a minimum age of marriage that is not too low and that is applicable to both boys and girls;
- c. setting a minimum age for sexual consent;
- d. prohibiting employment into positions involving child supervision of persons convicted of violent, including sexual, offences against children;
- e. developing intervention programmes and measures to evaluate and prevent the risk of violence against children from being committed;
- f. devising a system to vet fully those working with children, in any capacity, that ensures an appropriate balance between the child's right to protection from violence and the individual's right to a good name;²³
- g. integrating in national laws an obligation to respect the right of the child to be heard and to attribute due weight to children's views.

²¹ The non-exhaustive list of relevant international treaties appears in Appendix 3. Appendix 4 presents the list of recommendations adopted by Council of Europe bodies (Committee of Ministers, Parliamentary Assembly and Congress of Local and Regional Authorities of the Council of Europe).

²² Refer to Article 7, UNCRC.

²³ Refer, for instance, to European Court of Human Rights, *White v. Sweden*, 2006, and *Leander v. Sweden*, 1987.

Prohibition of violence

The state has an explicit obligation to secure children's right to protection from all forms of violence, however mild. Appropriate legislative, administrative, social and educational measures should be taken to prohibit all violence against children at all times and in all settings and to render protection to all children within the state's jurisdiction. Legal defences and authorisations for any form of violence, including for the purposes of correction, discipline or punishment, within or outside families, should be repealed.²⁴ Prohibition should imperatively cover:

- a. all forms of sexual violence and abuse, corruption of children and solicitation of children for sexual purposes;
- b. all forms of exploitation of children, including child prostitution, child pornography, sexual exploitation in travel and tourism, trafficking, sale of children, illegal adoption, forced labour or services, slavery and practices similar to it, removal of organs, for any purpose or in any form;²⁵
- c. all forms of exploitation of children through the use of new technologies;
- d. all harmful traditional or customary practices, such as early or forced marriage, honour killing and female genital mutilation;
- e. exposure of children to violent or harmful content, irrespective of its origin and through any medium;
- f. all forms of violence in residential institutions;²⁶
- g. all forms of violence in school;
- h. all corporal punishment and all other cruel, inhuman or degrading treatment or punishment of children, both physical and psychological;²⁷
- i. exposure of children to violence within the families and home.

The role of corporate actors

Necessary legislative or other measures should be taken to ensure that legal persons can be held liable for offences established pursuant to Article 26 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201).

Sanctions and measures

1. Violent, including sexual, offences against children should be punishable by effective, proportionate and dissuasive sanctions and measures, taking into account the seriousness of the offence.²⁸

²⁴ Refer to European Commission of Human Rights, admissibility decision in *Seven Individuals v. Sweden*, 1982, application No. 8811/79; European Court of Human Rights, *Tyrer v. the United Kingdom*, 1978; *Campbell and Cosans v. the United Kingdom*, 1982; *A. v. the United Kingdom*, 1998; admissibility decision in *Philip Williamson and Others v. the United Kingdom*, 2000, application No. 55211/00.

²⁵ Also refer to the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197, 2005/2008), the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), Articles 32, 34, 35, 36 of the UNCRC and the Palermo Protocol, as well as the International Labour Organisation Convention concerning the Minimum Age for Admission to Employment and Work (ILO C.138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of Worst Forms of Child Labour (ILO C. 182).

²⁶ Refer to Recommendation CM/Rec(2005)5 of the Committee of Ministers on the rights of children living in residential institutions.

²⁷ See footnote 22. Also refer to European Committee of Social Rights, General observations regarding Articles 7 (paragraph 10) and 17, *Conclusions XV-2*, Vol. 1, General introduction, p. 26.

²⁸ See, for example, Article 27, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

2. Those convicted of violent, including sexual, offences against children, as well as those subject to criminal proceedings should be provided with access to effective intervention programmes and measures with a view to preventing and minimising the risks of repeated offences.²⁹

3. In accordance with the principles of social integration and education and of the prevention of re-offending, any justice system dealing with child perpetrators of violence should be integrated with wider social initiatives aimed at ensuring a holistic approach to and continuity of care of such children (principle of community involvement and continuous care).³⁰

4. In accordance with its basic principles, the national legal system should provide for a possibility of not imposing penalties on child victims of violence for their involvement in unlawful activities, to the extent that they have been compelled to do so.

Aggravating circumstances

Resorting to violence against children should be taken into consideration as an aggravating circumstance in the determination of a sanction. Other circumstances to be taken into account, in so far as they do not already form part of the constituent elements of the offence, should include the abuse of a recognised position of trust, authority or influence over the child, of a relationship based on economic or any other form of dependence, and the involvement in a criminal organisation.³¹

Jurisdiction

1. Necessary legislative or other measures should be taken to establish jurisdiction over violent, including sexual, offences against children who are the state's nationals or have their habitual residence on the state's territory.

2. Subject to international treaties' requirements, necessary legislative or other measures should be taken to establish national jurisdiction over violent, including sexual, offences against children committed abroad by the state's nationals and persons who have their habitual residence on the state's territory.³² To ensure effective extraterritorial legislation, prosecution of perpetrators and imposition of sanctions, the requirement of double criminality should be abolished and mutual legal assistance facilitated.

Statute of limitation

With regard to offences identified by Article 33 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the statute of limitation should continue for a period of time which is sufficient to allow the efficient starting of proceedings after the child victim has reached the age of majority and which is commensurate with the gravity of the crime in question.

Enforcement

Legislation safeguarding the rights of the child and protecting children from all forms of violence should be fully and appropriately enforced. To that effect, it should be supported by relevant institutions, including independent national institutions for the rights of the child and independent monitoring mechanisms, human and financial resources, and be accompanied by guidance to all relevant sectors and professionals.³³

²⁹ See, for example, *op. cit.*, Articles 15, 16 and 17.

³⁰ Refer to Recommendation CM/Rec(2008)11 of the Committee of Ministers on the European Rules for juvenile offenders subject to sanctions or measures.

³¹ Also, refer to Article 28 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

³² Refer, *op. cit.*, to Article 25.

³³ See the case law of the European Court of Human Rights including *A. v. the United Kingdom*, 1998, and *Z and Others v. the United Kingdom*, 2001, which require states to ensure adequate legal protection of children from treatment that is inhuman and degrading contrary to Article 3 of the European Convention on Human Rights.

5.2. Policy framework

National child rights policy

1. The existence of a national child rights policy is crucial for the realisation of the child's right to be protected from all forms of violence. Such a policy initiates, promotes and co-ordinates processes aimed at ensuring that the provisions and principles of the UNCRC permeate all aspects of government policy and all public actions affecting children.

2. All national policies relevant to children's well-being (social policy, health care policy, educational policy, housing policy, etc.) should contribute to the promotion and protection of the rights of the child. Priority should be attached to policies aimed at reducing inequality, poverty and marginalisation; supporting families; addressing unemployment and income gaps; addressing social tolerance, beliefs and values that condone and sustain violence; improving social networks; facilitating social inclusion of migrants and their families. Policies and measures developed in related areas should be properly co-ordinated, and their outputs should be mutually reinforcing.

3. Policies, based on research, evidence, and children's own experiences, should be developed to prevent, detect and respond to violence against children. Particular attention should be paid to the protection of vulnerable groups, such as children with disabilities,³⁴ children in or having experienced state care,³⁵ children in foster care, abandoned children,³⁶ unaccompanied and separated children,³⁷ refugee and asylum seeking children,³⁸ children belonging to minorities, children working and/or living on the street,³⁹ children living in extreme poverty and disadvantaged or segregated areas,⁴⁰ children in armed conflicts and emergency situations,⁴¹ children in detention or in conflict with the law,⁴² etc.

Children and families policies

1. The overall goal of children and families policies should be:

a. to support families in their child-rearing responsibilities;

b. to prevent, as far as possible, the separation of children from their families;

c. to provide for family-like and community-based alternatives to placement of children in institutions that are in the children's best interests; and

d. in cases of separation and, when appropriate, to ensure ongoing contact between children and their parents and to support family reunification where that is in the best interests of the child.

³⁴ Refer to Committee of Ministers' Recommendation Rec(2006)5, cited above, and to "Safeguarding adults and children with disabilities against abuse", Council of Europe, 2003.

³⁵ Refer to Committee of Ministers' Recommendation Rec(2005)5, cited above.

³⁶ Refer to Parliamentary Assembly Recommendation 1601 (2003) on "Improving the lot of abandoned children in institutions".

³⁷ Refer to Committee of Ministers' Recommendations CM/Rec(2008)4 on strengthening the integration of children of migrants and of immigrant background and CM/Rec(2007)9 on life projects for unaccompanied migrant minors.

³⁸ Also refer to Parliamentary Assembly Recommendation 1703 (2005) on "Protection and assistance for separated children seeking asylum".

³⁹ Refer to the Congress of Local and Regional Authorities of the Council of Europe's Recommendation 253 (2008) on "The social reintegration of children living and/or working on the streets".

⁴⁰ Refer to "Youth and exclusion in disadvantaged urban areas: addressing the causes of violence" (Trends in social cohesion, No. 8, Council of Europe, 2004).

⁴¹ Refer to Parliamentary Assembly Recommendation 1561 (2002) on "Social measures for children of war in South-East Europe" and its Resolutions 1587 (2007) on "The situation of children living in post-conflict zones in the Balkans", 1215 (2000) on "The campaign against the enlistment of child soldiers and their participation in armed conflicts", and 1212 (2000) on "Rape in armed conflicts".

⁴² Committee of Ministers' Recommendation CM/Rec(2008)11, cited above.

2. The promotion of positive and non-violent forms of child-rearing should be central to children and families policies. Positive parenting refers to parental behaviour that respects the rights of the child and children's best interests, nurtures, empowers, guides and recognises children as individuals in their own right. Positive parenting is not permissive but sets the boundaries that children need to help them develop their potential to the full.⁴³

3. Institutionalised care should be used only in a child's best interests, as a matter of last resort, for the shortest possible period of time, and have as the primary objective the child's successful integration and/or re-integration in society.⁴⁴ Children can be placed in institutions only to meet needs that have been established as imperative on the basis of a multidisciplinary assessment.

5.3. Institutional framework

1. The sustainable institutional framework required for the strategy's realisation should comprise the following key elements:

a. an agency at national level (where possible and in accordance with national regulations) entrusted with the primary responsibility for the protection of children from violence. This authority should play a key co-ordinating and monitoring function as far as the strategy's implementation is concerned and assume overall responsibility in cases of violence against children;

b. each public institution contributing to child protection should have a clearly defined role consistent with the strategy's broader goals. Institutions' mandates should have a clear obligation to collaborate with the co-ordinating agency and all other institutions and actors, including civil society. The different institutions' mandates and the job descriptions of their staff should be linked;

c. an independent human rights institution should be established in line with the Paris principles⁴⁵ to promote and protect the rights of the child (for example, an ombudsperson/commissioner specifically for the rights of the child, established through legislation, either independently or as a focal point within an existing human rights institution). This institution should be accorded such powers as are necessary to enable it to discharge its mandate effectively and independently, including the power to hear any person; obtain any information and/or document necessary for assessing situations falling within its competence; access facilities providing care for children at all times; propose initiatives and measures, including legislative measures; conduct awareness-raising campaigns; disseminate information on the rights of the child, to children in particular; and monitor governments' actions. The institution should be provided with an adequate infrastructure, funding (including specifically for the rights of the child, within broad-based institutions), staff and premises. It should be associated with the strategy's design, evaluation and follow-up;

d. a body, such as an observatory on the rights of the child, a national statistical office or a research institute dealing with children should co-ordinate the collection, analysis, management and dissemination of data on violence and promote research to inform the strategy's design and implementation;

e. all institutions providing care and services for children should be accredited and registered with competent public authorities on the basis of relevant legislation and national minimum standards of care. Internal control and independent monitoring mechanisms should be put in place to ensure compliance with the standards;

⁴³ Refer to Recommendation Rec(2006)19 of the Committee of Ministers on policy to support positive parenting.

⁴⁴ Refer to Article 9, UNCRC, the draft UN Guidelines for the appropriate use and conditions of alternative care for children, and to Committee of Ministers' Recommendation Rec(2005)5, cited above.

⁴⁵ UN General Assembly Resolution 48/134 of 20 December 1993.

- f. all institutions, services and facilities responsible for the care and protection of children should be encouraged to adopt codes of good conduct, incorporating the prohibition, prevention and rejection of all forms of violence against children, and be expected to adhere fully to these codes. Model job descriptions should be established for each professional category. They should contain an obligation to respect the rights of the child and to report violence to competent authorities;
- g. the necessary links should be established between institutions at national, regional and local levels, and effective partnerships should be built, based on the clear division of competencies fixed in respective partnership agreements;
- h. civil society should become an integral part of the institutional framework, and actors, such as human rights institutions, professional networks, children and children's organisations, should be invited to contribute to the strategy's design, implementation, evaluation and follow-up.

6. Child-friendly services and mechanisms

6.1. General principles

1. The prime objective of institutions, services and facilities responsible for the care, education and protection of children should be to ensure, to the maximum extent possible, children's survival, development and well-being.⁴⁶
2. All children should have access to quality services adapted to their needs. The use of multidisciplinary models of services, comprising welfare, health, educational and psychological assistance and family guidance should be widely promoted. Such models should rely on strong intersectoral co-operation, appropriately qualified staff, an integrated curriculum, and a centralised implementation framework.
3. Services for the prevention of violence, the protection of children and the treatment of victims should be made available particularly at local level. Reliable procedures and mechanisms, including for the exchange of relevant information and best practice, should be put in place through inter-agency agreements and protocols.

6.2. Child care standards

1. Regulations should be established for all institutions, services and facilities responsible for the care, education and protection of children, setting standards aimed at the best interests and full development of the child.⁴⁷ Respect for these standards should be ensured through training of staff, internal control and regular independent monitoring. Any infringements of the rights of the child in such establishments should be sanctioned in conformity with appropriate and effective procedures.
2. Specific requirements should apply to the juvenile justice system and facilities providing institutionalised care to ensure that the rights of the child are fully protected, children enjoy a good quality of life and there are opportunities for them to participate in all activities normally enjoyed by their peers.⁴⁸
3. A system should be put in place to vet fully those working in contact with children, in any capacity, that ensures an appropriate balance between the child's right to protection from violence and the individual's right to a good name.

⁴⁶ Refer to Article 6, UNCRC.

⁴⁷ Also refer to Article 3, UNCRC, the UN Guidelines for the appropriate use and conditions for alternative care, and to Committee of Ministers' Recommendation Rec(2002)8, cited above.

⁴⁸ Also refer to Recommendations Rec(2003)20 of the Committee of Ministers concerning new ways of dealing with juvenile delinquency and the role of juvenile justice, and Rec(2005)5, cited above.

6.3. Independent monitoring

1. All institutions, services and facilities responsible for the care, education and protection of children should be subject to regular independent monitoring with a view to:
 - a. providing legal safeguards for both children and staff that are fully observed;
 - b. verifying the appropriateness and correctness of public expenditure;
 - c. supplying guidance on the execution of child welfare laws and regulations.
2. Monitoring should be performed by an independent body determined by law and staffed with specially trained personnel.

6.4. Reporting of violence

1. Education on the rights of the child and the knowledge and understanding of authorities to whom violence can be reported are two essential conditions enabling wider reporting of violence by both children and adults. To be truly effective, the reporting mechanism should be child-friendly and part of a broader system comprising reporting, referral and support services. Such a system should respect the rights of the child and offer children (and, where appropriate, their families) the necessary protection, including the protection of their privacy, without undue delay.
2. Reporting of violence should be mandatory for all professionals working for and with children, including those in organisations and private entities performing tasks on behalf of the state. Where mandatory reporting already exists, the extent to which various agencies fulfil their reporting obligations should be examined and kept under regular review.
3. To encourage wider reporting by professionals, legislative changes can be introduced in order to:
 - a. protect those who report or initiate complaints from liability in cases of reasonable mistakes in the assessment of the risk of violence;
 - b. remove a requirement to obtain parents' or carers' permission to file a complaint;
 - c. ensure that confidentiality norms do not hamper the reporting where the child consents, or is judged not to have the capacity to understand, and where professionals believe reporting or referring is in the child's best interests.
4. Children and their families should have access to information, including in a child-friendly format, on what acts and practices constitute violence, for instance bullying and mobbing in schools, and to whom and how these cases could be reported. A child should be able to file a report without the consent of her or his parent or guardian.
5. Every service, institution or facility responsible for the care, education and protection of children should have a well-publicised and easily accessible service, respectful of the child's privacy and be required to investigate allegations of violence promptly and fully. All children, including those in care in a legal establishment, as well as children with disabilities,⁴⁹ their parents and carers should be informed of such complaint mechanisms. The procedure should allow for effective access to support services while avoiding any stigmatisation of the child victim.
6. An independent, confidential, well-advertised, easy to memorise, toll-free telephone help line should be made available for children to seek confidential and professional counselling and to report violence.

⁴⁹ Not only children with physical disabilities such as those with visual impairment, but also children with intellectual disabilities. For information on "easy to read" format suitable for persons with mental handicap, see <http://www.osmhi.org/?page=139>

7. Emergency response services should be established in every locality for child victims of violence, including victims of sexual exploitation, sexual abuse, harmful traditional practices and all forms of violence in the home and family. The services' contact details should be made known to children, families and others in contact with children.

6.5. Referral mechanisms

1. Procedures for the referral of child victims of violence and the modalities for inter-agency co-operation should be clearly defined (that is, between social services, education, health, police, prosecution authorities, voluntary and private agencies). Such procedures should be adopted following an assessment of the specific circumstances of each particular victim, giving due weight to her or his views and, when it is in the child's best interests, also to her or his parents' or guardian's views.

2. Children should be encouraged, including through the provision of independent advocacy and support services, to speak to the relevant authority about their experience of violence.

3. Child victims should be assessed without delay, and for victims of violence within the home and family, the protective capacity of the non-violent caregiver and the situation of other children living in the home should be established.

6.6. Recovery, rehabilitation and social reintegration

1. The state should take all appropriate measures to promote physical and psychological recovery and rehabilitation of child victims and witnesses of violence⁵⁰ and, if need be, of their families. Such services should be provided without delay and in an environment which fosters the child's health, self-respect and dignity.

2. The implementation of recovery and reintegration measures for child perpetrators of violence should be based on the child's best interests, limited by the gravity of the offence committed (principle of proportionality) and take account of the age, physical and mental well-being, development, capacities and personal circumstances (principle of individualisation), as ascertained when necessary by psychological, psychiatric or social inquiry reports.⁵¹

3. The services responsible for the recovery, rehabilitation and social reintegration of child victims, witnesses or perpetrators of violence should follow a multidisciplinary and multi-agency approach, seeing the child in the wider context of family, community and her or his cultural background. A proper balance should be sought between mainstream and specialised services, as well as programmes addressing individual and relationship factors and those focusing on community and societal aspects.

6.7. The justice system⁵²

1. Judicial and extra-judicial proceedings should be pursued in the best interests and in full respect of the rights of the child, including the right to be protected from all forms of violence.

2. To protect the rights of the child and children's legitimate interests throughout the process, children should be granted access to mediation, free and independent legal services, and advocacy and support services. Efforts should be made to ensure that the remedies available are effective and that there is effective enforcement of judicial decisions and judgments.

3. Judicial and extra-judicial proceedings involving children should be expedited, treated as a priority and be completed without unjustified delay. To this end, stronger co-operation and co-ordination among all parties to the judicial process should be encouraged.

⁵⁰ Refer to Article 39, UNCRC and to Committee of Ministers' Recommendation Rec(2003)20, cited above.

⁵¹ Refer to Committee of Ministers' Recommendation CM/Rec(2008)11, cited above.

⁵² In 2009 the Group of Specialists on Child-Friendly Justice (CJ-S-CH) drafted Council of Europe Guidelines on child-friendly justice. The guidelines will be adopted as a Committee of Ministers' recommendation in 2010.

4. Judicial and extra-judicial proceedings should respect the child's right to be heard and to have her or his views given due weight. To allow their meaningful participation, children should be informed about their procedural rights in a manner which takes full account of their age and level of maturity and supported by an independent representative.

5. Special protection, procedures and facilities should be provided to ensure child victims and witnesses of violence are fully supported. In particular:

a. judicial proceedings should not aggravate the trauma experienced by the child. Where appropriate, the justice response should be followed swiftly by adequate support services;

b. the privacy of children and of their families should be protected throughout the process.⁵³ Where necessary, appropriate security measures should be taken to avoid intimidation, subjection to retaliation or repeat victimisation of child victims and witnesses of violence and of their families.

6. The age of criminal responsibility should be determined by law and be set suitably high, bearing in mind factors related to the child's development. For child perpetrators of violence, concepts of retribution and repression should give way to rehabilitation and restorative justice objectives, with due attention to effective public safety and appropriate human rights and legal safeguards for the child victims.⁵⁴

7. Alternatives to institutionalised care for child perpetrators of violence should be established, such as help, guidance and supervision orders; counselling; probation; foster care; and educational and vocational training programmes. The overall objective of such measures should be to facilitate children's successful socialisation and reintegration in the family, the community and society.

8. Child perpetrators of violence should not be deprived of their liberty other than where it is necessary as a measure of last resort, used for the shortest period of time and takes place in specially designed premises. The conditions of the detention should be in conformity with the UNCRC and other relevant standards and take into account children's specific needs.⁵⁵ Children undergoing any form of detention should be detained separately from adults, unless this is considered to be contrary to their best interests.⁵⁶

7. Research and data

1. Identification of an effective strategy for the protection of children from violence depends on the availability and proper analysis of data at national, regional and local levels. The adoption of a national research agenda represents the most appropriate way of promoting an integrated and systematic approach to data collection, analysis, dissemination and research. This approach, *inter alia*, implies the following:

Research

a. baseline study on violence against children as a prerequisite to any strategic planning process;

b. ethical and regular research involving interviews with children and separately with their parents or carers, in conditions of confidentiality and trust, to establish as accurately as possible the actual experience of violence by children;

c. longitudinal large-scale research on the root causes of violence and the inter-dependence of its various forms;

⁵³ Refer to the European Court of Human Rights, *V. v. the United Kingdom*, 1999.

⁵⁴ Refer to Committee of Ministers' Recommendation CM/Rec(2008)11, cited above.

⁵⁵ Refer to Committee of Ministers' Recommendations Rec(2006)2 and CM/Rec(2008)11, both cited above.

⁵⁶ Op. cit., refer also to the UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), the UN Minimum Rules for Non-custodial measures (Tokyo Rules) and the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).

- d. development of a harmonised methodology with a common set of indicators, allowing for the identification of groups of children vulnerable to violence;
- e. ongoing research into the precise nature of risks to children via the Internet, and how these risks shift over time and are mitigated by interventions;
- f. research into protective factors, notably children's resilience mechanisms;
- g. surveys on adult and child perpetrators of violence to develop criteria and parameters for their assessment and treatment;
- h. research into what works to protect children from violence and to evaluate existing responses, including methodologies for the evaluation and assessment of violence prevention services and programmes and the development of quality criteria;
- i. surveys to quantify the social costs of violence against children.

Statistical monitoring

- a. regular statistical monitoring, on the basis of established methodology, of violence against children at national, regional and local levels in all settings. The data should be broken down by gender, age, form of violence, urban or rural household, families' characteristics, level of education and national, social and ethnic origin;
- b. collection of quantitative and qualitative data on the length and outcomes of judicial proceedings involving children, including protective measures provided for child victims of violence.

*Establishment of national databases*⁵⁷

- a. on children's births and deaths, including the establishment of a child death (and serious injury) review mechanism;
- b. on children entering, leaving, or changing institutions, and all forms of alternative care and detention facilities, including the recording of all cases of violence against children in such institutions;
- c. on persons convicted of violent offences against children, including their genetic profile (DNA).⁵⁸

Co-ordination

- a. the designation (where possible and in conformity with national circumstances) of a single authority, preferably an observatory on the rights of the child, a national statistical office or a research institute, to co-ordinate and disseminate children-related data nationwide and exchange information internationally;
 - b. active contribution by all agencies with a child protection role to data collection.
2. All institutions, services and facilities recruiting personnel to work for and with children should be afforded easy but appropriately controlled access to data on persons convicted of violent offences against children.

⁵⁷ In accordance with data protection rules.

⁵⁸ Refer to Article 37, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

3. Personal data processing at national, regional and local levels should comply with internationally accepted standards and ethical safeguards⁵⁹.

4. Internationally agreed uniform standards should be established to facilitate international comparability of data.

8. International co-operation

1. Member states of the Council of Europe should co-operate with each other, in accordance with these guidelines and through application of relevant international and regional instruments and arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:

- a. preventing and combating all forms of violence against children;
- b. protecting and assisting child victims and witnesses;
- c. investigating or prosecuting criminal offences involving violence against children.

2. Member states should afford each other the widest measure of mutual assistance in proceedings on offences involving violence against children, such as child abductions, trafficking in children, sexual exploitation and sexual abuse of children.

3. To facilitate implementation of the guidelines, member states should strengthen, as appropriate, co-operation within relevant intergovernmental bodies, transnational networks and other international organisations.

4. Each member state should endeavour to integrate, where appropriate, prevention and eradication of all forms of violence against children into development assistance programmes provided for the benefit of third countries.

⁵⁹ Refer to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) and the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding Supervisory Authorities and Transborder Data Flows (ETS No. 181).

Glossary of terms

Best interests of the child: That the best interests of the child shall be a primary consideration in all actions concerning children is a concept contained in Article 3 of the UNCRC. It stands out as one of the UNCRC general principles, alongside Articles 2, 6 and 12, and acquires particular significance in situations where other more specific provisions of the convention do not apply. Article 3(1) emphasises that governments and public and private bodies must ascertain the impact on children of their actions, in order to ensure that the best interests of the child are a primary consideration, giving proper priority to children and building child-friendly societies. Article 3(2) outlines an active overall obligation for states to provide the necessary protection and care for the child's well-being in all circumstances, while respecting the rights and duties of parents. Article 3(3) requires that standards be established by "competent bodies" for all institutions, services and facilities for children, and that the state ensures that the standards are complied with ("Implementation Handbook for the Convention on the Rights of the Child" UNICEF, 2002).

Bullying is an act of repeated aggressive behavior in order to intentionally hurt another person, physically or mentally. Bullying is characterised by an individual behaving in a certain way to gain power over another person (Besag V., *Bullies and Victims in Schools*, 1989). Behaviour may include name calling, verbal or written abuse, exclusion from activities, exclusion from social situations, physical abuse, or coercion (Whitted K.S. and Dupper D.R., *Best Practices for Preventing or Reducing Bullying in Schools. Children and Schools*, Vol. 27, No. 3, July 2005). Bullies may behave in this way to be perceived as popular or tough or to get attention. They may bully out of jealousy or because they themselves are bullied (Crothers L.M. and Levinson E.M., *Assessment of Bullying: A review of methods and instruments, Journal of Counselling and Development*, 84(4), 2004).

Child exploitation: The term exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime).

Child pornography means any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child's sexual organs for primarily sexual purposes. Offences related to child pornography include the following intentional conduct, when committed without right: a) producing child pornography; b) offering or making available child pornography; c) distributing or transmitting child pornography; d) procuring child pornography for oneself or for another person; e) possessing child pornography; and f) knowingly obtaining access, through information and communication technologies, to child pornography (Article 20, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201; also refer to Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography).

Child prostitution means the fact of using a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment, regardless of whether this payment, promise or consideration is made to the child or to a third person. Offences related to child prostitution include the following intentional conduct: a) recruiting a child into prostitution or causing a child to participate in prostitution; b) coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes; c) having recourse to child prostitution (Article 19, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201; also refer to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography).

Child trafficking means the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation even if this does not involve any of the means set forth in subparagraph (a) of this article (the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person) – Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime. See also the definition of trafficking below.

Corporal punishment is a form of violence, defined as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light, to a child (for detailed definition, see Committee on the Rights of the Child, General Comment No. 8, paragraph 11).

Corruption of children means the intentional causing, for sexual purposes, of a child who has not reached the nationally prescribed legal age for sexual consent to witness sexual abuse or sexual activities, even without having to participate (Article 22, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201).

Harmful traditional practices: Every social grouping in the world has specific traditional cultural practices and beliefs, some of which are beneficial to all members, while others are harmful to a specific group, such as women. Harmful traditional practices include female genital mutilation; early marriage; female infanticide; honour killings; early pregnancy, etc. (See Factsheet No. 23, Harmful Traditional Practices Affecting the Health of Women and Children, www.ohchr.org/Documents/Publications/FactSheet23en.pdf).

Mobbing: Mobbing is a group bullying. It is ganging up on someone using the tactics of rumor, innuendo, discrediting, isolating, intimidating, and above all, making it look as if the targeted person is responsible. As is typical of many abusive situations, the perpetrators maintain that the victim “deserved it” (Elliot G.P. School Mobbing and Emotional Abuse, www.selfgrowth.com/articles/Elliott9.html).

Monitoring is the authorities’ activities to ensure that child welfare legislation is maintained. It consists of the following three distinct elements: a) the central authorities passing laws and regulations; b) the municipal level and childcare institutions delivering services; and c) an independent body monitoring performance at local level. Monitoring can be conducted as either announced or unannounced inspections or management system audits. The establishment of a standardised national monitoring regime facilitates the gathering of statistics on child welfare in a country and contributes to governmental decision making.

Neglect means the failure of parents or carers to meet a child’s physical and emotional needs when they have the means, knowledge and access to necessary services; or failure to protect her or him from exposure to danger (World Report on Violence against Children, World Health Organisation, Geneva, 2002).

Participation of a child in a pornographic performance: Offences related to the participation of a child in pornographic performance include the following intentional conduct: a) recruiting a child to participate in pornographic performances or causing a child to participate in such performances; b) coercing a child to participate in pornographic performances or profiting from or otherwise exploiting a child for such purposes; c) knowingly attending pornographic performances involving the participation of children (Article 21, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201).

Psychological violence refers to insults, name-calling, ignoring, isolation, rejection, threats, manipulation, emotional indifference, and belittlement, witnessing domestic violence, and other behaviour that can be detrimental to a child’s psychological development and well-being (UN Secretary General’s World Report on Violence against Children).

Sex tourism means trips organised from within the tourist sector, or from outside this sector but using its structures and networks, with the primary purpose of effecting a commercial sexual relationship between the tourist and residents at the destination (World Tourism Organisation (UNWTO), Statement on the Prevention of Organised Sex Tourism, 1995).

Sexual abuse: Offences related to sexual abuse of children include the following intentional conduct: a) engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities (this does not apply to consensual sexual activities between minors), and b) engaging in sexual activities with a child where use is made of coercion, force or threats; or abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence (Article 18, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201).

Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration (Article 2 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography).

Solicitation of children for sexual purposes: Offences related to solicitation of children for sexual purposes include the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the nationally prescribed legal age for sexual activities for the purpose of engaging in sexual activities with the child or producing child pornography and where this proposal has been followed by material acts leading to such a meeting (Article 23 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201).

Trafficking in human beings means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. "Exploitation" shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs. The consent of a victim of "trafficking in human beings" to the intended exploitation is irrelevant where any of the means cited above have been used. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in human beings" even if this does not involve any of the means set forth above (Article 4, Council of Europe Convention on Action against Trafficking in Human Beings, CETS No. 197).

International texts aimed at safeguarding the rights of the child and protecting children from violence

United Nations treaties

- Convention on the Rights of the Child, GA Res. 44/25, annex, 44 UN GAOR Supp. (No. 49) at 167, UN Doc. A/44/49 (1989), entered into force 2 September 1990
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, GA Res. 54/263, Annex I, 54 UN GAOR Supp. (No. 49) at 7, UN Doc. A/54/49, Vol. III (2000), entered into force 12 February 2002
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, GA Res. 54/263, Annex II, 54 UN GAOR Supp. (No. 49) at 6, UN Doc. A/54/49, Vol. III (2000), entered into force 18 January 2002
- International Covenant on Civil and Political Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49
- International Covenant on Social and Economic Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976, in accordance with Article 27
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, entry into force 26 June 1987, in accordance with Article 27.1
- International Convention on the Elimination of All Forms of Racial Discrimination, Adopted by General Assembly resolution 2106 of 21 December 1965, entry into force 4 January 1969, in accordance with Article 19
- International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, adopted by General Assembly Resolution 45/158 of 18 December 1990
- Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979. Adopted by the United Nations General Assembly. Entered into force as an international treaty on 3 September 1981
- Convention on the Rights of Persons with Disabilities, Adopted by General Assembly Resolution 61/106 of 13 December 2006; entered into force May 2008
- Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO No. 182), 38 ILM 1207 (1999), entered into force 19 November 2000
- Convention concerning the Minimum Age for Admission to Employment and Work (ILO 138), adopted on 26 June 1973; entered into force 19 June 1976
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime, Adopted and opened for signature, ratification and accession by General Assembly Resolution 55/25 of 15 November 2000.

Council of Europe treaties

- Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950/1953)
- European Social Charter (ETS No. 35, 1961/1965)
- European Social Charter (revised) (ETS No. 163, 1996/1999)
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126, 1987/1989)
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201: 2007/...)
- Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197, 2005/2008)
- Convention on Contact concerning Children (ETS No. 192, 2003/2005)
- Convention on Cybercrime (ETS No. 185, 2001/2004)

- Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows (ETS No. 181, 2001/2004)
- European Convention on the Exercise of Children's Rights (ETS No. 160, 1996/2000)
- Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108, 1981/1985)
- European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (ETS No. 105, 1980/1983)
- European Convention on the Adoption of Children (ETS No. 58, 1967/1968)
- European Convention on the Adoption of Children (revised) (CETS No. 202, 2008/...).

Hague Conference on Private International Law

- Hague Convention on the Civil Aspects of International Child Abduction (concluded on 25 October 1980, entered into force on 1 December 1983)
- Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (concluded on 19 October 1996, entered into force on 1 January 2002)
- Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption (concluded on 29 May 1993, entered into force on 1 May 1995)
- Hague Convention on the law applicable to maintenance obligations towards children (concluded on 24 October 1956, entered into force on 1 January 1962)
- Hague Convention concerning the recognition and enforcement of decisions relating to maintenance obligations towards children (concluded on 15 April 1958, entered into force on 1 January 1962).

Council of Europe Committee of Ministers' recommendations

- Recommendation CM/Rec(2009)5 on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications environment
- Recommendation CM/Rec(2008)11 on the European Rules for juvenile offenders subject to sanctions or measures
- Recommendation CM/Rec(2008)6 on measures to promote the respect for freedom of expression and information with regard to Internet filters
- Recommendation CM/Rec(2008)4 on strengthening the integration of children of migrants and of immigrant background
- Recommendation CM/Rec(2007)13 on gender mainstreaming in education
- Recommendation CM/Rec(2007)9 on life projects for unaccompanied migrant minors
- Recommendation Rec(2006)19 on policy to support positive parenting
- Recommendation Rec(2006)12 on empowering children in the new information and communications environment
- Recommendation Rec(2006)5 on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015
- Recommendation Rec(2006)2 on the European Prison Rules
- Recommendation Rec(2006)1 on the role of national youth councils in youth policy development
- Recommendation Rec(2005)5 on the rights of children living in residential institutions
- Recommendation Rec(2004)13 on the participation of young people in local and regional life
- Recommendation Rec(2003)20 concerning new ways of dealing with juvenile delinquency and the role of juvenile justice
- Recommendation Rec(2002)12 on education for democratic citizenship
- Recommendation Rec(2002)8 on child day-care
- Recommendation Rec(2002)5 on the protection of women against violence
- Recommendation Rec(2001)16 on the protection of children against sexual exploitation
- Recommendation Rec(2001)10 on the European Code of Police Ethics
- Recommendation Rec(2001)8 on self-regulation concerning cyber content

- Recommendation Rec(2000)11 on action against trafficking in human beings for the purpose of sexual exploitation
- Recommendation No. R (98) 8 on children's participation in family and social life
- Recommendation No. R (97) 19 on the portrayal of violence in the electronic media
- Recommendation No. R (97) 13 concerning intimidation of witnesses and the rights of the defence
- Recommendation No. R (94) 14 on coherent and integrated family policies
- Recommendation No. R (93) 2 on the medico-social aspects of child abuse
- Recommendation No. R (91) 11 concerning sexual exploitation, pornography and prostitution of and trafficking in, children and young adults
- Recommendation No. R (91) 9 on emergency measures in family matters
- Recommendation No. R (90) 2 on social measures concerning violence within the family
- Recommendation No. R (87) 6 on foster families
- Recommendation No. R (85) 4 on violence in the family
- Recommendation No. R (79) 17 concerning the protection of children against ill-treatment

Council of Europe Committee of Ministers' resolution

- Resolution ResAP(2005)1 on safeguarding adults and children with disabilities against abuse

Council of Europe Parliamentary Assembly's recommendations (1987-2009)

- Recommendation 1861 (2009) on feminicides
- Recommendation 1854 (2009) on access to rights for people with disabilities and their full and active participation in society
- Recommendation 1849 (2008) for the promotion of a culture of democracy and human rights through teacher education
- Recommendation 1828 (2008) on disappearance of newborn babies for illegal adoption in Europe
- Recommendation 1815 (2007) on prostitution – which stance to take?
- Recommendation 1778 (2007) on child victims: stamping out all forms of violence, exploitation and abuse
- Recommendation 1703 (2005) on protection and assistance for separated children seeking asylum
- Recommendation 1698 (2005) on the rights of children in institutions: follow-up to Recommendation 1601 (2003) of the Parliamentary Assembly
- Recommendation 1666 (2004) on a Europe-wide ban on corporal punishment of children
- Recommendation 1596 (2003) on the situation of young migrants in Europe
- Recommendation 1632 (2003) on teenagers in distress: a social and health-based approach to youth malaise
- Recommendation 1601 (2003) on improving the lot of abandoned children in institutions
- Recommendation 1561 (2002) on social measures for children of war in South-East Europe
- Recommendation 1555 (2002) on the image of women in the media
- Recommendation 1551 (2002) on building a 21st century society with and for children: follow-up to the European strategy for children (Recommendation 1286 (1996))
- Recommendation 1545 (2002) on the campaign against trafficking in women
- Recommendation 1532 (2001) on a dynamic social policy for children and adolescents in towns and cities
- Recommendation 1526 (2001) on a campaign against trafficking in minors to put a stop to the east European route: the example of Moldova
- Recommendation 1523 (2001) on domestic slavery
- Recommendation 1501 (2001) on parents' and teachers' responsibilities in children's education
- Recommendation 1466 (2000) on media education
- Recommendation 1460 (2000) on setting up a European ombudsman for children
- Recommendation 1459 (2000): Action plan for the children of Kosovo
- Recommendation 1449 (2000) on clandestine migration from the south of the Mediterranean into Europe

- Recommendation 1443 (2000) on international adoption: respecting children's rights
- Recommendation 1398 (1999) on the situation of children in Albania
- Recommendation 1371 (1998) on abuse and neglect of children
- Recommendation 1336 (1997) on combating child labour exploitation as a matter of priority
- Recommendation 1286 (1996) on a European strategy for children
- Recommendation 1121 (1990) on the rights of children
- Recommendation 1065 (1987) on the traffic in children and other forms of child exploitation

Council of Europe Parliamentary Assembly's resolutions (1996-2009)

- Resolution 1654 (2009) on feminicides
- Resolution 1624 (2008) on preventing the first form of violence against children: abandonment at birth
- Resolution 1587 (2007) on the situation of children living in post-conflict zones in the Balkans
- Resolution 1579 (2007) on prostitution – which stance to take?
- Resolution 1530 (2007) on child victims: stamping out all forms of violence, exploitation and abuse
- Resolution 1337 (2003) on migration connected with trafficking in women and prostitution
- Resolution 1307 (2002) on sexual exploitation of children: zero tolerance
- Resolution 1291 (2002) on international abduction of children by one of the parents
- Resolution 1247 (2001) on female genital mutilation
- Resolution 1215 (2000) on the campaign against the enlistment of child soldiers and their participation in armed conflict
- Resolution 1212 (2000) on rape in armed conflicts
- Resolution 1099 (1996) on the sexual exploitation of children

Recommendations from the Congress of Local and Regional Authorities of the Council of Europe

- Recommendation 253 (2008) on the social reintegration of children living and/or working on the streets
- Recommendation 242 (2008) on the integration and participation of young people at local and regional level
- Recommendation 241 (2008) "Child in the city"
- Recommendation 135 (2003) on local partnership for preventing and combating violence at school
- Recommendation 53 (1999) on policies for deprived children/adolescents and families

Other Council of Europe documents

- Human rights guidelines for Internet service providers, Council of Europe (2008)
- Human rights guidelines for online games providers, Council of Europe (2008)
- Declaration of the Council of Europe Committee of Ministers on protecting the dignity, security and privacy of children on the Internet (6 February 2008)
- Recommendations and guidelines to promote community living for children with disabilities and deinstitutionalisation as well as to help families to take care of their disabled child at home, Council of Europe (2008)
- Brown H. Safeguarding adults and children with disabilities against abuse, Council of Europe Publishing, Strasbourg (2003), ISBN 92-871-4919-4.

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- The Rio de Janeiro Pact to Prevent and Stop Sexual Exploitation of Children and Adolescents, 3rd World Congress Against Sexual Exploitation of Children and Adolescents, Rio de Janeiro, 25-28 November 2008
- "Violence against Children", United Nations Secretary-General's study, 29 August 2006
- "Stop Violence against children. Act now!", report from the regional consultation for the United Nations Study on Violence against Children, 5-7 July 2005 Ljubljana, Slovenia
- The Yokohama Global Commitment adopted at the 2nd World Congress Against Commercial Sexual Exploitation of Children, Yokohama, Japan, 17-20 December 2001
- Declaration and Agenda for Action adopted at the 1st World Congress against Commercial Sexual Exploitation of Children, Stockholm, Sweden, 27-31 August 1996
- Warsaw Declaration and Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe, Warsaw, 16-17 May 2005
- Final Declaration and Action Plan adopted at the Second Summit of Heads of State and Government of the Council of Europe, Strasbourg, 10-11 October 1997
- Commitment and Action Plan adopted by the participants from Europe and Central Asia at the conference on "Protection of children against sexual exploitation", Budapest, 20-21 November 2001
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990
- United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules, 1990)
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 1985)
- "A World Fit for Children", UN General Assembly outcome document adopted on 10 May 2002.

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- Crothers L.M. and Levinson E.M., Assessment of Bullying: A review of methods and instruments, *Journal of Counselling and Development*, 84(4), 2004
- Whitted K.S. and Dupper D.R., Best Practices for Preventing or Reducing Bullying in Schools. *Children and Schools*, Vol. 27, No. 3, July 2005.