



**COUNCIL OF EUROPE REACTION TO
CONSULTATION DOCUMENT:
EUROPEAN COMMISSION'S COMMUNICATION
ON THE RIGHTS OF THE CHILD (2011-2014)**

Strasbourg, 24 August 2010

Introduction

The Council of Europe secretariat welcomes the European Union intentions to further advance its Strategy on the Rights of the Child, notably through the adoption of the European Commission Communication on Children's Rights (2011-2014). Convinced that the European Union can and should make an essential contribution to the promotion and protection of children's rights both inside and outside EU borders, we would like to renew our assurances of support to the European Union and its institutions in the process of adoption and implementation of the Strategy. Sharing our experience with the European Union and joining efforts with its institutions is one of the objectives of our own strategy on the rights of the child

This document is the result of a consultation of colleagues working in different policy areas and for different institutions within the Council of Europe. Its objective is not to be exhaustive, but to provide some indications on the most relevant Council of Europe standards and tools in some specific areas mentioned in the Commission questionnaire. We have also made suggestions aiming to reinforce cooperation between our institutions.

This contribution is structured in the following way:

- **Section A** refers to Council of Europe's experience in safeguarding the rights of the child that could be used by the European Union;
- **Section B** contains Council of Europe feedback on a selection of issues highlighted in the questionnaire developed by the European Commission;

In conclusion, a number of recommendations are suggesting ways to achieve more synergies between the two organisations with a view to building a pan-European space fit for children.

A. Council of Europe experience in safeguarding the rights of the child

The Council of Europe and the European Union **share the same objectives** as far as the formulation of a comprehensive Strategy on the Rights of the Child is concerned, in particular to effectively promote and implement relevant international standards, notably the UN Convention on the Rights of the Child, to introduce a child rights perspective in all policy areas (mainstreaming) and to circumscribe a number of priority areas where their respective actions could bring an added value.

The Council of Europe accounts for more than a 60-year history in developing standards, monitoring mechanisms, policies and awareness raising initiatives, aimed, amongst others, at protecting and promoting the rights of the child.

The launching in 2006 of the transversal programme “Building a Europe for and with children” signaled the beginning of a new chapter in the Council of Europe’s children’s rights history. The programme essentially helps Council of Europe member states honour their commitments by assisting them in devising and implementing **holistic and integrated children’s rights strategies**. The programme focuses on:

- the development of comprehensive and coherent legal frameworks,
- the setting up of coordinated and efficient institutions and structures,
- the development of multidisciplinary and multi-stakeholder networks which can influence decisions, support their implementation and assess their results;
- the development of awareness raising material on specific themes aiming to change attitudes and build support for the necessary legislative and policy measures at national level;
- the promotion of international cooperation and partnerships with the European Union and other regional and global organisations;
- the creation of a space for information and expertise sharing, the testing of innovative approaches and the provision of advice and assistance to countries.

We are convinced that the EU Strategy on the Rights of the Child **should strongly advocate for the need for an integrated approach to children’s rights**, avoid the trap of scattered and un-coordinated action and support countries’ efforts to develop national strategies. This implies the **reinforcement of the coordination function within the Commission and the setting up of a Child Rights impact assessment process** prior to the adoption of any major policy or legislative measure.

The 2009-2011 Council of Europe children’s rights Strategy¹ defines the programme’s priorities in the following way:

- to continue to promote the mainstreaming of children’s rights in the fields of democracy, media, health and family policies;

¹ http://www.coe.int/t/transversalprojects/children/News/200911Strategy_en.asp

- to promote children's access to justice;
- to eradicate all forms of violence against children;
- to promote children's participation and influence in society;
- to promote the rights of particularly vulnerable children.

These strategic priorities very much coincide with the areas outlined in the European Commission Consultation Document as meriting potential EU intervention. We strongly recommend the **European Union to use the results achieved so far and to actively participate in the work in progress.**

Appended to this document is a list of Council of Europe standards which are relevant for any strategy on the rights of the child. Some of these standards are general human rights standards, while others are thematic or specifically aiming to protect children. Some of them are legally binding after ratification, others are soft law produced by the Council of Europe's main bodies - the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities.²

We strongly believe that the European Institutions should gradually incorporate these standards into their work. This means taking them into account for any decision concerning or affecting children. As a first step, **we recommend the European Commission include accession by the EU to key Council of Europe instruments as a goal in its communication.**

All European Union member states are bound by the European Convention on Human Rights (ECHR) which remains the main European instrument protecting children's human rights. As negotiations for the accession of the European Union to the **ECHR** have already started, **we strongly recommend that the main principles emerging from the judgments of the European Court of Human Rights concerning children are duly integrated in the EU Strategy on the rights of the child.** Those principles have been long informing legislation and practices in the EU member states and would become obligatory for the EU once it will be bound by the Convention.

Judging from its past experience, the Council of Europe is convinced that the successful implementation of the EU Strategy on the Rights of the Child will depend to a large extent on the ability to **identify and effectively sanction and address children's rights violations** both at the EU level and that of its member states. For many decades the Council of Europe has been monitoring various dimensions of children's rights - by treaty, by theme and by country. Therefore, **we would like to invite the EU to rely on the findings, decisions and recommendations of the Council of Europe monitoring bodies and, where possible, to build bridges with the work of the Council of Europe Human Rights Commissioner and bodies, such as the European Committee for the Prevention of Torture, the European Commission against Racism and Intolerance, the Group of Experts of Action against Trafficking in Human Beings and many others³.**

² The completed list of Council of Europe binding and non-binding legal instruments appears in Annex I.

³ http://www.coe.int/t/dghl/overview_monitoring_en.asp. The Council of Europe has furthermore developed two monitoring instruments in the area of children's rights. These are Conventions on Recognition and Enforcement of

Bearing in mind the wealth, amount and diversity of Council of Europe work with regard to the promotion and protection of the rights of the child and the need to limit the size of this document, we have decided to devote Section B to a selection of issues highlighted in the questionnaire developed by the European Commission. For reasons already explained above, a substantial part of the replies is dedicated to the case law of the European Court of Human Rights.

B. Replies to the questionnaire

CHILD FRIENDLY JUSTICE (QUESTIONS 3-8)

EUROPEAN COURT OF HUMAN RIGHTS JURISPRUDENCE

In its case law, the European Court of Human Rights has addressed the issue of the obstacles and problems for children in relation to justice system mostly from the perspective of the level of protection of young offenders in criminal proceedings.

a) Rights directly linked to the conduct of criminal proceedings:

The Court has made clear through its case-law that children over a certain age may be subject to criminal proceedings. However, **where the defendant in a criminal trial is a child, the manner in which the trial is conducted must take due account of this fact so that the child is able to participate effectively in the trial.**

Although the Court has accepted, in view of the absence of any clear common standard among the Council of Europe member states at the relevant times, very low limits as regards the minimum age of criminal responsibility (10 years in the UK) and also very harsh sanctions against very young offenders (life imprisonment for a 10 year old for murder of a 2 year old in *T. v. United Kingdom*, application No. 24724/94, judgment of 16/12/1999), it has stated, notably, in an obiter dictum in *Weeks v. United Kingdom* (application No. 9787/82, judgment of 05/10/1988, § 47) that a **lengthy prison sentence imposed on a young person may raise issues under Article 3 of the ECHR.**

As regards the conduct of trials against children, the Court has notably placed emphasis, e.g. when finding violations of Article 6 in the above mentioned *T. and V. v. United Kingdom* (applications Nos. 24724/94 and 24888/94, judgments of 16/12/1999), on the fact that the children were tried in ordinary court and not in special youth courts with ensuing **excessive formalism and public scrutiny.** In these and other cases, e.g. *S.C. v. United Kingdom* (application No. 60958/00, judgment of 15/06/2004), the Court also found

Decisions Concerning Custody of Children and on Registration of Custody of Children (ETS No. 105) and on the Exercise of Children's Rights (ETS No. 160). Both conventions set up the monitoring at the expense of member states. Next meetings of the committees set up to monitor the implementation of these conventions are scheduled for 2011. The EU might play an important role in promoting further ratification of these instruments.

violations as the **children had not been able to effectively participate at the trial** (effectively in this context means that the child should, if necessary with the assistance of, for example, an interpreter, lawyer, social worker or friend, be able to understand the general thrust of what is said in court).

b) Right to retain private data (cellular samples, fingerprints and DNA profiles) of children in case of arrest in the context of criminal investigations

Without ruling out the possibility in general to retain private data of children arrested, even if subsequently never convicted or simply released as charges were dropped, the Court has nevertheless indicated that **the age of the arrested person is an important consideration** when deciding on retention. In general young persons ought to have more favourable treatment than older offenders.

Thus, in *S. and Marper v. United Kingdom* (applications Nos. 30562/04 and 30566/04, judgment of 04/12/2008), the Court criticized the legislation in force which allows the indefinite retention of private data (including DNA profiles) of persons arrested, but eventually never convicted, notably because the law did not take into account the age of the offenders. The Court noted that S. was only 11 when he was arrested on the charge of attempted robbery (of which he was eventually acquitted) and underlined that the retention of unconvicted persons' data may be especially harmful in the case of minors such as S., given their special situation and the importance of their development and integration in society.

ONGOING STANDARD-SETTING ACTIVITIES

At the moment, the Council of Europe is developing:

- **The Child-friendly justice guidelines**, which will be adopted by the Committee of Ministers in mid-November 2010. The Guidelines are based on the most relevant UN and CoE conventions concerning children's rights, as well as on relevant case law of the European Court of Human Rights. They aspire to strengthen the position of children in judicial and non-judicial proceedings and deal with children in whichever capacity these might come in contact with justice systems (victims, alleged perpetrators of offences, witnesses...).

The Guidelines address issues, such as the need for training and multidisciplinary approach for all professionals working with children. More importantly, they try **to promote autonomous access to courts for children, as it would appear illogical that children can address the European Court of Human Rights** but not their national courts. However, such access is reconciled with alternatives to court proceedings such as mediation and alternative dispute resolution methods.

As EU DG Justice is interested in developing and further promoting child-friendly strategies, there are many ways it could build on the existing work and complement it. It could play a major role in funding translations and dissemination of these guidelines throughout Europe (and beyond EU borders). It

could also fund the preparation of a child-friendly version of the guidelines. It could furthermore use the text in developing and funding training modules, exchanging information between groups of interested professionals, as well as developing and funding projects on further implementation of these Guidelines at national levels.

- **the Opinion on public prosecution as regards juvenile justice**, to be adopted by the CoE Consultative Council of European Prosecutors on 26 November 2010 in Yerevan, Armenia.

JUSTICE POLICIES SAFEGUARDING CHILDREN'S RIGHTS (Questions 9-13)

EUROPEAN COURT OF HUMAN RIGHTS JURISPRUDENCE

a) **Enforcement of judicial decisions regarding custody and visiting rights**

National authorities have the obligation to secure enforcement of judicially ordered access arrangements. An unmotivated refusal of assistance is incompatible with the positive obligations of the state under Article 8 of the Convention (see e.g. *Zawadka v. Poland*, application No. 48542/99, judgment of 23/06/2005, §63; *Scozzari and Giunta v. Italy*, Application, §§ 178-179; 215). When examining whether non-enforcement order amounts to a lack of respect for family life **a fair balance must, however, be struck between the interests of all persons concerned and the general interest in ensuring respect for the rule of law** (see e.g. *Sylvester v. Austria*, applications 36812/97 and 40104/98, judgment 24/4/2003, §59, *Hokkanen v. Finland*, application No. 19823/92, judgment 23/09/1994, §58; *Ignaccolo-Zenide*, cited above, §96; *Nuutinen v. Finland*, application No. 32842/96, judgment of 27/06/2000, §129; *V.A.M. v. Serbia*⁴, application No. 39177/05, judgment of 13/03/2007, §132).

Enforcement may not be immediately possible and **may require preparatory measures**. The nature and extent of such preparation will depend on the circumstances of each case.

The **lack of co-operation between separated parents** is e.g. not a circumstance which can by itself exempt the authorities from their positive obligations under Article 8. It rather imposes on the authorities an obligation to take measures that would reconcile the conflicting interests of the parties, keeping in mind the paramount interests of the child (*Zawadka*, cited above, §67 and *Görgülü v. Germany*, application No. 74969/01, judgment of 26/02/2004, §43). Where contacts with the parent might appear to threaten those interests or interfere with those rights, it is for the national authorities to strike a fair

⁴ The applicant, a HIV mother, could not accede her daughter, for more than 10 years, because of the continued refusal by the father of the child to abide by domestic court order providing to the mother access to her daughter (the court found in this respect a double violation of Article 8 due to the failure by the relevant authorities to execute since 1999 the domestic court's interim order and a violation of Article 6§ 1 on account of the excessive length of proceedings initiated in 1999 by the applicant, seeking dissolution of her marriage, sole custody of her daughter, born in 1995, and child maintenance).

balance between them (see *Hokkanen*, cited above, p. 22, §58 and *Ignaccolo-Zenide*, cited above §94).

Among shortcomings observed by the ECtHR in ensuring adequate preparatory measures figure **insufficient involvement of social authorities and/or experts**, notably in child psychology (see inter alia *Ignaccolo-Zenide v. Romania*, application No. 31679/96, judgment of 25/01/2000); the **inefficiency of sanctions** against the party refusing to comply with the judicial decisions (see *Karadžić v. Croatia*, application No. 35030/04, judgment of 15/12/2005, final on 15/03/2006; *Pawlik v. Poland*, application No. 11638/02, judgment of 19/06/2007, final on 19/09/2007). The obligation to use sanctions is, however, limited: account must be taken of the interests and rights and freedoms of all interested persons, and, in particular, the superior interests of the child (*Patera v. Czech Republic*, application No. 25326/03, judgment 26/04/2007, §118).

A frequent problem in the context of enforcement of decisions where custody / access rights are at stake is **undue delays in taking action**. For this reason, the Court has regularly stressed the need to ensure rapid adoption of adequate positive action, in particular to locate children and to counter a parent's' negative behaviour so as to prevent that enforcement becomes de facto impossible.

b) International child abduction

Many of the above problems are heightened in cases involving **international child abduction**. Such cases also frequently involve **insufficient state action to locate abducted children**.

In abduction cases, the **swift action is of particular importance** as the passage of time likely to have irremediable consequences for relations between the child and the parent who seeks to enforce his visiting or custody rights (see e.g. *Sylvester v. Austria*, cited above, § 60; *Maire v. Portugal*, application No. 48206/99, 16/3/2003; *Bianchi v. Switzerland*, application No. 7548, judgment of 22/06/2006, final on 22/09/2006). The importance of rapid reactions is also underlined by the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction and by Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility.

Also the **necessity that states secure, through treaties or other arrangements, the cooperation of other states concerned by the abduction** has been stressed by the ECtHR. An example is the case of *Bajrami v. Albania* (application No. 35853/04, judgment of 12/12/2006) where the Court criticized Albania for not having concluded bilateral agreements or joined the Hague Convention system to provide reasonable prospects to secure respect for Albanian judicial decisions in case of child kidnapping.

c) **The placement of children in public care**

In a number of cases **decisions regarding placement in public care have been taken on insufficient grounds**. For example, in *Havelka and others v. Czech Republic*, application No. 23499/04, judgment of 21/06/2007, final on 21/09/2007, the Court concluded that it was unacceptable to place the applicants' children in public care only on account of the parents' economical situation; see also in this respect *Saviny v. Ukraine*, application No. 39948/06, judgment of 18/12/2008, final on 18/03/2009. It should always be considered whether less drastic measures than separation might be envisaged (see for example *E.P. v. Italy*, application No. 31127/96, judgment of 16/11/1999). See also: *K.A. v. Finland*, application No. 27751/95, judgment of 14/01/2003; *Haase vs. Germany*, application No. 11057/02, judgment of 08/04/2004.

Certain cases highlighted a **deficient legal framework for deciding visiting rights** (see e.g. *Eriksson v. Sweden*, application 11373/85, judgment 22/06/1989). Other cases have highlighted inadequate surveillance of the conditions in **the foster homes or placement institutions** (see e.g. *Scozzari and Giunta* mentioned above, § 212). Yet others stated that the interests of the children taken into public care have not been protected as **brothers and sisters have not been allowed to remain together to the extent possible or as children have been placed too far away from the parents** – see e.g. *Olsson v. Sweden* (application No. 10465/83, judgment of 24/03/1988) or *Saviny v. Ukraine* (application No. 39948/06, judgment of 18/12/2008, final on 18/03/2009).

d) **Adoption**

As regards international adoption, the Court noted that a broad consensus existed in Europe on the issue of **adoption by unmarried persons** and that therefore the Luxembourg courts' refusal to declare the enforceability of a Peruvian judgment granting the applicant full adoption of a child violated not only the mother's rights but also the child's right not to be discriminated (*Wagner and J.M.W.L. v. Luxembourg*, application No. 76240/01 judgment of 28/06/2007, final on 28/09/2007).

e) **Discrimination of children born out of wedlock**

A long standing and consistent case-law by the Court concerns **the need to abolish discrimination of children born out of wedlock, whether as regards inheritance rights or the right to receive donations or otherwise** (see inter alia *Marckx v. Belgium*, application No. 6833/74, judgment of 13/06/1979; *Mazurek v. France*, Application No. 34406/97, 1/2/2000; *Merger and Cros v. France* (application No. 68864/01, judgment of 22/12/2004, final on 22/03/2005)), and most states have today addressed this issue. The temporal scope of this prohibition of discrimination has, however, been examined in some recent judgments and the Court has stressed the need to ensure that old laws and arrangements be interpreted in the light of present day realities. One recent judgment thus impugned a temporal limitation of the right to equal treatment as it did not apply to children born before 1949 (*Brauer v. Germany*, Application No. 3545/04, judgment of 28/05/2009, final on 28/08/2009). Another - the strict interpretation of a deed according to

conditions prevailing in the 1930s and 40s (*Pla and Puncernau v. Andorra* (application No. 69498/01, judgment of 13/07/2004, final on 15/12/2004).

f) Establishment of filiation

The scientific developments in the field of DNA research have brought about the need, in many states, to review the policies relating to the establishment of filiation to **ensure that the correct situation be reflected in the records** (see for example *Phinikaridou v. Cyprus*, application No. 23890/02, judgment of 20/12/2007, final on 20/03/2008; *Jäggi v. Switzerland*, application No. 58757/00, judgment of 13/07/2006, final on 13/10/2006; *Camp and Bourimi v. Netherlands*, application No. 28639/95, judgment of 3/10/2000).

VULNERABLE GROUPS OF CHILDREN (Questions 14-17)

EUROPEAN COURT OF HUMAN RIGHTS JURISPRUDENCE

In the light of the Court's case law very often the most vulnerable groups of children are foreign children, e.g. in cases concerning family reunion or expulsion and deportation. Furthermore, children from a minority group – in particular Roma children - can also constitute a very vulnerable group.

a) Treatment of refugee children

A telling example is the case *Mubilanzila Mayeka and Kaniki Mitunga v. Belgium* (application No. 13178/03, judgment of 12/10/2006) in which the ECtHR found a number of violations of the Convention. In particular, due the **absence of special detention provisions for minors**, a 5-year-old child was detained in a closed centre intended for illegal immigrants in the same conditions as adults, i.e. in conditions not adapted to the position of extreme vulnerability in which the child found herself as a result of her position as an unaccompanied foreign minor. Furthermore, **the authorities decided to deport her to her country of origin in Africa, when her mother was living in Canada**: the Court stressed the state's positive obligations in this situation, including the obligation to take care of the child and to facilitate reunification.

b) Reunification with the family

In the case of *Sen v. Netherlands* (application No. 31465/96, judgment of 21/12/2001, final on 21/03/2002) there was a violation of the right to respect for the family and private life of the applicants, a family of Turkish nationals, owing to the Netherlands authorities' refusal to grant a residence permit to their 13 year old daughter (who had remained in Turkey after the mother decided to join her husband in the Netherlands) so that she could unite with her parents who had been lawfully residing in the Netherlands for many years and had two more children there.

c) Roma children

In a number of cases, the Court has found violations because of the discriminatory treatment suffered by Roma children as regards in particular their right to education as a result of state policies to place them in special classes (see *Sampanis and others v. Greece*, application No. 32526/05, judgment of 05/06/2008, final on 05/09/2008; *D.H. and others v. Czech Republic*, application No. 57325/00, judgment of 13/11/2000; *Oršuš and others v. Croatia*, application No. 15766/03, judgment of 16/03/2010).

SOCIAL SERVICES FOR VULNERABLE CHILDREN

In 2010-2011, the Council of Europe is implementing a **project on children's rights and social services**.

The project's objective is to make social services friendly to children and more effective. Particular attention is given to services targeting children and families at risk, services protecting children against violence and services supporting children without parental care. The following issues in particular will be addressed:

- Identification of obstacles, patterns and procedures which prevent children and families from making the best use of social services;
- Fostering cooperation between social services and other relevant public services and professionals working for children (notably, in the fields of health care, justice and education);
- Facilitating children's and families' participation in the decision-making on social services measures concerning them;
- Promoting positive parenting policies.

The adoption of the Council of Europe Committee of Ministers recommendation on this matter is expected at the end of 2011. It will be accompanied by a collection of European best practices.

BETTER HEALTH CARE FOR CHILDREN

From 2009 till 2011, the Council of Europe is implementing a **project on child-friendly health care**. Its objectives are as follows:

- Identify children's specific needs in order to promote their well-being in the health care setting, with special emphasis on their right to child-responsive and child-friendly health care, whilst taking into account the social and family environment;
- Find ways to promote child participation in decision-making in their own health care and in broader children's health care;
- Examine approaches to increase the coping potential of children, their families and carers, including the importance of bringing parents into arena;

- Make proposals to governments of member states, defining possible strategies aimed at facilitating the exercise of children's individual rights and mainstreaming them in health policy.

The project is implemented in **co-operation with the EU** and WHO, in particular using their evidence-based data. It will also contain important input from health networks and NGOs.

CHILDREN WITH DISABILITIES

Since 2006, the Council of Europe has been implementing an **Action Plan to promote the rights and full participation of people with disabilities in society (2006-2015)**⁵. Children with disabilities occupy an important part in the Action Plan, with specific emphasis being put on finding alternatives to institutional care and the dismantling of traditional institutions, as well as increasing children's opportunities for community living and developing tools to allow for children's involvement in decisions.

Children with disabilities may be particularly vulnerable as **witnesses or victims in judicial proceedings**. They should be granted extended rights to be accompanied and to communicate through an interpreter if they have difficulties in communicating (command of language, difficulties in understanding, use of sign languages). They should be also addressed in a way they can understand.

It might be useful to propose that legal and practical arrangements in their favour are taken in all national judicial systems of EU member states.

FOREIGN CHILDREN

The European Union is encouraged to support Council of Europe's activities aimed to develop **life projects for unaccompanied migrant minors**⁶. A pilot test of the life project principles is being carried out in the countries showing most interest (Belgium, Bulgaria, France, Italy, Netherlands, Portugal, Spain and the United Kingdom).

CHILDREN AT RISK OF DRUG ABUSE

The Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group) is an enlarged partial agreement of the Council of Europe with 35 Member States. The Pompidou Group's core mission is to contribute to the development of multidisciplinary, innovative, effective and evidence-based drug policies in its member

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<https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=594229&SecMode=1&DocId=964216&Usage=2>

⁶ http://www.coe.int/t/dg3/migration/Source/Recommendations/Recommendation%20CM%20Rec_2007_9_en.pdf

states. It provides a **multidisciplinary forum** at the wider European level where it is possible for policy-makers, professionals and researchers to discuss and exchange information and ideas on the whole range of drug misuse and trafficking problems. It seeks to link policy, practice and science and it focuses particularly on the realities of the implementation of local drug programmes. In addition, the Pompidou Group undertakes a **bridging role** both between EU and non-EU European countries and towards neighbouring countries in the Mediterranean region.

The Pompidou Group focuses its prevention and treatment activities on targeting young people and children and developing new methods and interventions which involve families, schools and communities in tackling drug problems. The examples of such work include:

- Pompidou Group Prevention Handbook (1997)
- Outreach work with young people, young drug users and young people at risk (2003)
- Manual on Life skills prevention methodology in Residential Care (2005)
- Young People and Drugs: Treatment and Care (2006)
- Prevention Interventions in Recreational Settings (2010)
- 'Families, lifestyles and drugs- reaching families in prevention' conference of the Pompidou Group in 2007 in Porto.

Good practices and cross border initiatives

- ❖ The Pompidou Group's **"European Drug Prevention Prize"** is awarded every two years since 2004 to active drug prevention projects with and for young people that are currently run in the Council of Europe member states. The Prize was organised four times since the start. Eleven grass-root projects from over 200 applications were awarded. The objective of the Prize is to recognize the importance of active youth participation in creating a better and healthier environment for all communities in Europe. The projects are evaluated by a jury of young people with the support of experts in the field of drug prevention and youth work. The prize-winners each receive a trophy, a diploma and a monetary benefit. A number of the winning projects target children at risks⁷;
- ❖ the **"Support network for parents and professionals"** project in the Russian Federation where 200 parents and professionals from the Federal District of the Urals were trained by a group of experts from Finland, United Kingdom, Norway and Switzerland in how to reach families at risk, how to involve parents in drug prevention, how to develop community-based approaches to prevention as well as how to use new information technology (Internet, mobile communication) in establishing and facilitating relations between experts, parents, schools and community in tackling drug problems;

⁷ http://www.coe.int/t/dg3/pompidou/Initiatives/PreventionPrize/default_en.asp

- ❖ the **‘Life skills’ training project** in Ukraine and Lithuania in 2007-2009 when 150 local experts were trained in new methods of drug prevention in schools with the involvement of peers and families. Part of the project was dedicated to working with children in residential care (foster homes and juvenile prison system);
- ❖ the **Swedish COPE/Drugs youth project** dealing with parental education focusing on Roma and addressing parents with children from ages 3 to 16, to allow them to better support their children in their development. The project aims to improve communication between children and parents, so that sensitive subjects like alcoholism and drug abuse can be discussed more easily. The group hosts meetings for young parents once a week. There, parents have discussions and attend lectures. Education in alcohol and drug prevention is mainly provided by the narcotic police, the Swedish Council for Information on Alcohol and Other Drugs, and tutors who are Roma themselves. A film in Romani language has also been produced (for more information contact: ulla-britt.hedenby@live.se).

Communication

The Pompidou Group’s committee of experts on prevention has considered the use of telematics (Internet, mobile communication, etc.) in drug prevention on a number of occasions. Notable examples are:

- Some of the winning projects of the Pompidou Group European Drug Prevention Prize which utilised new technology to involve youth in active drug prevention and harm reduction activities⁸;
- The work of A-Clinic Foundation in Finland which pioneered use of the Internet and mobile communication in reaching youth with drug prevention messages and establishing effective two-way communication in this field (<http://www.a-klinikka.fi/a-klinikkasaatio/in-english>);
- Studies conducted by Prof. Dr. Heiner Barz et al. on social marketing techniques and their applicability in effectively communicating with various social groups (www.sinus-milieus.de).

Child participation

Since 2004 the Pompidou Group organises **the European Drug Prevention Consultative Forum** where young people, politicians and experts discuss drug prevention related issues. It relies on the idea to encourage a more profound, open dialogue between young people and political decision makers. The participation in the forum includes experts and policy makers in the drugs field, young researchers and

⁸ Resist (Greece, winner of the Prize in 2008) <http://www.kpelpida.gr/default.aspx>; Rusfri Diil (the Netherlands, winner of the Prize in 2006) <http://www.diil.no/>; Drog Art (Slovenia, winner of the Prize in 2004) <http://www.drogart.org/>; Voila (Switzerland, winner of the Prize in 2004) <http://www.sajv.ch/en/>

practitioners as well as youth from NGOs and other organisations who are involved in tackling drug problems and working with youth at risk⁹.

VIOLENCE AGAINST CHILDREN (Questions 18-24)

EUROPEAN COURT OF HUMAN RIGHTS JURISPRUDENCE

It is well established case-law of the Court that states have a positive obligation to take measures designed to ensure that individuals within their jurisdiction are not subjected to torture or inhuman or degrading treatment or punishment, including such ill-treatment administered by private individuals, and that children and other vulnerable individuals, in particular, are entitled to state protection, in the form of effective deterrence, against such serious breaches of personal integrity.

a) **Corporal punishment**

Physical punishment in schools was early found to violate the Convention (see e.g. *Campbell and Cosans*, Application 7511/76, judgment 25/2/1982).

The question of **physical punishment by parents** was raised in the case of *A v. United Kingdom* (application No. 25599/94, judgment of 23/09/1998), in which it was found the authorities had failed to provide adequate protection through the criminal law against treatment or punishment of children contrary to Article 3. The applicant, who was then nine years old, had been beaten with a garden cane which had been applied with considerable force on more than one occasion. His stepfather was acquitted of assault on the basis of the defense that this treatment constituted “reasonable chastisement”. The judgment in particular held that children and other vulnerable individuals are entitled to State protection, in the form of effective deterrence, against such serious breaches of personal integrity as was here in question.

b) **Other forms of abusive treatment by adults**

Violations of Article 3 have also been found in other cases where the authorities had **failed to take adequate steps to protect children from serious, long-term neglect and abuse** by their parents (*Z. and others v. United Kingdom*, application No. 29392/95, judgment of 10/05/2001). Another case is *E. and others v. United Kingdom* (application No. 33218/96, judgment of 26/11/2002, final on 10/01/2003) in which the failure of the authorities to investigate, communicate and co-operate adequately or to manage their responsibilities

⁹ http://www.coe.int/t/dg3/pompidou/Activities/prevention_en.asp

effectively had meant that they had failed to avoid, or at least, minimise the risk or the damage suffered by the applicants.

In the case of *Storck v. Germany* (application No. 61603/00, judgment of 16/06/2005, final on 16/09/2005) the Court also concluded that the state had failed to provide sufficient safeguards against abuse, allowing the **abusive placement by parents of their child in a mental hospital** against the child's will and without any valid authorisation.

c) **Protection against other risks – e.g. landmines**

Domestic decision makers have also in other contexts not taken sufficient account of the special characteristics and vulnerability of children. One example is the case *Pasa and Erkan Erol v. Turkey* (application No. 51358/99, judgment of 12/12/2006, final on 23/05/2007). A local gendarmerie station in a rural area had laid **land mines** outside the station to protect against attacks. In order to protect the area two rows of barbed wire had been put in place just as warning posters every 20m. The local population had also been orally warned. These measures did not, however, prevent a village child from being severely wounded when, together with a number of other children, he tried to bring back some sheeps who had wandered into the forbidden area. The local courts found that the measures taken were sufficient to shift the responsibility to the parents of the local children. For the Court the authorities could not in this way shift the responsibility to the parents, in particular as no effective measures had been taken to ensure that children could not penetrate the area – the barbed wires had been sparse and had obviously not prevented the sheep from coming in. The Court emphasized that the authorities were not entitled to treat the children as responsible adults.

“BUILDING A EUROPE FOR AND WITH CHILDREN” PROGRAMME

The programme supports the adoption and implementation of **comprehensive national strategies for the protection of children from violence**, in line with the recommendations of the UN Committee on the Rights of the Child and of the UN Report on Violence against Children. In 2009, the Committee of Ministers adopted a set of **Guidelines**¹⁰ addressing this issue and covering legislative framework, policy framework, institutional framework, child-friendly services, violence reporting mechanisms and building a culture of respect for children's rights. Four countries (Italy, Norway, Portugal and Romania) acted as pilot countries for the project, which led to the Guidelines formulation.¹¹

The programme has also developed methodologies to address the **settings** where violence against children occurs. To tackle violence in schools, in 2009 the Council of Europe has produced a **“Violence Reduction in Schools – Training Pack”**¹². The pack offers both a

¹⁰

http://www.coe.int/t/transversalprojects/children/News/Guidelines/Recommendation%20CM%20A4%20protection%20of%20children%20_ENG_BD.pdf

¹¹ http://www.coe.int/t/transversalprojects/children/violence/NationalPolicy_en.asp

¹² http://www.coe.int/t/transversalprojects/children/violence/ViolenceSchoolTrainingPack_en.asp

comprehensive analysis of the violence in schools phenomenon and proposes a range of measures to reduce violence in educational settings, e.g. through policy making, self review, action planning, staff training, building partnerships at local level, etc. The pack's main objective is to nurture a supportive school environment through a process that engages the entire school community and relevant community partners. The training pack is suitable for cascade trainings and adaptable to **different national contexts**.

Furthermore, the programme has taken action to eradicate **specific types** of violence against children. In June, 2008, the organisation launched a **pan-European campaign "Raise your hand against smacking!"**¹³ aimed at the abolition of corporal punishment of children. As a consequence, the total number of countries with the complete prohibition has now reached twenty two.

On 29 November 2010, in Rome, the Council of Europe will launch its new **Europe-wide campaign to stop sexual violence against children**¹⁴. The campaign will have two major aims:

- to support the signature, ratification and implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse; and
- to raise public awareness on the extent of sexual violence within the child's circle of trust, to empower children to break the silence and to find ways to prevent and report sexual abuse of children.

The European Union is **welcome promote the campaign's objectives** jointly with the Council of Europe.

To counter violence on the Internet, in 2007, the Council of Europe launched an online safety game for children "**Through the Wild Web Woods**"¹⁵ and published the second edition of the **Internet Literacy Handbook**. Available in 25 languages, the game has been played by over 2.6 million children and adults across Europe. The game is now accompanied by a Teachers' Guide offering model lessons on issues, such as online identity, addiction, privacy, and children's rights in real and virtual worlds.

Child poverty (Questions 25-27)

EUROPEAN COURT OF HUMAN RIGHTS JURISPRUDENCE

The Convention contains no special protection of children against poverty. It would nevertheless appear that some of the issues referred to in the preceding sections may be of interest for an examination of this issue (e.g. the taking into public care of children because

¹³ http://www.coe.int/t/dg3/corporalpunishment/default_EN.asp

¹⁴ http://www.coe.int/t/transversalprojects/children/News/Sexual%20violence/Campaignlaunching_en.asp

¹⁵ http://www.coe.int/t/transversalprojects/children/News/WildWeb_en.asp

of the parent's economical situation, the state's duty to protect children against different forms of abuses and to take action to protect specially vulnerable groups, such as Roma).

Communication (Question 28)

Education for democratic citizenship and human rights education can be a powerful tool for communicating on children's rights in the following ways:

- By equipping children and adults with knowledge of children's rights and related protection mechanisms (e.g. inclusion of children's rights issues in school curriculum, as well as in the training curriculum for education professionals at all levels);
- By assisting children and adults to develop relevant values, attitudes and skills (e.g. through project activities, the use of interactive teaching methodology such as debate);
- By providing space for experiencing human rights principles in daily life (ex. democratic governance of educational institutions, mediators, anti-discrimination provisions).

In 2009, the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Council of Europe, and the United Nations Educational, Scientific and Cultural Organization (UNESCO), published a book on **“Human Rights Education in the School Systems of Europe, Central Asia and North America: A Compendium of Good Practice”**. This publication collects 101 exemplary practices of human rights education, education for democratic citizenship, and education for mutual respect and understanding from Europe, North America and Central Asia.

In 2010, the Ministers for Foreign Affairs and representatives of the 47 Council of Europe member states adopted the Recommendation **CM/Rec(2010)7 on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education at the 120th Session of the Committee of Ministers**. The Charter – which was developed over a period of several years with wide consultations and is non-binding – will be an important reference point for all of Europe and will be used as a basis for the Council of Europe's future work in the field of human rights education in the coming years.

Child participation (Questions 29-30)

At the end of 2009, the Council of Europe launched a **project on child and youth participation**¹⁶. Its key objectives are:

- To conduct reviews of national child and youth participation policies and to develop a concept and methodology in this respect;
- To elaborate Council of Europe guidelines on child and youth participation;
- To examine the relevance of developing educational and training tools with the aim of enabling children and young people to exercise their participatory rights.

Under this project **trainings** on the rights of the child, and in particular the right to participation, were organised for the Council of Europe and **European Commission staff** (in June 2009 and in March 2010).

At the end of 2011, the **Council of Europe is expected to adopt its Strategy on the Rights of the Child (2012-2015)**. In 2011, a series of consultations will be organised with Council of Europe's key partners, including children and young people. The European Union is invited to contribute to this undertaking, which could also be useful for the purposes of implementing its own children's rights Strategy.

Conclusions

As has been indicated previously, the Council of Europe and the European Union share the same objectives as far as the promotion and the protection of the rights of the child are concerned. The Council of Europe very much welcomes the further advancement of the EU Strategy on the Rights of the Child and particularly the early declaration of and consultation on the possible priority areas for EU action in 2011-2014.

The strong human rights, including children's rights, standard-setting role of the Council of Europe coupled with its policy-setting, monitoring and awareness-raising functions makes of it the most natural partner of the European Union in the formulation and implementation of the EU Strategy on the Rights of the Child. That becomes even more evident when analysing the Council of Europe children's rights Strategy (2009-2011).

Bearing in mind the breadth of the acquired expertise and experience in the field of the rights of the child, the Council of Europe invites and encourages the European Union to make use of this resource, thereby further widening and deepening our organisations' respective impact.

This can be notably achieved through:

1. Accession by the EU to some key Council of Europe Conventions;

¹⁶ http://www.coe.int/t/transversalprojects/children/participation/Newdefault_en.asp

2. Gradual integration by the EU of Council of Europe standards in EU policies and decisions;
3. “Child Rights impact assessment” : informal consultations with the Council of Europe prior to the adoption of any major decision by the EU likely to affect children’s rights;
4. Active participation of the Commission and other EU institutions as appropriate in Council of Europe work
5. A reinforced cooperation between the Commission and the Council of Europe children’s rights coordinators, including information sharing, policy planning and early consultations.

Annex I**COUNCIL OF EUROPE LEGAL STANDARDS ON THE RIGHTS OF THE CHILD**Treaties:

- European Convention on the Adoption of Children (revised) (CETS No. 202; 2008)
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201: 2007/2010)
- 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)
- European Convention on the Exercise of Children's Rights (ETS No. 160: 1996/2000)
- Revised European Social Charter (ETS no. 163: 1996/1999);
- Framework Convention for the Protection of National Minorities (ETS No. 157 1995/1998)
- European Charter for Regional or Minority Languages (ETS No.148 1992/1998)
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No 126: 1987/1989)
- Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108 1981/1085)
- 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 Legal Status of Children born out of Wedlock (ETS No. 085 1975/1978)
- European Convention on the Adoption of Children (ETS No. 058 1967/1968);
- European Social Charter (ETS no. 035: 1961/1965)
- Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 005: 1950/1953)

Committee of Ministers' Recommendations:

- Recommendation CM/Rec(2010)7 Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education
- Recommendation CM/Rec(2010)2 Deinstitutionalisation and community living of children with disabilities
- Recommendation CM/Rec(2009)13 Nationality of children
- Recommendation CM/Rec(2009)10 Integrated national strategies for the protection of children from violence

- Recommendation CM/Rec(2009)9 Education and social inclusion of children and young people with autism spectrum disorders
- Recommendation CM/Rec(2009)5 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 European Rules for juvenile offenders subject to sanctions or measures
- Recommendation CM/Rec(2008)6 Measures to promote the respect for freedom of expression and information with regard to Internet filters
- Recommendation CM/Rec(2008)4 Strengthening the integration of children of migrants and of immigrant background
- Recommendation CM/Rec(2007)13 Gender mainstreaming in education
- Recommendation CM/Rec(2007)9 Life projects for unaccompanied migrant minors
- Recommendation Rec(2006)19 Policy to support positive parenting
- Recommendation Rec(2006)13 Use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse
- Recommendation Rec(2006)12 Empowering children in the new information and communications environment
- Recommendation Rec(2006)8 Assistance to crime victims
- Recommendation Rec(2006)5 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 European Prison Rules
- Recommendation Rec(2006)1 Role of national youth councils in youth policy development
- Recommendation Rec(2005)5 The rights of children living in residential institutions
- Recommendation Rec(2004)13 Participation of young people in local and regional life
- Recommendation Rec(2003)20 New ways of dealing with juvenile delinquency and the role of juvenile justice
- Recommendation Rec(2003)5 Measures of detention of asylum seekers
- Recommendation Rec(2002)12 Education for democratic citizenship
- Recommendation Rec(2002)8 Child day-care
- Recommendation Rec(2002)5 Protection of women against violence
- Recommendation Rec(2002)4 Legal status of persons admitted for family reunification
- Recommendation Rec(2001)16 Protection of children against sexual exploitation
- Recommendation Rec(2001)10 European Code of Police Ethics
- Recommendation Rec (2001)8 Self-regulation concerning cyber-content (self-regulation and user protection against illegal or harmful content on new communications and information services)
- Recommendation Rec(2000)20 Role of early psychosocial intervention in the prevention of criminality

- Recommendation No. R(2000)11 Action against trafficking in human beings for the purpose of sexual exploitation
- Recommendation No. R(2000)4 Education of Roma/Gypsy children in Europe
- Recommendation No. R(99)7 Application of the European Convention on recognition and enforcement of decisions concerning custody of children and on restoration of custody of children
- Recommendation No. R(98)8 Children's participation in family and social life
- Recommendation No. R(98)1 Family mediation
- Recommendation No. R(97)19 Portrayal of violence in the electronic media
- Recommendation No. R(97)13 Intimidation of witnesses and the rights of defence
- Recommendation No.(95)6 Application of the European Convention on recognition and enforcement of decisions concerning custody of children and on restoration of custody of children
- Recommendation No. R(94)14 Coherent and integrated family policies
- Recommendation No. R(93)2 Medico-social aspects of child abuse
- Recommendation No. R(91)11 Sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults
- Recommendation No. R(91)9 Emergency measures in family matters
- Recommendation No. R(90)2 Social measures concerning violence within the family
- Recommendation No. R(09)1121 Rights of children
- Recommendation Rec(88)6 Social reactions to juvenile delinquency among young people coming from migrant families
- Recommendation No. R(87)1065 Traffic in children and other forms of child exploitation
- Recommendation No. R(87)21 Assistance to victims and prevention of victimisation
- Recommendation No. R(87)20 Social reactions to juvenile delinquency
- Recommendation No. R (87)6 Foster families
- Recommendation No. R(85)4 Violence in the family
- Recommendation No. (84)4 Parental responsibilities
- Recommendation No. R(79)17 Protection of children against ill-treatment

Committee of Ministers' Resolutions:

- Resolution ResAP (2005)1 Safeguarding adults and children with disabilities against abuse
- Resolution (78)62 Juvenile delinquency and social change
- Resolution (77)33 Placement of children
- Resolution (66)25 Short-term treatment of young offenders of less than 21 years

Committee of Ministers' Guidelines:

- Guidelines for a better implementation of the existing Recommendation concerning family mediation and mediation in civil matters (2007)¹⁴
- Guidelines for a better implementation of the existing Recommendation concerning Mediation in Penal Matters (2007)¹³

Parliamentary Assembly's Recommendations:

- Recommendation 1930 (2010) Prohibiting the marketing and use of the "Mosquito" youth dispersal device
- Recommendation 1905 (2010) Children who witness domestic violence
- Recommendation 1882 (2009) The promotion of Internet and online media services appropriate for minors
- Recommendation 1872 (2009) The rights of today's girls – the rights of tomorrow's women
- Recommendation 1868 (2009) Action to combat gender-based human rights violations, including abduction of women and girls
- Recommendation 1864 (2009) Promoting the participation by children in decisions affecting them
- Recommendation 1861 (2009) Femicides
- Recommendation 1854 (2009) 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 1844 (2008) Refreshing the youth agenda of the Council of Europe
- Recommendation 1828 (2008) Disappearance of newborn babies for illegal adoption in Europe
- Recommendation 1815 (2007) Prostitution – Which stance to take?
- Recommendation 1785 (2007) The spread of the HIV/AIDS epidemic to women and girls in Europe
- Recommendation 1778 (2007) Child victims : stamping out all forms of violence, exploitation and abuse
- Recommendation 1750 (2006) Education for balanced development in school
- Recommendation 1709 (2005) Disappearance and murder of a great number of women and girls in Mexico
- Recommendation 1703 (2005) Protection and assistance for separated children seeking asylum
- Recommendation 1698 (2005) The rights of children in institutions: follow up to Recommendation 1601 (2003) of the Parliamentary Assembly
- Recommendation 1675 (2004) European strategy for the promotion of sexual and reproductive health and rights
- Recommendation 1666 (2004) Europe-wide ban on corporal punishment of children
- Recommendation 1660 (2004) Situation in Kosovo

- Recommendation 1632 (2003) Teenagers in distress: a social and health-based approach to youth malaise
- Recommendation 1610 (2003) Migration connected with trafficking in women and prostitution
- Recommendation 1601 (2003) Improving the lot of abandoned children in institutions
- Recommendation 1596 (2003) Situation of young migrants in Europe
- Recommendation 1562 (2002) Controlling the diagnosis and treatment of hyperactive children in Europe
- Recommendation 1561 (2002) Social measures for children of war in south-eastern Europe
- Recommendation 1555 (2002) Image of women in the media
- Recommendation 1552 (2002) Vocational training of young asylum seekers in host countries
- Recommendation 1551 (2002) Building a 21st century society with and for children: follow-up to the European strategy for Children (Recommendation 1286 (1996))
- Recommendation 1545 (2002) Campaign against trafficking in women
- Recommendation 1541 (2001) Young scientists in Europe
- Recommendation 1532 (2001) A dynamic social policy for children and adolescents in towns and cities
- Recommendation 1526 (2001) A campaign against trafficking in minors to put a stop to the east European route: the example of Moldova
- Recommendation 1523 (2001) Domestic slavery
- Recommendation 1501 (2001) Parents' and teachers' responsibilities in children's education
- Recommendation 1469 (2000) Mothers and babies in prison
- Recommendation 1467 (2000) Clandestine immigration and the fight against traffickers
- Recommendation 1466 (2000) Media education
- Recommendation 1460 (2000) Setting up a European ombudsman for children
- Recommendation 1459 (2000) Action plan for the children of Kosovo
- Recommendation 1450 (2000) Violence against women in Europe
- Recommendation 1449 (2000) Clandestine migration from the south of the Mediterranean into Europe
- Recommendation 1443 (2000) International adoption: respecting children's rights
- Recommendation 1437 (2000) Non-formal education
- Recommendation 1434 (1999) Football hooliganism
- Recommendation 1412 (1999) Illegal activities of sects
- Recommendation 1398 (1999) Situation of children in Albania
- Recommendation 1371 (1998) Abuse and neglect of children
- Recommendation 1364 (1998) European youth co-operation and recent proposals for structural change
- Recommendation 1336 (1997) Combating child labour exploitation as a matter of priority

- Recommendation 1325 (1997) Traffic in women and forced prostitution in Council of Europe member states
- Recommendation 1315 (1997) Minimum age for voting
- Recommendation 1293 (1996) European Youth Centre Budapest
- Recommendation 1286 (1996) European strategy for children
- Recommendation 1248 (1994) Education for gifted children
- Recommendation 1234 (1994) European prize for young writers and artists
- Recommendation 1215 (1993) Ethics of journalism
- Recommendation 1121 (1990) Rights of children
- Recommendation 1103 (1989) Future role of the Council of Europe in the process of European construction
- Recommendation 1093 (1989) Education of migrants' children
- Recommendation 1071 (1988) Providing institutional care for infants and children
- Recommendation 1065 (1987) Traffic in children and other forms of child exploitation
- Recommendation 1023 (1986) Youth unemployment
- Recommendation 1019 (1985) Participation of young people in political and institutional life
- Recommendation 963 (1983) Cultural and educational means of reducing violence
- Recommendation 952 (1982) International means to protect freedom of expression by regulating commercial advertising
- Recommendation 948 (1982) Fight against unemployment
- Recommendation 902 (1980) Youth co-operation in Europe
- Recommendation 893 (1980) Poverty in Europe
- Recommendation 874 (1979) European Charter on the Rights of the Child
- Recommendation 869 (1979) Payment by the State of advances on child maintenance
- Recommendation 776 (1976) Situation of rural and agricultural youth in Europe

Parliamentary Assembly's Resolutions:

- Resolution 1733 (2010) Reinforcing measures against sex offenders
- Resolution 1714 (2010) Children who witness domestic violence
- Resolution 1669 (2009) Rights of today's girls – the rights of tomorrow's women
- Resolution 1663 (2009) Women in prison
- Resolution 1662 (2009) Action to combat gender-based violations, including abduction of women and girls
- Resolution 1630 (2008) Refreshing the youth agenda of the Council of Europe
- Resolution 1624 (2008) Preventing the first form of violence against children: abandonment at birth
- Resolution 1608 (2008) Child and teenage suicide in Europe: A serious public-health issue

- Resolution 1587 (2007) Situation of children living in post-conflict zones in the Balkans
- Resolution 1579 (2007) Prostitution – Which stance to take?
- Resolution 1570 (2007) The humanitarian crisis in Darfur
- Resolution 1537 (2007) A future for HIV/AIDS children and AIDS orphans
- Resolution 1530 (2007) Child victims: stamping out all forms of violence, exploitation and abuse
- Resolution 1399 (2004) European strategy for the promotion of sexual and reproductive health and rights
- Resolution 1375 (2004) Situation in Kosovo
- Resolution 1337 (2003) Migration connected with trafficking in women and prostitution
- Resolution 1307 (2002) Sexual exploitation of children: zero tolerance
- Resolution 1291 (2002) Internal abduction of children by one of the parents
- Resolution 1247 (2001) Female genital mutilation
- Resolution 1215 (2000) Campaign against the enlistment of child soldiers and their participation in armed conflicts
- Resolution 1212 (2000) Rape in armed conflicts
- Resolution 1152 (1998) European youth co-operation and recent proposals for structural change
- Resolution 1099 (1996) Sexual exploitation of children
- Resolution 1011 (1993) Situation of women and children in the former Yugoslavia

Congress of Local and Regional Authorities' Recommendations:

- Recommendation 286 (2010) Minority languages – an asset for regional development
- Recommendation 272 (2009) Prevention of violence against children
- Recommendation 260 (2009) Combating domestic violence against women
- Recommendation 253 (2008) Social reintegration of children living and/or working on the streets
- Recommendation 242 (2008) Integration and participation of young people at local and regional level
- Recommendation 241 (2008) Child in the city
- Recommendation 208 (2007) Access to public spaces and amenities for people with disabilities
- Recommendation 198 (2006) Promoting an entrepreneurial spirit among young people in Europe's regions
- Recommendation 174 (2005) Youth education for sustainable development: the role of the regions
- Recommendation 144 (2004) The prevention of violence in sport, in particular at football matches: the role of local and regional authorities

- Recommendation 135 (2003) Local partnership for preventing and combating violence at school
- Recommendation 128 (2003) The Revised European Charter on the participation of young people in local and regional life
- Recommendation 105 (2001) Linguistic diversity: a challenge for European cities and regions – Conclusions of the Rovinj Conference, Croatia, 22 and 23 March 2001
- Recommendation 59 (1999) Europe 2000 youth participation: the role of young people as citizens
- Recommendation 53 (1999) Policies for deprived children/adolescents and families
- Recommendation 8 (1995) 2nd European Conference of Local and Regional Authority Staff (Budapest, 26-28 September 1994)

Congress of Local and Regional Authorities' Resolutions:

- Resolution 301 (2010) Minority languages – an asset for regional development
- Resolution 289 (2009) Preventing violence against children
- Resolution 279 (2009) Combating domestic violence against women
- Resolution 271 (2008) The social reintegration of children living and/or working on the streets
- Resolution 259 (2008) Integration and participation of young people at local and regional level
- Resolution 258 (2008) Child in the city
- Resolution 221 (2006) Promoting an entrepreneurial spirit among young people in Europe's regions
- Resolution 207 (2006) Young people and new information and communication technologies: a new opportunity for local democracy
- Resolution 204 (2005) Youth education for sustainable development: the role of the regions
- Resolution 172 (2004) Prevention of violence in sport, in particular at football matches: the role of local and regional authorities
- Resolution 160 (2003) Local partnership for preventing and combating violence at school
- Resolution 152 (2003) The Revised European Charter on the participation of young people in local and regional life
- Resolution 78 (1999) Europe 2000 youth participation: the role of young people as citizens
- Resolution 74 (1999) Policies for deprived children/adolescents and families
- Resolution 43 (1997) Opening up Europe to the young: towns and regions in action
- Resolution 28 (1996) Responsibilities and initiatives of cities in respect of education

- Resolution 24 (1995) First European Conference on Local and Regional Government Studies Tampere (Finland), 26-28 January 1995)
- Resolution 10 (1995) 2nd European Conference of Local and Regional Authority Staff (Budapest, 26-28 September 1994)

Commissioner for Human Rights' Viewpoints on Children's Rights:

Viewpoints published in 2009

- Society has an obligation to support abandoned children and offer them a positive home environment – also when budget resources are limited (28.12.09)
- Realising children's rights requires more than rhetoric – systematic and concrete actions are now needed (16.11.09)
- Children should not be treated as criminals (02.02.09)

Viewpoints published in 2008

- The key to the promotion of Roma rights: early and inclusive education (31.03.08)
- Europe is moving towards a total ban of domestic violence against children (21.01.08)

Viewpoints published in 2007

- Listen seriously to the views of children (19.11.07)
- Children in migration should get better protection (06/08/07)
- Europe is not free from child poverty – concrete action is needed (09/07/07)
- It is wrong to punish the child victims (08/01/07)