

# INTRODUCTION



The States Parties agree that the education of the child shall be directed to (a) the development of the child's personality, talents and mental and physical abilities to their fullest potential (b) the development of respect for human rights and fundamental freedoms (...)

*Convention on the Rights of the Child, Article 29*

## Welcome to *Compasito*!

We hope that this manual will provide you with ideas, inspiration and practical help to explore human rights with children. From a very early age, children become aware of questions related to justice, and they start looking for meaning in the world around them. By fostering an understanding of human rights, by shaping opinions and developing attitudes, human rights education strongly supports this natural interest and learning process.

Children are often considered people who are “not yet adult”, and therefore dependent, inexperienced, undisciplined and in need of order or guidance. *Compasito* builds on a different view, explained well by the German sociologist and educationalist, Lothar Krappmann: children live in the ‘here and now’, “they generate their views on problems and construct competent solutions”. *Compasito* looks at children as young citizens of the present and as rights-holders who are competent in many issues related to their life. It builds on children's motivations, experiences and search for solutions.

*Compasito* was inspired by *Compass*, the manual on human rights education with young people which was developed by the Council of Europe in 2002. *Compass* was developed with older children and young people in mind, but it has also been used extensively with younger people of secondary school age and in school environments in many European countries. The desire of users of *Compass* for a training manual directed specifically at children matched our own conviction that human rights education should start at the earliest possible age.

*Compasito* builds on the philosophy and educational approach of *Compass*. Both manuals adopt a non-formal educational methodology and a structure that provides theoretical and practical support for users of the manual. However, while *Compass* addresses young people themselves, *Compasito* addresses adult educators who work with children. It provides theoretical and methodological information and substantial discussion of the book's human rights themes. *Compasito* also encourages educators to adapt material to reflect their own reality and that of the children they work with. Although the practical activities are specially designed to work with children, most activities do need proper facilitation by an educational expert.

## **What is human rights education with children?**

Human rights education is a process which aims to establish a culture of human rights. The educational process builds on children's active participation, by which they learn about human rights and understand human rights issues, acquire skills and abilities to be able to defend human rights, and develop attitudes of respect for equality and dignity.

Human rights education should have a key role in any educational processes. The United Nations Convention of the Rights of the Child (CRC) offers an invaluable opportunity for introducing human rights to children. The CRC identifies those human rights that are relevant to children. Learning about and experiencing children's rights helps children to understand what human rights are about, to understand that they are rights-holders themselves, and to adapt and apply their rights in everyday life. These are the key aims of human rights education with children. In *Compasito*, children's rights are presented within the wider context of human rights as a whole. Thus, universal human rights and

children's rights are jointly presented in such a way that by understanding their own rights, children also understand that all human beings have human rights.



The States Parties agree that the education of the child shall be directed to ... (d) the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin – CRC, Article 29

*CRC, Article 29*

## Human rights education and education for democratic citizenship

Human rights are essential to democratic development and form an important part of citizenship education. However, a number of social and political trends, both in Europe and beyond, such as economic interdependence, a growth in racism, terrorism, political apathy, social inequality and the influence of social media, all challenge the foundations of a culture of peace and human rights, and thus endanger democratic stability. This is partly why human rights education and education for democratic citizenship have become key priorities for governments, and for non-governmental organisations too.

Human rights education and education for democratic citizenship go hand in hand, because both are needed for effective democracy. Each of these educational approaches leads young people to acquire knowledge, establish core values and develop skills. Education for democratic citizenship puts the 'child citizen' into the focus and aims to educate children to be active and responsible members of their communities. Human rights education, on the other hand, focuses on the human being, promoting equality, human dignity, participation and empowerment for everyone. Human rights education includes citizenship as one of its key themes, and education for democratic citizenship builds on human rights values. Whatever their differences, both approaches serve the development of a culture of democracy, human rights and peace.

### Who is *Compasito* for?

*Compasito* has been designed, above all, for educators and trainers working with children, including teachers, caregivers and parents as well as non-formal educators such as youth workers and educational advisors / assistants in children and youth centres. In particular, it will be of interest to those who are interested in human rights education with children and who are looking for practical tools with which to discuss values and social issues with children. The activities are designed for children from 5 to 13 years old.

*Compasito* builds on the child's and the facilitator's existing knowledge and experience. The activities can be used wherever children spend part of their daily life: in schools, in childcare centres, afternoon clubs, leisure centres, children's organisations, or camps, and even in the family environment. While children do not need to have any special skills to participate in most of the activities, facilitators do need to possess experience and skills in using non-formal educational methodology to run the activities successfully.

## What is in *Compasito*?

Various high-quality, child-related training materials on human rights and children's rights have been produced and are available, both in Europe and internationally. The *Compasito* development team built on these experiences to produce a manual appropriate for a European audience and context. The result is a manual which provides specific content on human rights education, a non-formal educational methodology and an intercultural approach.

At the core of *Compasito* are the 42 educational activities designed for use with children. These activities are organised around 14 themes: Democratic Citizenship, Digital World, Discrimination, Education and Leisure, Environment, Family and Alternative Care, Gender Equality, Health, Human Rights, Migration, Participation, Peace, Poverty, Violence. The development team paid careful attention to the selection of themes, and although the final list may not cover every important subject, it was felt that it reflected those human rights concerns which were of key importance for children. Some themes address issues which are relevant but seldom elaborated in other manuals, such as Education, Health, and Gender Equality. In addition to these specific themes, a category of general human rights was also introduced to provide children with an understanding of the concept of rights and of how to adapt and apply them in their daily context.

### **Non-formal educational methodology**

*Compasito* follows a non-formal educational methodology, building on the active participation and personal experiences of children. Participation and co-operation between children helps to build group cohesion and reduce biases between group members, it deepens understanding of complex concepts, improves problem solving and practical skills, and enhances creativity. All of these are important aims of human rights education. It is important, when running these activities, not to fall into the trap of assuming that the educator – the adult – is all-knowing, and possesses the ultimate truth. Children will bring to the educational process their own experiences, which must be actively drawn upon both to capture their interest and to ensure effective development. Questions, even conflicts, should be regarded as fundamental educational resources, which can be drawn on for positive educational ends.

### **An intercultural and participatory approach**

While children are very much engaged in their own neighbourhoods, cultures and friendship groups, they are curious about the world, and about the existence of other cultures, regions and people. *Compasito* uses stories and examples from various regions and cultures. This rich variety offers children an opportunity to reflect on different cultures and build a stable identity around these reflections. As Reva Klein, a British educationalist explains, children do not simply learn about other children's lives; they form bonds of empathy and solidarity and begin to understand their role in taking action, on a local or a global scale. The original design of *Compasito* followed such an approach, employing an intercultural and inclusive development process with input from facilitators from across Europe and beyond, and from children themselves.

## The organisation of *Compasito*

**Chapter 1** familiarises the reader with what we mean by human rights and children's rights and describes the main international human rights mechanisms.

**Chapter 2** explains the aims and outcomes of human rights education, and places it in a European and international context.

**Chapter 3** provides information and practical tips on how *Compasito* can be used in various formal and non-formal educational settings, and how to get the best out of its educational approach. The tips for facilitators provide ideas on how to start human rights activities with children and different ways to follow them up, including the use of specific actions.

**Chapter 4** collects 42 practical activities for different age groups and at different levels of complexity, related to the 14 themes. These activities can be used sequentially, or in any order you choose, and in general, the children you work with do not need to have special skills or competences.

**Chapter 5** provides essential background information on the selected themes. Facilitators are encouraged to read the themes which are relevant to an activity before running it with children. The questions included within these texts are intended to help readers to reflect on their own knowledge and attitudes, and to be able to place the information in a personal or local context.

The **Appendices** contain essential information on legal documents with key relevance for children in a European context. The Human Rights Glossary contains brief explanations of key terms appearing in the manual.

## ***Compasito* and the Youth for Democracy programme**

*Compasito* was originally published within the framework of the Human Rights Education Youth Programme. This Council of Europe programme seeks to involve young people in human rights issues, reaching beyond those already active and motivated to a wider public, and bringing human rights closer to their daily reality. The Programme was launched in 2000 to mark the 50<sup>th</sup> anniversary of the European Convention on Human Rights. Since then, its activities have reached thousands of young people and has resulted in a cascading effect in the development of human rights education programmes and human rights projects with and by young people all over Europe.

The experiences of the programme were integrated in the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education adopted by the Committee of Ministers in 2010. The 2030 strategy of the youth sector of the Council of Europe confirmed the central role of human youth participation, human rights education and intercultural dialogue in the activities of the Youth Department. The strategy aims at enabling young people to actively uphold, defend, promote and benefit from the Council of Europe's core values of human rights, democracy and the rule of law. Within the priority of young people's access to rights, the strategy calls for "increasing capacity building and resources for youth organisations and other relevant stakeholders to provide human rights education and advocate access to rights". The Youth for Democracy programme continues this work by training trainers and multipliers and supporting capacity-building activities in member states. This is significant progress in the recognition of the right to human rights education, which needs consolidation in education and youth policies at national level.

We hope that this third edition of *Compasito* will inspire and support other facilitators and activists to make human rights education a reality for more children in Europe. Children and youth policies intersect and overlap for young people under 18. When it comes to learning *about*, learning *through* and learning *for* human rights, any overlaps can only be beneficial.

## Chapter 1

# INTRODUCING HUMAN RIGHTS



Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world

*Preamble, Universal Declaration of Human Rights*

## What are human rights?

Human rights are held by all persons equally, universally and forever.

- Human rights are **universal**: they are always the same for all human beings everywhere in the world. You do not have human rights because you are a citizen of any country but because you are a member of the human family. This means children have human rights as well as adults.
- Human rights are **inalienable**: you cannot lose these rights, any more than you can cease to be a human being.
- Human rights are **indivisible**: no-one can take away a right because it is 'less important' or 'non-essential'.
- Human rights are **interdependent**: together human rights form a complementary framework. For example, your ability to participate in local decision making is directly affected by your right to express yourself, to associate with others, to get an education and even to obtain the necessities of life.
- **Human rights reflect basic human needs**. They establish a minimum standard, below which people cannot live in dignity as human beings. To violate someone's human rights is to treat that person as though he or she were not a human being. To advocate for human rights is to demand that the human dignity of all people be respected.

In claiming human rights, everyone also accepts certain **responsibilities**: to respect the rights of others and to protect and support those whose rights are abused or denied. Meeting our responsibilities is an expression of our solidarity with other human beings.

## Precursors of twentieth century human rights

Many people regard the development of human rights law as one of the greatest accomplishments of the twentieth century. However, human rights did not begin with legal instruments, nor with the United Nations: human rights began with human beings fighting for justice, equality, or recognition. The idea that people have inherent rights is rooted in many cultures and traditions. Throughout history, individuals and groups have campaigned for justice and the right to be treated with dignity. They have done so on the basis of common values, widely accepted by every society and every main religion. We can see from numerous examples of revered leaders and influential codes of practice that the values embodied in human rights are neither a "Western creation" nor a 20th-century invention. They are a response to universal human needs and to the search for justice. All human societies have had ideals and systems of ensuring justice, whether in their oral or written traditions, although not all of these traditions have survived.

References to justice, fairness and humanity are common to all religions – for example, to Buddhism, Christianity, Confucianism, Islam and Judaism. However, these formal principles are often manifested in different forms in practice. Until the eighteenth century, no society, civilisation or culture in either the Western or non-Western world had a widely endorsed practice or vision of inalienable, universal, human rights.

Documents asserting individual rights, such as the Magna Carta (1215), the English Bill of Rights (1689), the French Declaration on the Rights of Man and of the Citizen (1789) and the US Constitution

and Bill of Rights (1791) are the written precursors to many of today's human rights instruments. Yet, most of these influential landmark documents excluded not only women and many minorities, but also members of certain social, religious, economic and political groups. Not one of these written precursors reflects the fundamental concept that *everyone*, without any distinction, is entitled to certain basic rights, solely by virtue of their humanity.

Other important historical predecessors to human rights lie in nineteenth century efforts to prohibit the slave trade and to limit the horrors of the war. For example, the Geneva Conventions established the basis for international humanitarian law, which addresses the way in which wars should be fought and the protection of individuals during armed conflict. Humanitarian law protects people who do not take part in the fighting and those who can no longer fight (e.g. wounded, sick and shipwrecked troops, prisoners of war).

Concern over the protection of certain vulnerable groups was raised by the League of Nations at the end of the First World War. For example, the International Labour Organisation, originally a body of the League of Nations and now a UN agency, established many important conventions setting standards to protect working people, such as the Minimum Age Convention (1919), the Forced Labour Convention (1930) and the Forty-hour Week Convention (1935).

Although the contemporary international human rights framework builds on these earlier documents, it is principally based on United Nations documents.



Why is it important that we know about the history of human rights? Do children need to know this, and how can we make it relevant and interesting for them?

## The Universal Declaration of Human Rights

Two major influences in the mid-twentieth century propelled human rights onto the global arena and raised the awareness of people around the world. The first influence was the struggles of colonised peoples to assert their independence from foreign powers, claiming their right to equality and right to self-determination. The second was the Second World War. The extermination by Nazi Germany of over six million Jewish people, Roma people, homosexuals and persons with disabilities horrified the world. Calls came from across the globe for human rights standards to bolster international peace and protect citizens from abuse perpetrated by governments. These voices played a critical role in the establishment of the United Nations in 1945 and are echoed in its founding document, the UN Charter (1945).

Rights for all human beings were first articulated in the Universal Declaration of Human Rights (UDHR, 1948), one of the first initiatives of the newly established United Nations. Its thirty articles taken together form a comprehensive statement covering economic, social, cultural, political, and civil rights. These rights are **universal** (they apply to all people, everywhere) and **indivisible** (all rights are equally important for the full realisation of one's human rights).

## The human rights framework

In its more than seventy years of existence, the UDHR has achieved the status of customary international law. However, as a 'declaration', it is only a statement of intent, a set of principles to which United Nations member states commit themselves, in an effort to secure a life of dignity for all human beings. For the rights defined in a declaration to have full legal effect, they must be written into legally binding documents called conventions (also referred to as treaties or covenants), which set international norms and standards.

Immediately after the UDHR was adopted, the work to codify the rights it contained into a legally binding convention began. For political and procedural reasons, these rights were divided between two separate covenants, each addressing different categories of rights:

- The International Covenant on Civil and Political Rights (1966) (ICCPR) articulates the specific, liberty-oriented rights that a state may not take from its citizens, such as freedom of expression and freedom of movement.
- The International Covenant on Economic, Social, and Cultural Rights (1966) (ICESCR) addresses the articles in the UDHR that define an individual's rights to certain basic necessities, such as food, housing and health care, which a state should provide for its citizens, in so far as it is able to.

Both Covenants also protect the right to self-determination, although this is a collective right – a right for people, not for individuals.

Since its adoption in 1948, the UDHR has served as the foundation for the core human rights conventions and treaties. Together these constitute the international human rights framework, the evolving body of the international documents that define human rights and establish mechanisms to promote and protect them.

### Core United Nations Human Rights Treaties

- International Convention on the Elimination of All Forms of Racial Discrimination, 1965
- International Covenant on Civil and Political Rights, 1966
- International Covenant on Economic, Social and Cultural Rights, 1966
- Convention on the Elimination of all Forms of Discrimination against Women, 1979
- Convention on the Rights of the Child, 1989
- Convention on the Rights of Migrant Workers and the Members of their Families, 1990
- Convention on the Rights of Persons with Disabilities, 2006.
- Convention on the Protection of All Persons from Enforced Disappearances, 2006

Note: Date refers to the year the UN General Assembly adopted the treaty.

### Commitment by ratification

**Ratification** of a convention is a serious, legally binding undertaking by a government on behalf of a state. Every convention contains a number of articles that establish procedures for monitoring and reporting on how well a ratifying government is complying with the convention. When a government ratifies a convention, it accepts the procedures contained within it, which may include the following commitments:

- to uphold the convention, respecting, promoting, and providing for the rights contained within, and not to take any action prohibited by the treaty;
- to change any law in the country that contradicts or does not meet the standards set by the convention;
- to be monitored by a designated authority, responsible for checking that it is keeping to its commitments;
- to report at regular intervals on the state's progress in making these human rights real and effective.

Once a country ratifies a convention, its citizens have a powerful advocacy tool. They can hold their government accountable if it fails to respect the human rights to which it has made a commitment.

For this reason, citizens need to know which human rights conventions their country has promised to uphold. The **Convention on the Rights of the Child (1989)**, for example, establishes very specific standards for the humane treatment of children who are detained by the police. If cases of mistreatment arise, such as children being imprisoned with adults, child advocates can demand that the government behave according to the standards it has promised to uphold.

## The evolution of human rights

The human rights framework is dynamic. As the needs of certain groups of people are recognised and defined, and as world events point to the need for awareness and action on specific human rights issues, international human rights law continuously evolves in response. For example, when the UDHR was written in 1948, few people recognised the dangers of environmental degradation, nor its connection with human rights. For that reason, the UDHR does not mention the environment. Since then, however, understanding has grown that fundamental environmental rights require recognition and protection, and there have been various initiatives to embed environmental rights in international law, and to make the connection with human rights explicit. In 2017, a Declaration of Ethical Principles in Relation to Climate Change was adopted in the framework of UNESCO. The Declaration advocates, for example, that prevention of harm is one important ethical principles in relation to climate change. In accordance with this principle, people should aim to “anticipate, avoid or minimize harm, wherever it might emerge, from climate change, as well as from climate mitigation and adaptation policies and actions.”<sup>1</sup>

Today many human rights treaties and declarations exist, forming a large body of international human rights law. As more rights become recognised and established, this body of law grows – mainly as a result of the collaborative efforts of governments and non-governmental organisations (NGOs). The process is always lengthy, but two relatively recent examples are the UN Convention on the Protection of All Persons from Enforced Disappearances (2006) and at regional level, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007).

Although the evolution of human rights culminates in and becomes formalised at the UN level, the process of change is nearly always initiated at the grassroot level by people struggling for justice and equality in their own communities. Since the founding of the United Nations, the role of NGOs has steadily grown. It is NGOs - both large and small, local and international - that carry the voices and concerns of people to the United Nations. Although the General Assembly - composed of representatives of governments – adopts treaties, which are ratified by governments, NGOs exert influence at every level. Not only do they contribute to the drafting of human rights conventions, they also play an important role in advocating for ratification of treaties and in carrying out monitoring to see that governments are living up to their obligations.

 Are there non-governmental organisations in your country that monitor and advocate for human rights? Do any work on children's rights? Are they effective?

Like all human endeavours, the United Nations and the human rights framework that has evolved under its auspices are far from perfect. Many critics say the world does not need more human rights conventions – it needs instead the full implementation of those treaties already in existence. Other people believe that the UN system is itself so flawed that the high ideals and standards it seeks to establish lack any credibility. However, in the scope of human history, both the UN and human rights framework are in their infancy. The challenge to citizens of all countries is to work towards making more effective UN institutions without compromising the high ideals on which the UN was founded.

## An Agenda for 2030

In 2015, 170 world leaders gathered at the UN Summit for Sustainable Development with the aim of developing an agenda which would put an end to poverty and facilitate sustainable development. The new Agenda, known as the 2030 Agenda for Sustainable Development, builds on the Millennium Development Goals and incorporates a set of 17 Sustainable Development Goals (SDGs) and 169 targets – including such goals as ending poverty everywhere, ending hunger, ensuring inclusive and equitable quality education, and so on (see diagram for the full list of goals).

The SDGs are grounded in international human rights law and are intended to guide global and national development plans up to 2030. They apply across all countries of the globe, aiming to leave no-one behind, and cover issues related to the full spectrum of human rights, including economic, civil, cultural, political, social rights and the right to development. In this way, Agenda 2030 offers an opportunity to advance the realisation of human rights for all people everywhere, without discrimination.



## The CRC as an example of the development of a human rights convention

The creation of a human rights convention always involves the collaborative efforts of many individuals and institutions. The starting point is always a perceived need, a human rights problem that needs to be addressed by the international community. It may be a general need to codify basic rights, such as those in the International Covenants, or a specific global concern, such as the proliferation of landmines or trafficking of persons.

The Convention on the Rights of the Child provides an example of the process by which a human rights convention evolves, and the role of NGOs in its creation.

### 1. Identification of a problem

Efforts to protect children from abuse and exploitation date back to the nineteenth century, when children were generally regarded as the property of their parents until they reached the age of

maturity, generally at twenty-one. Reformers focused on child labour and the abuse of homeless or orphaned children. In 1923 Eglantyne Jebb drafted a Declaration on the Rights of the Child, which consisted of five points. The Declaration was endorsed by the League of Nations in 1924.

However, and despite the work on this Declaration, the UDHR and the conventions that evolved within the UN human rights framework only tacitly accepted that, like every human being, children had human rights. The UDHR recognises the right of children to special assistance and social protection, regardless of their status at birth (Art. 25). However, the UDHR and subsequent human rights treaties did not recognise children as rights holders, but only as mere objects of protection.

## 2. A statement of general principles

A next step towards the Convention on the Rights of the Child was the UN Declaration on the Rights of the Child. This was adopted by the UN General Assembly in 1959 and was based on the structure and contents of the original 1924 Declaration. The new Declaration had ten principles instead of the original five. As a declaration, these principles were not legally binding on governments.

## 3. The drafting process

These principles then needed to be codified in a convention. The formal drafting process for the Convention on the Rights of the Child lasted nine years, during which representatives of governments, intergovernmental agencies, such as UNICEF and UNESCO, and NGOs, both large and small, worked together to create consensus on the language of the convention. National organisations working on specific issues, such as child labour, health, education or sports were involved, as were larger international organisations, such as Save the Children, the International Committee of the Red Cross, and Oxfam.<sup>2</sup>

## 4. Adoption

The Convention on the Rights of the Child (CRC) was adopted by the UN General Assembly in 1989.

## 5. Ratification

The CRC was immediately signed and ratified by a larger number of nations in a shorter period of time than any other UN convention.

## 6. Entry into force

As a result of its rapid ratification, the Convention entered into force as international law in 1990, only a few months after its adoption. The total number of member states that have ratified the CRC has surpassed that of all other conventions: as of 2020, the United States is the only member state which has not ratified it. It is the most widely ratified convention.

## 7. Optional Protocols

Optional Protocols are later additions to existing treaties, and states can choose whether or not they wish to sign and ratify them. In 2000, the UN General Assembly adopted two Optional Protocols to the CRC. The Additional Protocol on the Sale of Children, Child Prostitution and Child Pornography aims to protect against sexual exploitation. The Optional Protocol on the Involvement of Children in Armed Conflict was designed to increase the protection of children from involvement in armed conflicts. In 2014, a third Optional Protocol was adopted (the Optional Protocol on a Communications Procedure), allowing children or persons acting on their behalf to bring complaints directly before the Committee on the Rights of the Child.

## 8. Implementation, Monitoring and Advocacy

The Convention provides individuals, NGOs and international organisations with a legal basis for advocating on behalf of children. The Convention can be used to motivate a government to sign or ratify, and then to monitor how well they respect their treaty obligations. When a government fails to meet these commitments and violates the rights of children, NGOs can call them to account for their failings and violations. The CRC is a legal instrument that details the obligations for states' parties, and provides a solid basis for claims of children rights. In addition to being a tool for advocating for a monitoring system, the CRC supports the change in traditional perspectives and perceptions of children, and is an important source of inspiration and encouragement to move even further beyond the standards set by the convention.

### Regional human rights conventions

While the rights covered in the UN human rights framework are international in scope, complementary human rights systems have been developed that apply to people living in specific parts of the world. These regional human rights conventions are meant to reinforce UN Conventions, which continue to provide the framework and set minimum standards for all parts of the world.

Examples of regional conventions are:

- **European Convention for the Protection of Human Rights and Fundamental Freedoms** (ECHR, also known as the European Convention on Human Rights), adopted in 1950 by the Council of Europe and now ratified by its 47 member states;
- The **European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**, adopted in 1987 by the Council of Europe;
- **The European Social Charter**, adopted by the Council of Europe in 1961 and revised in 1996;
- **The American Convention on Human Rights**, adopted in 1969 by the Organisation of American States (OAS), and applying to ratifying governments in North, Central and South America;
- **The African Charter on Human and People's Rights**, adopted in 1981 by the Organisation of African Unity (OAU);
- **The African Charter on the Rights and Welfare of the Child** adopted by the Organisation of African Unity (OAU) in 1990;
- **The European Convention on Protection of Children against Sexual Exploitation and Sexual Abuse**, adopted by the Council of Europe in 2010.

### Human rights mechanisms of the Council of Europe

The **European Convention on Human Rights** is the oldest and strongest of these regional human rights systems, with standards for Europe that sometimes surpass those of international human rights conventions. The twenty-seven European Union member states are also members of the Council of Europe and are thus legally obliged to recognise and respect human rights as embedded in the ECHR through their national legislation, resorting to international mechanisms as a 'last resort' when domestic remedies prove ineffective. Within the Council of Europe, overseeing compliance with the European Convention is the responsibility of the Committee of Ministers and the European Court of Human Rights, located in Strasbourg, France.

The European Court of Human Rights is a permanent judicial body that hears and decides on individual or State applications concerning violations of the European Convention on Human Rights. These complaints can be submitted by anyone in the jurisdiction of one of the member states who has exhausted all judicial means available within the national context. The European Court complements the human rights guarantees that exist at the national level.

While the European Convention and the European Court of Human Rights remain central to the Council of Europe's work on human rights, the organisation has developed several non-judicial means to monitor and further the realisation of human rights in its member states. For example, the European Commission against Racism and Intolerance (ECRI) is an independent body of experts which monitors racism, xenophobia, antisemitism and intolerance at the level of Europe as a whole. ECRI makes recommendations to governments on how to combat racism, and works in close cooperation with NGOs.

The **European Social Charter** (ESC, adopted 1961, revised 1996) guarantees social and economic human rights, such as adequate housing, accessible health care, free primary and secondary education and vocational training, non-discrimination in employment and safe work conditions, legal and social protection, fair treatment of migrant persons and non-discrimination in every sphere of society. The ESC establishes a supervisory mechanism, the European Committee of Social Rights, to ensure that states that have ratified the Charter implement these rights. States must report annually to the European Committee of Social Rights on their progress.

The **Commissioner for Human Rights**, an independent institution within the Council of Europe, is mandated to promote awareness of, and respect for, human rights within the member states. The Commissioner identifies possible shortcomings in human rights law and practice, helps to raise awareness and encourages measures to achieve tangible improvements in the promotion and protection of human rights. There is an important distinction between the European Court of Human Rights and the Commissioner. The Court is reactive: it can respond only to complaints laid before it by individuals or by the member states themselves. The Commissioner, on the other hand, may be proactive, conducting investigations into how human rights are safeguarded in different European countries. However, only the Court has the power to take decisions – in the form of judgments – which are binding on the member states.

## Children's rights in the Council of Europe

### Treaties

All of the Council of Europe mechanisms listed above also apply to children and can be used to protect children's rights. Indeed, the Council of Europe has made significant contributions to the protection of children through the case law of the European Court of Human Rights and the European Committee on Social Rights. Various Conventions directed specifically towards promoting and defending the rights of children have been adopted by the Council of Europe:

- The European Convention on the Adoption of Children (1968, revised 2008)
- The European Convention on the Legal Status of Children born out of Wedlock (1978)
- The European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of the Custody of Children (1983)
- The European Convention on the Exercise of Children's Rights (2000)
- The European Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as "the Lanzarote Convention" (2010)

The last of these treaties – the Lanzarote Convention – has been ratified by all 47 Council of Europe member states and by Tunisia. The Convention requires that State signatories criminalise all kinds of sexual offences against children, and that they adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators. The Lanzarote Committee monitors compliance with the treaty and regularly edits opinions on emerging issues of child sexual exploitation.

The above standards are completed by a number of “soft law” Recommendations on child participation, child-friendly justice, child-friendly social services, child-friendly health services, children in the digital environment, children in migration and other specific issues.<sup>3</sup>

### **Europe for and with children**

In 2006, the Council of Europe launched a programme called ‘Building a Europe for and with Children’. This has formed the framework of a series of initiatives and strategies designed to focus on protecting and promoting children’s rights among member states.

The current Strategy for the Rights of the Child (2016 – 2021; “Sofia Strategy”) identifies five key priorities for member states:

1. Equal opportunities for all children: guaranteeing children’s social rights by, inter alia, fighting poverty and preventing exclusion, especially in the times of economic austerity; countering discrimination, including against children affected by migration, children with disabilities, those from minority groups, as well as LGBT and intersex children.
2. Ensuring the meaningful participation of children in all matters affecting them, including in decision-making processes especially when it comes to child-related laws, policies and actions. Participation is also promoted through schools and facilitated by supporting the development of citizenship and human rights education.
3. A life free from violence for all children: combating child sexual exploitation and abuse; eliminating corporal punishment in all settings; countering other forms of violence – bullying, including homophobic and cyber-bullying, and protecting children from radicalisation-linked violence.
4. Child-friendly justice for all children: protecting the rights of children in conflict with the law, especially by avoiding prosecution and promotion of reintegration measures, and the rights of children involved in civil proceedings, in particular in the context of family proceedings.
5. Rights of the child in the digital environment: promoting creative, critical and safe use of the Internet.

### **A tool to assess child participation**

The [Child Participation Assessment Tool](#) has been developed by the Council of Europe in order to support states in meeting the goals of the [Recommendation on participation of children and young people under the age of 18](#). The tool offers a method for facilitating and supporting the implementation of the child’s right to participate. It provides 10 basic indicators enabling states to:

- undertake a baseline assessment of current implementation of the recommendation
- help identify measures needed to achieve further compliance by states
- measure progress over time.<sup>4</sup>