

Foreword

Children have rights. The United Nations Convention on the Rights of the Child recognises children as holders of fundamental human rights. In Europe, human rights are protected by the European Convention on Human Rights and the European Social Charter.

Just to remind you what these rights are: they include the right to life, the right to respect for the views of the child, the right not to be submitted to inhuman or degrading treatment or punishment, the right to protection against child labour or exploitation, the right to respect for private and family life, the right to protection from injury and abuse and the right to education.

There is no footnote in the European Convention on Human Rights that says that the rights it protects do not apply to children. If anything, children are vulnerable and they need more protection, not less. Children are victims of many forms of violence. They are neglected, abused, mutilated, killed, used as workers and soldiers. This happens on the street, at school, through the Internet, in the media, in detention centres, at home and in places where children are placed for their protection and safety. Children are vulnerable and depend on adults for most things. They cannot defend themselves and their voices are the last to be heard. Special measures need to be taken to counteract children's vulnerability. The Council of Europe Programme "Building a Europe for and with children" launched in 2005, aims to eradicate all forms of violence against children. It is based on the four Ps: protection of children, prevention of violence, prosecution of criminals and participation of children. The programme pays special attention to particularly vulnerable children: children with disabilities, children living in poverty and children being raised without parental care.

Violence against children is intolerable and can be effectively prevented. In many European countries, society accepts and condones some recurrent forms of violence against children, in particular those inflicted in the family setting such as corporal punishment. However, no tradition, religion, belief, economic situation or "educational" method can ever justify hitting, smacking, spanking, mutilating, abusing, humiliating, or any other practice that violates children's right to physical integrity and dignity. "Building a Europe for and with children" is campaigning to eradicate all forms of violence against

children, focusing in particular on awareness-raising, education, training and capacity-building to promote a culture of non-violence and reach a zero level of tolerance. In June 2008, a Europe-wide initiative to ban corporal punishment of children will be launched in the Croatian capital of Zagreb.

Most cases of violence against children remain invisible, including as a result of weak reporting. A lack of data and research makes it difficult for governments to adopt effective prevention measures. “Building a Europe for and with children” aims to help countries adopt strategies for the prevention of violence against children. It seeks to provide authorities and professionals with the ability to respond quickly and adequately to reported violence. Special efforts are being made to eradicate sexual abuse and the exploitation of children. A Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse has been opened for signature in October 2007 and will hopefully soon be ratified by all our member states. Non-European countries can also apply to join.

International co-operation is essential when it comes to resolving problems affecting many countries throughout Europe and in fighting transborder crime and protecting child victims. Cyber-criminals and traffickers in human beings, whose targets are all too often young people and children, benefit from a lack of effective international co-operation.

The Council of Europe was founded in 1949 to build Europe upon three main pillars: human rights, democracy and the rule of law. This mandate implies that all 47 Council of Europe member states should co-operate and commit themselves to building a space where children feel safe, happy and develop to their full potential. “Building a Europe for and with children” is making the most out of international co-operation. It combines important tools such as standard setting, monitoring, policy development, technical assistance and awareness raising, putting them to the service of children and the safeguard of their rights. The Council of Europe works in partnership with other important players in Europe, such as the European Union and UNICEF, and is committed to ensuring appropriate follow-up to the recommendations of the United Nations Secretary-General’s study on violence against children.

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Introduction

The Council of Europe was established to defend parliamentary democracy, human rights and the rule of law. Pursuing the fundamental rights of everyone to respect for their human dignity and physical integrity, the Council is making a powerful impact on the protection of children from all forms of violence right across the continent. The Council's work has contributed to making violence against children more visible – and thus revealed the size of the task that remains in order to prevent and eliminate it.

When compared with other regions in the world, Europe is probably the best equipped in terms of standards, institutions, tools and social awareness. Economic growth and political stability have – at least in principle – increased the chances to address many of the problems that children face. And yet, Europe has a very bad record as concerns children's well-being and millions of children across the region remain vulnerable and exposed to violence in its various forms. As recent studies show, even the richest countries of the continent need to do much more to fully comply with the United Nations Convention on the Rights of the Child.

In addition to well-known factors conducive to children's rights violations, such as poverty and social exclusion, Europe has to face the new challenges that are appearing as a result of societal changes and the technological revolution. Blatant violations of children's rights occur daily in all European countries. Some of these violations, such as sexual abuse or corporal punishment, are not new but have just started to be dealt with properly, while others, such as child pornography on the Internet, racism and trafficking in human beings including children, are emerging or taking on unprecedented proportions. Even in the richest countries, children are excluded and ignored, neglected, abused and ill-treated, and even killed.

Over its almost sixty years of existence, the Council of Europe has developed standards, monitoring mechanisms, policies and awareness programmes that, when implemented, have proved extremely efficient in furthering children's rights.

The most important standards adopted by the Council of Europe in the field of children's rights are rooted within a group of legally binding instruments,

including the European Convention on Human Rights (also known as the Convention for the Protection of Human Rights and Fundamental Freedoms), the European Social Charter, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Council of Europe Convention on Action against Trafficking in Human Beings and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

In addition to the legally binding texts, the Council of Europe has also produced an abundance of “soft law”. Since the 1980s, the Council’s key bodies, the Committee of Ministers and the Parliamentary Assembly, have adopted resolutions and recommendations with detailed policy implications for member states’ work to prevent and respond to violence against children. Although not legally binding, these texts very often inform and provoke important legal and policy reforms at national level.

Progress has accelerated over the last two decades, as a result of the Council’s monitoring mechanisms being increasingly used to address children’s rights. The European Court of Human Rights, the European Committee of Social Rights (ECSR) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) have begun to use the standards of the UN Convention on the Rights of the Child, which all member states have ratified, to inform their judgments, conclusions and standards. In a 2003 judgment, the Grand Chamber of the Court stressed:

“The human rights of children and the standards to which all States must aspire in realising these rights for all children are set out in the United Nations Convention on the Rights of the Child The convention spells out the basic human rights that children everywhere – without discrimination – have: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life. It further protects children’s rights by setting standards in health care, education and legal, civil and social services.”¹

There are special challenges for children, given their dependent and generally disempowered status, in finding and using effective remedies for breaches of their rights. Nevertheless, there have been a number of applications to the Court made by children. Recently, the collective complaints procedure under the European Social Charter has been used by non-governmental organisations (NGOs) to pursue children’s rights. In the near future, there will undoubtedly be a review of how these vital avenues for redress can be made more child-friendly and accessible to children and those who represent them.

1. *Sahin v. Germany* [GC], Application No 30943/96, Judgment of 8 July 2003.

As advocated by the monitoring mechanisms of the Council of Europe, a state's compliance with human rights often requires changes not only in laws, but also in policies and practices. This is reflected in the most recent conventions addressing violence against children, which, in addition to fostering intergovernmental co-operation and reinforcing prosecution of criminals, call for the development of specific prevention and protection policies. Through its steering committees, the Council of Europe is developing policies in various fields, including education, youth, family, justice, culture, health, legal co-operation, human rights, minorities, people with disabilities and the media. The policy guidelines developed in the field of positive parenting, children with disabilities or children in the new media environment are used as examples of this form of intervention.

Legal and policy measures need to be accompanied by awareness raising and communication efforts likely to build public support for the necessary changes and involvement in the process. The Council of Europe makes use of campaigns, information networks, training programmes and new technologies to facilitate access to information, improve the participation of stakeholders in Council of Europe work and to obtain the necessary changes in attitudes and behaviours.

Throughout the continent, governmental commitment to end violence against children in Europe has increased impressively in recent years. With the conclusion, in 2006, of the UN Secretary-General's study on violence against children, came the launch of the Council of Europe's transversal programme "Building a Europe for and with children", the aim of which is to promote children's rights and eradicate all forms of violence against children. To achieve this aim, the programme mobilises Council of Europe actors and combines all the tools described above.

This publication summarises and references the Council of Europe actions that are particularly relevant for the protection of children from all forms of violence. It provides an insight not only into the results of the work (convention, recommendation, decision, report or publication), but also into the process leading to those results, thereby becoming a handbook on Council of Europe tools, actors and working methods.