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Child abuse in institutions: ensure full protection of the victims

Reply to Recommendation¹: Recommendation 1934 (2010)

Committee of Ministers

1. The Committee of Ministers welcomes Parliamentary Assembly [Recommendation 1934 \(2010\)](#) on “Child abuse in institutions: ensure full protection of the victims”, which it has brought to the attention of the governments of member and observer states. It has also been brought to the attention of the European Union, the United Nations and the Inter-Parliamentary Union, together with this reply. The recommendation has been communicated to the Commissioner for Human Rights for information as well as to a number of steering committees² and to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), for information and possible comments. The Council of Europe Network of National Focal Points on Children's Rights and Elimination of Violence against Children has been invited in particular to comment on the possibilities of consulting member states on the measures they have implemented (paragraph 8 of the recommendation).

2. The Committee of Ministers shares the concerns of the Parliamentary Assembly regarding reports of child abuse in various forms of institutions in Council of Europe member states. It agrees that member states should take measures to accord justice to victims of past offences and notes in this context the “Report on non-criminal remedies for crime victims” prepared by the European Committee on Legal Co-operation (CDCJ) in 2008, which deals, *inter alia*, with the subject of vulnerable victims including children and victims of domestic violence (Chapter 3). The Committee of Ministers considers that investigations into past offences can be useful not only for the purpose of compensating victims, but also to explain how abuses were possible and could go undetected sometimes for very long periods of time. This knowledge will enable member states to identify strategies and draw up action plans to avoid future abuse. The Committee of Ministers notes with interest and draws member states' attention to the Assembly's recommendations on legislative, administrative and political measures to combat child abuse in institutions.

3. In this context, the Committee of Ministers would emphasise the importance of Council of Europe instruments and calls upon member states to consider signing and ratifying these instruments, as appropriate, and to implement them. The Committee of Ministers notes also that many of the Assembly's recommendations cover these texts. The Committee refers in this context to the European Social Charter, of 1961 and to the European Social Charter (Revised) and, in particular, to the provisions on the right of children to protection against neglect, violence and exploitation as well as to the important decisions taken by the European Committee of Social Rights in relation to these provisions. It wishes to underline the value of the collective complaints procedure in protecting children's rights.

4. Among the more recent instruments adopted are the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, which aims to prevent and combat such acts, protect the rights of child victims of sexual exploitation and sexual abuse and promote national and international co-operation against sexual exploitation and sexual abuse of children. With regard to international co-operation,

1. adopted at the 1112th meeting of the Ministers' Deputies (19 April 2011).

2. The European Committee on Crime Problems (CDPC), the European Committee on Legal Co-operation (CDCJ), the Steering Committee for Human Rights (CDDH), the Steering Committee on the Media and New Communication Services (CDMC), the Steering Committee for Equality between Women and Men (CDEG) and the European Committee for Social Cohesion (CDCS).



the development of advanced and child-friendly data collection methods is provided for in the Convention, thus taking into account children in institutions. Another specific provision in the Convention is for the promotion of participation of children, including children in institutions, in the development of better reporting, protection and prevention mechanisms to combat all forms of sexual violence against children.

5. The Committee of Ministers notes that one of the aims of the Council of Europe ONE in FIVE Campaign to stop sexual violence against children, launched in Rome in November 2010, is to achieve further signature, ratification and implementation of the above-mentioned Convention. Another aim is to equip children, their families/carers and societies at large with the knowledge and tools to prevent and report sexual violence against children, thereby raising awareness of its extent. As part of the campaign material, the Council of Europe has developed an awareness-raising concept called The Underwear Rule providing child-friendly ways for parents and carers to speak with children aged 4 to 7 about sexual abuse and to empower them to define personal boundaries. At the initiative of member states, this material could be translated and made available to children in institutions.

6. The Committee welcomes the Parliamentary Assembly's commitment to develop a parliamentary dimension to this campaign. It has invited the Congress of Local and Regional Authorities of the Council of Europe to promote the campaign among local and regional authorities. The Committee of Ministers has furthermore invited the relevant steering and expert committees of the Council of Europe to examine how they can contribute to the campaign. The Council of Europe Network of National Focal Points on Children's Rights and Elimination of Violence against Children has been invited to prepare national campaigns to achieve the campaign objectives at national level. The Network will report to the Committee of Ministers on the progress and the achievements of the ONE in FIVE Campaign by January 2013. The Committee of Ministers would welcome support for the campaign by other international organisations, as well as by observer states and the European Union.

7. The Parliamentary Assembly makes reference to Committee of Ministers' Recommendation Rec(2005)5 on the rights of children living in residential institutions. In relation to this recommendation, the Committee of Ministers recalls that an assessment of the current situation with regard to rights of children in institutions in 42 Council of Europe member states was finalised by the European Committee for Social Cohesion (CDCS) in 2009. It identified progress and shortcomings, gave policy recommendations to member states and drew attention to specific issues. Child-friendly awareness-raising material on the rights of children in institutions was prepared in co-operation with young people in care and SOS Kinderdorf. This material is available in several languages and has been designed to empower children living in care, helping them to prevent and report abuse.

8. In November 2009, the Committee of Ministers adopted Council of Europe Guidelines on integrated national strategies for the protection of children from violence (Recommendation CM/Rec(2009)10), and in 2010, Guidelines on child-friendly justice. These two instruments are important tools for member states when elaborating and implementing policies on children's rights. These guidelines apply to all children and should serve as a basis for developing practical tools, such as codes of conduct for professionals working with and for children, aiming at ensuring their protection and helping victims to recover and to reintegrate into society.

9. The Committee of Ministers finally draws the Assembly's attention to the importance that whistleblowing journalism may have as regards violations of children's rights in institutions. This has been addressed in broad terms in several media-related Council of Europe documents, for example the Committee of Ministers' 2007 Declaration on the protection and promotion of investigative journalism, its Recommendation Rec(2000)7 on the right of journalists not to disclose their sources of information, and its 2003 Declaration on freedom of communication on the Internet. The Committee of Ministers also notes that media and new communication services, including the Internet, can help children inform themselves about their rights; it can also help empower children to resist and protect themselves from abuse, to complain about abuse and to ensure that those responsible are brought to account.

10. The Committee of Ministers will continue to keep the Assembly informed about the results of the Council of Europe activities to protect children from abuse.