



Recommendation 874 (1979)¹

European Charter on the Rights of the Child

Parliamentary Assembly

The Assembly,

1. Taking into account the reports of its Committee on Social and Health Questions on the legal position of the child and commercial exploitation, on child labour and medical care and on child abuse (Docs. 4376 and 4387) ;
2. Recalling its [Recommendation 561](#) of 1969 on the protection of minors against ill-treatment and noting with satisfaction that the Committee of Ministers has borne in mind the guidelines set out in that recommendation in the intergovernmental work of the Council of Europe ;
3. Recalling the European Convention on Human Rights and the European Social Charter ;
4. Bearing in mind the United Nations Declaration on the Rights of the Child, of 20 November 1959 ;
5. Welcoming the decision of the United Nations to proclaim 1979 the International Year of the Child (IYC) and noting with appreciation the programmes initiated in developing countries by specialised United Nations agencies such as UNICEF ;
6. Expressing the earnest hope that IYC and the subsequent efforts will promote the legal protection of children, enhance awareness of their problems and needs and improve their living conditions in all regions of the world ;
7. Emphasising that a society's vitality depends on the possibilities it offers the younger generations for growth and development in safety, self-realisation, solidarity and peace ;
8. Aware of the fact that the vast majority of children are loved and cared for and also aware of the fact that the children in member states of the Council of Europe enjoy a better fate than those in developing countries, whose problems for daily survival, food and shelter are still acute ;
9. Convinced that there is still need for improvement of the children's situation also in Western Europe, in particular where there is poverty and social injustice ;
10. Convinced that it must stress once again, on the occasion of the International Year of the Child, the importance of safeguarding children against abuse ;
11. Considering that physical and psychological maltreatment of children is one of the most abhorrent abuses which takes place in any country ;
12. Considering that abuse should not be taken as solely physical punishment inflicted upon children by parents, guardians or custodians but as a wider problem covering all physical and emotional ill-treatment, neglect and also denial of love and affection ;
13. Considering that all member governments should give priority to legislation safeguarding children against abuse from parents or legal guardians, including the possibility in severe cases of removing the abused child from the custody of the abuser ;

1. Assembly debate on 3 and 4 October (9th and 10th Sittings) (see [Doc. 4376](#), report of the Committee on Social and Health Questions). Text adopted by the Assembly on 4 October 1979 (10th Sitting).



14. Bearing in mind the exposed situation in general of children, the existing exploitation of children and the sharp increase in the hard pornography industry, and taking into account that this industry represents a particularly vile way of profit-making ;

15. Convinced that the public display of violence, criminality and terrorism in the mass media constitutes a permanent danger for youth ;

16. Considering that there are in Europe too many families living in a state of extreme poverty, and that children of the fourth world more than others suffer from the lack of food, medical care, social provision and the inadequacy of the education system,

17. Recommends that the Committee of Ministers take without delay appropriate steps for the creation of a European Charter on the Rights of the Child which should be designed to give the maximum assistance to parents to fulfil their grave responsibilities, and take into account, inter alia, the following principles and guidelines :

17.1. General principles

- a. Children must no longer be considered as parents' property, but must be recognised as individuals with their own rights and needs ;
- b. Government policies and programmes in member countries must take into account the importance for children of love and affection as much as their need for material assistance ;
- c. By ensuring the schooling of all children, and in particular of the most deprived children, educational programmes and upbringing in general in member countries should aim at :

international solidarity and peace,

education for democracy,

co-operation and equality,

equality of rights and of opportunities between sexes.

17.2. The legal position of the child

- a. The rights of children in their environment should be safeguarded by creating for this purpose an official authority at community level ;
- b. The children's legal status in family and institutions ought to be co-ordinated and better unified ;
- c. The concept of "parental authority" must be superseded by "parental responsibility", and by a clear description of children's rights as individual family members ;
- d. The children's legally defined rights to their own legal voice (official advocate) in cases of conflicts between parents, such as divorce and separation proceedings, must be improved, and based upon the principle that the interests of the child shall be regarded as paramount ;
- e. It should be confirmed that children, in time of war, should be given appropriate protection as provided by the Geneva Conventions of 1949 for the protection of victims of war.

17.3. Child abuse

- a. Education for parenthood should be given during the last years at school both for boys and girls ;
- b. Consideration should be given to the needs of children whose mothers go out to work ; where economic conditions force a mother to work to support her family, subsidised help should be available, such as local authority day care centres ; and society should offer assistance so that one of the parents, when he or she so wishes, can devote himself or herself exclusively to the care and upbringing of the children without being subject to economic constraints ;
- c. Teachers and others in regular contact with children who often recognise that the family is going through stress should alert social services ;
- d. Legal provisions should encourage professionals connected with child care to contact social authorities when suspicion of abuse against children arises, and also encourage others to contact welfare authorities in such cases ;

- e. Steps should be taken in order to improve the co-operation between officials of all groups connected with child care, such as school teachers, nursery school teachers, psychologists, social workers, lawyers and police officers with regard to child abuse ;
- f. In the light of the importance of early diagnosis, existing knowledge on child abuse should be included as a compulsory part of the training for all groups of personnel dealing with children in all member countries.

17.4. Prostitution and pornography

- a. The fostering of healthy and responsible attitudes to sexual behaviour by providing objective information on family, contraception and venereal diseases should be encouraged ;
- b. Particular attention should be paid to any connections between child prostitution and organised crime and narcotics, and to the fact that a liberal attitude towards the so-called "soft" drugs may have heavy negative consequences (see [Recommendation 609](#) of the Assembly) ;
- c. Strict laws and regulations should be adopted to abolish child pornography, and such laws and regulations should be harmonised among member states.

17.5. V. Child labour. Child labour, which is on the increase despite the persisting unemployment in member countries, must be regulated in a manner that protects the child against exploitation, against dangers to health and against practices which restrict its proper education and its physical, moral and mental development, by adopting in particular the following legal criteria :

- a. Prohibition of full-time work under the age of 16 must become the objective in all member states and achieved within the next four years, and in the meantime all member states should accept and implement Article 7 of the European Social Charter fixing the minimum age for admission to employment ;
- b. The so-called "occasional work" or work in family businesses must be strictly regulated and must not interfere with the normal schooling and normal development of the child ;
- c. European standards for child labour minimum age requirements should also apply to European companies functioning abroad ;
- d. As parents are primarily responsible for child labour, the competent public authorities should inform the parents regularly of the existing legislation, risk and consequences of child labour.

17.6. Social and medical protection

- a. The rights of every child to life from the moment of conception, to shelter, adequate food and congenial environment should be recognised, and national governments should accept as an obligation the task of providing for full realisation of such rights ;
- b. The right to adequate care, including effective measures against disease and accidents, and adequate medical attention should be ensured ;
- c. All member governments should establish systems of obligatory free medical examination of children ;
- d. All member governments should establish systems of obligatory free medical examination of children ;
- e. The right of handicapped children to be properly looked after and to be given adequate training and education should be guaranteed ; urgent attention should be given to the problem of the child kept in long-stay hospitals ; the organisation of voluntary visiting schemes should be considered, using media publicity and other methods.

17.7. Sports

- a. It should be ensured that high performance sports remain a voluntary undertaking, that no coercion of any sort be indulged in and that human dignity be respected at all times ;
- b. To reduce health hazards and educational disadvantages, regulations should be introduced in training methods and training periods ;
- c. Supervision should be exercised on the use of certain drugs which can prematurely stop growth or affect sexual development ; drug detection tests during competitions ought to be increased ;
- d. The possibility for handicapped children to participate in sporting activities should be improved ;

Recommendation 874 (1979)

18. Further recommends that the Committee of Ministers consult the Parliamentary Assembly on the content of the proposed European Charter on the Rights of the Child.