



Resolution 1530 (2007)¹

Child victims: stamping out all forms of violence, exploitation and abuse

Parliamentary Assembly

1. The Parliamentary Assembly believes, like the heads of state and government of the Council of Europe member states in the Final Declaration and Action Plan adopted at the 3rd Summit (Warsaw, 16-17 May 2005), that the Council of Europe has an important role to play in finding concrete and effective solutions to cases of violence, exploitation and abuse in respect of children, whatever their form.
2. The Assembly supports the implementation, in this context, of the Council of Europe's three-year action programme (2006-2008) for the promotion of children's rights and the protection of children from violence, "Building a Europe for and with children", launched in Monaco on 4 and 5 April 2006.
3. It continues to be concerned about the high numbers of children in member states who, particularly because of their vulnerability, their legal incapacity as minors and the inadequacy of the legal and social protection they receive, are victims of violence, ill-treatment, exploitation, trafficking, trade in their organs, child prostitution and child pornography.
4. The statistics gathered in this field by international organisations such as UNICEF and the International Labour Organization (ILO) still fall short of reality since many children are not able to report to the authorities or to specialist associations the violence and abuses which they suffer.
5. The Assembly recalls that there is an extensive legal apparatus at international level intended to secure children's rights and combat certain forms of exploitation, in particular the 1989 United Nations Convention on the Rights of the Child and its protocols, and more recently [Resolution 61/146](#) on the rights of the child adopted by the UN General Assembly on 19 December 2006, Convention No. 182 of the ILO concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and the Yokohama Global Commitment made in 2001 at the 2nd World Congress against Commercial Sexual Exploitation of Children.
6. At European level, the Assembly recalls in particular the relevant Council of Europe conventions, especially the European Convention on Human Rights (ETS No. 5), the revised European Social Charter (ETS No. 163), the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126), specialised conventions such as the Convention on Cybercrime (ETS No. 185) and the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), as well as many of its own resolutions and recommendations concerning the recognition, promotion and protection of children's rights.
7. The Assembly recalls the Committee of Ministers' reply of 20 April 2005 to its [Recommendation 1666 \(2004\)](#), stressing the importance which it attached to the issue of children's protection and its commitment to the welfare of children as a group in need of special protection from all forms of violence.

1. *Assembly debate* on 23 January 2007 (3rd Sitting) (see [Doc. 11118](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Gardetto). *Text adopted by the Assembly* on 23 January 2007 (4th Sitting).



8. It is important that the Parliamentary Assembly and the Committee of Ministers ensure that resolute action is taken Europe-wide to eradicate all forms of violence against children. From this standpoint, it is indispensable, in so far as they are also subjects of law, to grant children adequate legal protection as well as legal representation outside the family whenever necessary.

9. The Assembly welcomes the fact that work on a draft Council of Europe convention on the protection of children against sexual exploitation and abuse has recently been commenced.

10. It deems indispensable that, over and above the standard-setting measures already taken, and in view of the multitude of instruments each relating to specific forms of violence, an integrated approach be adopted at European level in order to achieve greater effectiveness and coherence in the protection of children against the intolerable and extremely varied situations of discrimination, violence, exploitation and abuse which persist and are even increasing in some areas. It accordingly considers that the existing convention-based system should be strengthened by adopting an approach aimed at integrated protection of children whatever the type of violence, exploitation or abuse committed, and that co-operation between member states in this area should be intensified.

11. The increase in cross-border family disputes in which children are direct victims is also of concern to the Assembly. In this context, it recalls the Council of Europe Convention on Contact concerning Children (ETS No. 192) and encourages the member states to ratify this convention as soon as possible.

12. Also, in this matter, the Assembly considers it urgent to strengthen co-operation among member states as a whole by using speedy judicial procedures suited to children, where they are not in place already, especially in the context of family conflicts, and as a supplementary measure to mediation procedures which are not always successful, so as to avert additional harm to children resulting from lengthy and distressing contentious proceedings. Furthermore, the Assembly calls on all member states to provide specialist training to a proportion of their judges in relation to child issues.

13. The Assembly furthermore recalls its [Recommendation 1460 \(2000\)](#) on setting up a European ombudsman for children and welcomes the stance of the Council of Europe Commissioner for Human Rights in favour of creating more such institutions in member states or extending the remit of existing ombudsmen to include the functions of promoting, safeguarding and strengthening children's rights.

14. In the light of the foregoing, the Parliamentary Assembly invites all parliaments of Council of Europe member states to:

14.1. consolidate and develop strategies and national policies aimed at protecting the rights of children;

14.2. examine the existing legislative framework and improve it as appropriate to ensure children's protection against all forms of violence, exploitation and abuse, making all interference with the child's bodily or psychological integrity a criminal offence defined in relation to its degree of gravity and carrying effective, proportionate and dissuasive penalties;

14.3. harmonise these provisions in order to set up child protection legislation common to all states, in particular concerning the concept of the child's best interests and the definition of criminal law offences committed against children;

14.4. make legal provisions to:

14.4.1. suspend, where a relevant provision does not already exist, the limitation period for serious offences until the victim has reached the age of majority;

14.4.2. establish that prosecution of the most serious offences committed against children may not be subject to limitation;

14.4.3. extend states' jurisdiction so that perpetrators of serious offences against children committed beyond their borders may be effectively prosecuted;

14.4.4. introduce speedy civil and criminal law procedures which are suited to children, comprising, for example, the right to be heard by a court where capable of discernment, the right to be assisted by a lawyer paid for by the state or the right to obtain appropriate legal aid;

14.4.5. train specialised judges to conduct the above procedures, and in particular to train them to question children victims of violence, exploitation or abuse; and, when it is absolutely necessary to bring them face to face with the accused, to do so in a manner that safeguards the interests of the child as well as that of justice;

14.4.6. adapt civil and criminal law proceedings to children with emphasis on methods which spare unnecessary anguish, especially with regard to their testimony and appearance in court (by video link, for instance);

14.4.7. encourage member states to introduce legislation forbidding convicted child sex offenders from travelling abroad.

15. The Assembly also calls upon the member states to:

15.1. ratify international and European legal instruments relating to the protection of children as enumerated above;

15.2. establish, or promote where they already exist, mediation mechanisms designed to alleviate children's suffering, particularly in such contexts as their parents' separation, and to set up an ombudsman for children whom they can approach directly in serious cases, or to extend the responsibilities of the established ombudsmen to encompass children's protection against all forms of violence;

15.3. strengthen co-operation, at national and international level, between police forces and investigatory bodies for effective action against child exploitation and trafficking in Europe and beyond;

15.4. work towards the creation of a national body to collect information on child victims of violence, exploitation or abuse, and persons convicted of such offences, in order to produce a central file allowing the exchange of information, to which file all interested parties should have access, thus promoting the fight against these phenomena, and aiding the speedier resolution of disputes which involve children, in particular family conflicts, and with a view to creating an observatory of ill-treatment in each state and at the European level which would establish reliable statistics on cases of violence, exploitation and abuse involving children;

15.5. set up specialised European bodies as well as national and international co-operation and co-ordination networks between governmental authorities, judicial authorities, police forces, national bodies and NGOs specialising in the protection of children's rights.

16. Finally, the Assembly calls upon member states to consolidate their child welfare policy by the following means:

16.1. developing action plans at local and national level to eliminate violence, exploitation and abuse of children, in particular within the family unit, at school, in care institutions and in the community;

16.2. implementing long-term education, information and awareness-raising mechanisms aimed at children, parents, professionals and all authorities with special responsibility for the legal and social protection of children, with regard to the detection of ill-treatment and of all forms of abuse and ways to address these problems;

16.3. arranging for child victims or perpetrators of violence to receive close and regular attention in order to provide them with support from properly trained professionals and ensure their social readjustment and rehabilitation;

16.4. establishing machinery for the supervision of institutions charged with caring for children (such as schools, orphanages, placement centres, detention centres for young offenders, etc.), as well as methods of detection (for example, through school and pre-school medical examinations and interviews with psychologists) of acts of violence, exploitation or abuse of children, in order to certify and sanction all such behaviour;

16.5. providing Freephone numbers, telephone answering services and websites to enable children to anonymously report violence, exploitation or abuse, and to promote the wide dissemination of information to children who are victims of any kind of ill-treatment, particularly concerning social welfare facilities, specialised associations, bodies or institutions such as an ombudsman, to which they can directly and anonymously complain about acts of violence committed against them or against other children.

17. The Assembly encourages its Monitoring Committee to continue to include child welfare in its supervisory activities and reports.