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Ending violence against children: a Council of Europe contribution to the Sustainable Development Goals

Reply to Recommendation¹: Recommendation 2159 (2019)
Committee of Ministers

1. The Committee of Ministers has examined Parliamentary Assembly [Recommendation 2159 \(2019\)](#) entitled “Ending violence against children: a Council of Europe contribution to the Sustainable Development Goals”, which it forwarded to the Ad hoc Committee for the Rights of the Child (CAHENF), to the Group of Experts on Action against Trafficking in Human Beings (GRETA), to the Committee of the Parties of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, “Lanzarote Convention”), to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), to the European Committee on Social Rights (ECSR) and to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), for information and possible comments.
2. The Committee of Ministers fully shares the view of the Parliamentary Assembly that ending violence against children is of the utmost importance and that all efforts should be deployed to achieve this goal, as a priority for the Council of Europe and for each of its member States. In this respect, the Committee of Ministers firmly supports the work of the Organisation’s intergovernmental and monitoring bodies dealing with children, and the high priority given in particular to addressing violence against children.
3. Like the Assembly, the Committee of Ministers considers that the work carried out in this area brings a significant and valuable contribution to the United Nations Sustainable Development Goal Target (SDGT) 16.2 to “end abuse, exploitation, trafficking and all forms of violence against and torture of children”. A summary overview of this work as pertinent to the SDGT 16.2 has been submitted by each of the bodies mentioned in paragraph 1, the relevant extracts of which are appended to this reply for the information of the Assembly.
4. Finally, the Committee of Ministers would inform the Assembly that all Council of Europe intergovernmental committees, in their terms of reference for the next biennium 2020-2021, are being tasked to review progress towards the United Nations Sustainable Development Goals (UNSDGs), as evidenced by monitoring mechanisms and promoted through standard-setting and through the exchange of experiences and good practices.

1. Adopted at the 1363rd meeting of the Ministers’ Deputies (11 December 2019).



Appendix to the reply

Comments of the Ad hoc Committee for the Rights of the Child (CAHENF)

[...]

- The CAHENF itself ensures regular co-operation with UN bodies and actors, notably the UN Committee on the Rights of the Child, the UN Special Representative of the Secretary General on Violence against Children, and the UN Special Rapporteur on the sale and sexual exploitation of children, with a view to supporting the implementation of international and Council of Europe standards and of the 2030 Agenda for Sustainable Development. Against this background, the CAHENF welcomes the adoption of [Recommendation 2159 \(2019\)](#) calling for issues of violence against children to be kept high up on the agenda of Council of Europe intergovernmental and monitoring bodies, as well as of the related [Resolution 2294 \(2019\)](#) requesting more specific action from member States.
- As regards its own work carried out under the current terms of reference (2018-2019), the CAHENF has always treated issues of violence against children as a priority and developed extensive activities in this field. Most recently, it has in particular continued to promote the Council of Europe Guidelines on integrated national strategies for the protection of children from violence, and the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse (18 November every year). In line with priority area 3 of the current Strategy for the Rights of the Child (2016-2021) entitled “A life free from violence for all children”, and through the work of its group of experts on responses to violence against children, a specific tool for member States is being prepared in the form of a Clearing House providing access to existing national strategies promoting an integrated approach to protection from violence, which is also intended to serve as a platform for peer- to-peer support in the development, implementation and reviews of strategies. The CAHENF has also supported European and national action to protect children from violence in various settings and forms, including corporal punishment, violence in schools, gender-based violence, violence in sports or violence in the context of migration.
- Concerning the latter, a draft recommendation of the Committee of Ministers to member States on guiding principles and guidelines for an effective guardianship for unaccompanied and separated children in migration is currently before the Committee of Ministers for consideration and adoption, and draft guidelines on age assessment are pending discussion within the CAHENF. Both texts, when adopted, will support safeguarding the rights of children and their right to be protected from violence.
- Recommendation [CM/Rec\(2018\)7](#) on Guidelines to respect, protect and fulfil the rights of the child in the digital environment, adopted by the Committee of Ministers in July 2018, containing provisions on the protection of children from violence in the digital environment, will soon be complemented by a Handbook for policy makers; this new tool is expected to be launched in November 2019, at the Mid-term evaluation conference of the Strategy (Strasbourg, 13-14 November 2019).
- The CAHENF fully agrees that issues of violence against children should be kept high up on the Council of Europe agenda, both by consolidating current action, and by addressing new issues of violence which have so far been the “blind spots” of law and policy making.
- The mid-term review of the implementation of the Council of Europe Strategy in 2019 will enable to take stock of positive developments and lessons learned in implementing the Strategy’s priorities to eliminate all forms of violence against children, and as progress in the implementation of the 2030 Agenda and relevant SDGs. This review will also inform strategic action and priority areas for future co-operation activities such as those aimed at mainstreaming children’s protection from violence into national policy agendas, promoting integrated national strategies against violence based on multidimensional and multi-stakeholder approaches, furthering and implementing legislation to protect children from violence. On that basis, it would be useful to consider ways of improving systems for the collection and analysis of available data on the phenomenon of violence against children, thereby improving the efficiency of the monitoring system and rendering it more effective for the community both at the national and international level. Likewise, it would also be useful to examine ways of promoting and facilitating the interactions of institutions that hold this data.
- The CAHENF would also like to underline the importance for Council of Europe bodies and States to continue to promote the implementation of the Guidelines on integrated national strategies for the protection of children from violence, and to make use of the European Days as important awareness-raising tools.

- Furthermore, the CAHENF is discussing proposals for its new terms of reference (2020-2021) to develop guidance in the form of non-binding instruments on systems for professionals to report violence against children, and on measures and interventions aimed at preventing peer violence and harmful sexual behaviour by children. States should always keep up to date with societal developments, both in terms of updating national policy tools and mechanisms to the latest state of the art and addressing new forms of violence emerging alongside with information and communication technologies and other developments.
- In all upcoming action aimed at eliminating violence against children, regular collaboration with all relevant stakeholders will be crucial to strengthen efforts to meet SDG Target 16.2 “to end abuse, exploitation, trafficking and all forms of violence against and torture of children”. The CAHENF will take stock of the forthcoming conclusions of the SDG summit (New York, 24-25 September 2019) with respect to children and SDGs. Likewise, regular exchanges and close collaboration with Council of Europe bodies and relevant committees will be of utmost importance to raise awareness, to identify and share solutions and expertise, to mobilise resources and inspire further actions to protect children from violence.

Comments of the Group of Experts on Action against Trafficking in Human Beings (GRETA)

[...]

- Target 16.2 of the Sustainable Development Goals (SDGs) specifically mentions trafficking in children. Other relevant SDG targets referring to human trafficking are 5.2 (Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation) and 8.7 (Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms).
- A child-sensitive approach is reflected throughout the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) and several of its articles contain specific provisions concerning children, in particular Articles 5, 10, 11, 12, 14, 16, 28 and 30. The Convention’s provisions are of relevance for achieving the above-mentioned targets of the SDGs, and GRETA emphasises the importance of implementing the recommendations made in its reports with a view to achieving them.
- As part of its monitoring of the implementation of the Convention, GRETA has paid particular attention to the prevention of child trafficking, the identification of child victims of trafficking, and the protection and support provided to them. The stocktaking of the first evaluation round of the Convention noted that almost all States Parties were not doing enough to fulfil their obligations arising from the Convention in the areas of child victim identification and protection. GRETA decided that one of the focuses of the second evaluation round of the Convention, which was launched on 15 May 2014, would be on child trafficking. By July 2019, GRETA had completed the second round of evaluation of 41 of the 47 States Parties to the Convention. GRETA’s country evaluation reports contain statistical data and information on how States Parties meet their obligations to combat child trafficking and protect child victims, as well as detailed recommendations for improving the implementation of the Convention.
- GRETA devoted a thematic section in its 6th General Report² (published in March 2017) to the issue of child trafficking. According to data presented in that report, on average, children represent a quarter of the identified victims of human trafficking, but there are important variations between countries. Children are being trafficked transnationally, as well as internally, for different forms of exploitation (sexual exploitation, forced labour, domestic servitude, forced begging, forced criminal activities or forced marriage). Children not registered at birth, children from disadvantaged communities, and unaccompanied or separated children, are particularly vulnerable to trafficking. Many child victims of trafficking are not detected and do not receive protection due to gaps in the identification procedures, failure to appoint legal guardians, inadequate resourcing of child protection systems, and lack of appropriate and secure accommodation. Significant numbers of unaccompanied children go missing shortly after being placed in reception centres, which exposes them to further risks of trafficking and exploitation.

2. GRETA, 6th General Report on GRETA’s Activities, covering the period from 1 January to 31 December 2016, <https://rm.coe.int/1680706a42>

- GRETA has emphasised the obligation of States Parties to create a protective environment so as to make children less vulnerable to trafficking and exploitation. Further, GRETA has called on States Parties to introduce a procedure for the proactive identification of child victims of trafficking for different forms of exploitation, paying particular attention to unaccompanied migrant children. The procedure should take into account the specific circumstances and needs of child victims, should involve child specialists, and ensure that the best interests of the child are the primary consideration.
- GRETA's monitoring has brought to light cases of child victims of trafficking being held in detention or in institutions with severe restrictions on their freedom of movement and communication. Whilst urging States Parties to minimise the number of children who disappear by providing suitable safe accommodation and adequately trained supervisors or foster parents, GRETA has stressed the importance of ensuring compliance with international standards on the rights of the child, in particular as regards the deprivation of children's liberty as a measure of last resort and for the shortest possible period of time.
- Furthermore, GRETA has observed that, in most States Parties, age assessment procedures are based on medical examinations aiming solely at determining the person's biological age, usually on the basis of an X-ray of the wrist and of the teeth, without taking into account psychological, cognitive or behavioural factors. GRETA has recommended to national authorities to review the age assessment procedures, taking into account the Convention on the Rights of the Child as well as General Comment No. 6 of the Committee on the Rights of the Child.
- The prevention of human trafficking is closely linked to the online security of children. Recruiting victims through the internet, via websites advertising jobs, dating sites or social media, is a growing trend. GRETA has stressed the need to take further steps to prevent online recruitment of children, including by co-operating with internet service providers and raising the awareness of children, parents and education professionals of the risk of recruitment of children through the internet.
- In addition, GRETA has stressed that when the authorities take a decision regarding the repatriation of a child victim, the best interests of the child must be the primary consideration. In order to avoid the re-victimisation or re-trafficking of child victims of trafficking, proper risk assessments need to be conducted before implementing any repatriation measure. Such assessments should also ensure effective enjoyment of the child's right to education, as well as measures to secure adequate care or receipt by the family, or appropriate care structures, in countries of return.
- GRETA has also noted with concern the impact of the tightening up of entry procedures and the closing down of borders on families and unaccompanied children, increasing considerably the risk of being exploited and trafficked. In this context, GRETA stresses the importance of international co-operation and effective measures to prevent trafficking of children, including through facilitating lawful migration and enabling family reunification.
- In addition to addressing child trafficking through specific anti-trafficking policies, GRETA considers that the above-mentioned issues should be integrated in national strategies and action plans for combating violence against children, in line with the priorities of the Council of Europe Strategy for the Rights of the Child.
- Through its monitoring work, GRETA is committed to continuing its contribution to the Council of Europe efforts to protect the rights of children, including the implementation of the Action Plan on protecting refugee and migrant children in Europe.

Comments of the Committee of the Parties of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, "Lanzarote Convention")

[...]

- The Lanzarote Committee highlights that its functions, as described in Article 41 of the Lanzarote Convention, are fully in line with Sustainable Development Goal Target 16.2 to end abuse, exploitation, trafficking and all forms of violence against and torture of children. Acting for the protection of children against sexual exploitation and sexual abuse is part of the more general target of ending abuse, exploitation and all forms of violence against children. The Council of Europe Strategy for the Rights of the Child (2016-2021) is also relevant, in particular its priority area 3 "A life free of violence for all children". This explains why the Lanzarote Committee is involved in the work of the Council of Europe

Ad hoc Committee for the Rights of the Child (CAHENF), which is responsible for the follow-up of the implementation of this strategy. It is also represented in the CAHENF's Group of Experts on Responses to violence against children (CAHENF-VAC).

- The Lanzarote Committee also highlights that the [European Day for the protection of children against sexual exploitation and sexual abuse](#), celebrated annually on 18 November since 2015, is also fully in line with the Sustainable Development Goal Target 16.2.
- The Lanzarote Committee wishes also to draw the attention of the Committee of Ministers to the fact that all goals for safeguarding children from exposure to violence should include effective continuous monitoring of achievements in practice. The monitoring function of the Lanzarote Committee contributes to this end. So far, the following monitoring rounds were launched:
 - the [first monitoring round](#) focused on the “Protection of children against sexual abuse in the circle of trust” resulting in the adoption of the [first implementation report](#) by the Committee in December 2015 and the [second implementation report](#) in January 2018;
 - in light of the high number of migrant and asylum-seeking children who arrived and continue to arrive in Europe and being aware that many may be or become victims of sexual exploitation and sexual abuse, the Committee decided in June 2016 to carry out an [urgent monitoring round](#) to map the ways in which the risks of sexual exploitation and sexual abuse of children arising in the context of the refugees crisis are being dealt with. The [report](#) of this monitoring round was adopted in March 2017. The [evaluation](#) by the Lanzarote Committee of the follow-up given by Parties to the recommendations of the Special Report is underway;
 - another [urgent monitoring round](#) on “Protecting asylum-seeking children in the transit zones at the Serbian/Hungarian border” was also launched in Spring 2017 after the adoption of a new legislation by the Hungarian Parliament. This led to an on-site visit, a [report](#) and the adoption of [recommendations](#) by the Lanzarote Committee in January 2018. The [assessment](#) by the Lanzarote Committee of the follow-up given by the Hungarian authorities to the recommendations addressed to them was adopted in June 2019;
 - finally, the Committee decided to dedicate its [second monitoring round](#) to the following theme: “The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”, focusing more specifically on the issue of self-generated sexually explicit images and/or videos by children. This monitoring round is underway and should be completed by the end of 2020.
- Co-operation with the United Nations is already in place in many regards. For instance, UNICEF and UNHCR are systematically invited to the meetings of the Lanzarote Committee. The Committee is also in close contact with both the Special Representative of the UN Secretary-General on Violence against Children and the UN Special Rapporteur on the sale and sexual exploitation of children, as well as with the UN Committee on the Rights of the Child (UNCRC). It should be noted that one of its former chairpersons, Mr Bragi Guðbrandsson (Iceland), is now a member of the UNCRC, which facilitates links between the two bodies.
- Finally, it should be stressed that, to ensure synergies, the Secretariat of the Lanzarote Committee was closely involved in the preparation of the UNCRC Guidelines on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted in June 2019, and their accompanying explanatory comments. Similarly, the Secretariat of the Lanzarote Committee is also involved in the reflection on the ways and means to enhance the impact of the mandate of the UN Special Rapporteur on the sale and sexual exploitation of children.

Comments of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

[...]

During the past 30 years, the CPT has been monitoring the situation of children deprived of their liberty by visiting hundreds of establishments where children were being held, including prisons and immigration detention facilities, as well as educational and social welfare institutions. In the CPT's experience, children are all too often at risk of becoming victims of ill-treatment by staff or violence by fellow inmates. Moreover, in various countries, children appeared to be subjected to physical and/or psychological ill-treatment by law

enforcement officials in the context of apprehension or during police custody. On the basis of its findings, the CPT has formulated recommendations in visit reports to prevent ill-treatment of children, and it has developed specific standards whose implementation in practice is being monitored on a regular basis (cf. the CPT's 24th General Report, <https://rm.coe.int/16806ccb96>). The Committee will continue in future to pay particular attention to the situation of children deprived of their liberty.

Comments of the European Committee on Social Rights (ECSR)

- The European Committee of Social Rights (the ECSR) recalls that the European Social Charter (the “Charter”) is a fundamental instrument of the Council of Europe with respect, *inter alia*, to ending violence against children and it has a direct role to play in relation to the attainment of the Sustainable Development Goals. It also recalls that the Charter guarantees a child’s right to protection against physical and moral hazards, to social, legal and economic protection and a right to protection against poverty.
- The ECSR currently assesses whether national situations in member States comply with child protection-related Charter rights in the context of its reporting and collective complaints procedure. In doing so, it has developed extensive jurisprudence and statements related to violence against children. This work should serve to frame Council of Europe member States’ efforts to end violence against children, in particular efforts focused on legal reform.
- As interpreted by the ECSR, Article 17 of the Charter requires member States to prohibit and penalise all forms of violence against children, including all forms of corporal punishment. This includes corporal punishment in the home, as well as in all educational settings, public and private, and in all alternative care settings. Such punishment is likely to affect the physical integrity, dignity, development and psychological well-being of children, both in the short and the long term. The relevant national law provisions must be sufficiently clear, binding and precise.³
- Article 7 (7§10) of the Charter guarantees protection from child labour exploitation, child prostitution, child pornography and trafficking of children. In order to guarantee the right provided by Article 7, the ECSR has made clear that member States must take specific measures to prohibit and combat all forms of child exploitation. This prohibition must be accompanied by an adequate supervisory mechanism and sanctions.
- Agenda 2030 makes clear that it and the Sustainable Goals set out in it, are “guided by the purposes and principles of the Charter of the United Nations, including full respect for international law”. Agenda 2030 is grounded in the Universal Declaration of Human Rights and in international human rights treaties. The European Social Charter constitutes such a treaty and must therefore be taken into account by member States in their efforts to give effect to SDG 16.2.

Comments of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)

- GREVIO welcomes the initiative of the Parliamentary Assembly to highlight the issue of violence against children and to maintain it as a priority concern of the Council of Europe’s intergovernmental and monitoring bodies dealing with children’s rights. It also notes positively its recommendation to foster synergy of actions and co-operation with the United Nations to tackle violence against children and enable progress to be reached in this realm.
- In this context, GREVIO would underline the important contribution of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210 “Istanbul Convention”) to the pursuit of target 16.2 of the Sustainable Development Goals (SDGs) to end abuse, exploitation, trafficking and all forms of violence and torture against children. GREVIO refers in this respect to the innovative provisions of the Istanbul Convention regarding the need to protect child witnesses of violence against women and domestic violence. These provisions are based on the consideration that children’s exposure to violence against women and domestic violence breeds fear, causes trauma and adversely affects their development and later adult life, and on the acknowledgment that children who witness violence are children who experience violence. Numerous scientific studies

3. See notably the following decisions on the merits: Association for the Protection of All Children (APPROACH) Ltd v. Slovenia, Complaint No. 95/2013; Association for the Protection of All Children (APPROACH) Ltd v. Ireland, Complaint No. 93/2013; World Organisation against Torture (OMCT) v. Greece, Complaint No. 17/2003.

show that children who witness the violence of a parent against the other in the context of domestic violence have the same health and development problems as children who are directly abused. Moreover, GREVIO's monitoring has highlighted the links between violence against women and the risks of violence against children, including psychological, physical and sexual violence.

- A central provision of the Istanbul Convention for the protection of child witnesses of gender-based violence is Article 31. This article seeks to ensure that incidents of violence covered by the Convention are taken into account in decisions on custody and visitation rights. Furthermore, it requires States Party to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children while taking into account the parental rights of the perpetrator. In particular in cases of domestic violence, issues regarding common children often represent the only ties that remain between victim and perpetrator. For many victims and their children, complying with contact orders can be seen as a continuation of the violence and can also present a serious safety risk because it means meeting the perpetrator face-to-face. Moreover, Article 31 lays out the obligation to ensure that victims and their children remain safe from any further harm, including during the exercise of any visitation and custody right.
- Another relevant provision of the Convention is Article 51 which requires that measures be in place to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities in order to manage the risk and if necessary, to provide co-ordinated safety and support. Accordingly, GREVIO considers that proper risk assessments must be an integral part of procedures for the determination of custody and visitation rights and the settlement of the modalities for their exercise, including where they are based on an agreement of the parents, so as to ensure that the agreed arrangements are in the best interest of the child and in particular that the safety of the parent and the child are protected.
- In the course of the evaluations which it has carried out so far, GREVIO has found that shortcomings in the implementation of Articles 31 and 51 of the Istanbul Convention raise an issue of concern. As a result, the exercise of visitation and custody rights in States Party to the Convention frequently endangers the physical safety and psychological well-being of domestic violence victims and their children, leading in some instances to a fatal outcome. GREVIO stresses that it fully supports the right of the child to maintain its ties with both parents as enshrined in Article 9, paragraph 3 of the United Nations Convention on the Rights of the Child. It considers nevertheless that exposure to violence against women and domestic violence, as a victim or witness, requires exceptions to be made in the best interest of the child. GREVIO further recalls in this respect that the United Nations Committee on the Rights of the Child emphasises, in paragraph 61 of its General Comment No. 13, that the “interpretation of a child’s best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence”.
- GREVIO refers to the statement issued in June 2019 by the Platform of United Nations and regional independent mechanisms on violence against women and women’s rights, in which the platform voiced its concern over patterns across various jurisdictions of the world that ignore intimate partner violence against women in determining child custody cases. The statement underlines that these patterns reveal underlying discriminatory gender bias and harmful gender stereotypes against women. It further highlights that ignoring intimate partner violence against women in the determination of child custody can result in serious risks to the children and thus must be considered to ensure and grant their effective protection. The Platform thus called upon States to pay particular attention to these patterns and to take the necessary measures to ensure implementation of international standards that require that intimate partner violence against women is thoroughly weighed in the determination of child custody.
- In light of the foregoing, GREVIO considers that to end violence against children, the experiences of child witnesses of domestic violence and other forms of violence against women and the risk to children’s safety posed by the determination of custody and visitation rights which fails to take into account previous incidents of violence between the parents must be taken into consideration and factored into initiatives by the various bodies of the Council of Europe and efforts of Council of Europe member States to support the relevant target in the United Nations system.
- GREVIO considers further that to end violence against children, the gendered dimension of this violence must be taken into account. GREVIO recalls that girls across the world are exposed in massive numbers to serious forms of violence such as domestic violence, physical and sexual violence including rape, stalking, forced marriage, crimes committed in the name of so-called “honour” and genital mutilation, which constitute a serious violation of their human rights and a major obstacle towards the further exercise of such rights. The Istanbul Convention is built on the recognition of the

vulnerability of girls to gender-based violence and the requirement to design and implement gender sensitive policies and measures to prevent and counter such violence. Thus, GREVIO underlines the need for Council of Europe bodies' and member States' endeavours in the field of children's rights to include a gender-sensitive approach to violence in order to effectively prevent and combat such violence.