Introduction

The Secretariat of the Council of Europe welcomes the opportunity to contribute to the European Regional Consultation to Develop the WHO Global Plan of Action on Strengthening the Role of the Health Systems in Addressing Interpersonal Violence, in particular against women and children.

This contribution provides an overview of the treaties, recommendations, tools and actions available and applicable at the level of the Council of Europe. Their effective implementation in tackling interpersonal violence will contribute to having a common understanding of issues and persisting challenges, encourage the use of consistent terminology and approved definitions which are often one of the key challenges in addressing violence against women and children. With the view to supporting the WHO in obtaining a full picture of the efforts of Council of Europe member States in fighting interpersonal violence, the reference to these key standards, mechanisms, reports and tools can be used to strengthen the pan-European overview. Such references will without doubt strengthen the cooperation between the Council of Europe and the WHO but more importantly will recognize the efforts of European States to support the Global Action to fight interpersonal violence.

This contribution is divided into two parts, the first one focusing on interpersonal violence inflicted on children as right holders and the second one focusing on women and their children. In the conclusion, we recommend that appropriate reference be made to Council of Europe’s Conventions relevant to this exercise, notably the Lanzarote and the Istanbul Conventions (see below).
A. Fighting Violence against Children

Key applicable standards, mechanisms and tools to be considered for building integrated child protection systems

The Council of Europe has accumulated a 65-year history in adopting standards, ensuring their implementation through existing monitoring mechanisms, developing policies in member States and launching awareness-raising initiatives and tools aimed, amongst others, at protecting and promoting the rights of the child. The development of Council of Europe legally-binding and non-binding instruments and tools in favor of children’s rights and tackling violence was and is carried out in co-operation with all those who have a relevant role in the protection of children to facilitate the establishment and functioning of integrated strategies at government level. This work builds on the existing binding and non-binding instruments developed together with the Council of Europe key stakeholders in the field of children’s rights.

Bearing in mind the Council of Europe’s role to serve as a catalyst for the implementation of the UN Convention on the Rights of the Child, one of its key priorities under the current Council of Europe Strategy for the Rights of the Child - 2012-2015 - (the Strategy), is to address violence in an integrated manner as well as in addressing more specifically sexual violence against children, domestic violence and trafficking of children.

For many decades the Council of Europe has been monitoring various dimensions of violence against children - by treaty, by theme and by country. Therefore, we would like to invite the WHO to rely on the key Council of Europe legal standards and their mechanisms, findings, decisions and recommendations and where possible, to build bridges, in particular, with the work of the European Court of Human Rights, European Committee of Social Rights, European Committee for the Prevention of Torture, as well as the upcoming results of the Committee of the Parties (the Lanzarote Committee) of the Council of Europe Committee for the Protection of Children against Sexual Exploitation and Sexual Abuse.

The following legal instruments and recommendations for specific action all address violence-related issues and have a determined role for the manner in which the health sector at national level should address the various forms violence takes.

Building integrated child protection systems by capitalizing on existing human rights mechanisms and taking them further

All Council of Europe member states are bound by the European Convention on Human Rights (ECHR) and most of them by the European Social Charter: these are the main European instruments protecting children’s human rights.

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1 Link to the Factsheet on Council of Europe monitoring bodies:
An overview of the case law produced by the European Court of Human Rights relative to children and their rights can be obtained through the Theseus database\(^2\). The European Court of Human Rights has also produced a factsheet on its case law developed in the area of children’s rights. The European Court of Human Rights generally applies a higher standard of protection for the rights implied in cases where children are concerned and has on several occasions found that corporal punishment of children constitutes a violation of Article 3 of the European Convention on Human Rights\(^3\).

The same is recommended as regards the findings of the European Committee of Social Rights with respect to the European Social Charter\(^4\) as concerns children’s right to protection against violence\(^5\). The Committee has held on many occasions\(^6\) that the absence of explicit and effective prohibition of all forms of violence and corporal punishment violates Article 17§1 of the Charter. This is irrespective of the setting in which the violence takes place, whether it is in the home, in schools or in institutions.

**The Convention on the protection of children against sexual exploitation and sexual abuse (the Lanzarote Convention)**

Fighting sexual violence against children (online and offline) and supporting child victims of violence, by ensuring child protection systems which are in line with the Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention) should be at the heart of any future action.

To date the Lanzarote Convention is the most ambitious and comprehensive legal instrument on the protection of children against sexual exploitation and sexual abuse. It takes as a starting point the relevant United Nations and Council of Europe standards, extending them to cover all categories of sexual offences against minors (including sexual abuse of a child, child prostitution, child pornography, grooming and corruption of children through exposure to sexual content and activities) and criminalizing them. It covers sexual abuse within the victim’s family or close social surroundings and acts carried out for commercial or profit-making purposes. It sets forth that States Parties - in Europe and beyond - shall establish specific legislation and take measures with an emphasis on keeping the best interest of children at the forefront, to prevent sexual violence but also to protect child victims and prosecute perpetrators. It also promotes international cooperation to achieve the same objectives.

The “Lanzarote Committee” (i.e. the Committee of the Parties to the Convention) is the body established to monitor whether Parties effectively implement the Lanzarote Convention. The monitoring procedure is divided by rounds, each round concerning a theme.

As available data shows that the majority of sexual abuse against children in Council of Europe countries is “committed within the family framework, by persons close to the child or by those in the

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\(^3\) European Court of Human Rights, Costello-Roberts v. UK, 1993. See also: European Court of Human Rights, Campbell and Cosans v. UK, 1982


\(^6\) See Conclusions 2011 on Article 17§1 (France), Article 17 (United Kingdom) and Association for the Protection of All Children (APPROACH) Ltd. v. France, Complaint No. 92/2013, Decision on the merits of 12 September 2014
child’s social environment” (see Lanzarote Convention Explanatory Report, paras. 48 and 123-125), the Lanzarote Committee decided that the first monitoring round shall focus on “sexual abuse of children in the circle of trust”. This monitoring round is currently ongoing and the first monitoring report will be adopted by the Committee in June.

At present all Council of Europe member states have signed up to this Convention and a total of 36 countries have ratified.

The Lanzarote Convention is open to non-member states of the Council of Europe.

In 2010, the Council of Europe launched its ONE in FIVE Campaign to stop sexual violence against children. This Campaign has generated impressive involvement and support of member States, national Parliamentarians through the Network of Contact Parliamentarians of the Parliamentary Assembly of the Council of Europe and locally and regionally elected representatives through the Pact of Towns and Regions. Civil society organisations in Council of Europe member States are also extremely active in the context of the Campaign. A number of printed, on-line and video materials have been developed by all Campaign dimensions to bring forward the key strategic objectives of the campaign which are to:

1. achieve further signature, ratification and implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)

2. equip children, their families/carers and societies at large with knowledge and tools to prevent and report sexual violence against children, thereby raising awareness of its extent.

The links to the Websites of the three campaign dimensions;

ONE in FIVE Campaign website http://www.coe.int/t/DG3/children/1in5/default_en.asp
Parliamentary Dimension of the Campaign: http://website-pace.net/en_GB/web/apce/campaigns

The Convention on action against trafficking in human beings

The Council of Europe Convention on Action against Trafficking in Human Beings adopts a human rights-based approach to action against human trafficking with a specific focus on the rights of trafficked persons, including children. All the rights in the Convention must be applied in cases of child trafficking. However, in the case of children, the Convention takes a child-sensitive approach and prescribes a number of special measures to be implemented by States. The mechanism for monitoring the implementation of the Convention, the Group of Experts on Action against Trafficking in Human Beings (GRETA), produces country evaluation reports containing recommendations that aim at assisting States in improving their anti-trafficking policies and practices. The reports drawn up by GRETA in respect of States Parties include a number of recommendations focused on children, such as strengthening prevention through education, awareness raising and training of relevant professionals, improved identification of possible child victims, including among unaccompanied minors and asylum
seekers, and better protection of child victims of trafficking during the investigation and court proceedings.

**Integrated response to preventing and fighting violence against children**

In tackling all forms of violence against children, Council of Europe member States are encouraged to set up **integrated national strategies to fight violence against children** applicable at national, regional and local level where the child protection system has a key role to play. The Council of Europe CM/Recommendation (2009)10 on integrated national strategies for the protection of children from violence could be considered as a tool for effective support to national child protection systems.

**Other Recommendations and Guidelines that can support the WHO in addressing violence against children in Council of Europe member States:**

Integrated child protection systems should build on the **CM Recommendation (2011) 12 on children’s rights and social services friendly to families and children** as well as the **Guidelines on Child friendly Health Care** (2012) and the **Council of Europe Guidelines on Child Friendly Justice** (2010).

To accompany member States in introducing a **legal ban on corporal punishment** in all settings it is desirable to encourage positive parenting methods within families which have proved beneficial. The WHO may wish to examine and encourage states to build on the **Council of Europe Recommendation on Policy to support positive parenting** (2006). The legal ban has been introduced in 26 member States of the Council of Europe. The upcoming Strategy for the Rights of the Child (2016-2019) will continue to support the legal ban on corporal punishment in all settings, including the home.

The Secretariat of the Council of Europe would like to draw attention to the key outcomes of the following strategic events organised since 2012 by the Council of Europe in co-operation with national authorities, UNICEF, the European Union and key NGOs. The main outcomes of these two events demonstrate also the strategic needs signalled by member States in addressing violence against children.

**The Joint Conference of the Council of Europe, UNICEF and the UN SRSG on Violence Against Children entitled “Stepping up progress in combating violence against children”,** held in Ankara on 27 to 28 November 20127.

The general recommendations made by member states during the Ankara event outline the following areas for future work:

1. the need to adopt an integrated national strategy, based on a set of shared principles, to step up progress in tackling violence against children;

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2. the co-ordination and co-operation, both internal and international, to ensure the implementation of integrated national strategies for the prevention of and protection from violence against children;
3. the necessity to focus on prevention and putting into place mechanisms for the prevention and early detection of violence against children;
4. the need to ensure that reporting of violence against children becomes an obligation for all professionals working with children and that a clear procedure for reporting exists;
5. the legal ban on corporal punishment and the work towards zero tolerance of such practices in all environments;
6. the imperative need for research and data on violence against children to better understand the depth of this problem and strengthen the capacity to find effective solutions;
7. the fundamental role of civil society, with its grassroots knowledge and information, in tackling violence against children;
8. the need to grant due importance to child participation, and ensure that children are given a voice in all matters and in decision-making processes that affect them.


In a nutshell, the general recommendations issued as a result of the conference ask member states to work on the following areas:

1. The protection of children against all forms of violence including through the Lanzarote Convention which advocates for an integrated approach to address sexual abuse and sexual exploitation of children;
2. The establishment of child-friendly structures and systems in particular social services which are key in times of economic crisis and its impact on families, healthcare and justice systems;
3. The protection of children in vulnerable situations, in particular children in care, children with disabilities, and when confronted with the justice system with the related and innovative standards;
4. The promotion of child participation in all matters affecting them to create a real ‘culture of child participation’, this in particular with the adoption of a Recommendation on the participation of children and young people under the age of 18, policy reviews in 3 countries to show-case good practices, and a self-assessment tool to support governments and NGOs with the implementation of effective participation legislation and policies on all areas of the lives of children.

More detailed guidance is set out in the report of the Dubrovnik Conference⁸.

B. Council of Europe legal standards for the protection of women and their children against interpersonal violence (domestic violence)

The Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) is the first legally binding instrument to address violence against women (including girls) and domestic violence (including child victims and child witnesses) in Europe. It contains a wide range of obligations aiming to prevent violence, protect its victims, prosecute the perpetrators, and implement co-ordinated policies. It covers a wide range of violence women and girls experience because they are women (rape and sexual violence, stalking, sexual harassment, forced marriage, female genital mutilation, forced abortion and forced sterilization), and it also sets out a comprehensive framework to prevent and respond to all forms of domestic violence (interpersonal violence). It contains a very wide definition of domestic violence to cover acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit, or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victims. Although the policy measures set out in the Convention focus on the protection of women as the predominant victims of such violence, the Convention allows for the application of its provisions to men, children and the elderly as victims of domestic violence.

States Parties to the Istanbul Convention are required to take a series of measures to step up preventive work by raising awareness of domestic violence, working towards a change in gender roles and stereotypes through education and training, but also by working with perpetrators of domestic violence to achieve behavioral change. In the area of protection and support to victims, States Parties are under an obligation to offer services in sufficient numbers and quality to enable all victims, irrespective of their background, health, social status etc. to find the help they need in a language they understand (telephone helplines, shelters, psychological advise, medical services etc.). The role of the health sector is emphasized as it is often the health professionals who are the first point of contact for victims of domestic violence. The Convention requires their adequate training on all forms of violence against women, including domestic violence (Article 15), and their involvement in a comprehensive approach to assisting victims at local level (Article 7). It also foresees the revision of confidentiality rules in order to make it possible for certain professions to report on cases or suspected cases of violence against women and girls, and domestic violence, to the competent authorities (Article 28). To end the widespread impunity of perpetrators of domestic violence, the Convention also requires measures to ensure the swift and effective investigation and prosecution of all forms of violence, and it ensures victim protection measures such as short-and long-term protection orders and victim support measures in court (Chapter VI).

All such measures must form part of a comprehensive and coordinated set of policies that involves all relevant actors, including all statutory agencies, public and private health professionals, NGOs and all levels of government.

The Istanbul Convention entered into force in August 2014 and has to date been ratified by 18 and signed by an additional 19 member states of the Council of Europe. It is widely recognized as the most comprehensive and groundbreaking legal instrument to address violence against women and
domestic violence, and is leading to many changes in national policy and legislation as countries move towards ratification. Its implementation will be monitored starting in 2016, which will bring to light valuable information on measures taken to address the different forms of violence against women and girls. It would be important for efforts to strengthen the role of the health systems in addressing domestic violence as part of the WHO Global Plan of Action to build on the provisions of the Istanbul Convention and the future results of its monitoring.

- The Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)

- Information leaflet on the Istanbul Convention in various languages.

- Council of Europe Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence

- The analytical study of the results of the Fourth Round of Monitoring the Implementation of Recommendation Rec(2002)5 by CoE member states

- The CoE Europe-wide campaign, from 2006-2008, to combat violence against women, including domestic violence.

Conclusions

The Secretariat of the Council of Europe stands ready to support the Secretariat of the European Office of the WHO, to progress further in developing a solid agenda to strengthen health professionals in reporting and preventing violence against children and women, by building on existing progress and challenges faced by governments of the Council of Europe member States. We would in particular recommend that appropriate reference be made to certain Council of Europe’s Conventions which are particularly relevant to this WHO work, notably the Lanzarote and the Istanbul Conventions.
Council of Europe Standards and tools which could be taken into account when addressing violence against children

### GENERAL FRAMEWORK CONCERNING CHILDREN

#### Treaties
- European Social Charter (ETS no. 035: 1961/1965)
- Revised European Social Charter (ETS no. 163: 1996/1999);

#### Implementation Tools

**Awareness-raising**
- Case law of the European Court of Human Rights which is available on HUDOC: database of the European Court of Human Rights and THESEUS: children’s rights case-law database which is a database containing the Court’s case-law regarding children’s rights, and of the European Committee of Social Rights
- Factsheet on case law developed by the European Court of Human Rights in the area of Children’s Rights
- [http://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/BDCharter_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/BDCharter_en.pdf)

### VIOLENCE AGAINST CHILDREN

#### INTEGRATED APPROACH TO VIOLENCE

**Committee of Ministers’ Recommendations**
- Recommendation_CM/Rec(2009)10 Integrated national strategies for the protection of children from violence exist in the following languages: Albanian - English - French - German - Portuguese - Russian - Spanish - Turkish - Ukrainian

**Implementation tools:**

**Capacity-building**
- Three high level conferences have been organised (Vienna 2010, Kyiv 2011, Ankara 2012) in co-operation with the United Nations Special Representative on Violence against Children (UN SRSG) and UNICEF Regional Office for Central and Eastern Europe and the Commonwealth of Independent States (UNICEF CEE/CIS). The report of the Ankara Conference highlights the advantage of integrated national strategies as a tool to eliminate all forms of violence against children. The Conference also provided clear guidance on the next steps for both the Council
of Europe and its member States.

Publications
- **Eradicating violence against children - Council of Europe actions (2008)**

SEXUAL VIOLENCE

Treaties
- **Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201)**

Implementation tools:

Awareness-raising
- **One in Five** campaign to stop sexual violence against children may be extended until November 2015 and the establishment of a European Day against Sexual Violence is supported by many stakeholders
- **“Keep me safe”** from sexual violence: a documentary which illustrates good practices taking place in different member states through prevention, education and protection of victims, and it also promotes child-friendly justice

Monitoring/Capacity-building
- Questionnaires developed by the Lanzarote Committee to the Parties of the Convention on the implementation of the Convention and on measures to protect children from sexual abuse and exploitation in the circle of trust. Answers to the questionnaire can be found at: [http://www.coe.int/t/dghl/standardsetting/children/default_en.asp](http://www.coe.int/t/dghl/standardsetting/children/default_en.asp). Good practices were also collected by the Committee in the context of capacity building activities and can be found: [http://www.coe.int/t/dghl/standardsetting/children/GoodPractices_en.asp](http://www.coe.int/t/dghl/standardsetting/children/GoodPractices_en.asp)

Publications
- **Protecting children from sexual violence - A comprehensive approach (2011)**
- **Child sexual abuse in Europe (2003)**

TRAFFICKING

Treaties
- **Council of Europe Convention on Action against Trafficking in Human Beings (CETS No 197)**
Implementation Tool

Monitoring
• Country Reports of the Group of Experts on Action against Trafficking in Human Beings (GRETA)

GENDER-BASED VIOLENCE

Treaties
• Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No.210)

Committee of Ministers’ Recommendation
• Recommendation Rec(2002)5 Protection of women against violence

Implementation Tools

Publications
• Break the silence on domestic violence (2008)

VIOLENCE IN SCHOOLS

Implementation Tools:

Awareness-raising
• Violence in schools training pack downloadable at:

Capacity-building
• Publication on “Violence in schools - a challenge for the local community” (2004)
• Publication on “Bullying in schools”
• Video and other materials on: Beat Bullying"
## SOCIAL SERVICES

**Committee of Ministers’ Recommendations**
- [Recommendation CM/Rec(2011)12 on children’s rights and social services friendly to children and families](#)
- [Recommendation Rec(2005)5 The rights of children living in residential institutions](#)
- [Recommendation No. R(93)2 Medico-social aspects of child abuse](#)

## HEALTHCARE

**Treaties**
- [Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (ETS No.164)](#)

**Committee of Ministers’ Guidelines**
- [Guidelines of the Committee of Ministers on child-friendly health care (2010)](#)
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