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Council of Europe Strategy for the Rights of the Child

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**On the occasion of the 1st meeting of the Committee of Experts on the Council of Europe
Strategy for the Rights of the Child (DECS - ENF)**

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Ladies and Gentlemen,

Thank you for inviting me to take part in your first meeting and to contribute to your reflection on the next Council of Europe strategy for children's rights on the basis of my experience regarding children rights' violations in Europe.

Children's rights are among the priorities I set at the beginning of my mandate. More specifically, when I took office in April 2012, I decided to concentrate on the following issues: the persisting segregation of entire groups of children in education; the fact that children continue to be born and raised stateless, and thus rightless; and violations of the rights of children in asylum and migration processes.

After two and a half years of work and about 25 country visits, I see that these priorities are indeed major human rights challenges in several European countries. I would like to start by giving a few examples of this, and then highlight a few other topics pertaining to children's rights that I also came across with. In fact, I have raised concerns about respect for children's rights in about half of the countries I visited so far.

Segregation in education

Firstly, let me mention the issue of the segregation of entire groups of children in the educational system, which I have raised with the authorities of the following countries: the Czech Republic, France, Hungary, Montenegro, Portugal, the Netherlands, Romania, Spain and "the former Yugoslav Republic of Macedonia". The children most affected by this problem are Roma children and children with disabilities, in particular those with intellectual and psycho-social disabilities.

Segregation in education is probably one of the worst forms of discrimination. It deprives children of their right to access quality education on an equal footing with other children and to develop their potential to the fullest possible extent. As a rule, these children receive lower quality education, which often dooms them to a life of social exclusion and poverty.

I have asked states where Roma children are taught in separate classes or schools to prohibit segregation, and to publicly commit to ambitious and measurable de-segregation plans with targets and timelines for integration of all children in mainstream schools.

The same goes for children with disabilities whose right to be educated in inclusive mainstream schools, with adequate support where necessary, is not yet implemented and in fact, not fully understood. This requires additional support for pupils, teachers and parents and, in general, a much better implementation by schools of the principle of reasonable accommodation, enshrined in the UN Convention on the Rights of Persons with Disabilities.

Stateless children

About 680 000 persons are still stateless in today's Europe and many of them are children. In some cases, this is the result of state succession combined with widespread discrimination against some groups (typically, ethnic minorities). In other cases it is a consequence of migratory processes combined with incompatible legislations on the acquisition of nationality. Whatever the case, it is unacceptable that children continue to be born stateless in Europe today.

I have raised this issue during my visits to Estonia, "the former Yugoslav Republic of Macedonia", Montenegro and the Netherlands. States should make sure that children who are at risk of statelessness at birth acquire the nationality of the state in which they are born. States should also take measures to ensure adequate registration of all births. They should put in place statelessness determination procedures so as to identify persons in this situation and ensure better protection of their rights (in particular, in the case of children, the right to education, access to health and social services, to adequate living standards and to protection against violence and abuse). Eventually, such mechanisms should ease access to naturalisation.

The rights of children in asylum and migration

As for children involved in migration and asylum proceedings, I have analysed their situation in Denmark, [France], Greece, [Hungary] and the Netherlands. The main problem, which I highlighted for instance in my report following the visit to Denmark, is that although the authorities are obliged under international law (UN CRC) to treat the best interests of children as a primary consideration in all their actions and decisions, in practice they tend to give priority to other concerns, especially connected with immigration control.

Moreover, a number of member states throughout Europe continue to detain children on the grounds of their or their parents' lack of a legal status. I believe that immigration detention of children should stop, -- children should not be detained, neither when they are on their own, nor as part of their family.

In Greece, I expressed deep concern about the treatment of unaccompanied minor migrants, who are either detained in inadequate conditions or left in the street with no protection at all. I met with young unaccompanied migrants who were sleeping rough in one of Athens' parks and were regularly victims of violence by the police and by members of the Golden Dawn. During a recent visit to France, I also met with unaccompanied migrant children who were forced to sleep in parks in the north of Paris as no accommodation was available to them.

Other topics

Let me now mention a few other important topics I have dealt with. Firstly, in a number of countries, I found that austerity measures implemented by states as a result of the economic and financial crisis have had a disproportionate impact on children.

In Estonia, the Netherlands, Portugal and Spain, cuts in child-care allowances and in social and healthcare budgets in general have led to an increasing number of children living in poverty, and in reduced access to adequate health and social services.

But budgetary restrictions have also had a harmful impact on other children's rights. As regards the right to education, for instance, cuts in budgets previously allocated to assist disadvantaged children (such as children with disabilities, Roma children and migrant children) in mainstream education have placed these children at a higher risk of ending in remedial education or dropping-out. In Portugal, concerns were raised about a possible resurgence of child labour, partly as a result of growing school drop-out rates.

In Estonia, I found out that austerity budgets have had a negative impact on the capacity of child protection services to prevent child rights violations as well as on support provided to children in alternative care.

In Spain, the growing number of housing evictions on grounds of non-repayment of mortgage have had a heavy impact on the life of the children affected and have in some cases resulted in homelessness and social exclusion.

Current austerity policies should also not lead to a weakening of juvenile justice systems, or to the postponement of measures to make justice more child-friendly. On the contrary, the economic crisis should be used as a catalyst to review policies in place with a view to making them both more cost-effective and more respectful of children's rights. We have indeed seen that policies that are not compliant with human rights standards, such as the widespread detention of children in conflict with the law, are at the same time very costly and ineffective. Austerity budgets could be seen as an opportunity to ensure better protection of human rights while saving money.

In my recent report on Romania, I have specifically dealt with the ongoing reform of the juvenile justice system. I noted that, although important progress had been made, it was problematic that the transformation of penitentiary institutions for minors into educative centres had not yet been completed. I also paid particular attention to violations of the rights of children in institutions and of the almost 1 500 street children.

In several countries, I have also addressed the problem of violence against children. In Estonia, I recommended an overall ban on corporal punishment as a starting point to eradicate domestic violence and violence at school. In Portugal, I was informed that a growing number of cases of domestic violence had been reported to the Ombudsman since the beginning of the economic crisis. In the Netherlands, I was informed of persisting gaps and imbalances between municipalities in the detection of cases of abuse of children, including sexual abuse, as well as in programmes to provide support to children victims of abuse. I also recently addressed the situation of LGBTI children and advocated in favour of measures to protect them against bullying and violence and ensure equal opportunities for them in all settings.

In a Human Rights Comment I published this year, I alerted about the multiple threats to children's rights on the Internet. These include grooming and recruitment for trafficking purposes, but also dangers for personal data protection arising out of the wide use of social media by children and young people. I also highlighted as threats for children's rights the dissemination of harmful contents, such as incitement to commit suicide, racist, violent and pornographic material. I insisted on the crucial need to educate and empower children to become responsible actors on the Internet. I also recommended the development of wider opportunities for children to navigate on safe environments on the Internet.

These are, in brief, some of the main challenges for children's rights I have dealt in my capacity as Commissioner for Human Rights. One of the underlying causes for many of these problems is the persisting lack of awareness about children's rights and about the content of the UN CRC and the obligations flowing from it. Decision-makers, but also sometimes educators and professionals working with children, are not always fully aware that children are full bearers of human rights, just like adults, and that states parties to the UN CRC must implement these rights.

Against this background, the Council of Europe Strategy for the Rights of the Child has undoubtedly contributed to breaking stereotypes and raising awareness about children's rights, as protected in Council of Europe and other international standards. It has produced guidance for states on the implementation of these standards, helped disseminating good practices, and it has contributed to mobilising the willingness and resources of the Council of Europe and of member states to advance the protection of the rights of the child.

Your work in the coming months is, therefore, of crucial importance. The next Council of Europe strategy should trigger further progress and further commitment by the member states to implement fully and effectively the rights of all children.

I wish you all success in this challenging task and look forward to further exchanges of views and information.