



Resolution 2056 (2015)¹

The inclusion of children's rights in national constitutions as an essential component of effective national child policies

Parliamentary Assembly

1. Children's rights are anchored in national constitutions and legislation in various ways across Europe, in accordance with diverse legal traditions and legal, political, social and cultural backgrounds. The United Nations Convention on the Rights of the Child (CRC), which provides that "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention", is a global standard to be respected by all Council of Europe member States.
2. The Parliamentary Assembly is concerned that member States of the Council of Europe have not yet exploited all constitutional, legal and administrative means at their disposal to protect children and promote their development and life chances to the greatest extent possible. With new threats to children's safety and well-being emerging in the 21st century, such as risks linked to information and communication technologies or children's particular vulnerability in a context of austerity measures applied to public services, bolder measures are needed.
3. The incorporation of children's rights into national constitutions can be considered as an essential component of national children's rights policies. The effectiveness of constitutional provisions regarding children's rights, however, also depends on domestic legislation, policies and administrative set-ups aimed at enforcing these rights.
4. Taking into account European diversity in this field and good practices identified in many countries, the Assembly calls on member States to re-examine their constitutional and legislative coverage of children's rights, as well as their enforcement at the national level, so as to further incorporate and materialise the universal principles provided by the CRC.
5. With a view to the need to update constitutional and legislative frameworks, the Assembly thus calls on member States to:
 - 5.1. analyse current constitutional provisions in the light of international standards and recent developments in a given national context;
 - 5.2. provide constitutional guarantees for the protection and promotion of children's rights based on a modern approach addressing children as autonomous rights-holders, ensuring that the best interests of the child are a primary consideration (Article 3 of the CRC) and giving children the right to be heard in all decisions affecting them (Article 12 of the CRC);
 - 5.3. implement international standards through the most comprehensive and up-to-date national legislation, also to respond to specific threats against children and their rights.

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 22 May 2015 (see [Doc. 13787](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Cezar Florin Preda).*

6. With a view to enforcing children's rights, be they anchored in constitutions or national laws, the Assembly invites the member States to:

6.1. sign up to and respect international instruments and mechanisms for the enforcement of children's human rights, including the new Optional Protocol of the Convention on the Rights of the Child on a communications procedure, the case law of the European Court of Human Rights, the Additional Protocol to the European Social Charter providing for a system of collective complaints (ETS No. 158), as well as the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice;

6.2. develop appropriate and accessible enforcement mechanisms for children, including access to judicial remedies and courts, specific complaint mechanisms and adequate procedural safeguards, at national level;

6.3. provide strong procedural guarantees for the enforcement of children's rights, including by setting up an independent human rights institution for children (according to the Paris Principles).

7. With a view to more general measures aimed at promoting children's rights and supporting any constitutional, legislative or political reforms, member States are invited to:

7.1. continue to organise international exchanges in this field, so that States can learn from each other in promoting higher standards;

7.2. support the effective implementation of children's rights through specific national policies and an appropriate framework of administrative services, accompanied by the allocation of the necessary budgetary resources;

7.3. set up or strengthen children's rights committees in national parliaments on a permanent basis to ensure democratic oversight over the full implementation of children's rights.