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Children without parental care: urgent need for action

Reply to Recommendation¹: Recommendation 1939 (2010)

Committee of Ministers

1. The Committee of Ministers welcomes Parliamentary Assembly [Recommendation 1939 \(2010\)](#) on “Children without parental care: urgent need for action” which it has brought to the attention of the member states’ governments. It has also transmitted it to the Commissioner for Human Rights for information and to the relevant Council of Europe bodies for information and possible comments.²

2. Like the Parliamentary Assembly, the Committee of Ministers welcomes the adoption of the UN Guidelines for the Alternative Care of Children and the good practice guide on “De-institutionalising and Transforming Children’s Services” published in February 2010 by the European Commission’s Daphne Programme. The Committee also recalls its Recommendation CM/Rec(2010)2 to member states on deinstitutionalisation and community living of children with disabilities in which it stated, *inter alia*, that it was “aware of the fact that placing children in institutionalised forms of care raises serious concerns as to its compatibility with the exercise of children’s rights”.

3. The Committee further recalls its Recommendation Rec(2005)5 to member states on the rights of children living in residential institutions, in which it held that the “placement of a child should remain the exception and have as the primary objective the best interests of the child and his or her successful social integration or re-integration as soon as possible; the placement must guarantee full enjoyment of the child’s fundamental rights”. It also underlined that “when the return of the child to his or her own family is not possible, other means of care or the continuation of the placement should be envisaged, taking into account the child’s wishes and the continuity in his or her life path and his or her fulfilment and own needs”.

4. The Parliamentary Assembly underlines the need for urgent action as regards the de-institutionalisation of child care and calls on the Committee of Ministers to focus on this issue in the context of the Council of Europe Programme “Building a Europe for and with children”. This spring, the Committee of Ministers reviewed a progress report relating to the programme and preparations have now started on a strategy covering the years 2012-2015. Another important issue is to support member states in preventing the placement of children outside their family, notably through the implementation of the Recommendation on child-friendly social services, which is currently at its final stage of preparation.

5. During the last few years, the Council of Europe made a considerable effort to strengthen child protection generally, and in particular to consolidate the situation of children without parental care. In November 2009, the Committee of Ministers adopted Council of Europe Guidelines on integrated national strategies for the protection of children from violence (Recommendation CM/Rec(2009)10), and in 2010, Guidelines on child-friendly justice. As regards child friendly social services, the drafting process of a recommendation on this issue (see paragraph 4 above) is currently at a final stage and adoption by the Committee of Ministers is foreseen for early 2012. Guidelines on child-friendly health care were adopted in September 2011.

1. adopted at the 1122nd meeting of the Ministers’ Deputies (28 September 2011)

2. European Committee on Legal Co-operation (CDCJ), Steering Committee for Human Rights (CDDH), Steering Committee for Equality between Women and Men (CDEG), European Committee for Social Cohesion (CDCS) and to the Council of Europe Platform on Children’s Rights.



6. The Committee of Ministers notes that the European Committee on Legal Co-operation (CDCJ), on the basis of a study on the rights and legal status of children being brought up in various forms of marital or non-marital partnerships and cohabitation, is elaborating a draft recommendation on this subject for adoption by the Committee of Ministers. The Parliamentary Assembly's recommendation has been taken into account in this work.
7. The Council of Europe "One in Five" Campaign to stop sexual violence against children was launched in November 2010. The Committee has already had occasion to welcome the Parliamentary Assembly's commitment to develop a parliamentary dimension to this campaign.
8. The Committee of Ministers agrees with the Parliamentary Assembly about the usefulness of pragmatic approaches to the issue of de-institutionalisation of child care aimed at supporting the implementation of European and international standards at national level. It notes the importance of the Joint Council of Europe/European Union programme: "Enforcing the Rights of the Child and Re-integrating Children at Risk into Society, Russia 2007-2008", which could serve as a model for further work in the field. It notes the need, however, for appropriate financial resources for such programmes.
9. Finally, the Committee of Ministers agrees with the Parliamentary Assembly about the usefulness of close co-operation as regards any future Council of Europe reporting or standard-setting activities, with other European and international organisations undertaking substantial work regarding children without parental care or regarding adequate alternative childcare arrangements.