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Resolution 1624 (2008)[1]
Final version

Preventing the first form of violence against children: abandonment at birth

Parliamentary Assembly

1. The Parliamentary Assembly is aware that the abandonment of children, particularly newborn babies, has always existed and always will. There will always be mothers in distress who feel they have good reasons to abandon their child at birth (denial of pregnancy, pregnancy outside marriage or at an early age, poverty, HIV/Aids, etc.). In the past, certain east European states also had policies which "institutionalised" the abandonment of babies or which encouraged parents experiencing difficulties to hand their babies over to the state; traces of these policies can be found in the attitudes of the public and maternity hospital staff.

2. Nevertheless, the Assembly is concerned because today we are unfortunately far from seeing an end to the abandonment of infants. Owing to financial difficulties, poverty, and HIV/Aids, a high rate of abandonment of newborn babies persists in certain states of central and eastern Europe, and this phenomenon is also reappearing in west European states, even though clearly not to a comparable extent.

3. It notes, moreover, that data on the subject are rare. In order to respond to this challenge with relevant measures, we need to quantify the problem more accurately and put figures on it, particularly in terms of a breakdown by sex of the babies abandoned. We also need to have a clearer picture of, and identify with some certainty, the typical profile of the mother who abandons her child. In western Europe, most cases of abandonment would appear to involve very young women (either from abroad, illegal immigrants or prostitutes) who lack independence.

4. The Assembly notes that adoption has become a market and that the shortage of adoptable babies in the West makes matters worse. Adoption is closely tied up with abandonment, just as it is with child trafficking. Non-governmental organisations often complain that mothers in distress are not sufficiently well informed about the options open to them and that their vulnerability is exploited to persuade them in effect to abandon their newborn children.

5. The abandonment of children at birth is a complex issue, which involves rights other than those of the mother, such as those of the child and of the father. It is impossible nowadays to overlook the rights of children, particularly the right of children to live in a family and to know their origins; it is just as difficult to ignore the rights of fathers.

6. The Assembly notes that in Europe and throughout the world, we are currently witnessing the controversial reintroduction of the foundling wheel system used in Europe in the Middle Ages (nowadays referred to as baby hatches). In many cases, the abandonment of children is considered a crime, and this system is seen by some as inciting crime and taking responsibility away from mothers. Advocates of the system argue that bringing it into general use will reduce the number of abortions, prevent infanticide, ill-treatment and the abandonment of babies in public places and make sure that the children are adopted.

1. *Assembly debate* on 27 June 2008 (27th Sitting) (see Doc. 11538, report of the Social, Health and Family Affairs Committee, rapporteur: Mr Hancock). *Text adopted by the Assembly* on 27 June 2008 (27th Sitting).

7. For the Assembly, the abandonment of newborn babies clearly raises the question of access for women and men – particularly migrants – to sexual rights and reproductive health services. Even where voluntary termination of pregnancy is permitted, it is subject to countless administrative formalities, all of which constitute obstacles to many women in distress.

8. The Assembly reasserts its position in favour of the de-institutionalisation of abandoned infants and of priority being given to the provision of alternative and family-based care for these children. It also reiterates that national adoption should take precedence over international adoption.

9. The Assembly invites the member states to:

9.1. centre their family policy on one inviolable and pre-eminent principle, namely respect for the rights of children, in particular the right of children to live with their families and find out about their origins, which is a fundamental human right and is crucial for their development;

9.2. provide support for pregnant women and young mothers and fathers through measures including medico-social monitoring of pregnancies, protection against the HIV/Aids virus and measures to prevent mother-to-child transmission, assistance during childbirth, non-separation of the child from the mother after delivery, and postnatal medical and social support for mother and father as well as for the child;

9.3. take due account of the financial pressures that the birth of a child creates for families or single mothers;

9.4. recognise a woman's full right to freely choose pregnancy, which means legal and easier access to sexual rights and reproductive health services;

9.5. pay particular attention to especially vulnerable groups of young girls and women, such as migrant women, women with HIV/Aids and women from minority groups.

10. Member states are also invited to draw up a proactive policy to fight against the abandonment of newborn babies which:

10.1. prohibits all incitement or pressure brought to bear on mothers from medical and paramedical staff or government authorities to abandon their children;

10.2. prevents “dumping”, which endangers the life of the newborn baby, by appropriate measures such as accessible reception facilities;

10.3. prevents early and unwanted pregnancies through information and sex education for girls and boys, particularly at school;

10.4. provides mothers, especially mothers belonging to vulnerable groups, and fathers with better information about all the assistance available to them, particularly financial support to help them cope with the added expense that a child represents;

10.5. helps with the setting up and expansion of care and temporary accommodation centres for mothers and their children.

11. Council of Europe member states should urge mothers to give their identity, though at the same time protected forms of childbirth offering some confidentiality to the mother should be introduced. Children must not be deprived of the right to find out about their origins and should be allowed to do so even before they reach the age of majority.

12. In order to combat the trafficking of newborn infants, the Assembly recommends that the registration of all children at birth be an obligation totally free of charge for parents; provision could be made for incentive measures for such registration, for example by means of an allowance paid on the birth of the child.

13. The Assembly calls on member states to introduce transparent procedures for the giving up of newborn babies for national and international adoption purposes; mothers should be given a reasonable period within which to change their mind and wherever possible the consent of the father should not be overlooked; recourse to national and international adoption should not prevent or prohibit children from finding out about their origins.

14. Finally the Assembly considers that it would be a failure on the part of any state in the Council of Europe to not adopt policies that give every child – irrespective of where they live or their origins – the opportunity to develop to their full potential. Every state should have an obligation to ensure that each child is always in a place of safety either with his/her family, a foster family or an adoptive family. No child should

needlessly be put in harm's way when education, health or the general social infrastructure of life is available. Failure to do this would be a disgrace to the individual country and its continued membership of the Council of Europe. The Council of Europe as a whole should endeavour to ensure that each state lives up to the obligations it has towards its children and there should be regular reports to the Assembly about the fulfilment of these obligations by member states.