



Resolution 1762 (2010)¹

Final version

Children without parental care: urgent need for action

Parliamentary Assembly

1. At a time when the world is celebrating the 20th anniversary of the United Nations Convention on the Rights of the Child, adopted in November 1989, the Parliamentary Assembly invites member states to renew the attention paid to the rights of children without parental care and urges them to better co-ordinate and strengthen relevant policies at European and national level and to follow the “best interests of the child” as the main guiding principle.
2. The biological family is under normal circumstances the best place for a child. Public policies undertaken with a view to the well-being of children should therefore, above all, aim at maintaining the child within his or her birth family context. Only if circumstances do not allow for this stability should alternative care arrangements be made along the lines set out below.
3. With regard to the plight of children without parental care, the Assembly notably welcomes the recent adoption, in November 2009, of the United Nations Guidelines for the Alternative Care of Children, which emphasise the necessity of ensuring that children have a stable home. The guidelines also restrict the use of residential care to cases where it is necessary and appropriate for the individual child, whilst recommending that alternative care for young children be provided in family-based settings.
4. At Council of Europe level, the Parliamentary Assembly welcomes the strong commitment of member states to children’s rights, notably through the programme Building a Europe for and with Children, and its 2009-2011 strategy, as well as through current specific activities on child-friendly social services, health-care and justice systems. It also welcomes the pragmatic approach followed in certain country-specific joint programmes with the European Commission and considers that they should be pursued and multiplied wherever appropriate.
5. Despite far-reaching efforts made with a view to improving the situation of children without parental care at national, European and international level, the Assembly considers that there should be a renewed sense of urgency for the matter in various contexts, and that two challenges in particular need to be addressed: first, the increasing number of children facing “new risks” in a globalised world and in a situation of economic crisis, such as child trafficking, children left behind by migrating parents, or street children; and second, the lack of committed action for the continuation and reinforcement of the de-institutionalisation process of childcare arrangements.
6. The Assembly therefore calls on member states to:
 - 6.1. follow and support a comprehensive, co-operative and innovative approach at national and European level, based on a thorough analysis of all possible situations of abandoned children in a globalised context;
 - 6.2. promote alternative childcare arrangements of high quality in a differentiated manner and notably those which are as close as possible to a family environment and therefore considered as most favourable for a child’s personal development, such as foster care;

1. *Assembly debate* on 7 October 2010 (35th Sitting) (see [Doc. 12345](#), report of the Social, Health and Family Affairs Committee, rapporteur: Mr Omtzigt). *Text adopted by the Assembly* on 7 October 2010 (35th Sitting). See also [Recommendation 1939 \(2010\)](#).



- 6.3. address the issue of children without parental care at all possible levels of intervention by:
- 6.3.1. implementing new international standards, such as the recent United Nations Guidelines for the Alternative Care of Children, through the development of national action plans;
 - 6.3.2. continuing to implement existing European standards, notably the Committee of Ministers Recommendation Rec(2005)5 on the rights of children living in residential institutions, through relevant national action;
 - 6.3.3. preparing the definition of national policies in favour of children without parental care by ensuring a systematic collection of data at national level;
 - 6.3.4. efficiently implementing adequate and innovative policies at national level by drawing upon “best practice” experience of other countries and by regularly monitoring and reporting on progress made;
 - 6.3.5. actively contributing to the development of new standards at European level, where required.

7. As regards the two main challenges identified, namely the “new risks” children are facing and the process of further de-institutionalisation of childcare arrangements, especially when it comes to the implementation of common standards through national policies, the Assembly calls on member states to:

- 7.1. give appropriate attention to recently increasing phenomena, such as child trafficking, children left behind by migrating parents, or street children, by undertaking specific national studies regarding the issues identified as priorities by each member state;
- 7.2. facilitate co-ordinated European action and follow-up regarding various situations threatening children by actively participating in relevant exchange mechanisms at European and international level (Council of Europe, United Nations bodies, European Union bodies, non-governmental organisations), also with a view to identifying the need for joint action involving several member states, or by participating in joint programmes of these bodies dedicated to the situations of individual countries;
- 7.3. as an integral part of national action plans for the implementation of the United Nations Guidelines for the Alternative Care of Children, follow systematic and innovative approaches to de-institutionalisation based on a broad understanding of this concept, by:
 - 7.3.1. taking into consideration the different dimensions of the concept in national de-institutionalisation processes:
 - 7.3.1.1. as part of prevention strategies;
 - 7.3.1.2. as a way of re-structuring residential care systems;
 - 7.3.1.3. as a way of removing children from residential care into more favourable childcare arrangements;
 - 7.3.2. drawing on recent and very substantial work regarding the design and management of national processes of de-institutionalisation, notably the approach suggested in the good practice guide on “De-institutionalising and Transforming Children’s Services” published by the European Commission’s Daphne Programme in February 2010;
 - 7.3.3. undertaking national studies on the progress made on de-institutionalisation of childcare arrangements in recent years, ensuring a continuous follow-up of future policies and their impacts and actively contributing to any exchange of information and future standard-setting activity to be undertaken at Council of Europe level;
 - 7.3.4. developing effective national strategies preventing children from being separated from their biological families by strengthening the families’ capacity to care for, protect and empower their children, by providing relevant training to professionals in social services and by strengthening the participation of children and families in decisions concerning them;
 - 7.3.5. developing national policies with a view to restructuring residential care systems towards increasingly small-scale, family-type units found to be more beneficial for a child’s development in comparison to large-scale institutions;
 - 7.3.6. promoting national policies with a view to strengthening alternative care arrangements such as foster care, which are considered more favourable to a child’s development.

8. The Assembly further invites the national parliaments to:
 - 8.1. raise awareness, in their respective countries, of the various threats concerning children without parental care and the political challenges identified above, and stimulate governmental action in this field;
 - 8.2. promote, in particular at national level, the proposals to undertake specific national studies concerning certain categories of children at risk, and to develop national action plans for the implementation of the United Nations Guidelines for the Alternative Care of Children with a view to launching systematic processes of de-institutionalisation at national level.