Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 2068 (2015)[1]

Social services in Europe: legislation and practice of the removal of children from their families in Council of Europe member States

Parliamentary Assembly

1. The Parliamentary Assembly is concerned about the violation of children's rights constituted both by unwarranted decisions taken in member States to remove them from (or not to return them to) parental care, and by unwarranted decisions taken in member States not to remove them from (or to return them too early to) parental care. The Assembly believes children's rights and their best interests need to be better protected in these cases, as outlined in Resolution 2049 (2015) on social services in Europe: legislation and practice of the removal of children from their families in Council of Europe member States.

2. The Assembly welcomes the commitment of the Committee of Ministers to advance children's rights in this field, including through the current Council of Europe Strategy for the Rights of the Child (2012-2015). It recommends that the Committee of Ministers instruct the Committee of Experts on the Council of Europe Strategy for the Rights of the Child (2016-2019) (DECS-ENF):

2.1. to include the issue of respecting children's rights in decisions to remove them from parental care in the Council of Europe Strategy for the Rights of the Child 2016-2019;

2.2. building on the United Nations Convention on the Rights of the Child, the United Nations General Assembly Resolution 2010 A/RES/64/142 "Guidelines for the Alternative Care of Children", the Committee of Ministers Recommendation CM/Rec(2011)12 on children's rights and social services friendly to children and families, General Comment No. 14 (2013) of the United Nations Committee on the Rights of the Child on the right of the child to have his or her best interests taken as a primary consideration, and The Common European Guidelines on the Transition from Institutional to Community-based Care, to develop policy guidelines for member States on how to avoid, except in exceptional circumstances, severing family ties completely, removing children from parental care at birth, basing placement decisions on the effluxion of time, and having recourse to adoptions without parental consent.

1. *Assembly debate* on 22 April 2015 (15th Sitting) (see Doc. 13730, report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Olga Borzova; and Doc. 13760, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Olena Sotnyk). *Text adopted by the Assembly* on 22 April 2015 (15th Sitting).