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

Reply to Recommendation[1]: Recommendation 2068 (2015)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2068 (2015) on "Social services in Europe: legislation and practice of the removal of children from their families in Council of Europe member States", which it has forwarded to the relevant committees and bodies for information and comments.[2]

2. The protection and promotion of children's rights is a priority for the Council of Europe and, in that context, the Committee of Ministers welcomes the initiative of the Parliamentary Assembly to draw attention to the need to improve the protection of children's rights and their best interests in decisions concerning their removal from parental care or decisions not to remove them from parental care.

3. The Committee of Ministers would like to recall that the European Convention on the Adoption of Children (revised) (CETS No. 202) requires parental consent for adoptions in addition to requiring prior consultation of the child. Moreover, the European Convention on the Exercise of Children's Rights (ETS No. 160) affirms the procedural rights of children and that decisions by judicial authorities shall be taken with regard to the best interests of the child. The Committee also draws attention to the following conventions: the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (ETS No. 105) and the Convention on Contact concerning Children (ETS No. 192). In addition, the United Nations Convention on the Rights of the Child is of particular importance as it enshrines the child's right to maintain personal relations and direct contact with both parents (Article 9).

4. The Committee of Ministers nonetheless recognises that, despite the existence of international standards in this area of children's rights, there may be a lack of their uniform application in decisions on child removal, adoption, placement and reunification. A need may therefore exist for further action to bridge the gap between legal commitments enshrined in international standards and their implementation.

5. The Committee of Ministers invites the Committee of Experts on the Council of Europe Strategy for the Rights of the Child (2016-2019) (DECS-ENF), in the context of the preparation of the future Council of Europe Strategy for the Rights of the Child, to continue bearing in mind, among other issues, the situation of children in care and child friendly social services and systems, and enhancing the implementation of the Council of Europe's standards in this area.

1. Adopted at the 1235th meeting of the Ministers' Deputies (15-16 September 2015).
2. To the European Committee on Legal Co-operation (CDCJ) for possible comments and to the European Committee for Social Cohesion, Human Dignity and Equality (CDDECS) for information.