

Parliamentary **Assembly**

Assemblée parlementaire

Recommendation 1601 (2003)¹

Improving the lot of abandoned children in institutions

1. The Parliamentary Assembly draws attention to the fact that the United Nations Convention on the Rights of the Child, the landmark text on child protection, recognises that children are entitled to grow up in a family environment; they should therefore only be placed in institutions as a last resort, where absolutely necessary. In some countries, which are now Council of Europe member states, abandoning children – usually children with disabilities and “economic orphans” – and placing them in institutions used to be accepted as standard practice or on the grounds that it was the only possible solution.

2. The Assembly notes that this type of practice continues on account of the pressures – often financial – on families, the economic interests which hinder change, and attitudes, which are very slow to evolve.

3. Overcoming this legacy is a daunting task; the extent of the reforms required should not be underestimated and it is fortunate that many of these reforms have already been initiated in the states concerned. They will, however, require a great deal of time, the involvement of all sectors of the community, greater international co-operation and vast financial resources.

4. The Assembly therefore recommends that the Committee of Ministers of the Council of Europe urge the member states concerned:

i. to prepare and publish a map of children’s institutions which must be closed down (especially those which are too big, isolated or dilapidated) and draw up a timetable for their closure;

ii. to promote, in co-operation with civil society, an active policy for removing children from institutions and restoring family ties by introducing alternative arrangements, and especially by returning children to their own families, placing them in foster families or family-type homes, setting up day centres, and so on, and promoting adoption within their own country;

iii. to systematically improve the training of staff in children’s institutions to ensure that they are properly qualified, where necessary by means of foreign partnerships;

iv. to introduce policies to provide assistance to families in difficulty or those which have a child with a disability, to prevent the abandonment of children.

5. The Assembly recommends that the Committee of Ministers ask the member states concerned to ensure that:

i. the diagnosis of children's disabilities and the decision to place them in institutions are accompanied by full safeguards for the fundamental rights of children and involve regular re-assessment, and that there are appeal procedures;

ii. children living in institutions have access to appropriate health care and are given the education and training they require to make up for inadequate schooling and social marginalisation, so as to ensure that, as young adults leaving the institution on coming of age, they have other prospects than life in the street or a psychiatric hospital;

iii. abandoned children living in institutions have access to effective representation (ombudsmen, specialist judges, NGOs, etc.), independent of the executive;

iv. they establish, in accordance with their legal system, the post of a special ombudsman for children to provide an effective protection of children's rights, including the rights of abandoned children.

6. The Assembly recommends that the Committee of Ministers set up intergovernmental activities programmes in its newest member states in support of children living in institutions, in co-operation with the European Union, Unicef and the World Bank, *inter alia*, in order to avoid duplication of work, prevent efforts from being made in a piecemeal fashion and ensure maximum efficiency in the shortest possible time.

7. The Assembly asks the Committee of Ministers to urge member states:

i. to take an active part in Council of Europe activities on behalf of people with disabilities, for example, the Partial Agreement in the Social and Public Health Field;

ii. to make use of Council of Europe Development Bank loans to improve the conditions in which children are cared for in institutions;

iii. to take advantage of 2003, European Year of People with Disabilities, to launch major national information campaigns to make people aware of the rights of children with disabilities in an endeavour to change attitudes and the way in which they and their place in society are perceived.

8. Finally, the Assembly invites the various Council of Europe bodies responsible for monitoring the honouring of commitments that must be entered into by states on joining the Council of Europe to consider respect for the rights of all children and a de-institutionalisation policy a binding obligation.

¹. *Assembly debate* on 2 April 2003 (13th Sitting) (see Doc. 9692, report of the Social, Health and Family Affairs Committee, rapporteur: Mr Hancock).

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