

## The Bucharest Recommendations

The international conference on Child Rights held in Bucharest on 2 and 3 February 2006, organized by the National Authority for the Protection of Child Rights and under the auspices of Romanian Presidency of the Committee of Ministers of the Council of Europe, has discussed Child Rights in the context of Human Rights, with particular reference to the role of families and alternative care policies in Europe.

States Parties to the UN Convention on the Rights of the Child (CRC) still face serious difficulties regarding care provision for children in informal or formal settings, including fostering, kinship care and adoption, or residential facilities. The CRC includes a number of articles aiming to make clear that the States Parties have obligations to support families in their role and that the removal of children from parental care can only be permitted if certain conditions are met. In addition, CRC also requires States Parties to ensure appropriate substitute care for all children who are without parental care for whatever reason.

Despite the thorough attention to this topic within the CRC, and the existence of certain supplementary instruments, which provide further guidance on some of the areas covered, the Committee on the Rights of the Child has called during 2004 for the development of “United Nations Guidelines for the Protection of Children without Parental Care”.

Moreover, the last General Discussion Day of the UN Committee on the Rights of the Child (held on 16<sup>th</sup> September 2005 in Geneva) debated the issue of “Children without parental care”. In its longstanding process of protecting children's rights and recalling the European Convention on Human Rights, the European Social Charter and other legal instruments, the Council of Europe's Committee of Ministers adopted in 2005 a Recommendation on the rights of children living in residential institutions.

This topic remains a highly acute issue. The exchange of ideas and best practices during the conference led to the following recommendations for Council of Europe Member States to make progress in this area.

**Bearing in mind that** the States which have ratified the Convention on the Rights of the Child, including all member States of the Council of Europe, have committed:

- To recognize and respect the primary responsibility of the parents or the legal guardians for the upbringing and development of the child, their duties and rights, taking into account the best interests of the child;
- To support and assist parents to fulfill their child-rearing responsibilities and to ensure the development of institutions, facilities and services for the care of children;
- To take appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible;
- To take appropriate measures to safeguard children from violence, abuse and neglect;
- To ensure appropriate alternative care for the child that temporarily or permanently is deprived of parental care;
- To take into account the need of the continuity in the child's upbringing and the child's ethnic, religious, cultural and linguistic background,

The participants to the present conference **recommend** that:

1. The Member states should adopt a rights based approach to national development and poverty reduction strategies involving children, young people, families and the civil society in the development of legislation, social and family policy.
2. Member states should seek to have in place an evidence-based and comprehensive family support policy. This should incorporate an emphasis on families receiving the maximum possible help to carry out the important task of caring for children. They should ensure an integrated approach to child development involving health, education, social care and labour market programmes, which addresses the challenges of poverty and social exclusion.
3. The Member states should have mechanisms to support and encourage families to form or join family associations so that they can participate in the decisions which affect them and propose measures which they consider in the interests of the family or its individual members.
4. Member states should pay special attention to the need for reconciliation of work and family life for men and women by providing adequate care services for children and support measures for families, in the light of changing employment patterns across Europe.
5. The Member States should provide families with all possible support to provide the best possible care for their children: this includes enough financial means and access to food, clothes, housing, education, medical healthcare, play, leisure activities and possibilities to develop their abilities to their fullest potential.
6. The Member States should ensure that families are provided with psychological and social support and where applicable with training for developing their

parenting skills and for meeting the special needs of their children (mental, physical illness and disability, trauma support);

7. The Member States are to provide a safe environment for children by creating mechanisms to ensure that their needs are met and they are protected against violence, abuse, neglect and exploitation;
8. Prevention of separation should play an important role in the social, economic, educational and childcare policies of the Member States and needs to be paid more attention;
9. The Member States should do all to prevent separation of children from their families unless remaining in the family endangers the child's development and well-being. The principle of proportionality and the balance between interference with the right to respect for his private and family life and the need for protection of children is to be considered in all measures.
10. The Member states should ensure the development and the equal access of all families, to a diversified, adapted and coordinated range of community based services, as near as possible to the families in need in order to meet the best interests of the child, priority being given to the prevention of separation of the child from the family.
11. The Member States should improve judicial or administrative procedures through which children can only be separated from their parents when the evidence shall be brought that the authorities have done all in their ability to support the families in raising their children, by respecting the best interest of the child;
12. The Member States should develop policies for a range of alternative care services, so that each child receives appropriate care according to his or her needs.
13. When children are separated they have a right to maintain contact with their parents, siblings, other family members and any significant people in their lives and Social Services are held to organise a form of contact taking into account the safety, the opinion and the best interest of the children.
14. The Member States should continue to support parents when their children are placed in care. Member States should help them where possible towards family re-unification and/or the continuation of their role as parents. The cooperation between birth parents and the new carers of their child should be encouraged and supported.
15. In the best interest of the child, residential care should be available as part of the services available to the childcare services and placement should depend on the specific and individual needs and potentials of the child. A special care should be taken to meet gender needs: greater support should be given to young mothers and prevent separation between them.
16. For each child, appropriate care assessment and planning system should be established defining child s objectives and the duration of the placement allowing the child to participate and taking into account their views. The care

plan should be regularly reviewed by an independent authority and include appropriate support when leaving care.

17. Standards should be implemented and regularly audited externally, training offered and qualifications required for institutional care workers. A system should exist to allow children to complain, without a fear of repercussion and their complaint will be addressed without delay by an independent body (including Ombudspersons).
18. Member States should develop appropriate monitoring mechanisms for the way that childcare is ensured, so that the child may feel safe and may freely express his or her opinion.
19. The Member states should respect the right of children and young people to be heard in all decision taken regarding their life and future. They should establish mechanisms in legislation and organisation of the services so that decisions can only be taken after age appropriate consultation of the child or young person involving choice and the outlining of consequences.

The participants to this conference, representatives of Governments, local authorities, organizations of the civil society, international organizations and the academic environment, commit to take into consideration these recommendations in their daily activities in view of a better enforcement of child rights upholding the role of the families and in order to develop appropriate measures allowing to avoid separation of the child from its family.