



CHILDREN'S RIGHTS AND SOCIAL SERVICES

” Report on the implementation of the Council of Europe Recommendation on children's rights and social services friendly to children and families



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of the Council of Europe
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**Report prepared by
Ana Isabel Fernandes Guerreiro
and Vanessa Sedletzki**

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Droits des enfants et des services sociaux

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Executive summary

Social services are the most immediate and direct means through which the state guarantees children's rights. The way social services function, interact with and serve children and families on a daily basis is critical to the harmonious development of the child, the preservation of family unity and, ultimately, well-being in society.

■ Recommendation CM/Rec(2011)12 of the Committee of Ministers to member states on children's rights and social services friendly to children and families (hereinafter "the Recommendation"), adopted by the Committee of Ministers of the Council of Europe on 16 November 2011, addresses children's rights in social services planning, delivery and evaluation. It aims "to ensure that social services are delivered upon individual assessment of the child's needs and circumstances and take into account the child's own views, considering his or her age, level of maturity and capacity." It defines child-friendly social services as "social services that respect, protect and fulfil the rights of every child, including the right to provision, participation and protection and the principle of the best interest of the child." The Recommendation is a tool that does not look at social services only from a broad, policy perspective, but also from the child's and family's perspective. Ultimately, it is by considering services from the vantage point of these beneficiaries and rights holders, that one can assess whether they are friendly to children and families. Yet social services are also a mirror of societal evolution and political choices. Various developments, including renewed attention to de-institutionalisation, austerity measures, and efforts to treat the child as a subject of rights in service delivery, among others, have directly affected the way services operate, resulting in immediate consequences for children and families.

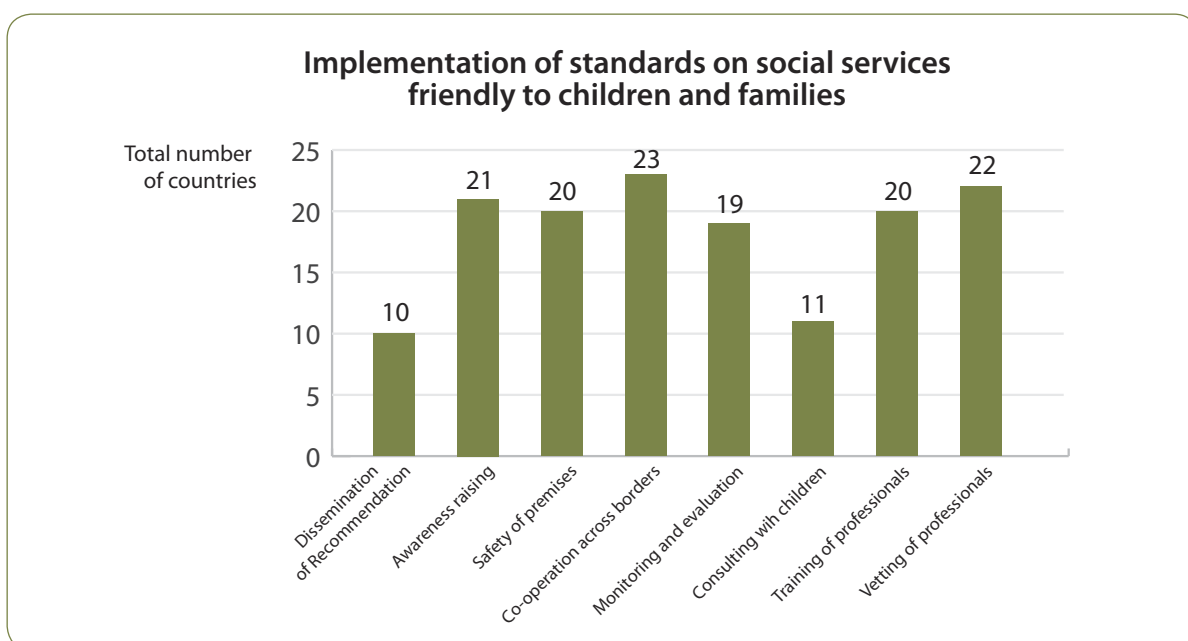
■ Against this backdrop, the main objective of this study was to collect data from member states on the implementation of the Recommendation in order to inform the planning and implementation of the Council of Europe Strategy for the Rights of the Child, which was adopted by the Committee of Ministers on 2 March 2016, and the Organisation's future agenda. A survey submitted to all Council of Europe member states on the implementation of the Recommendation received 27 replies.¹

■ The findings show that there are elements of social services friendly to children and families across Council of Europe member states. However, the findings also point to the need to strengthen and implement the existing legislation, standards and measures in place. The study has highlighted good practices from member states, which show that better experiences for children and families in social care and overall well-being are possible. These should serve as a call to member states to learn and work with each other and to enhance their social services for children and families in a friendly way, taking into account the rights and views of both.

Study findings

The information presented in this report shows that, in general, the majority of member states that participated in the survey have adopted legislation and measures encompassing the main elements of social services friendly to children and families. The main gaps identified relate to the dissemination of the Council of Europe Recommendation on children's rights and social services friendly to children and families and the participation of children in the planning, development and evaluation of services. This is demonstrated in Graph 1 below.

1. Albania, Andorra, Azerbaijan, Belgium, Croatia, Cyprus, Denmark, Estonia, France, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Republic of Moldova, Montenegro, the Netherlands, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Sweden, Switzerland and Turkey.



Overarching implementation measures

The report examines the general measures that member states have adopted to ensure the implementation of the Recommendation or that otherwise reflect its provisions.

- ▶ 1. Legislation includes generic laws on social services and social assistance and laws focusing on children, including child protection laws. The main challenges include some inconsistencies in legislation and the effective protection of vulnerable groups of children.
- ▶ 2. The economic depression in Europe has affected the delivery of social services. While in some member states social services for children and families have suffered large cuts, in others, social support has been enhanced.
- ▶ 3. Less than half of the Council of Europe member states that participated in the survey have translated and disseminated the Recommendation at national level.
- ▶ 4. Monitoring that social services are friendly to children and families involves both governmental monitoring and independent monitoring. Governmental structures are typically inspection systems placed under each line ministry responsible for overseeing services in this particular sector. Independent mechanisms are usually independent human rights institutions for children, also known as children's ombudspersons or child rights deputy ombudspersons, or they can be a department within a national human rights institution. They have been established in the overwhelming majority of – but not all – Council of Europe member states.

Implementation of the fundamental principles of the Recommendation

■ This report analyses how the fundamental principles of the Recommendation have been adopted and implemented in member states.

- ▶ Many member states have adopted the principle of the best interest of the child in legislation. However, very few report the existence of standards and other tools to help guide and support professionals when determining the child's best interest in the individual situations they come across in their daily work.
- ▶ In the main, measures of a general nature have been taken to ensure the participation of children in their own care, including in alternative care, although implementation has been uneven depending on existing infrastructures and the age of the child in particular. On the other hand, there is a lack of consultation of children in the planning, development and evaluation of services and this requires more attention.
- ▶ The approach to the right of children to protection focuses on strengthening the family and support for parenting. High rates of institutionalisation have been a major concern and have been found to be related to the lack of availability of adequate social services. This has prompted member states to make specific efforts to prevent institutionalisation through social protection and measures targeting families, reinforcement of gatekeeping in general, and the development of foster care or group homes.

Implementing standards on social services friendly to children and families

■ The report presents how member states have developed concrete programmes, guidelines and measures on social services friendly to children and families.

- ▶ Member states reported having adopted standards, protocols and regulations, however, the non-binding nature of many of these instruments constitutes a major limitation.
- ▶ The majority of member states reported that staff working with and for children have had specific training on child protection, which includes child rights. However, national and international evidence point to the lack of training, guidelines and protocols available to professionals, which affects daily practice.
- ▶ Evidence shows that there is a need for requirements that ensure the periodic review of professionals' suitability to work with children over time.
- ▶ All member states engage in co-operation between social services across borders, especially in relation to unaccompanied or separated children and child trafficking.

Lessons learned

■ For the Council of Europe:

- ▶ Strengthen the existing partnerships with the European Commission, the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), non-governmental organisations (NGOs) and existing networks in support of the implementation of the Recommendation and build on synergies with existing instruments and approaches adopted by these organisations;
- ▶ Promote regular comparative studies to gather evidence of the implementation and impact of the Recommendation;
- ▶ Ensure that the results of the study inform the implementation of the upcoming Strategy for the Rights of the Child;
- ▶ Disseminate the results of the pilot phase of the Council of Europe child participation assessment tool and use them in the exchange good of practices and to support member states in promoting more systematic child participation mechanisms at the national level;
- ▶ Disseminate further and support member states in using the relevant Council of Europe recommendations, guidelines, communications, and education and training resources;
- ▶ Continue to promote the visibility of children's rights and the issues that are fundamental to the well-being of children in Europe, such as violence against children.

■ For the member states:

- ▶ Translate legislation on social services and child protection systems into concrete strategies, policies and measures;
- ▶ Enhance accountability frameworks by carrying out evidence-based planning, monitoring and evaluation, with the involvement of children and families;
- ▶ Establish effective and permanent child participation mechanisms;
- ▶ Develop and implement guidelines and protocols on key issues (such as the best interest of the child and participation of children in their own care) for professionals working for and with children;
- ▶ Make children visible in budgets at the national, local and service-delivery levels;
- ▶ Increase awareness raising, dialogue and debate on child rights at national and local levels;
- ▶ Address vulnerable children and ensure the accessibility of all children to friendly social services, without discrimination;
- ▶ Harmonise legislation, policies and practices for social service delivery across national territory and structures;
- ▶ Promote regular assessments of social service delivery, including the impact of legislation and policies and the outcomes for children;
- ▶ Measure the impact that the austerity measures have had in the delivery of social services for children;
- ▶ Develop requirements for periodic reviews of professionals' suitability to work with children;
- ▶ Increase training on child rights for specialist and non-specialist professionals working for and with children.

Introduction

Children and families use social services on a daily basis, for regular needs such as health care, schooling and day care, and for more specific needs like social support and justice. Social services therefore represent an immediate and direct means through which the state guarantees children's rights and has regular contact with children and families as rights holders. The way social services function, interact with, and serve children and families is critical to the harmonious development of the child, the preservation of family unity, and ultimately the well-being of society.

Yet social services also mirror societal evolution and political choices. Various developments have directly affected the way they operate, resulting in immediate consequences for children and families. Data show that traditions inherited from the past, which have led to high rates of institutionalisation of children, especially in countries that have made the transition from a communist regime, have little evolved. Renewed efforts are now being made to ensure that all children grow up in a family environment, unless separation is absolutely necessary for their best interests. Recently, austerity measures adopted in the context of the economic depression affecting Europe, have directly affected the breadth and quality of social service delivery. Finally, the extent to which social services consider and treat children as rights holders and full participants in procedures that affect them has slowly evolved, but nevertheless remains a major concern.

The Council of Europe has therefore devoted significant attention to guiding member states in their efforts to ensure quality social services that are respectful of children's rights and friendly to children and families. It has adopted a comprehensive set of standards on key issues concerning child well-being and children's rights (for example, prevention of violence against children, positive parenting) and their applicability in different sectors (such as social care, justice and health care).

The Recommendation addresses children's rights in social services planning, delivery and evaluation and it defines "child-friendly social services" as "social services that respect, protect and fulfil the rights of every child, including the right to provision, participation and protection and the principle of the best interest of the child." The Recommendation invites member states to reconsider and review their practices primarily at the local, individual level. While many implementation measures of the United Nations Convention on the Rights of the Child (CRC) are seen as overarching, the Recommendation also considers the direct interaction between children and families and the state through social services (even if these are provided by private bodies fulfilling the functions of public services). The way the Recommendation is implemented gives us an insight into the daily experiences of children and families, with immediate implications at the individual level. The Recommendation is a tool that does not look at social services only from a broad, policy perspective but also from the child's and family's perspectives. Ultimately, it is by considering services from the vantage point of these beneficiaries and rights holders, that one can assess whether services are friendly to children and families.

This report is the first study on the implementation of the Recommendation and it reflects the need for the Council of Europe to enhance data collection in member states in order to identify good practices and gaps, and to ensure the effective implementation of existing standards of children's rights, in accordance with the overarching goal of the programme Building a Europe for and with Children for 2012-15. Furthermore, the Council of Europe has also found it important to take stock of the progress made in order to generate insights for a future Council of Europe agenda. The aim of this study is therefore to collect data that could inform the planning and implementation of the Council of Europe Strategy for the Rights of the Child to be adopted in spring 2016.

■ The study builds on a survey, which was answered by 27 member states (in the person of their national authorities). It also draws on elements gathered in another survey carried out for the development of the new Council of Europe Strategy for the Rights of the Child, which includes information on social services. Although only half of the Council of Europe member states replied to this second survey, they nevertheless provide a representative sample of all member states. Additionally, the aforementioned complementary survey, as well as a review of relevant literature, provided information from other member states. While no desk (or secondary) research or interviews were carried out at national level, other sources were consulted to complement the survey data. Specifically, EU institutions, in particular the European Commission and the European Union Agency for Fundamental Rights (FRA) have supported a number of in-depth studies that are highly relevant to assessing the implementation of the Recommendation as they cover a number of similar grounds. While recognising that membership of the Council of Europe and the European Union is different, these resources have been used to inform analysis. National sources have also been consulted, particularly where more information about standard implementation was needed.

■ The study has some limitations. Information is primarily provided by member states, which generally emphasise positive developments and advances but do not elaborate on insufficiencies. In particular, the concrete impact of measures adopted cannot be evaluated in the context of the present report. While more member states may well have introduced relevant measures, the study reports only on those mentioned in the context of the survey. The Recommendation further includes a wide range of detailed measures, all of relevance to ensuring social services friendly to children and families, and this represents its main strength. The objective of the present report is not to analyse every single measure but rather to provide an overview of what member states have done and how that can inform future policy development.

■ The report follows the main sections of the Recommendation. It first reviews overarching implementation measures, such as laws, institutional measures and other relevant policy activities. It then examines fundamental principles and their concrete implications for social services friendly to children and families. A further chapter explores the implementation of key strategies for social services from the perspective of their day-to-day operation. The report finally presents conclusions and recommendations in the context of recent trends and today's major issues. No chapters have been included for some issues of particular relevance, such as vulnerable children, however, they have been considered throughout the analysis and referred to where information was available. Finally, throughout the text, national examples and good practices from member states are presented in boxes.

Overarching implementation measures

The Recommendation encourages member states to review their domestic legislation, policies and practices in order to ensure that the necessary reforms are in place for its implementation. This provision echoes Article 4 of the CRC that focuses on implementation measures, which highlights the importance of legislative and other measures. The present chapter focuses on overarching measures for the policy framework, while Chapter IV examines instruments of direct relevance for daily service delivery that is friendly to children and families.

LEGISLATION REFLECTING THE RECOMMENDATION'S PROVISIONS

(laws on social services, child protection laws, regulations and standards)

The Recommendation defines social services as services meeting general needs as well as personal social services addressing the specific needs of children and families. The latter comprises specialised and intensive social services, including alternative care. Legislation of relevance to the implementation of the Recommendation therefore encompasses a wide array of legislative texts, reflecting the variety of social services that children and families are in contact with. It ranges from generic laws applicable to the entire population, such as social assistance and social welfare legislation, to specific laws focusing on children and families, such as child and family codes and child protection laws, for example.

Only 14 out of the 27 member states which responded to the survey reported having adopted legislation to ensure the implementation of the Recommendation; three of these are western European countries and the rest are central and eastern European countries. However, many more laws that reflect the Recommendation's provisions are in place. They may have already been in force prior to the adoption of the Recommendation – and possibly informed its drafting. They may also have been adopted more recently without having an explicit link to the Recommendation, but rather as a reflection of a broader movement in Europe aiming to recognise children's rights in legislation and ensure realisation of these rights in practical terms. For this reason, the following review includes laws that reflect the Recommendation's provisions, whether or not their adoption has followed the adoption of the Recommendation and explicitly sought to implement its provisions.

Generic laws on social services and social assistance

In response to the survey, several member states mentioned laws dealing with social assistance and/or social welfare in general that include specific provisions in line with the Recommendation. Laws regulating social protection typically take into account the family structure, in addition to other criteria such as income. It is therefore likely that many more member states have social security schemes that provide additional support to families with children, including single-parent families and families in situations of vulnerability due to economic hardship or other circumstances.

Preventive action is an important function of social services that target the public at large. Primary prevention activities are indeed defined as those targeting the larger public and aiming to foster a safe and conducive environment in which children may grow and develop. While all social assistance schemes play a role in primary prevention, some laws explicitly refer to this function, as is the case in **Denmark** and **Finland**. In **Finland**, for example, the revised Social Welfare Act establishes a lower threshold for seeking assistance and guarantees timely and adequate social services for families. This strengthening of primary services aims to prevent the accumulation of problems by supporting the capacity of child-welfare services to provide user-centred preventive assistance. The entry into force of the act has been scheduled to take place gradually from January 2015 until early 2016. In **Denmark**, a bill was adopted in June 2014 to strengthen the Social Services Consolidation Act by integrating a "prevention paragraph" in paragraph 11, clarifying the municipalities' obligations to take precautionary measures against neglect of children and young people. This evolution was part of the initiative Early Effort – Lifelong Effects for children and young people.

Another significant way to integrate the Recommendation into social welfare legislation consists in ensuring that principles relating to child rights are integrated into relevant, far-reaching laws, as in the **Russian Federation** and **Serbia**. In **Serbia**, for example, the fundamental principles contained in Section III of the Recommendation have already been introduced into the Social Welfare Law of 2011 under the section on social welfare principles (Articles 24-33). Article 35 (right to self-decision and participation in decision making) in particular explicitly provides that the child is entitled to participate and freely express his or her opinion, in accordance with his or her age and maturity, in all proceedings concerning decisions involving his or her rights. The law further establishes an accreditation system for professionals, who must participate in accredited training courses. In the **Russian Federation**, the federal law of 28 December 2013 “On fundamentals of social services to citizens of the Russian Federation” lays the legislative, organisational and economic basis for delivery of social services to children and families with children. The law states that when receiving social services, children are entitled to be treated with humanity and respect; be informed, in a child-friendly language and format, about their rights and responsibilities, the types of social services available, the terms of and procedures for social service delivery, and access to free services; be provided with living conditions in social care facilities that correspond to sanitary and hygienic standards; and to receive social support. The law also states that families with under-age children, depending on their particular needs, can be provided with a range of medical, psychological and pedagogical services to assist them in the child’s upbringing.

Laws focusing on children, including child protection laws

Laws with a specific focus on children are usually child protection laws, which regulate the protection of children from all forms of violence, including abuse and neglect. These laws have increasingly paid attention to ensuring a protective environment for children, in addition to setting response mechanisms to various forms of violence that children may be victims of. Significantly, the quasi-totality of Council of Europe member states that replied to the survey reported having legislation in place for the prevention and protection of children from all forms of neglect, abuse, violence and exploitation. In many cases, applicable legislation has been regrouped into one consolidated act, which establishes the child protection system.

Some child protection laws regulate specialised social services for children. In **France**, for instance, Law N^o. 2007-293 of 5 March 2007 reforming child protection has recognised prevention as a central pillar of child protection and strengthened social services specifically targeting children through social and medical prevention and the development of an alert and reporting system for children at risk. The reform has helped clarify the respective responsibilities of actors and enhanced the effectiveness of child protection policies. In **Ireland**, the Child and Family Agency Act 2013 established a dedicated body to discharge the functions of supporting and promoting the development, welfare and protection of children, formerly under the Health Service Executive. The new Child and Family Agency also incorporates the functions of the former National Educational Welfare Board and Family Support Agency. Its statutory functions include: supporting and encouraging the effective functioning of families; providing preventive family support services aimed at promoting the welfare of children; and facilitating and promoting enhanced interagency co-operation to ensure that services for children are co-ordinated and provide an integrated response to the needs of children and their families. The agency is obliged by law to regard the best interests of the child as the paramount consideration and to ensure that the views of the child are ascertained and given due weight.

However, the mapping of child protection systems in EU member states by the Fundamental Rights Agency points to a number of inconsistencies. It highlights that not all EU member states have developed a consolidated act devoted to child protection issues, and that a number of laws focusing on specific groups or sectors are not always consistent with child protection legislation, thus raising specific challenges for some groups of children.²

An area where this issue requires specific attention relates to children at particular risk of marginalisation, including children living in poverty, children affected by migration, children with disabilities, children with mental health problems, and children without adequate parental care. Virtually all member states that replied to the survey reported that they have legislation in place to ensure the rights of these groups, and sometimes others, such as children who have addictions to toxic substances including drugs and alcohol. In **Italy**, for example, the national project for the promotion of the inclusion and integration of Roma children stems from the need to develop new initiatives for the inclusion of children and their families and takes a co-operative approach based on the development of positive relations between teachers, families and professionals from

2. European Union Agency for Fundamental Rights (2015), Mapping child protection systems in the EU, Data and Maps, National legislative framework, available at: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection/national-law>, accessed 3 September 2015.

local services. In **Latvia**, under the Law on Social Security, one of the basic principles of the social security system is the prohibition of differential treatment and discrimination on the grounds of race, ethnic background, skin colour, sex, age, disability, health condition, religion, political or other opinion, national or social background, material or family status or any other ground. The law sets the individual approach as one of the basic principles of the social security system. This principle is strengthened by the Law on Social Services and Social Assistance, in which it is clearly defined that social services are provided only on the basis of the individual assessment of the client's needs and resources, carried out by a social work specialist.

Limited information on access to adequate social services for children at risk is available from the survey. Yet the FRA mapping of child protection systems has highlighted significant challenges in this area. It found that “[t]he fragmentation of and limitations to national legal frameworks keep certain groups of children who face particular challenges from accessing some rights and receiving adequate and quality services”. These include children with disabilities; children belonging to ethnic minorities; children in juvenile justice systems; irregular migrants; and unaccompanied and separated children.³

Child protection legislation is in constant evolution. Several countries across Europe, such as the **Czech Republic, France and Portugal**, report being engaged in the process of law reform. In the **Czech Republic**, in accordance with the National Strategy to Protect Children's Rights, a new bill is being prepared on family support, substitute family care and a child rights protection system. The bill will establish basic principles for the work of the system and support mechanisms for families, modify the system of substitute family care and define the tasks of public administration, municipalities and regions, as well as non-governmental providers in the area of the protection of children and support of families. In **Portugal**, the Council of Ministers has created a task force with representatives from various relevant ministries to discuss the reform of the child protection system through the review of a range of laws on child guardianship, child protection and youth at risk, adoption, and the National Commission for the Protection of Children and Youth at Risk.



Key points

- ▶ A wide range of laws is of relevance to the implementation of the Recommendation in national legal frameworks.
- ▶ Social welfare laws include provisions for the social protection of families and in some cases include specific provisions on child rights.
- ▶ Child protection laws usually describe the role of specialised social services targeting children and have increasingly made a connection between preventive action in the field of child protection and social protection in general.

POLICY CO-ORDINATION

Policy co-ordination is an important element of the framework for social services, because it enables the complexity of issues to be considered as well as the fact that social services can only be effective if they take into account the multiple determinants at play in a given situation. Co-ordination mechanisms exist both at the policy level and at the service delivery level. This chapter focuses on the former level. Considerations on integrated services are included in Chapter IV focusing on the hands-on challenges facing social services operations.

In its General Comment N^o. 5 on the implementation of the CRC, the Committee on the Rights of the Child has identified government co-ordination mechanisms as one of the general measures of implementation of the CRC. As a result, many states have established such mechanisms and some have reported on their creation in the survey.

3. European Union Agency for Fundamental Rights (2015), Mapping child protection systems in the EU, Data and Maps, National legislative framework, available at: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection/national-law>, accessed 10 September 2015.

■ In **Serbia**, for example, the government revived the activities of the Council on the Rights of the Child at the beginning of 2014. The council submits to the government initiatives, proposals, opinions and analysis related to the realisation of child rights. It co-operates and consults with scientific institutions, professional and other associations. It also monitors compliance in this area. It further provides support for development and widening of the network of local action plans for children and co-operates with local authorities. Key areas of work of the council in the forthcoming period will be the promotion of an inter-ministerial and multidisciplinary approach in the promotion, prevention and protection of the child and the maintenance of a database. In **Montenegro**, a protocol was signed in 2014 between the ministries of health, education, and labour and social welfare on cross-sectoral co-operation in the prevention of child abandonment.

■ The existence of co-ordination mechanisms among ministries, whether permanent or in the form of memoranda of understanding in specific areas, is essential to facilitate integration of infrastructures among agencies at the “street level”, which operate under the authority of respective ministries. Research has highlighted the increasingly complex nature of co-ordination in policy implementation due to the high level of fragmentation of the public sector, which now encompasses a range of autonomous or quasi-autonomous organisations over which ministries have less control, and the increasing involvement of non-governmental actors, which often perform service delivery functions that are formally the responsibility of the public sector.⁴ Policy co-ordination remains a significant challenge.



Key points

- ▶ Co-ordination at policy level is an important precondition for the integration of services at the street level.
- ▶ Many Council of Europe member states have established co-ordinating mechanisms in line with the recommendations of the Committee on the Rights of the Child.
- ▶ Effective co-ordination in policy implementation is challenging.

NATIONAL AND LOCAL LEVEL: DECENTRALISATION

■ The Recommendation establishes an overarching principle that general social services for children and families should be organised on the basis of subsidiarity. This suggests that social services are to be primarily managed at the local level. A central feature of a number of laws and policies adopted recently has been a trend towards increased decentralisation of social services – echoing a political decentralisation movement that has developed in Europe over the past couple of decades. In federal states, social welfare has long fallen under the competency of federated entities. In states with a centralised structure, recently adopted frameworks have transferred a number of competencies for the management of social services to authorities operating at the subnational level, either at the regional/district level or at municipal level. The FRA mapping of child protection systems has, however, found that while almost all EU member states assign some child protection responsibilities to subnational authorities, the degree of decentralisation varies. In some states, national authorities have a primary role in co-ordinating and setting standards. In other states, subnational authorities have primary responsibility in managing the child protection system and enjoy a high level of autonomy.⁵

■ In **Sweden**, through an agreement between the government and the Swedish Association of Local Authorities and Regions, regional development managers for social care of children and young people (a project entitled BoU-satsningen in Swedish) have been in place since 2011. These regional development managers provide support for the implementation of new knowledge and research in the field and encourage long-term development work. The managers have a key role in identifying and communicating to the relevant national authority the needs of responsible bodies in the areas of knowledge and support. The objective is to develop

4. Peters B. Guy (2012), “Governance and the Rights of Children: Policy, Implementation and Monitoring”, *Working Paper 2012-11*, UNICEF Office of Research, Florence.

5. European Union Agency for Fundamental Rights (2015), Mapping child protection systems in the EU, Data and Maps, Decentralised child protection responsibilities, available at: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection/decentralisation>, accessed 3 September 2015.

a structure for the continued development, distribution and implementation of knowledge about social care of children and young people that is sustainable in the long term. One priority task for regional development managers consists of supporting the work of responsible bodies on the systematic follow-up of children and young people in alternative care. Another key component is providing support to the municipalities in implementing the new provisions of the Social Services Act that came into force on 1 January 2013. The goal is to make social care of children and young people safe and secure and to disseminate knowledge generated by the National Board of Health and Welfare and others. In **Latvia**, according to the Law on Local Governments, the municipality provides assistance and support to families with children. It has responsibility for fulfilling the needs of children living in institutions, for providing them with warmth, clothing and adequate nutrition based on the child's age and level of health, and for providing family care for children who have been temporarily removed from their family or in whose best interests it would be to be separated from their family. The municipality assesses the family's financial and social situation to determine the assistance and support necessary, such as benefits in kind, psychological counselling, support groups, day centre services, as well as any other form of support that may be needed by families with children. In **Croatia**, the majority of professional activities aimed at the protection of the child and the family, including preventive programmes and support for and co-operation with the providers of other forms of assistance, take place through the network of social welfare centres. There are 80 social welfare centres with 27 branch offices that perform public functions in the field of social welfare, and provide legal protection in the areas of family law and criminal law. These centres are governed by the Social Welfare Act revised in 2014 and implement measures for the protection of children and families pursuant to the Family Act and the Juvenile Courts Act. In **Switzerland**, cantons and communes have child and youth services and child protection authorities that are very active in designing and implementing projects that respond to children's needs and aim at the promotion and protection of their rights and their participation (examples are social work in schools and parenting support). In most cantons, there is close collaboration between social services, child and youth services and child protection authorities.

Common concerns associated with decentralisation relate to vertical accountability and to ensuring uniformity in the quality of services for children and families provided by different subnational entities. Lack of resources does not only include financial resources, but also the lack of professionals in the most deprived areas, leaving some regions critically underserved. The Committee on the Rights of the Child has highlighted in its General Comment No. 13 (2013) on the right of the child to freedom from all forms of violence, the importance of "ensuring that the process of decentralising services safeguards their quality, accountability and equitable distribution".⁶



Key points

- ▶ Decentralisation of social services has been a major trend, although it has been implemented to different degrees in various states.
- ▶ Most countries make specialised services for children and families a competency of subnational authorities.
- ▶ While this ensures that services are closer to beneficiaries, it also raises concerns in terms of equality, universal accessibility, and financing.

FINANCING IN THE CONTEXT OF AUSTERITY

The economic depression in Europe has led to the adoption of austerity policies, which have reduced financing for social services while increasing demand due to the increased hardship that families face. Austerity measures can have a significant negative impact on children's rights and well-being and it usually affects the most vulnerable to a greater extent. Nils Muižnieks, Council of Europe Commissioner for Human Rights stated,

6. Committee on the Rights of the Child (2011), General Comment No. 13 on the right of the child to freedom from all forms of violence, CRC/C/GC/13.

"the whole spectrum of human rights has been affected [by the crisis] ... Vulnerable and marginalised groups of people have been hit disproportionately hard, compounding pre-existing patterns of discrimination in the political, economic and social spheres. Poverty, including child deprivation, is deepening and is likely to have long-term effects. In some cases, the economic crisis is undermining the very capacity of central and local authorities to deliver on the basic promises of a social welfare state and ensure human rights protection for all."⁷

■ The delivery of social services for children has been affected by the economic crisis and/or austerity measures in several member states. In some cases the subsidies for child services have been reduced (Wallonia-Brussels Federation, Belgium, Italy and Moldova). In Greece, the National Centre for Social Solidarity has been affected as regards adequate staffing and intervention measures. Furthermore, in all governmental services (municipal, centralised, and educational) but also in services for unaccompanied minors, a substantial number of personnel involved in applied interventions are funded by short-term projects, usually under the framework of EU funds and operational programmes. As a result, these personnel are usually temporary, which has an impact on the quality of service delivery due to constant turnover and lack of investment in human resources.

■ While some states have enhanced their support, others have had to adjust service delivery in the face of budgetary restrictions. In Belgium and the Netherlands, fees for some services have increased. In Belgium (Flanders), this has affected the lowest prices for day care, which are usually paid by the most modestly situated families. In contrast, in Azerbaijan and the Russian Federation, new laws and regulations have aimed at increasing social support provided to families facing hardship. In Portugal, the Social Emergency Programme includes measures for the creation of social canteens, access to housing and for access to services and equipment through fee reductions and social energy prices.

Belgium – budgeting for children

The former National Action Plan for Children's Rights in the Wallonia-Brussels Federation (FWB 1.2.11/W 1.2.1.1) foresaw the establishment of a child budgeting system in the federation and in Wallonia. This methodology allows for better visibility of the budgets addressing children, which is particularly useful in a context of budget restrictions, as it helps to better protect children from the impact of the economic crisis. This project is once again referred to in the new action plan for 2015-2017, under Part 3 "Participation and governance of children's rights", Section 3 "Favouring the realisation of children's rights in public action."

■ As a consequence of the difficulties faced by social systems in delivering effective social services for children and families, particularly in times of great need, inequality, worsening living conditions and child poverty increased considerably. In light of the correlation between poverty and lack of adequate family care, even abandonment, this is a matter of serious concern. The *Innocenti Report Card 12* "Children of the Recession: The impact of the economic crisis on child well-being in rich countries" shows that:

"the largest increase in child poverty has been in southern European countries – Greece, Italy and Spain – as well as in Croatia, the three Baltic States and three other states that have been hard hit by the recession: Iceland, Ireland and Luxembourg. In the five countries at the bottom of the table, child poverty rose by 10 to 20 points – an increase of over 50 per cent."

■ The report also goes on to show that Greece, Latvia and Spain have child poverty of above 36% and in Greece it rose from 23% to 40.5% between 2008 and 2012, the highest child poverty rate in the OECD.⁸ On the other hand, Finland, Norway, Poland and Slovakia were not only capable of coping with the worst consequences of the recession, but also all of them reduced poverty levels by some 30%. This means that the highly negative impact that the economic crisis and austerity measures have had on hundreds of thousands of European children was not inevitable. This reinforces the need to strengthen social services for children and families by implementing and monitoring legislation and adopting effective, evidence-based and child rights-based policies and practices.

7. Commissioner for Human Rights, *Safeguarding human rights in times of economic crisis*, Issue Paper, Council of Europe, November 2013.

8. UNICEF Office of Research (2014), "Children of the Recession: The impact of the economic crisis on child well-being in rich countries", *Innocenti Report Card 12*, UNICEF Office of Research, Florence.



Key points

- ▶ Austerity measures have had an impact on social service delivery to children and families though the impact has varied across countries. In some cases it has led to increased user fees or limitations in service delivery, while in others emergency measures have sought to support families facing hardship.
- ▶ Policy measures have a significant effect on child poverty rates.

MONITORING

Monitoring of the implementation of the Recommendation is a key underlying measure for ensuring quality social services that are friendly to children and families. As underlined by the Committee on the Rights of the Child in its General Comment N°. 5 (2003), states have a duty to put in place mechanisms for governmental monitoring and for independent monitoring.

Governmental monitoring typically includes bodies in charge of supervising the activities of those agencies in charge of delivering services, including those operated by the private sector. In most countries, inspections systems are responsible for controlling the quality of services and the safety of premises. They are usually placed under the authority of the ministry in charge of managing such services, for example the Ministry of Health for health care services, the Ministry of Family or Social Development for childcare services, and the Ministry of Education for schools. It is therefore a challenge to co-ordinate these internal monitoring mechanisms so as to ensure that services operate in an integrated manner to serve children and families. The FRA mapping of child protection systems in the EU has found that responsibility for monitoring of the child protection system as a whole is usually assigned to an authority under the ministry responsible for child protection.⁹

Independent monitoring is also essential and usually involves an independent human rights institution with a mandate to monitor children's rights, whether specialised, such as a children's commissioner and an ombudsperson for children, or encompassing a large range of human rights issues, such as a child rights deputy ombudsman or a department within a national human rights institution. Various models for such mechanisms coexist across Europe. A study by UNICEF – Office of Research Innocenti has found that as of early 2013, 41 Council of Europe member states had an independent child rights monitoring mechanism in place.¹⁰ The development of these institutions has been widely supported by a large number of Council of Europe recommendations urging member states to set up such mechanisms. Child rights institutions in Council of Europe member states have far-reaching competencies in monitoring places where children spend time and in making law and policy recommendations. They have extensively developed child participation mechanisms that act as models in this area in many countries, in particular through permanent advisory councils composed of children from various walks of life. In many countries, these independent monitoring mechanisms either operate at the local level, in particular in federal states or in highly decentralised political systems, or are based in the capital and have a number of local branches to facilitate accessibility. Independent child rights institutions in Council of Europe member states can become a member of the European Network of Ombudspersons for Children (ENOC), which the Council of Europe has supported and which it regularly consults on policy recommendations. A sub-regional network, the Children's Rights Ombudspersons' Network in South and Eastern Europe (CRONSEE) gathers together institutions from this region. The study points out that not all Council of Europe member states have set up such institutions. It also warns that adequate and sustainable funding is a concern across Europe, thus affecting the monitoring of children's rights. It further finds that implementation of recommendations issued by these mechanisms is often insufficient. Finally, the independence of these institutions and their sustainability are ongoing challenges.

The monitoring function of these institutions highlights their role in directly involving children and youth, and in focusing on the impact that policies have on the most marginalised in society. The teenage consultants of the Ombudsman for Children in **Greece** have conducted research in 22 schools on the impact of the

9. <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection/body-monitoring>, accessed 14 September 2015.

10. UNICEF Office of Research (2012), *Championing Children's Rights: A global study of independent human rights institutions for children – summary report*, UNICEF Office of Research – Innocenti, Florence, pp. 233-57.

social and economic crisis on students in the country. The Ombudsman for Children in **Finland** has carried out interviews with Roma children aged 10 to 18 in order to advise local, regional and national policy makers and professionals on inclusive practices and dissemination of knowledge among the non-Roma population, particularly in educational settings.

Sweden – Work of the Ombudsman for Children

The Ombudsman for Children in Sweden (Barnombudsmannen) is responsible for involving children and carrying out dialogue with children, particularly those in vulnerable situations, in order to learn about their living conditions and their opinions. One of the assignments concerns conducting a preliminary study and proposing a model that can be used to listen to children in foster homes. The work is designed to result in a model that will be used regularly in the future to follow up on how children perceive their stay in foster homes.

Another assignment involves a social service for children and young people. The National Board of Health and Welfare and the Ombudsman for Children have been tasked with improving the availability of social services for children and young people. To this end, the board draws up and distributes information that is tailored to children, young people and parents that explains what social services are available for children and young people who need support or protection. The task also includes encouraging municipalities to make their social services visible to children and to make related information accessible to children and young people. The Ombudsman for Children is responsible for involving children and young people in the implementation of this task.



Key points

- ▶ Monitoring that social services are friendly to children and families involves both governmental and independent monitoring, with the participation of children themselves.
- ▶ Governmental structures are typically inspection systems placed under each line ministry responsible for overseeing services in a particular sector. Monitoring of integrated child protection systems usually falls within the realm of the ministry with primary responsibility for child protection.
- ▶ Independent mechanisms are usually independent human rights institutions for children, also known as children's ombudspersons or child rights deputy ombudspersons, or they can be a department within a national human rights institution. These have been established in the overwhelming majority of – but not all – Council of Europe member states. They have developed working methods involving children, especially those from marginalised groups, and created regional networks. Yet they are nevertheless faced with challenges concerning their sustainability and influence within national political systems.

RESEARCH

A large number of member states have taken steps to obtain information about the situation of social services and the prevailing conditions of beneficiaries. Research for planning of social services is carried out in 20 countries, including **Belgium, Croatia, Iceland, Italy, Moldova, Romania, and Sweden.**

In some countries research mechanisms are institutionalised, in the form of research institutions like those in **Belgium, Denmark** and in **Switzerland**, or through specific mechanisms as is the case in **Greece** and **Sweden.** In **Belgium**, a research initiative gathers together a consortium of eight research groups. The consortium's mission is to carry out research, data collection and policy analysis in order to advise on policies. Long-term research priorities include monitoring health needs, evaluation of prevention and care interventions, and care organisation and policy. Each area comprises several interdisciplinary research projects. In Greece, so-called juvenile protection groups have been created through a joint ministerial decision between the Ministry of Health and the Ministry of Justice, Transparency and Human Rights. The groups are responsible for carrying out social research on issues relating to child abuse and for responding to complaints following notification from the national hotline or from a prosecutor. In **Sweden**, the implementation of the BBIC system (Children's Needs in Focus), based on the Integrated Children's System in England, contributes to a needs-oriented and systematic approach, structured documentation presented in a common language, and a better basis for planning and monitoring. During 2014 and 2015, the Swedish National Board of Health and Welfare was given the task of developing and improving the BBIC. Building on changes in the Social Services Act and the latest research on the signs of child abuse and known risk and protective factors, the new version will provide the social services with opportunities to strengthen legal security, increase the participation of children and young people, simplify the documentation and contribute to systematic monitoring.

Iceland

Research is one of the methods used in planning and monitoring social services in Iceland and a few examples will be presented here. A research project was commissioned during the planning phase of the transfer of service provision for people with disabilities from the state to local authorities, which took place in 2011. A questionnaire was sent to a sample of the population that had received state services prior to the transfer and a smaller sample was drawn and interviewed, as was a sample of members of staff. The research results were valuable as a baseline for comparison with and monitoring of the new service for people with disabilities at local authority level. A new study, smaller in scale, was undertaken as a follow up three years later. Children with disabilities form a large proportion of service users. After the economic crash in Iceland in 2008, Welfare Watch, which was established by the Icelandic Government mainly to watch over children and families in vulnerable circumstances, commissioned research on the issue of referrals to local authority child protection agencies in Iceland. The results of the research were one of the important tools that Welfare Watch was able to present to the government and local authorities on the state of affairs in the aftermath of the economic crash. Welfare Watch also carried out a number of studies through the use of direct questionnaires to local authorities and others, such as public and private bodies, which were then published and made accessible for everyone on the website of the Ministry of Welfare. In the aftermath of the economic crash research was also commissioned on unemployment and young people with the aim of informing policy making, as it is known that young people are very often victims of unemployment in western countries following economic crises. The results were very important in informing the actions taken to combat unemployment in the co-operation between partners such as the Directorate of Labour, the local authorities, the trade unions and others.

The FRA and European Commission funding mechanisms, such as Daphne, have supported a number of studies that show the progressive realisation of children's rights in relevant areas, such as participation and protection. As mentioned earlier, some of these studies were used to inform this report and are referenced throughout the text. Such mechanisms contribute to the creation of research networks and enable the exchange of knowledge and good practice, which is of key importance to the EU and Council of Europe member states in identifying current interventions in different countries and the gaps that still need to be addressed.



Key points

- ▶ Research is an important element for the planning and delivery of services responsive to the needs of children and families.
- ▶ Several states have institutionalised research on social services friendly to children and families in the form of research institutions like universities and research consortia, or through specific governmental bodies and mechanisms.
- ▶ Member states should take advantage of existing research networks to enhance their knowledge.

DISSEMINATION OF THE RECOMMENDATION

In the preamble to the Recommendation on children's rights and social services friendly to children and families, the Committee of Ministers encourages member states to disseminate the content of the Recommendation in a child-friendly language and format. Furthermore, the Recommendation underlines the child's right to information about access to social services on the one hand and the requirement that professionals working with children have specific competencies to deliver services friendly to children and families on the other. Dissemination is further understood in human rights instruments as essential to their implementation. The CRC itself obliges states parties in its Article 42 to "make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike."

Few of the Council of Europe member states that responded to the survey reported having taken specific steps to disseminate the Recommendation. Only 10 reported that the content of the Recommendation has been disseminated nationally and only 11 that it has been translated into national languages – two of which include the French version provided by the Council of Europe. Even more troubling is the fact that the Recommendation has seldom been shared with those who are likely to use it most. Only five member states mentioned that they have disseminated the Recommendation in child-friendly language and formats and only six member states reported having ensured its dissemination among authorities responsible for or otherwise involved with children's rights in social services, service providers, and groups representing the interests of children and families. Taking into account the geographic distribution, it appears that most of the work carried out by member states to make the provisions of the Recommendation known has been undertaken in central and eastern European countries. This may reflect the more recent work in member states in central and eastern Europe and the Commonwealth of Independent States on child-friendly services and child rights.

In **Romania**, following approval of the Recommendation, it was included in many activities aimed at discussing its content with the relevant institutional actors, professionals and children. This was part of various awareness-raising activities and debates carried out by public authorities and relevant NGOs acting in the child protection field.



Key points

- ▶ Dissemination is essential to the implementation of the Recommendation.
- ▶ Dissemination of the Recommendation to professionals and to social services users in child-friendly language has unfortunately been very limited.

Implementation of fundamental principles

The Recommendation addresses the fundamental principles contained in child rights standards by explaining how the planning and delivery of social services can give them concrete shape. As explicitly mentioned in the Recommendation, all principles enshrined in core international and regional instruments apply for the implementation of its provisions. Yet three key principles are specifically highlighted, given the particular role of social services in ensuring respect for these principles, namely the best interest, participation and protection of the child. The following chapter reviews how the Recommendation envisages the implementation of these principles and how member states have acted upon them. Measures presented in other chapters of the report are also of critical relevance to the implementation of these principles.

BEST INTEREST OF THE CHILD

■ The best interest of the child is one of the fundamental principles of the CRC and it is directly reflected in the Recommendation. The principle is paramount to a child rights framework and specifically relevant to social services, as the CRC explicitly refers to the obligation of social welfare institutions to give the best interest of the child primary consideration (Article 3.1). Article 4 of the CRC further emphasises that practical steps must be taken to set standards for the operation of institutions, services and facilities responsible for the care and protection of children, in particular in the areas of health, safety, the number and competency of staff, and supervision.

■ General Comment No. 14 of the Committee on the Rights of the Child on the best interests of the child states that “[t]he concept of the child's best interests is aimed at ensuring both the full and effective enjoyment of all the rights recognised in the Convention and the holistic development of the child”¹¹ and that an assessment and determination of a child's best interests should be carried out for each individual child. It also provides a non-exhaustive list of factors, which could be used by member states in the preparation of guidelines. These include: the child's views and identity; the preservation of the family environment and maintaining relations; care, protection and safety of the child; situations of vulnerability; and the rights to health and education.¹²

■ The Recommendation focuses on the individual needs of children and their families. Children are to be listened to, treated with respect and consulted, taking into account their best interests and evolving capacities. The Recommendation calls on social services to be planned, delivered and evaluated in line with this strategy. In order to do this, it is essential that national institutions prepare guidelines and strategies in different sectors to determine and implement the principle of the best interests of children in different contexts. Various provisions of the Recommendation refer to the principle of the best interest of the child and the appropriateness of services for children and can help guide governments in implementing this strategy.

11. The Committee expects states to interpret development as a “holistic concept, embracing the child's physical, mental, spiritual, moral, psychological and social development” (General Comment No. 5, para. 12).

12. Committee on the Rights of the Child (2013), General Comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1).

■ The implementation of the best interest of the child principle in social service delivery therefore involves two main dimensions. First, it entails the formal recognition of the best interest of the child as central to social services and its immediate implications in terms of the objectives of social services. Secondly, it requires specific mechanisms, such as protocols for professionals and processes to determine the best interest of each child, taking into account individual circumstances. The best interest determination process entails an individual needs assessment, which includes the possibility for children to express their views. This is a major challenge, however, as situations are always complex, hence the importance of clear guidelines to support professionals in this process. The UN High Commissioner for Refugees has issued detailed guidelines on the determination of the best interest of the child. While they focus on the determination process in the context of asylum-seeking children, they contain important elements that can be used to inform the development of guidelines nationally and in respect of children outside this specific target group.¹³

■ Many Council of Europe member states have adopted measures to ensure the best interest of the child in the delivery of social services. Of those that responded to the survey, 23 member states provided examples of how they are applying the principle of the best interest, which includes a focus on the best interest principle as a primary consideration in the delivery of services for children (**Albania, Flanders, Belgium, Cyprus, Denmark, Estonia, Iceland, Sweden**); children's rights and/or child participation (**Wallonia-Brussels Federation, Belgium, Denmark, Greece, Italy, Latvia, Moldova, Netherlands, Russian Federation, Slovenia and Sweden**); cross-sectoral rules of procedure (**Croatia**); guidelines defining criteria on the best interests of the child (**Estonia, France and Montenegro**); and supporting disadvantaged children and families in order to prevent family separation and strengthen the family environment, parental skills and the economic situation (**Lithuania, Romania and Serbia**).

■ In **Hungary**, the Child Protection Act (Section 6(14)) provides that children have the right to be raised in a family environment, which can ensure their physical, mental, emotional and moral development, welfare and a healthy upbringing. Children are entitled to support in order to be raised in their own families, develop their personality, be protected from circumstances which may endanger their development, be integrated into society, and enjoy conditions conducive to their future independent lives. Disadvantaged children have the right to receive additional help in order to counter circumstances that impede their development and to increase their opportunities. Children with disabilities or other long-term medical conditions have the right to special support to ensure their development and nurture their personality. Child protection is an activity aimed at facilitating the ability of families to raise children, preventing and addressing vulnerabilities, and ensuring the substitute protection of a child without parental care or care provided by other relatives. The protection of the child is ensured by basic child-welfare services and special child protection services, which provide services in cash, in kind and in the form of personal care. In **Andorra**, the law on adoption and other protection measures for minors in a situation of abandonment rests on the best interests of the child.

■ Provision for a needs assessment is also a major element in providing social services friendly to children and families. In **Latvia**, no social service is provided without first assessing the child's need for the service. This is to be understood in the broader context of the de-institutionalisation strategy, which seeks to ensure that the actual needs of children are taken into account in respective institutions or communities.

13. UN High Commissioner for Refugees, *UNHCR Guidelines on determining the best interests of the child*, May 2008.

Estonia – Example of legislation on the best interests of the child

Article 21 of the new Child Protection Act coming into force as of 1 January 2016 provides that the best interests of child shall be a primary consideration:

(1) When decisions affecting a child and choosing between different options, the best interests of the child shall be ascertained and shall be the primary consideration;

(2) In order to ascertain the best interests of the child, it is necessary:

- ▶ to ascertain all the relevant circumstances concerning the personal situation of the child in order to assess the effect of the decision on the child's rights and well-being;
- ▶ to explain to the child the content of and reasons for the planned decision, and to hear the child's views in a manner that takes into account his or her age and development...;
- ▶ to assess all relevant circumstances as a whole in order to form a reasoned opinion concerning the best interests of the child with regard to the planned decision.

(3) If the decision made does not coincide with the child's opinion, the reasons must be explained to the child. According to the new act, the Social Insurance Board, local municipality and county governor shall exercise state supervision over ensuring the child's best interest.

The Act further provides that the local government shall, within ten days of becoming aware of a child in need of assistance, make a decision on whether or not to commence case management or to forward the case to a competent official.

(4) Case management may not be initiated if the need for assistance can be satisfied by a non-recurring measure.

(5) Upon assessing the child's need for assistance and provision of assistance, the local government shall establish and document the opinion of the child and attach it to the case plan related to the child, unless provided otherwise by a specific act. A child protection official shall involve the child and the person raising the child or the childcare institution in which the child is staying in the assessment of the need for assistance. Provision of assistance for a child in need of assistance shall seek to improve the relations between the child and the caregiver.

Overall, the survey results on the best interest of the child demonstrate a growing awareness of the importance of this principle. However, only **Estonia, France** and **Montenegro** reported on the use of concrete guidelines that define criteria for determining and implementing the best interests of the child. This is consistent with the FRA's mapping of child protection systems in the EU, which found that "[a]lthough the principle of best interests of the child is enshrined in law, most Member States lack criteria and practical guidance on how to assess it".¹⁴ Other findings relevant to the Council of Europe survey are the fact that "provisions on multidisciplinary assessment exist in the majority of Member States, ... however, [they] often have no statutory value and the decision is left to the case manager or the leading social worker on the case" and that "[i]n many Member States, existing standards do not apply due to a lack of human resources and the heavy workload of professionals."

This is a complex but fundamental principle and it is crucial for member states to prepare criteria and guidelines for professionals (namely, social workers, health professionals, and justice officers, among others) and institutions and to ensure their implementation. This aspect is further examined below, in relation to professional standards and protocols.

14. European Union Agency for Fundamental Rights (2015), Mapping child protection systems in the EU, Data and Maps, Provisions requiring multidisciplinary assessment of child protection cases, available at: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection/multidisc-assess>.



Key points

- ▶ The principle of the best interest of the child is of particular relevance to social service delivery for children and families, and needs to be fully taken into account at all stages of the process, as specifically required in the CRC.
- ▶ In concrete terms, it involves both the recognition of the principle in domestic law and practical instruments for implementation, especially for individual needs assessment.
- ▶ Many Council of Europe member states have reflected this principle in their legislative framework.
- ▶ However, very few have reported on protocols and other guidance tools to support professionals in determining a child's best interest in the individual situations they encounter in their daily work.

RIGHT TO PARTICIPATION

■ The child's right to participation mentioned in the Recommendation echoes Article 12 of the CRC on the child's right to be heard and integrates it into the context of social services. In the Recommendation, children's participation is to take place in two main ways: participation in their own care and participation in the planning, delivery and evaluation of social services. The first strategy entails the right of the child to be informed, to express views, to be heard, to give consent to decisions and to be informed on how his or her views have been taken into account – all in accordance with the child's capacity, age, development and individual circumstances. In such processes, parental involvement is welcome and should be ensured, but should not impair the child's right to freely express his or her views. Children's participation in the planning, delivery and evaluation of social services may take several forms; from consultation to more active participation in decision making and child-led participation. The recognition of children as rights holders is central to both child participation strategies. The Recommendation calls on member states to adopt measures, protocols and procedures to implement the principle.

■ The Recommendation also needs to be understood in the broader context of other standards and recommendations issued by the Council of Europe to guide states in the implementation of child participation. The Council of Europe Recommendation CM/Rec(2012)2 on the participation of children and young people under the age of 18¹⁵ is a key point of reference on the issue. It urges member states to protect the right to participate by promoting and informing young people about participation and creating spaces for participation. This means that there should be legislation and structures in place (independent human rights institutions, for example); that the capacity of professionals working for and with children should be enhanced; and that opportunities for the participation of children should be created. Participation should be meaningful; children and parents should not simply be consulted, especially on an on-off basis, but should truly be able to contribute to the design, development and evaluation of legislation, services and programmes, and be respected and informed throughout the process. Member states should undertake measures to ensure that vulnerable children are also able to participate.¹⁶

■ The Council of Europe has produced a number of practical tools to support the implementation of the child's right to participation. It has developed an assessment tool to measure children's participation in matters

15. Council of Europe (2012), Recommendation CM/Rec(2012)2 of the Committee of Ministers to member States on the participation of children and young people under the age of 18.

16. Committee on the Rights of the Child (2009), General Comment No. 12 on the right of the child to be heard.

affecting them.¹⁷ It has also included this dimension in various guidance material related to children in care for both children and professionals¹⁸ and on child-friendly justice.¹⁹

■ Those member states which replied to the survey reported the existence of various laws and practices aimed at supporting child participation. Most of the findings from the survey relate to the participation of children in the planning, delivery and evaluation of services, and not in their care as such. In terms of children's involvement in decisions concerning their own care, in **Denmark**, pursuant to the Act on Social Services, consultations with the child must be carried out before the municipal council makes a decision in relation to forced measures. The consultation may be conducted without the consent and presence of the custodial parent where this is in the best interests of the child or young person. In **Serbia**, a child who is a victim of human trafficking is always involved in the process of decision making, taking into account his or her rights and developmental characteristics in terms of age and maturity.

■ A study commissioned by the European Commission for the evaluation of legislation, policy and practice on child participation in the European Union found that legislative provisions on child participation are widespread within the care sector across the 28 member states, in terms of custody and guardianship, for example. The report established that

Specific legislation of some kind was found in all Member States, outlining a principle that children should be consulted and their views heard in decisions and processes affecting their care. However, there was variation in the extent to which this legislative framework covered specific care settings and processes (e.g. child protection, alternative care, custody, and adoption decisions) as opposed to a general principle of participation.²⁰

■ The findings also point to significant challenges in relation to professionals' training and the time available to listen to children in sectors like alternative care. In terms of the age from which children are able to participate, this varies from country to country. The same goes for the health care sector. It is also important to assess the implementation of the principle in practice.

■ A review on children's views and experiences of their contact with social workers carried out in the United Kingdom found that "[w]hile most children report that they have a say in their care plan and are in agreement with its contents, ... [d]isabled children were rarely consulted in the course of making placements or when reviews were carried out".²¹ The challenges for children's participation included the intimidating meeting environment, frequent changes of social workers and inadequate conditions in which to build a positive relationship for children (that is, inadequate training for professionals and lack of time to communicate with children).

■ In terms of health care, although there is widespread legislation on consent to medical treatment and procedures in Council of Europe member states, implementation also varies and there are significant challenges for children's effective and equal involvement in decision making. A survey carried out in Portugal showed that although legislation determines that children over 16 years of age are able to give their informed consent, in 17 out of 48 hospitals policies allowed for parental consent only, and there were differences in criteria not only between hospitals, but also between departments of the same hospital.²² Furthermore, available European literature concerning children's decision making in health care clearly shows that children's need for and rights to information and participation in decisions affecting their own health are not systematically respected.²³

17. Council of Europe (2014), Child participation assessment tool: Indicators for measuring progress in promoting the right of children and young people under the age of 18 to participate in matters of concern to them.

18. Council of Europe (2009), Children and young people in care – *Discover your rights!*; Council of Europe and SOS Children's Villages International (2013), *Securing children's rights – A guide for professionals working with children in alternative care*.

19. Council of Europe (2010), *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*.

20. European Commission, *Evaluation of legislation, policy and practice on child participation in the European Union (EU)*, March 2015.

21. Oliver C. (2010), Children's views and experiences of their contact with social workers: A focused review of the evidence, Children's Workforce Development Council, UK.

22. National Commission for Child and Adolescent Health and Office of the High Commissioner for Health (2010), "Survey report on informed consent, visits to children and paediatric age" ("Questionário sobre Consentimento Informado, Acompanhamento de crianças até aos 18 anos de idade e Visitas a doentes no internamento hospitalar").

23. Coyne I. (2006), "Consultation with children in hospital: children's, parents' and nurses' perspectives", *Journal of Clinical Nursing*, 15(1): 61-71; Coyne I. (2008), "Children's participation in consultations and decision-making at health service level: A review of the literature", *International Journal of Nursing Studies*, 45: 1682-89; Runeson I. et al. (2002), "Children's participation in the decision-making process during hospitalization: an observational study", *Nursing Ethics*, 9: 583-98; Mårtensson E.K. and Fågerskiöld A.M. (2007), "A review of children's decision-making competence in health care", *Journal of Clinical Nursing*, 17, 3131-41.

Austria

One good example of a child participation structure within the child protection context ... is the Children's Counsellor in custody proceedings in Austria. In proceedings [about] custody visitation rights, a representative is appointed for the child if the case is highly controversial. The Counsellor follows proceedings with the child, and communicates the child's opinions and concerns to the court. Evaluation shows that in more than half of cases, the child's wishes were taken into account in the judge's decision.

Extract from European Commission, *Evaluation of legislation, policy and practice on child participation in the European Union (EU)*, March 2015, p. 47.

■ In terms of the involvement of children and parents in the design, development and evaluation of social services, participation remains a challenge in practice, as underlined in the aforementioned European Commission research. In the education sector, child participation has been more extensive in terms of coverage, though much less so for younger children in nurseries and kindergartens. The quality of participation processes is also uneven. Children may be involved in school decisions, but participation in policy issues such as curriculum development is lower.

■ In the survey, only 11 member states reported policies and practices concerning the involvement of children and parents in the design, development and evaluation of social services. There are no geographic considerations of significance to report: six member states were in northern and western Europe and the remaining five were central and eastern European member states. Some of the measures undertaken by member states include involving representatives of children and parents in the design and development of new legislation or ad hoc activities (**Flanders, Belgium and Switzerland**); establishing national participatory structures for children (such as the National Council for Children in **Sweden** and the National Youth Forum in the **Netherlands**); involving children and parents in the evaluation of services (**Iceland, Moldova, Montenegro and Turkey**); and procedures to submit opinions on the quality of services (**Russian Federation**).

■ The FRA's mapping of child protection systems in the EU found similar results. It reported that in most of the Member States that have introduced direct consultation with children, "it is, nevertheless, not embedded in the decision-making process and does not take place in a systematic way".²⁴ This is, of course, a very important issue. The measures presented here are good examples of how to fulfil children's right to participation in the design, development and evaluation of social services, but these should be both enshrined in legislation and embedded in practice.

24. European Union Agency for Fundamental Rights (2015), Mapping child protection systems in the EU, Data and Maps, Direct consultation with children, available at: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection/consultation>.



Key points

- ▶ Children's participation involves both participation in their own care and participation in the planning, delivery and evaluation of social services.
- ▶ In addition to Recommendation CM/Rec(2012)2 on the participation of children and young people under the age of 18, which gives member states an overarching framework applicable across different areas, the Council of Europe has adopted various guidance tools in a number of sectors, including health care, alternative care and justice, to guide member states in their implementation of the principle.
- ▶ While measures have generally been taken to ensure children's participation in the context of alternative care, in other areas, such as health and education, participation has been uneven.
- ▶ Specifically, while at individual level children have the possibility to express views to an unequal extent depending on their own situation (including age and disability) and professional practices (including practices within the same structure), consultation of children in planning, development and evaluation is failing to keep pace and requires more attention.

RIGHT TO PROTECTION

■ The Recommendation takes a holistic approach to the right to protection, emphasising the importance of a protective environment. Specifically, it clearly provides that ensuring the protection of children from all forms of neglect, abuse, violence and exploitation requires interventions aiming at the preservation of family strength and unity. This is reflected in the very scope of the entire Recommendation, which concentrates on social services friendly to both children and families. The Recommendation provides that "social service delivery should ensure that there is a supportive environment for the child by providing the appropriate level and diversity of services and resources necessary for positive parenting and the empowerment of parenting skills". Avoiding family separation is therefore stated as a primary goal, while recognising that in some situations it is necessary in the best interest of the child. This approach echoes various provisions in the CRC that underline the critical function of the family as the natural environment for a child's growth and well-being and the role of parents in the child's upbringing in providing for the his or her needs and ensuring guidance for his or her development.

■ This aspect has a particular importance in Europe, in light of the high rates of institutionalisation of children in many countries in central and eastern Europe and in the Commonwealth of Independent States. Data from UNICEF indicate that this region has the highest rate of children in residential care in the world. The overwhelming majority of these children are not orphans, but parents do not receive adequate support. Behind poverty and socio-economic hardship, with poverty being a major factor, lie a range of other reasons that point to the lack of social support services that enable parents to work while having access to childcare. Single mothers are particularly vulnerable to placing their children in residential care. Disability, domestic violence, and parent migration also come into play in such decisions and could be addressed with adequate support. In many countries, children with disabilities, for example, represent 60% of all children in institutions, further pointing to the lack of adequate services.²⁵

■ In early 2015, the Council of Europe Parliamentary Assembly expressed concern "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." In its 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, the Parliamentary Assembly further stated that "children's rights and their best interests need to be better protected."²⁶

25. UNICEF CEE-CIS (2010), *At home or in a home? Formal care and adoption of children in Eastern Europe and Central Asia*, UNICEF.

26. Council of Europe 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.

■ In this context, it is not surprising that many member states have indicated their intention to take measures in support of parenting, prevention of institutionalisation and de-institutionalisation as important areas of law and policy reform for social services friendly to children and families. This trend further echoes a movement towards strengthening families' ability to care for children and building on families' strengths, rather than resorting to professional support to "replace" families in their child-rearing role. In **Montenegro**, for example, the Law on Social and Child Protection (2013) defines the duty of professionals in child protection to make efforts to keep the child in the family environment by providing family support, and if this is not possible, or not in the best interest of the child, through the provision of family placement foster care. The law stipulates that a child under 3 years of age is not provided with accommodation in an institution unless all other options have been exhausted, and the decision is reviewed at least once every six months.

■ The protection of children from abuse and neglect is an issue of major concern in Europe. Marta Santos Pais, Special Representative of the UN Secretary-General on Violence Against Children, in her address at the Dubrovnik midterm review conference (2014) on the Implementation of the Council of Europe Strategy for the Rights of the Child 2012-2015, stated:

Some children are at a particular[ly] high risk. ... This pattern has been aggravated by the recent economic crisis. High levels of unemployment and cutbacks in public health and welfare services have led to increasing levels of stress, depression, anxiety and suicidal thinking among affected families, undermining parent-child bonding and constituting serious risk factors for child abuse and neglect.²⁷

■ Member states have addressed violence against children with a wide range of strategies. In all, 27 member states have prohibited corporal punishment in all settings including the home.²⁸ Data from the survey show that member states have addressed violence against children in training and through awareness-raising campaigns (**Denmark, Slovakia, Switzerland, Lithuania and Flanders, Belgium**); in alternative care (**Sweden**); by establishment of appropriate information systems to register and follow up on cases of violence against children (**Lithuania**); and by vetting of professionals (22 member states). The Council of Europe supports member states in this area through its Children and Violence programme.

■ In **Moldova**, a national Child Helpline was launched in June 2014 and it was the first state social service to be harmonised with European standards by operating using the unique pan-European telephone number 116111. The overall scope of the Child Helpline service is to strengthen the national child protection system by providing information and psychological counselling to children tailored to their individual needs and interests and by facilitating direct access to protection services for children in need. During June 2014 and March 2015, nearly 27 400 calls were registered, and in over 2 500 calls beneficiaries were provided with individual counselling on issues raised. Almost 130 cases of children at risk that reflected violence against a child, child exploitation through begging, child labour exploitation, missing children, presumed child trafficking and online bullying, among other issues, were referred to relevant agencies for delivery of specialised protection services.



Key points

- ▶ The approach to the child's right to protection in the Recommendation clearly focuses on strengthening the family and on parenting support.
- ▶ High rates of institutionalisation have been a major concern and have been found to be related to the lack of availability of adequate social services.
- ▶ This situation has recently prompted many member states to make specific efforts to prevent institutionalisation through social protection and measures targeting families.

27. Marta Santos Pais, "Persisting and emerging challenges in protecting children's rights in Europe", Dubrovnik, March 2014, address at the Dubrovnik midterm review conference Growing with Children's Rights, on the Implementation of the Council of Europe Strategy for the Rights of the Child 2012-2015.

28. Global Initiative to End All Corporal Punishment of Children (2015), "Progress towards prohibiting all corporal punishment in Council of Europe member states", March 2015, Council of Europe.

Implementing standards on social services friendly to children and families

The translation of legislation into concrete programmes, guidelines and measures is the key vehicle for the effective implementation of child rights and standards on social services friendly to children and families. This is reflected in the Council of Europe's focus in recent years and the marked shift from standard setting to the provision of guidance and support of member states on how to best implement child rights standards;²⁹ the accelerated development of general comments by the Committee on the Rights of the Child; and the collection of good practices and funding allocated by the European Commission. These instruments are of great importance because they support the actual implementation of legislation, by ensuring that the practical implications of legal provisions in the daily functioning of services are clarified; by promoting the uniform application of the law in social services across sectors and geographic borders; and, importantly, by providing a baseline for the monitoring and evaluation of social service delivery and practices. For this reason, they are essential to the experience of children and families when interacting with social services.

■ This chapter focuses mainly on key strategies in child-friendly social service delivery described in Section V of the Recommendation. Specifically, it presents the findings of the survey and draws considerations on standards, protocols and regulations; awareness-raising campaigns on children's rights in the context of social services; professional competency – training, supervision and accountability; the safety of the child; integrated services; co-operation between social services across borders; and monitoring and evaluation of services.

STANDARDS, PROTOCOLS AND REGULATIONS

■ Along with the development of legislation, various member states reported having adopted other tools, only some of which are binding, such as regulations and different types of standards, guidelines and protocols. Numerous member states, including **Andorra, Azerbaijan, Bulgaria, Latvia, and Sweden** have adopted such instruments to guide the delivery of social services in a child- and family-friendly manner.

■ In **Andorra**, the PACIP (Protocol on action in cases of children at risk) lays down the protocol for the intervention of all social agencies that contribute to the psychosocial development of the child. In **Sweden**, in 2012 the National Board of Health and Welfare was tasked with drawing up a programme for safe and secure care in foster homes and homes for residence or care (HVB). Within the framework of the assignment, the Board has drawn up regulations, guidelines and manuals to support professionals, and provided general advice. In addition, guidelines on the education and health of children have been published. Within the framework of safe and secure care, the government then decided to create several key assignments focusing on skills development for staff involved in social care of children and young people, drawing up a method for listening to children in foster homes and making social services available to children and young people.

■ The ongoing development of "soft law" to guide the concrete implementation of laws for the delivery of services friendly to children and families certainly represents a positive development. However, the non-binding nature of many of these instruments constitutes a major limitation, as their enforcement tends to depend on the goodwill and capacity of professionals and there is often little feeling of accountability, especially in respect of guidelines and other guidance tools. Considerations developed in the previous chapter on fundamental principles, especially under the section on the best interest of the child and child participation, also point to the need to reinforce the translation of legislation into practice, as well as to strengthen accountability mechanisms.

²⁹ Council of Europe Strategy for the Rights of the Child (2012-2015).



Key points

- ▶ Numerous member states have adopted regulations, standards, guidelines or protocols to guide professionals in the delivery of social services.
- ▶ These tools are essential to the harmonised delivery of quality services.
- ▶ However, the often non-binding nature of the tools is a limitation to their implementation, which tends to rely on professionals' goodwill and capacity.

AWARENESS-RAISING CAMPAIGNS ON CHILDREN'S RIGHTS IN THE CONTEXT OF SOCIAL SERVICES

Information on children's rights in the context of social services for all stakeholders, including children, parents and professionals, is a critical factor for the child-friendliness of services. While the dissemination of the Recommendation as such has been limited, as shown in Chapter II of this study, other strategies have been used to provide targeted information.

Awareness-raising campaigns on children's rights in the context of social services are two-fold. On the one hand, it is essential that children and parents know about their rights and the availability of social services, in order to be able to access them. On the other hand, parents, professionals working for and with children and children themselves, should learn about subjects that are particularly relevant to children's rights and well-being, such as prevention of violence and positive parenting, among others. According to the Recommendation, children and parents should be informed in languages and formats that they can understand. This may mean preparing information materials in different languages and in child-friendly formats, which target children of different age groups or other groups, as appropriate. The information can be disseminated in children's daily environments, such as the home, school, recreational and cultural spaces or others.

The Recommendation provides that the dissemination of information on children's rights and the availability of social services should be transparent and in child-friendly language, reflecting the needs of children of all ages and stages of development. Outreach activities, such as awareness-raising campaigns, and support and information services, should be developed and targeted especially at vulnerable children and families. Support systems aimed at raising parental awareness of children's rights should be put in place. The Council of Europe's work on communication, education and training has contributed to the implementation of related strategies in member states. An example of this is the ONE in FIVE campaign, in the context of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (also known as the Lanzarote Convention), where 27 campaign partners in member and non-member states have entered into agreement with the Council of Europe. The main goals of the campaign are to achieve further signature, ratification and implementation of the Lanzarote Convention and to equip children, their families/carers and societies at large with knowledge and tools to prevent and report sexual violence against children, thereby raising awareness of its extent. The "Underwear Rule" materials, which were developed to prevent sexual abuse by encouraging dialogue between parents and children, are currently available in 19 languages.³⁰

In the survey, 21 member states reported carrying out awareness-raising campaigns on children's rights in the context of social services. In **Denmark**, the government has, in addition to the Bill on Co-ordinated Measures to Protect Children against Abuse, earmarked 1.8 million Danish krone to launch a campaign focusing on the duty of professionals as well as adults in general to notify the authorities if they learn, or have reason to believe, that a child has been exposed to violence or other abuse. The aim of the campaign is furthermore to raise awareness of the legislative changes resulting from the above-mentioned bill, which entered into force in October 2013. The campaign was launched at the end of 2013. In **Slovakia**, in the context of the National Strategy on Prevention of Violence against Children, an awareness-raising campaign about violence against children is planned for 2015, with positive parenting as one of the messages. Of those that responded to the survey, 18 member states reported that the information is available in child-friendly languages and formats and it includes measures aimed at raising parental awareness of children's rights.

³⁰ More information about the ONE in FIVE campaign can be found at: http://www.Council of Europe.int/t/DG3/children/1in5/default_en.asp.

■ No information was generated in the study concerning the impact of campaigns on the attitudes of professionals or knowledge of parents and children.



Key points

- ▶ • Awareness-raising campaigns can include information to both enhance accessibility of children and families to social services and to increase their knowledge.
- ▶ • The majority of member states reported carrying out awareness-raising campaigns in the context of social services and children's rights.
- ▶ • Future surveys could assess the impact of awareness-raising campaigns to measure their effectiveness.

PROFESSIONAL COMPETENCY: TRAINING, SUPERVISION AND ACCOUNTABILITY

■ Professionals working for and with children are the face of the social protection system and their role cannot be underestimated, both as child rights advocates and as frontline agents in the delivery of care for children and families. For this reason, it is essential that these professionals, especially those in direct contact with children, be aware of children's rights and have the skills to apply them in practice. In order to ensure this, all members of staff working for and with children need specialised training on children's rights and child protection.

■ The Recommendation specifies particular areas of training that deserve attention, namely prevention of violence against children, communication, accountability, ethics and the ability to work in multidisciplinary teams. Of those that responded to the survey, 20 member states reported that staff working with and for children have had specific training in child protection, which includes children's rights (22 member states), the identification of signs of child abuse and neglect and current referral and reporting mechanisms (21 member states), and communication with children (20 member states).

■ In **Latvia**, professional social work guidelines were reviewed in 2013. They support the professional skills of social workers working with different target groups as well as families and children; ensure cross-institutional co-operation in social care; and develop a support system providing supervision and professional training for social workers. The Recommendation was taken into account when the guidelines were written and all planned activities are directed at ensuring respect for children's and family's fundamental rights. In 2014, **Lithuania** provided training covering various themes concerning protection of children's rights on: how to work with disadvantaged children; peculiarities of the work; improvement of communication skills; working with children left without parental care and/or children neglected by their parents; and how to work with victims of violence (especially children). In **Switzerland**, the Swiss Conference of Institutions for Social Action (CSIAS) is analysing the possibility to put in place a new concept of continuous professional training. In general, both the legal provisions and basic professional training are based on the fundamental competencies of the profession, which include, among others, knowing how to communicate with children in a way that is adapted to their particular situation; listening to clients and understanding their social situation; intervening where there is a crisis situation; and working in collaboration with other professionals in complex situations. In terms of continuous training, there are a number of possibilities for social and health professionals to improve their knowledge of different themes. In **Denmark**, the government continuously supports the municipalities in providing the right service for vulnerable children, youngsters and their families. Funding is regularly allocated by the government for in-service training of municipal social workers on how to improve conversations with a child in the process of making decisions involving him or her, in order to ensure that the views of the child are taken into account. In **Iceland**, training of staff such as educational day-care staff and social educators includes child protection and the rights of children. Other staff working with children, who do not have a specialised education, get regular training and education, but the degree varies between different municipalities and their training and education could be improved.

■ National data from member states also provide informative evidence on training of professionals. In 2013, a survey was carried out at the Mangiagalli Clinic in Milan (Italy), which assessed the capacity of 259 general practitioners and paediatricians to recognise the signs and symptoms of child abuse and neglect. The study found that three quarters had never attended a training course on maltreatment; more than half of the respondents had suspected abuse and neglect conditions during their work experience (more than half of the respondents had more than 20 years of experience); importantly, approximately half of those who had suspected a case of abuse and neglect had decided not to report it; and, out of this category, almost a quarter were not aware how to report child abuse. This survey provides meaningful insight about the training and awareness-raising needs of professionals working with and for children.³¹ In Portugal, the annual report of the National Commission for the Protection of Children and Youth at Risk for 2013 showed that approximately half (n=124) of local child protection commissions found training to be insufficient.³²

Lithuania – Specialised training programme for specialists working with children who have suffered sexual exploitation and violence and their family members

The Ministry of Social Security and Labour is implementing the programme Children and Youth at Risk under the European Economic Area Financial Mechanism 2009-2014. One of the measures under this programme is the improvement of qualifications of employees and volunteers working at child day-care centres and open youth centres. One of the aims of this measure, in co-operation with partners from Iceland, is to create a specialised training programme for specialists working with children who have suffered sexual exploitation and violence and their family members, and to train the specialists based on the regional principles. It is assumed that specialists who have improved their qualifications in this way will then be able to provide qualified support to children in various regions of Lithuania who have suffered sexual abuse.

■ Capacity building of professionals working for and with children is an essential mechanism to ensure the respect, protection and fulfilment of children's rights, in line with the Council of Europe standards and the CRC. In addition to the Recommendation, the Council of Europe guidelines on child-friendly justice³³ state that professionals working with and for children should receive the necessary interdisciplinary training on the rights and needs of children of different age groups, and on how to communicate with children of all ages and at all stages of development and with children in situations of particular vulnerability. This is further emphasised in Recommendations CM/Rec(2009)10 of the Committee of Ministers of the Council of Europe to member states on integrated national strategies for the protection of children from violence³⁴ and CM/Rec(2012)2 on the participation of children and young people under the age of 18.³⁵ Training of professionals in children's rights and on Article 12 of the CRC in particular, is essential in the context of prevention of child maltreatment and juvenile delinquency, as well as in early intervention programmes, as stated by the Committee on the Rights of the Child in General Comment No. 10 (2007) on children's rights in juvenile justice.³⁶ In several member states, training of professionals in child protection, but also in child rights, is being progressively established. However, evidence shows that this is not carried out in all areas or to the desired standard. The FRA research on child-friendly justice, child victims of trafficking and children with disabilities "has shown that professionals often lack guidance, and that having clear guidelines, practical protocols or handbooks can improve their performance."³⁷

31. Indifesa, Terre des Hommes and Unit for abused children and adolescents (2013), "Child abuse: how do doctors in Milan recognise it?" ("Maltrattamento sui Bambini: come lo riconoscono i medici di Milano?").

32. National Commission for the Protection of Children and Youth at Risk (Comissão Nacional de Proteção das Crianças e jovens em Risco) (2013), "Annual Report of the Activities of Child Protection Commissions" ("Relatório Anual de avaliação da atividade das CPCJ no ano de 2013").

33. Council of Europe (2010), *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*.

34. Council of Europe (2009), Recommendation CM/Rec(2009)10 of the Committee of Ministers to member states on integrated national strategies for the protection of children from violence.

35. Council of Europe (2012), Recommendation CM/Rec(2012)2 of the Committee of Ministers to member States on the participation of children and young people under the age of 18.

36. Committee on the Rights of the Child (2007), General Comment No. 10 on children's rights in juvenile justice.

37. European Union Agency for Fundamental Rights (2015), Annual Report 2014, *Fundamental rights: challenges and achievements in 2014*.

■ Member states can benefit from the guidance included in the Recommendation and existing Council of Europe training resources, such as the guide *Securing children's rights*, for professionals working in alternative care, produced in partnership with SOS Children's Villages International,³⁸ and other available guides on specific rights, such as the resource guide on General Comment No. 12.³⁹

■ As highlighted in other chapters of the report, the available evidence from the survey and external sources suggests a limited availability of protocols for professionals and accountability mechanisms.



Key points

- ▶ It is essential that professionals working for and with children are aware of children's rights and have the skills to apply them in practice.
- ▶ National and international evidence shows that professionals often lack training, guidelines and protocols, which may restrict their knowledge and, ultimately, children's and families' experience of social services.
- ▶ There are various resources available that member states could use to enhance the training of professionals.
- ▶ Evidence suggests the limited availability of protocols for professionals and accountability mechanisms.

SAFETY OF THE CHILD

■ Children may be exposed to risk in different situations, including while in the care of professionals. The Recommendation states that in all social service delivery, the safety of the child should be a primary consideration and proposes the establishment of mandatory reporting to social services, accountability systems, which may include the supervision and assessment of professionals, and safe social services premises.

■ Of those that replied to the survey, 22 member states reported that professionals working with children are subject to vetting to ensure their suitability to work with children; 10 member states reported requesting employees to present a criminal record or criminal history involving sexual abuse of children; and 11 member states reported requesting, testing and/or assessing the competency of professionals working with children. In **France**, legislation was to be reinforced in 2015 for better control of all professionals working with children, including professionals in day care. In Iceland, vetting of staff working with children is consistent and is required by numerous laws, which prohibit the hiring of persons working with children if they have been convicted of sexual offences towards children. In Latvia, managers and employees of childcare, educational, health care, and other such institutions where children spend time, organisers of events for children and other events in which children take part, persons who perform voluntary work in the above-mentioned institutions and events or who provide a service according to an agreement entered into with such institutions, are liable for the protection of the health and life of the child, that the child be safe, that he or she is provided with qualified services and that his or her other rights are observed.

38. Council of Europe and SOS Children's Villages International (2013), *Securing children's rights – A guide for professionals working with children in alternative care*, available at: www.coe.int/en/web/children/publications

39. Lansdown G. (2011), *Every child's right to be heard – A resource guide on the UN Committee on the Rights of the Child General Comment No. 12*, UNICEF and Save the Children.

Switzerland – Avoiding that paedophiles ever work with children again

In September 2014, the Swiss Government promoted a consultation on the initiative entitled “Avoiding that paedophiles ever work with children again”.¹ In principle, any person convicted of a sexual offence against a minor or other particularly vulnerable person will be banned for life from undertaking work with children. An exception is intended for less serious cases, to mitigate the contradiction with the principle of proportionality enshrined in the Swiss Constitution. In recent years, efforts have been made in several cantons to improve the training and awareness of specialists who work with children on the subject of maltreatment and abuse against children and on domestic violence.

1. The original title of the initiative is “Pour que les pédophiles ne travaillent plus avec des enfants”.

■ The survey results demonstrate that attention is given to the training and vetting of professionals working for and with children. However, there are some important issues to consider. Firstly, the FRA’s mapping of child protection systems in the EU found that in cases where there is a requirement of proof of an accredited diploma in social work as well as vetting, “as a rule, ... there are no provisions requiring review”.⁴⁰ The study also found that “[o]nly five Member States (**France, Ireland, Lithuania, Poland** and the **United Kingdom**) have a certification procedure for social workers that includes training requirements. Certified social workers have to complete a required number of training hours within a given timeline (varying from one to three years).” The FRA research shows that there are no provisions for the review of training or vetting and that only five EU member states require regular training for professionals. Secondly, as demonstrated by the survey, training and vetting focus mostly on specialist professionals. Iceland and Latvia mentioned an important issue to consider in social care: the training and liability of non-specialist professionals working with children. In their everyday life, children come into contact with professionals of all categories and it is essential that member states ensure that all professionals are not only aware of children’s rights and are able to respect them, but also that they are suitable to work with children.

■ In terms of safety related to social services premises, 20 member states reported examples of measures that have been put in place in terms of facilities, equipment and other aspects. These include, inter alia, the request for identification at the entrance of facilities (**Flanders, Belgium**); the assessment of toys, indoor areas, playground safety, fire safety, hygiene and health issues in day-care institutions (**Denmark, France, Greece, Iceland, Lithuania, Moldova, Montenegro** and the **Netherlands**); video-surveillance in common areas (Latvia); and accessibility of premises (**Russia**). In **Serbia**, in accordance with the Instruction of the Ministry of Labour, Employment and Social Policy N°. 560-03-402/2011-20 July 2011, all social welfare residential care facilities are bound to immediately notify, either orally or in written form, within 24 hours at the latest, the inspectorate of the Ministry of Labour, Employment and Social Policy about any incident occurring in the facility, including the disappearance of a resident/beneficiary, unexpected death or death occurring as a result of unclear circumstances, serious attack, danger, injury or abuse of a resident/beneficiary by other residents/beneficiaries or persons outside the facility. The residential care facilities have proscribed internal procedures on follow-up in the situations referred to. In 2014, a financial allocation was made available for infrastructure-related investments, such as maintenance, works and equipment of social welfare residential care facilities.

40. European Union Agency for Fundamental Rights (2015), Mapping child protection systems in the EU, Data and Maps, Certification and accreditation procedures for professionals, available at: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection/certification>.

Sweden – Children’s houses (Barnahus)

In Sweden in 2012, the National Board of Health and Welfare was tasked with drawing up a programme for safe and secure care in foster homes and residential or care homes. Within the framework of the assignment, the Board has drawn up regulations, guidelines and manuals to support the professionals working in this field. The Board has also developed a standardised assessment method for investigation of foster homes to enable early identification of unsuitable prospective foster homes. Within the framework of safe and secure care, the government decided on several assignments, such as focusing on skills development for staff involved in social care of children and young people. Barnahus (“Children’s houses”), where the police, social services and psychiatrists work together, is also helping children who are victims of crime, violence or abuse. The purpose of Barnahus is a safe, child-friendly environment that allows children suspected of being victims of crime to be in the centre of the investigation process. The premises are suitable for children and anyone meeting the children is specially trained.

■ Safety is a fundamental principle for children. The examples presented here show how safety can be ensured, namely through appropriate legislation, budgeting, inspection and adaptation of facilities, including security measures. The good practice from Lithuania (on training) also demonstrates how member states can collaborate on specific issues to advance child rights.



Key points

- ▶ The majority of member states reported that professionals working with and for children are subject to vetting.
- ▶ Evidence shows that there is a need for requirements that ensure the periodic review of professionals’ suitability to work with children over time.
- ▶ Both specialist and non-specialist professionals working for and with children should receive training on child rights.
- ▶ The majority of member states reported that they had taken measures to ensure safety related to social services premises.

INTEGRATED SERVICES

■ The Recommendation highlights the importance of interdisciplinary and multi-agency co-ordination as a key strategy in child-friendly social service delivery. It further underlines the need for integrated policies and early intervention in situations of child abuse and neglect as an essential dimension of preventive, comprehensive and responsive services.

■ The paramount importance of co-ordination across disciplines has been highlighted in numerous instances as the direct practical implication of the interdependence and indivisibility of all children’s rights. It consists in promoting approaches that focus on the “whole child” and that build on interactions among sectors and actors to enhance the effectiveness and coherence of interventions. The need for integrated policies and services is repeatedly emphasised in the Committee on the Rights of the Child General Comment N°. 13 on the right of the child to freedom from all forms of violence.⁴¹

■ Integration refers to an advanced level of co-ordination. The Council of Europe report on integrated social services defines integration as applying to “a range of approaches or methods for achieving greater co-ordination and effectiveness between different services, ... to achieve improved outcomes for service users.”⁴² The central idea is that of a single system under which services operate. A recent report commissioned by the

41. Committee on the Rights of the Child (2011), General Comment No. 13 on the right of the child to freedom from all forms of violence.

42. Munday B. (2007), *Integrated Social Services in Europe*, Council of Europe.

European Commission has highlighted the value of integrated social services as reflected in literature on the topic, such as tailor-made, flexible and responsive policy options; cost effectiveness and efficiency by sharing knowledge, expertise and resources across co-operating actors; capacity building and innovation, but also the considerable challenges involved in achieving these outcomes.⁴³

■ Service integration is a core aspect of child protection systems. In the context of ongoing discussions for the development of child protection guidelines, the European Commission has defined an integrated child protection system:

as the way in which all duty-bearers (namely the state authorities represented by law enforcement, judicial authorities, immigration authorities, social services, child protection agencies, etc.) and system components (e.g. laws, policies, resources, procedures, processes, sub-systems) work together across sectors and agencies sharing responsibilities to form a protective and empowering environment for all children.⁴⁴

■ In the **Russian Federation**, pursuant to Federal Law N^o. 442-FZ of 28 December 2013 on the framework of social services in the Russian Federation, children are provided with free social services in the form of home services, or in residential/day-care social service settings. If necessary, parents, carers, guardians or other legal representatives of minors are rendered assistance through the delivery of medical, psychological, educational, legal and social aid outside the scope of social services (such as case management) on the basis of multi-agency collaboration. In **Estonia**, children's mental health services and prevention work have been recently reorganised and are now delivered in three primary service areas, namely health care, social services and education. In **Flanders, Belgium**, the parliament has adopted an act on integrated youth care and the related inspection of the social services. In **Portugal**, cross-sectoral partnerships and programmes have been established by linking the social protection issues with employment, education and training and through other plans and strategies that promote the social inclusion of specific groups, for example: the 4th Generation of the Choices Programme (2010-2012); the Plan for Immigrant Integration 2011-2014 (second iteration); the National Disability Strategy 2011-2013; and the National Strategy for the Integration of Roma Communities. In parallel, the transversal policies for equal opportunities between men and women in the Fourth National Plan for Equality – Gender, Citizenship and Non-Discrimination 2011-2013 and the present plan (2014-2017) have been adopted.



Key points

- ▶ Service integration refers to a high level of co-ordination among actors and services to achieve improved outcomes for service users.
- ▶ The Recommendation highlights the importance of interdisciplinary and multi-agency co-ordination as a key strategy in child-friendly social service delivery and the direct practical implication of the interdependence and indivisibility of all children's rights.

CO-OPERATION BETWEEN SOCIAL SERVICES ACROSS BORDERS

■ Another challenging yet crucial issue for member states and international institutions alike is co-operation between social services across borders. In 2011, a quarter of a million cases of missing children were officially reported in the EU.⁴⁵ Children who are moving between countries, whether they are with their families or are separated from them, may be at risk of abuse, neglect, violence and exploitation. Co-operation between countries is needed both to prevent abuse from taking place at all and/or from continuing to take place (re-victimisation). Co-operation may take place between the police, border services and migration agencies, social services, etc.

43. European Commission (2015), *Literature review and identification of best practices on integrated social service delivery*, Budapest Institute.

44. European Commission, 9th European Forum on the rights of the child, "Coordination and cooperation in integrated child protection systems – Reflection paper", 30 April 2015.

45. Viviane Reding, Vice-President of the European Commission, EU Justice Commissioner, "Missing Children: Taking stock and future-proofing the hotlines", Third Annual Conference on Missing Children and 116000 Hotlines, Brussels, 4 June 2013.

■ In the preamble to the Recommendation, the Committee of Ministers encourages member states to ensure that social services co-operate across borders in individual cases where children are at risk and are moving between countries.

■ Of those that replied to the survey, 23 member states reported engagement in co-operation between social services across borders, of which four (**Cyprus, Iceland, Italy and Sweden**), mentioned partnership with the International Social Service, an international federation of interconnected non-governmental organisations and partners that works towards re-establishing links within a family separated by borders. Co-operation is carried out primarily in cases of unaccompanied or separated children and human trafficking. Other cases include kidnapping by one of the parents, or other children at risk. **Serbia** has engaged with neighbouring countries and at regional level to fight human trafficking. A network of national co-ordinators against human trafficking by the 10 countries of the “Brdo Process” (Albania, Bosnia and Herzegovina, Bulgaria, Croatia, “the former Yugoslav Republic of Macedonia”, Moldova, Montenegro, Romania, Serbia and Slovenia) has been established, as well as MARRI – Migration, Asylum and Refugees Regional Initiative – between Serbia, Bosnia and Herzegovina, Croatia, Montenegro, “the former Yugoslav Republic of Macedonia” and Albania. This co-operation between the national co-ordinators for combating human trafficking in the region aims at exchanging information, good practice and advancing cross-border co-operation for the purpose of preventing human trafficking and reinforcing the national referral systems of the countries involved.

■ The first round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings shows that 18 of the member states which participated in the survey engage in international co-operation on anti-trafficking⁴⁶ through joint investigations, exchanges of good practice, training and awareness-raising campaigns and funding projects, among other activities. Some of the challenges pointed out by the Council of Europe Group of Experts on Action against Trafficking in Human Beings include: the need for more attention to be paid to the situation of Albanian children taken to Kosovo⁴⁷ for the purpose of exploitation through begging or other forms of exploitation (**Albania**); the lack of contact with countries of origin of victims of trafficking, including children, who are returned without having had a proper risk assessment and face the risk of being re-trafficked (**Denmark**); the need to explore further possibilities for international co-operation in the fields of protecting and assisting victims of trafficking, and the investigation and prosecution of trafficking cases, inter alia in order to prevent re-trafficking (**Cyprus, Hungary, Moldova, Montenegro, Portugal, Romania, Serbia, Slovakia, Slovenia**); and the need to explore further possibilities for co-operation with governmental and non-governmental actors in countries of origin and transit (**Sweden**).

■ International child abduction has also received attention. On several occasions, the European Court of Human Rights has found that states signatories to the 1980 Hague Convention on the Civil Aspects of International Child Abduction have failed to take all the measures that could reasonably be expected to enforce a return order, and has called attention to the need to enhance co-operation in the field of international child abduction.⁴⁸

■ Council of Europe member states have successfully worked together on joint investigations and on addressing key aspects of human/child trafficking, kidnapping and other categories of missing children. States should improve data collection and work together with the Council of Europe towards exchanging knowledge and solutions, in the context of cross-border co-operation. The Council of Europe’s focus on the exchange of good practices has an important role in bringing these initiatives to light and using them to develop national and international policies and strategies.



Key points

- ▶ All member states reported engagement in co-operation across borders.
- ▶ Co-operation is primarily carried out in cases of unaccompanied or separated children and human trafficking.
- ▶ More co-operation is needed, for example, in the area of child abduction.

46. Of the remaining participating member states, Estonia, Greece and Switzerland have ratified the convention but have not yet undergone evaluation; Turkey has signed, but not ratified the convention and Russia has not signed the convention.

47. All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

48. For more information see *Bajrami v. Albania* (Application no. 35853/04 to the European Court of Human Rights).

MONITORING AND EVALUATION OF SERVICES

■ The Recommendation clearly states that in order to implement its provisions, it is essential to have in place quality social services, including an effective planning, delivery and evaluation system. This is to be achieved through consultation with different stakeholders, including children and parents.

■ Of those that replied to the survey, 19 member states reported that they undertake regular (that is, annual) internal evaluations of services based on strict and transparent rules and criteria and 13 of these make the information public; 11 member states reported the involvement of children and parents in the design, development and evaluation of social services; and 10 reported that they consult civil society organisations to monitor the progress of planning and delivering social services. In Bulgaria, the quality of social services for children is monitored under the Regulation on Criteria and Standards for Social Services for Children of 2003, which sets standards for services related to support for the family environment, foster care and institutional care. The standards are obligatory for the service providers. A set of criteria is also made available for the monitoring and evaluation of the quality of the service. Amendments to the Implementing Regulations of the Social Assistance Act have been in force since the beginning of 2015, in order to increase the efficiency of community-based social services by introducing criteria by which the financial standards of state-delegated services may be differentiated. In Moldova, most regulations and minimum quality standards for the organisation and functioning of alternative childcare services were reviewed and adjusted to the provisions of Council of Europe Recommendation. It is being implemented at community level in family support services to prevent risk situations for children and their separation from the family. Performance standards have been developed for the work of district social assistance and family protection departments, which are to be implemented from 2016. A procedure for the development of a national information system on social assistance is underway. It includes a module on social services for children and that will enable significant progress in monitoring the activity of authorities, institutions and professionals working in child protection. In Azerbaijan, the “Rules of state control over the enforcement of children’s rights”, approved by presidential decree on 8 May 2012, organise the implementation of state monitoring.



Key points

- ▶ Monitoring and evaluation of social services on a regular basis is essential and should involve a wide range of stakeholders, including children.
- ▶ This requires the establishment of a set of quality standards as the basis for evaluation.
- ▶ While internal monitoring and evaluation is commonly carried out in member states, consultation of children and civil society in the process remains less frequent.

Concluding remarks

■ This report has presented the findings of a survey on the implementation of the Recommendation on children's and social services friendly to children and families in member states and complementary studies of relevance. The report was organised and has provided information under three main headings: i) overarching implementation measures: laws, policies and monitoring; ii) implementation of fundamental principles; and iii) implementation of standards on social services friendly to children and families. This final chapter reflects on the main findings of the study and presents conclusions and recommendations for the Council of Europe and member states.

CONCLUSIONS

■ Overall, there are elements of social services friendly to children and families across all Council of Europe member states. There is also a clear trend of adopting child-friendly and rights-based approaches in social care legislation, policies and standards. However, findings also point to the great need to adopt more effective strategies, to translate legislation into tangible measures and deliverables and to strengthen the accountability framework. This is of particular relevance at present, as Europe witnesses a large new wave of migration and high rates of poverty, violence and institutionalisation of children in many member states.

Lessons learned for the Council of Europe

The Council of Europe has a comprehensive body of standards concerning children's rights and their applicability to different sectors and subjects of relevance. The recent marked shift from standard setting to supporting and ensuring the effective implementation of existing children's rights standards in member states and the planning of the next Strategy on Children's Rights to be adopted in 2016, present a real opportunity to reinforce the work with member states and to take a step forward in the advancement of child rights in the European region.

- Taking this into account, the lessons learned for the Council of Europe are to:
- ▶ Strengthen the existing partnerships with the European Commission, UNICEF, WHO, NGOs and existing networks in support of the implementation of the Recommendation and build on synergies with existing instruments and approaches adopted by those organisations;
 - ▶ Promote regular comparative studies to gather evidence of the implementation and impact of the Recommendation;
 - ▶ Ensure that the results of the study inform the implementation of the upcoming Strategy for the Rights of the Child;
 - ▶ Strengthen the capacity of the Council of Europe Network of Children's Rights Co-ordinators to promote the implementation of the Recommendation with relevant partners at the national level;
 - ▶ Disseminate the results of the pilot phase of the Council of Europe child participation assessment tool and use them in the exchange of good practices and to support member states in promoting more systematic child participation mechanisms at the national level;
 - ▶ Disseminate further and support member states in using the relevant Council of Europe recommendations, guidelines, communications, and education and training resources;
 - ▶ Continue to promote the visibility of children's rights and the issues that are fundamental to the well-being of children in Europe, such as violence against children.

Lessons learned for the member states

The development of services friendly to children and families has received increased attention in recent years. Member states across Europe have adopted measures to strengthen the quality of their services, make them more attuned to the needs of children and families, and recognise children as rights holders with a say in decisions affecting them. These evolutions have taken place in the broader context of increased attention to the implementation of the CRC. Yet across Europe significant gaps remain, and new challenges keep emerging, such as the ongoing economic depression, which has taken a toll on public financing while increasing family needs for social services, or the increased vulnerability of a number of children due to poverty, various forms of violence and abuse including bullying, and specific situations such as migration. Yet although there is much evidence for the problems still to be faced, there are also indications of solutions and resources that are available to member states.

■ In the light of the above, the lessons learned for member states are to:

- ▶ Translate legislation on social services and child protection systems into concrete strategies, policies and measures;
- ▶ Enhance accountability frameworks by carrying out evidence-based planning, monitoring and evaluation, with the involvement of children and families;
- ▶ Establish effective and permanent child participation mechanisms;
- ▶ Develop and implement guidelines and protocols on key issues (such as the best interest of the child and participation of children in their own care) for professionals working for and with children;
- ▶ Make children visible in budgets at the national, local and service-delivery levels;
- ▶ Increase awareness raising, dialogue and debate on child rights at national and local levels;
- ▶ Address vulnerable children and ensure the accessibility of all children to friendly social services, without discrimination;
- ▶ Harmonise legislation, policies and practices for social service delivery across national territory and structures;
- ▶ Promote regular assessments of social service delivery, including the impact of legislation and policies and the outcomes for children;
- ▶ Measure the impact that the austerity measures have had in the delivery of social services for children;
- ▶ Develop requirements for periodic reviews of professionals' suitability to work with children;
- ▶ Increase training on child rights for specialist and non-specialist professionals working for and with children.

Appendix

Recommendation CM/Rec(2011)12 of the Committee of Ministers to member states on children's rights and social services friendly to children and families

(Adopted by the Committee of Ministers on 16 November 2011 at the 1126th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

■ Considering that the aim of the Council of Europe is to achieve greater unity between its member states, inter alia, by promoting the adoption of common rules;

■ Being aware that a child is a person with rights, including the right to be protected and to participate, to express her or his views, to be heard and be heeded;

■ Bearing in mind the legal texts referring to the rights of children, and in particular the United Nations Convention on the Rights of the Child, the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS N^o. 5) which protects the rights of everyone, including children, the European Social Charter (ETS N^o. 35) and the European Social Charter (revised) (ETS N^o. 163), the European Convention on the Exercise of Children's Rights (ETS N^o. 160), the Convention on Contact concerning Children (ETS N^o. 192), the European Convention on the Adoption of Children (revised) (CETS N^o. 202), the United Nations Convention on the Rights of Persons with Disabilities and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS N^o. 201);

■ Taking into account the following recommendations of the Committee of Ministers to member states: Rec(87)20 on social reactions to juvenile delinquency, Rec(98)8 on children's participation in family and social life, Rec(2003)19 on improving access to social rights, Rec(2005)5 on the rights of children living in residential institutions, Rec(2006)5 on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015, Rec(2006)19 on policy to support positive parenting, CM/Rec(2009)10 on integrated national strategies for the protection of children from violence, CM/Rec(2009)9 on the education and social inclusion of children and young people with autism spectrum disorders, CM/Rec(2010)2 on deinstitutionalisation and community living of children with disabilities, as well as the 2010 Committee of Ministers' Guidelines on child-friendly justice and the 2011 Committee of Ministers' Guidelines on child-friendly health care;

■ Recalling the following Parliamentary Assembly recommendations: 1121 (1990) "Rights of children", 1501 (2001) "Parents' and teachers' responsibility in children's education", 1703 (2005) "Protection and assistance for separated children seeking asylum", 1666 (2004) "European-wide ban on corporal punishment of children", 1778 (2007) "Child victims: stamping out all forms of violence, exploitation and abuse", 1864 (2009) "Promoting the participation by children in decisions affecting them", 1905 (2010) on "Children who witness domestic violence", 1939 (2010) "Children without parental care: urgent need for action", and 1934 (2010) "Child abuse in institutions: ensuring full protection of the victims";

■ Bearing in mind the 2010 New Strategy for Social Cohesion and Council of Europe Action Plan for Social Cohesion, which stress that the well-being and empowerment of families and children are critical for quality of life and for building confidence in the future, and invites the member states to make sure that vulnerable categories of people have access to social and financial services. They also stress that the participation of children and young people is a fundamental right and a key element for the future of society, and that the organisation and adaptation of relevant services should be done according to the rights of the child, who must be able to evolve in a safe, violence-free and supportive environment;

■ Recalling the final communiqué of the Conference of European Ministers responsible for Family Affairs held in Vienna in June 2009, which stressed that all policies and decisions affecting children must respect children's rights and the child's best interest ;

■ Referring to the work of the Council of Europe programme "Building a Europe for and with Children", the programme's 2009-2011 Strategy and the future 2012-2015 Strategy of the rights of the child;

■ Taking into account the 2003 report on "Safeguarding adults and children with disabilities against abuse", and the 2007 reports on "Integrated social services in Europe" and on "User involvement in personal social services" prepared under the auspices of the European Committee for Social Cohesion (CDCS),

Recommends that the governments of member states:

■ Take into account the guidelines appended to this recommendation as a practical tool for adapting their social service systems for children and families to the specific rights, interests and needs of children and identify practical remedies to existing shortcomings in social service delivery;

Encourages member states to:

- ▶ review domestic legislation, policies and practices to ensure the necessary reforms to implement this recommendation;
- ▶ ratify as soon as possible, if they have not yet done so, relevant Council of Europe conventions concerning children's rights;
- ▶ promote co-operation in the field of child- and family-friendly social services, including in the field of research and sharing of good practice, both domestically and internationally;
- ▶ ensure that social services co-operate across borders in individual cases where children are at risk and are moving between countries;
- ▶ disseminate the content of this recommendation in a child-friendly language and form;
- ▶ foster a dialogue with stakeholders as well as the public on the outcomes and general satisfaction of the child and family friendliness of social services.

■ Invites member states to ensure that this recommendation is widely disseminated among all authorities responsible for or otherwise involved with children's rights in social services, service providers, groups representing the interests of children and families and of other stakeholders.

APPENDIX TO RECOMMENDATION CM/REC(2011)12 GUIDELINES

I. Scope and purpose

- ▶ The recommendation addresses children's rights in social services planning, delivery and evaluation which must be adapted to their needs as well as to those of their families. It is based on the principle of the best interest of the child and the child's rights to provision, participation and protection.
- ▶ The recommendation applies to all children without discrimination in whatever situation, capacity or for whatever reason they may come into contact with social services as well as with regard to all decisions of social services that may directly or indirectly affect their life.
- ▶ The recommendation aims to ensure that social services are delivered upon individual assessment of the child's needs and circumstances and take into account the child's own views, considering his or her age, level of maturity and capacity.

II. Definitions

For the purposes of this recommendation on children's rights and child- and family-friendly social services (hereafter "the recommendation"):

- ▶ a "child" refers to any person below the age of 18;
- ▶ a "parent" refers to the person(s) with parental responsibility according to national law. In cases where the parent or parents are absent or no longer have parental responsibility, this can be a guardian, an appointed legal representative or the child's immediate caregiver;
- ▶ the term "social services" refers to an inclusive range of services meeting general social needs as well as personal social services provided either by public or private bodies. While the former refers to standardised, universal services provided to people as members of a category, the latter are "needs specific" and are addressed to particular needs of beneficiaries;
- ▶ the term "social services for children and families" refers to a set of measures and activities to meet the general or individual social needs of the child and/or the family. They are designed to meet the diverse needs of children and families as general, specialised and intensive social services delivered at different levels;
- ▶ the term "child-friendly social services" refers to social services that respect, protect and fulfil the rights of every child, including the right to provision, participation and protection and the principle of the best interest of the child.

III. Fundamental principles

The recommendation builds on the existing principles enshrined in the instruments referred to in the preamble. These principles are further developed in the following sections and should apply to all chapters of this recommendation.

■ Provisions in the best interest of the child

- ▶ Social services for children and families should establish the overt goal that the best interest of the child be the primary consideration.
- ▶ Bearing in mind that the parents have the primary responsibility for the upbringing and development of the child, social service delivery should ensure that there is a supportive environment for the child by providing the appropriate level and diversity of services and resources necessary for positive parenting and the empowerment of parenting skills.
- ▶ Social services for children and families should aim at the full development of the child's potential and recognise the child's need to be nurtured, recognised, empowered and to have a structured upbringing. Social services should ensure appropriate response and quality of interaction with children and families including:
 - ▶ respect for the dignity of the child and her or his family, which ensures that children are treated with care, sensitivity, fairness and respect;

- ▶ protection from discrimination on any grounds such as sex, age, disability, social, economic or ethnic background, race, colour, birth, property, language, religion, political or other opinion, sexual orientation or other status;
- ▶ social inclusion to ensure equity, equal opportunities and positive outcomes for all children, including children from vulnerable groups;
- ▶ overcoming stigmatisation of certain groups of children who experience social prejudice by supporting a positive self-image and self respect;
- ▶ avoidance of dependency on services by encouraging the autonomy and activity of children and families.

■ The child's right to participation

- ▶ Social services in their work should ensure that the child is heard and taken seriously. Children should be considered and treated as full bearers of rights, as active subjects in the planning, delivery and evaluation of social services. Children should be empowered to exercise their rights in accordance with their capacity, given due weight to their age, development and individual circumstances. More or less formal measures, protocols and procedures should be envisaged to this end.
- ▶ Participation should not only be perceived in terms of the evolving capacities of the child, the positive outcome in the future, but also in terms of the quality of the child's life in the present. Thus children should be seen as they are today, not only as beings "in the making".
- ▶ Participation in social services delivery for children and families can be on different levels, both individually and as a group:
 - ▶ consultative participation, recognising that children have expertise and perspectives which need to inform and affect adult decision making;
 - ▶ collaborative participation, offering children the opportunity to be actively involved at any stage of decision making, initiatives, projects or services;
 - ▶ child-led participation, facilitating the initiative of children and their own advocacy in relation to the various activities and services established to meet their needs.
- ▶ In all processes where social services are provided to children, these should have the right to:
 - ▶ be informed in a child-friendly way about their rights to access social services, about services available as well as about the possible consequences of alternative course of action;
 - ▶ receive all relevant information about their situation;
 - ▶ be supported to express their views;
 - ▶ be listened to;
 - ▶ have their views taken into account in the decision-making process according to their age and level of maturity;
 - ▶ be informed about decisions taken and to what extent their views have been taken into account.
- ▶ The right to be heard is a right of the child, not a duty for the child.
- ▶ Partnership with parents and parental involvement in the delivery of personal social services for children and families should be ensured without diminishing the child's right to be heard and taken seriously.

■ The child's right to protection

- ▶ Social services for children and families should ensure the protection of children from all forms of neglect, abuse, violence and exploitation by preventive measures as well as through appropriate and effective interventions. These should aim for the preservation of family strength and unity, especially in families facing difficulties.
- ▶ Situations of child abuse and neglect require supportive and comprehensive services with the aim to avoid family separation for him or for her. Maintaining the family unity should not, however, be an aim in itself. In the best interest of the child and his or her protection, out-of-home placement is sometimes necessary. Moreover, when the parents are involved in the sexual abuse or exploitation of the child, the intervention procedures shall include the possibility of removing the alleged perpetrator from the family home.
- ▶ Decisions of out-of-home placement must only be made on the basis of the best interest of the child. The choice of care should be appropriate to both the present and future needs of the child.

- ▶ Social service delivery for children and families for protecting vulnerable children should, inter alia, adhere to the following principles:
 - ▶ prevention and early intervention;
 - ▶ child-focused partnership with parents;
 - ▶ careful assessment of the individual child's needs with regard to protective factors (including strength) as well as risk factors in the child's social environment;
 - ▶ prevention of re-victimisation of the child.

IV. General elements of child-friendly social services

■ General social services

General social services for children and families should be organised on the basis of subsidiarity and offer a range of preventive, comprehensive and responsive services, with special regard to children deprived of their rights and families with the greatest needs. This includes, inter alia:

- ▶ guaranteeing children's access to good quality advice/counselling, educational day care, recreational and cultural activities, etc., especially taking the parent's or parents' situation in the labour market (participation or exclusion) into consideration;
- ▶ the fulfilment of basic needs of children and families in situations of poverty such as financial assistance, subsidised housing and access to health care and education for all children;
- ▶ support systems for children in vulnerable situations, for example, migrant children, children victims of trafficking, children with mental health problems, children without parental care and children whose parents are deprived of their liberty or some other rights;
- ▶ general provisions for family counselling and programmes to enhance parenting skills;
- ▶ integrated policies and effective early intervention in situations of child abuse and neglect, including developing an individual plan of appropriate support for each and every child;
- ▶ that services accommodate the special needs of children with disabilities and their families, for independent living and full participation in everyday life;
- ▶ implement effective prevention programmes against criminality, substance abuse and other risk-taking behaviour as well as measures to overcome toxic elements in the child's social environment.

■ Specialised social services

Specialised social services should be in place to ensure immediate emergency interventions and address negative impacts of adverse childhood experiences, and provide social and psychological support to children and their families. These multidisciplinary services and/or programmes should be based on assessment of children's individual needs and preferably evidence-based interventions. These should, inter alia, include services for children and parents with regard to:

- ▶ victims of physical and mental violence, abuse and neglect, including cases where children witness domestic or other kinds of violence;
- ▶ victims of sexual abuse and exploitation;
- ▶ parents in special need of parenting skill training, for example due to abusive or deficient parental practices;
- ▶ children with cognitive, communication, physical and other disabilities;
- ▶ children with behavioural and emotional difficulties, including anti-social behaviour (for example, aggression, inappropriate sexual behaviour), substance abuse and mental disorders.

■ Intensive social services

When decisions of alternative care cannot be avoided, the principle of appropriateness to the child's needs identified by a rigorous assessment should be the determining factor with regard to individual decisions. Intensive social services should be based on the following principles:

- ▶ standards of quality of care, including rules on children's rights, should be established;
- ▶ children in alternative care should have their situation reviewed regularly with the aim of reintegration of the child into family and society by provisions of after-care;

- ▶ programmes for de-institutionalisation need to be developed in co-ordination with efforts to increase family and community-based care services, especially for children under the age of 3 and children with disabilities;
- ▶ short-term intensive services, for example placement for acute, diagnostic/assessment or for respite-care purposes, should be available as a family support measure;
- ▶ provisions of alternatives to deprivation of liberties for children in conflict with the law should be developed.

V. Key strategies in child-friendly social service delivery

Information and advice

- ▶ The dissemination of information on the rights and availability of social services should be transparent and in child-friendly language, reflecting the needs of children of all ages and stages of development. Reaching out, for example through awareness-raising campaigns as well as support and information services, should be developed, especially targeted at vulnerable children and families. Support systems aimed at raising parental awareness of children's rights should be in place.
- ▶ From their first involvement with the social service system, children and families should be promptly and adequately informed and advised, inter alia, of:
 - ▶ their rights to services including the instruments available to remedy possible violations of these rights;
 - ▶ the range of services available and the procedure by which they are delivered;
 - ▶ the role the child may exercise in different procedural steps and the actors that may accompany or support the child in her or his dealings with the social services.

Accessibility of services

As holders of social rights, children should have equal access to social services. This entails measures being taken, inter alia, to ensure:

- ▶ a child-friendly facility and a single point of access to different offers of the social services;
- ▶ a child-focused and culturally-sensitive approach which fosters meaningful dialogue with children and families;
- ▶ prompt responses to any problems children and their families might experience, especially in emergency situations;
- ▶ flexibility in opening hours and of geographical accessibility through a network of outreach service offers;
- ▶ translation, interpretation and application of different information technologies adapted to different situations;
- ▶ design and organisation of social service offices responding to the special needs of persons with physical, sensory or intellectual impairments as well as mental disorders;
- ▶ affordability in the case of fee-based services.

Availability

The availability of social services for children and families at different levels is a key element to meet the diverse needs of children and their parents at different stages and situations of their lives. This requires, inter alia, the following components with regard to the planning and delivery of social services:

- ▶ that social services be provided according to a careful assessment of needs for general, specialised and intensive services and meet the objectives assigned to them;
- ▶ that regular reviews of range, volume and objectives of services be conducted to ensure flexibility and sensibility to changing needs and the development of work practices;
- ▶ that sufficient financial, infrastructural and human investment be ensured to achieve established objectives.

Appropriateness, suitability

- ▶ Social services should be delivered on the basis of appropriateness to the needs of every child and every family at a given moment in time, bearing the child's future in mind. This should involve respecting, upholding and defending the other rights of the child, ranging from access to health care, education, recreation, culture, sports and leisure to participatory and protective rights.

- ▶ The suitability of services should be based on planning and matching services with individual needs, including an assessment of outcomes for the child and, if appropriate, a review of responses.

■ Interdisciplinary and multi-agency collaboration

- ▶ Children and families with complex and multiple needs should benefit from co-ordinated services by professionals co-operating across different sectors including education, health and social services, and law enforcement agencies. The competencies and responsibilities of each service should be made visible and clarified to beneficiaries. The need for facilitation (case management) should be considered.
- ▶ A common assessment framework and interagency protocols should be established for different professions and agencies working with or for children, especially children at risk. While implementing a multidisciplinary approach, professional rules on confidentiality should be respected.
- ▶ Social services should facilitate the availability of child-friendly, multi-sectoral and interdisciplinary services for child victims and witnesses of abuse for the purposes of avoiding repeated interviews and the re-victimisation of the child.

■ Professional competency: training, supervision and accountability

- ▶ All members of staff working with and for children should have adequate professional training as well as ongoing training on the rights of the child. Training in human rights instruments (United Nations Conventions on the Rights of the Child and on the Rights of Persons with Disabilities) should be ensured with the aim of establishing and maintaining the cultural climate of children's rights in social services.
- ▶ All professionals should be trained in the identification of signs of child abuse and neglect that children may have experienced and how to use the relevant referring and reporting mechanisms.
- ▶ Professionals should receive training in applying participatory methods of working with children and families to ensure they are heard and taken seriously. This includes training in communicating with children at all ages and stages of development, as well as with children in situations of particular vulnerability. Staff working directly with children should be competent in building and maintaining trusting relationships with them based on mutual respect, confidentiality and friendliness.
- ▶ The training of professionals should include professional responsibility, accountability and interdisciplinary co-operation between different professions by sharing experiences and good practice.
- ▶ Professional accountability should be ensured by clearly defined mandates, work procedures and codes of ethics. Professionals should have sufficient resources and benefit from individual and/or group supervision to enhance their competence and support.

■ Safety of the child

In all social service delivery, the safety of the child should be a primary consideration. Children should be protected from harm by effective and speedy intervention in high risk situations while ensuring the avoidance of secondary victimisation. For these purposes, a system of mandatory reporting to social services or other appropriate agencies should be established. Further measures to safeguard children's safety include, inter alia:

- ▶ professionals working with and for children should be subject to supervision including, where necessary, regular and comprehensive assessment ;
- ▶ staff recruitment procedures should include vetting according to national law to ensure staff suitability to work with children, for example, by verification of criminal records;
- ▶ social service premises should be safe in terms of the state of the facilities, equipment and other aspects of the physical or social environment.

■ Confidentiality and privacy rights

The privacy and personal data of children who are or have been recipients of social services should be protected in accordance with national law. No information or personal data may be made available or published, particularly in the media, which could reveal or indirectly enable the disclosure of the child's identity or her or his family. This includes, inter alia:

- ▶ prevention of violations of privacy rights by the media should be ensured through legislative measures or through monitoring self-regulation by the media;
- ▶ access to all records or documents containing personal and sensitive data relating to children should be restricted and be stipulated by law. If the transfer of personal and sensitive data is necessary for the best interest of the child, this should be regulated by the relevant data protection legislation;

- ▶ professionals working with and for children should abide by strict rules of confidentiality except where there is a risk of harm to the child;
- ▶ rules on confidentiality should facilitate multidisciplinary co-operation by setting up a common framework for respecting the right to privacy. This entails allowing the sharing of information with persons bound by professional secrecy, and only if it is in the best interest of the child. Sharing information should be limited to what is strictly necessary to achieve this end and should generally be subject to the approval of the child and her or his parents.

■ Mechanisms for complaints and review of decisions affecting the child

Mechanisms for re-examination of the outcome of decisions or requests when they are challenged by the child or her or his parents should be in place. A clear complaint procedure to an independent and impartial body should be established including facilitating measures for the child to exercise the right to make complaints. A special effort should be made to disseminate information on procedures to ensure that children and families are aware of the right to make complaints and have decisions reviewed.

■ Quality standards, monitoring and evaluation

Quality standards in social services should be established reflecting policy and practice to ensure the implementation of this recommendation. All social service providers for children and families should be accredited and registered with the competent authorities on the basis of national legislation and regulations. Based on these, an efficient monitoring and evaluation system should be implemented. This should include the following:

- ▶ regular internal evaluation of social services based on strict and transparent rules and criteria;
- ▶ independent external evaluation, including the involvement of children and parents in the process of evaluation of social services and making the findings publicly available;
- ▶ to ensure that civil society, in particular organisations, institutions and bodies which aim to promote and protect the rights of the child, can participate fully in the monitoring process.

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