

“Protection of the Rights of Children at Risk”

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“Protection of the Rights of Children – focus on Children at Risk”. Conference jointly organised by the Romanian Embassy, representing the Presidency of the Council of Europe Committee of Ministers, and the Council of the Baltic Sea States

The adoption of the UN Convention on the rights of the child was a landmark decision. It was taken in November 1989. This happened to be at the very same time as the communist dictatorships in Eastern Europe began to crumble. The Ceausescu regime in Romania was one of them.

What was exposed in Romania after the fall of Ceausescu became a dramatic illustration of the need for another attitude towards children, a human rights approach. The regime had been worried about falling birth rates but instead of addressing the root causes of this trend – severe living conditions – it had taken steps to prevent people from using contraceptives. People were told that a loyal family had four children.

As a result unwanted children were born. Parents who could not care for their children were asked to hand them over to state institutions. The idea was that children in these institutions should be fostered to serve the party and the regime, they should be made to understand that their “father” was Ceausescu himself.

The reality behind this fascist-like dream was close to a nightmare. The homes for children did not function well. Contacts between the parents and the children were actively discouraged or even prevented. The staff were too few to cope with the many children. They were uneducated for their task and badly paid, which gave their job a low status. I visited some of these homes at the time and were struck by the difficult material conditions and the depressed atmosphere.

One aspect got particular publicity abroad. When children had not gained weight the habit had been to give them blood transfusions. However, the handling of donated blood was careless and some children were infused with HIV-infected blood. Many of them were later brought to a hospital in Bucharest for special care.

The institutions for children with disabilities were in a shocking state. Some of them were hidden away far from population centers and not given more than a minimum of staff and material resources. No efforts were made to encourage the development of these children – no schooling, no organised play, no love. Some of the children were kept tied to their beds, day and night.

This was the heritage of the dictator. Now 16-17 years later, Romania is chairing the governing committee of the Council of Europe and has made the rights of the child a top priority during its Presidency. In this there is a message of hope.

Council of Europe has just launched a new campaign with the motto “Building a Europe for and with Children”. That work will include the lessons learnt about children at risk, several of them were summarised at a conference in Bucharest in early February.

The prime lesson is of course the importance of *prevention*. It is essential that the political authorities take a clear stand against violence against children, including all sorts of sexual abuse. Corporal punishment should be banned in law.

Families break down under the pressure of poverty and unemployment. All too many children are forced to grow up in families where alcoholism and other drug abuse is part of daily life. These are root causes. Most of the children in the orphanages in Russia do have at least one parent alive – this tells something about the social conditions.

The very discussion that a child might not be able to stay with his or her parents is a warning signal – something might be wrong in that particular family, the rights of the child might be in danger.

There have been cases in which the social authorities have overreacted on such signals; it has happened that children have been wrongly taken from their parents – this is a disaster in every case. Still, I am convinced that we have erred more in the other direction. Children in deep need – inside families – have not been heard or their signals have been ignored. We all have a natural resistance against interfering into the private sphere of others. However, violations of the rights of the child is no private matter.

When we do listen, it is important that we draw the right conclusions. Even bad parents usually have the loyalty of their children. A wrongful decision to uproot a child from his or her home can cause deep damage. On the other hand, not to intervene can also be a disaster.

The dilemma is old and some wisdom has developed through the years. It is striking how many discussions there have been within the Council of Europe on this particular issue. A consensus has developed on some basic principles.

- The key lesson is that we should avoid as far as possible to place children in institutions. In particular the old-style, large institutions have a negative effect on children and their development. They tend to neglect children's need of affection and to be recognised as an individual. In such institutions cases of abuse tend to be common – from both adults and other children.
- A first line of defence might be to give the family a strong, sustained support to parents so that the rights of the child can be protected in the home environment.
- Unfortunately, there are situations in which it is in the best interests of the child to move somewhere else. The aim then should be to seek a good family environment - foster care might be the preferred option.
- For each child in this situation there should be an individual plan based on his or her needs and the family circumstances. The principle of the best interests of the child should guide all decisions and the children themselves should be able to influence.

- If an institutional placement is necessary, it should be as family-like as possible. The old-style large institutions should be abandoned. Staff should be trained and professional.
- The spirit in such child centers should be clearly child friendly and education seen as a right for everyone. There should be clear and effective complaints procedures.
- If at all possible the child should be able to communicate and see the parents - reintegration into the family should be an aim.
- All forms of alternative care should be regularly reviewed. There should also be a serious follow-up review of the situation after the period of alternative care.

The fact that these principles have been recognised does not mean that they are automatically applied. Studies within the Council of Europe a couple of years ago – one was done by the British MP Michael Hancock and another by the head of the Child Protection Agency in Iceland, Bragi Gudbrandsson – show that progress indeed are made, but that problems also remain.

Bulgaria, Romania and Russia were studied in more detail. The rapporteurs concluded that there is progress in all three countries but still a number of institutionalised children, particularly in Russia. Other countries with relatively many children in such care – according to Gudbrandsson - were Poland, Hungary, Moldova, Lithuania, Latvia and Estonia.

The efforts by the Romanian authorities to develop alternative care was specifically praised. Child welfare had been made a *political priority* which had resulted in plans to reduce the previous institutions.

It is easier to develop and agree upon principles than to change reality. Building a society *for* and *with* children is not a quick fix. It requires a change of the very fabric of our community, not least in the social sphere. We do recognise that this is an enormous challenge, demanding a planned, strategic approach – based on clear principles in “the best interest of the child”.

Europe has started along this road. Now the UN Committee for the Rights of the Child has proposed global “Guidelines for the Protection of Children without Parental Care”. That is a good suggestion. We Europeans can contribute to such a project. We have experiences and it seems that we have learnt from them.