

CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE

Resolution 74 (1999) on policies for deprived children/adolescents and families¹

*(Extract from the Official Gazette of the Council of Europe
– March 1999)*

The Congress,

1. Having considered:

i. the results of the International Conference on policies for deprived children/adolescents and families, held from 2 to 4 April 1998 on the initiative of the CLRAE and with the support of the St Petersburg authorities, and, in particular, the final declaration adopted unanimously at the end of the conference, at which not only European towns and regions but also NGOs involved in protecting children and combating poverty presented reports;

ii. the report presented by Mr K.C Zahn (Germany) following the conference.

2. Recalling:

i. that the Council of Europe's fundamental objectives are to protect and promote human rights, the rule of law and democracy and that the action plan adopted at the 2nd Summit of Heads of State and Government placed particular emphasis on protecting human dignity against social exclusion and on protecting children;

ii. the European Convention on Human Rights, the European Social Charter and the revised Social Charter;

iii. the United Nations Convention on the Rights of the Child;

iv. the European Charter on the Participation of Young People in Municipal and Regional Life, adopted in CLRAE Resolution 237, and the other texts concerning the fundamental and civic rights of the poorest in Europe²;

v. the texts adopted by the Parliamentary Assembly of the Council of Europe, in particular Recommendation 1121

1. Discussed and adopted by the Standing Committee of the Congress on 5 March 1999 (see doc. CG (5) 24, draft Resolution, presented by Mr K. C. Zahn, Rapporteur).

2. – Resolution 243 (1993) on citizenship and extreme poverty: the Charleroi Declaration;
– Resolution 244 (1993) on the right to housing and its implementation by local and regional authorities;
– Resolution 41 and Recommendation 26 (1996) on Health and citizenship: care for the poorest in Europe";
– Resolution 43 (1997) on opening up Europe to the young: towns and regions in action".

(1990) on the rights of children and Recommendation 1286 (1996) on a European strategy for children;

vi. Recommendation No. R (87) 3 of the Committee of Ministers on the European Prison Rules, which aims to ensure compliance with minimum standards of humanity and decency in prisons;

vii. the Council of Europe Steering Committee on Social Policy's 1994 Conclusions and Recommendations on Street Children;

viii. the decisive support given by the CLRAE to the projects for deprived young people carried out by NGOs in St Petersburg from 1995 to 1997 with financial assistance from the European Community Humanitarian Office (ECHO).

3. Stresses:

i. that the living conditions of the young people, adolescents and even very young children who are left homeless and having to get by without resources, medical care, protection or education on the streets or outdoors in our towns, regions and rural areas, like those of very poor families and of adolescents imprisoned for long periods in totally inappropriate facilities as they await trial, constitute a violation of human rights in general and of children's rights in particular;

ii. that civil society as a whole and its elected or appointed representatives have not only a moral but, above all, a legal duty to do everything possible to safeguard children's right to legal protection and, in particular, their right to live in acceptable circumstances in their families of origin or, where this is not possible, in appropriate alternative provision;

iii. the key role local authorities can play, in partnership with civil society, public institutions and deprived families and children themselves, in devising, co-ordinating and evaluating innovative and effective policies that are not confined to short-term solutions but look resolutely to the future.

4. Recommends that the local and regional authorities of Greater Europe:

i. take account of the results of the St Petersburg conference and, in particular, the Final Declaration appended hereto;

ii. re-orient their policies so as to give priority to children, adolescents and families living in great insecurity and severe poverty;

iii. combat the neglect endured by children and adolescents living on the streets, through:

– new approaches incorporating close supervision, efforts to trace the families, social rehabilitation and guidance of homeless minors;

– very close co-ordination with the local judicial authorities;

– the replacement of punishment by preventive measures;

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iv. act in co-ordination with the police and judicial and other authorities concerned with prevention and with rehabilitating children/adolescents belonging to at-risk groups so as to:

- avert unnecessary breakdown of ties between families and young children/adolescents that could result in the latter ending up on the streets;
- help provide genuine family support and access to fundamental rights (housing, income, health and social protection, education, etc);

v. support any structural reforms in the judicial systems relating to minors, including the replacement of remand prisons by support, education and guidance centres for young people awaiting trial, which could be run by approved associations;

vi. support the appointment of ombudsmen or “mediators” responsible for promoting and defending human rights and children’s rights at all government levels nationally;

vii. support by all possible means, in particular legislative and financial measures, the NGOs, associations, voluntary groups and volunteers working to ensure the well-being of deprived young people and their families.

And, with regard to the St Petersburg region :

- i. conclude co-operation agreements with St Petersburg in the administrative sector and on the training of local government staff in the social and health fields;
- ii. promote and facilitate meetings and exchanges of experience between senior judiciary and police officials in the field of criminal law relating to minors;
- iii. promote and support partnership agreements between associations working in their own areas and voluntary associations and workers in St Petersburg, as well as between public and private bodies involved in caring for children and young people in difficulties and for families;
- iv. give consideration, in co-operation with the voluntary sector, to organising training programmes for social workers and street workers and arranging youth exchanges;
- v. take part with interested NGOs in setting up a “monitoring centre” on young people and a permanent training centre for voluntary workers in St Petersburg.

5. Resolves:

- i. to continue in future to support the work done in St Petersburg by Russian and foreign associations to help children and young people from very poor backgrounds, street children and adolescents in detention, particularly those awaiting trial;
- ii. to support the proposals to set up a “monitoring centre” on young people and a permanent training centre for voluntary workers in St Petersburg with the assistance of the European voluntary sector;
- iii. to foster contact, exchanges, partnerships and project collaboration between the NGOs, associations and public and private institutions of the towns and regions of Europe and, in particular, with St Petersburg with a view to

promoting and defending human rights and children’s rights;

iv. To encourage the NGOs holding consultative status with the Council of Europe to play an active role in the areas covered by this resolution;

v. To review the implementation of this resolution and the appended declaration at a later date with the assistance of the Secretariat.

Appendix

Final Declaration of the International Conference

Policies for Deprived Children/Adolescents and Families

St Petersburg 2-4 April 1998

The participants at the International Conference on Policies for Deprived Children/Adolescents and Families, held in St Petersburg from 2 to 4 April 1998, on the initiative of the Congress of Local and Regional Authorities of Europe,

Having listened to:

- the statements made by holders of political responsibility from the cities and regions of St Petersburg (Russia), Hamburg (Germany), Pad (Italy), Bucharest (Romania), Strasbourg (France), the London Borough of Newham (United Kingdom), Pushkin (Russia), Dublin (Ireland), Budapest (Hungary) and other cities and regions of Greater Europe, about the policies they pursue to help deprived children/adolescents and families;
- the viewpoint of parliamentarians, elected local and regional representatives, experts, research workers, prison governors and persons in charge of other institutions;
- the statements made by youth court judges from St Petersburg (Russia), Bobigny (France) and the London Boroughs of Tower Hamlets and Newham (United Kingdom) about the role of judicial authorities in the local context;
- the views of representatives of non-governmental organisations, associations and the voluntary sector from various European countries;
- the conclusions of a round table session attended by representatives of the various groups of participants in the conference;

1. note that throughout Europe, minors¹ sometimes have to endure living conditions which constitute a violation of the human rights and children’s rights recognised in several international conventions accepted or ratified by the vast majority of Council of Europe member states;

2. note also that, in particular, it is children and young people from very poor backgrounds, street children and youths in detention, including those awaiting trial, who are hardest hit by these particularly inhumane living conditions;

3. stress that the United Nations Convention on the Rights of the Child asserts the right of children to be protected, to enjoy their rights and to be regarded as active citizens ;

4. believe that this right is also a paramount obligation of civil societies and of all freely elected or appointed public authorities at all levels of territorial responsibility ; in particular, civil societies and political and administrative representatives have both a moral and a legal duty to provide every minor in difficulty or at risk with assistance and support appropriate to the gravity of the situation ;

5. declare that every minor has the inalienable right to live in acceptable circumstances within his or her family of origin and, where such is not possible, the right to be taken into foster families or into appropriate public or private structures ;

6. are convinced that the effective implementation of international conventions and texts in the field of children's rights requires trusting, extensive and lasting international co-operation and solidarity, which the Council of Europe and its member states are equipped to plan and to put into action ;

7. stress the important role which municipal and judicial authorities can and must play in the local context to encourage the various services dealing with youth affairs to put forward innovative and imaginative alternatives to current practices and to draw up, in a co-ordinated manner, a policy for youth affairs ;

8. stress the topicality and relevance of the "Conclusions and recommendations" on street children formulated in 1994 by the Council of Europe Steering Committee on Social Policy and endorse the views expressed by the Council of Europe's Parliamentary Assembly in its Recommendations 1121 (1990) on the Rights of the Child and 1286 (1996) on a European Strategy for Children.

A. Stress the extremely urgent need to combat without further delay the state of neglect of children and adolescents living on the streets and outdoors in our cities, regions and rural areas, through :

1. a patient approach to, and sensitive contacts with, these young people by all street workers, voluntary workers and public authorities, with the assistance of well-informed citizens ;

2. initial contacts aimed at setting up a relationship of mutual trust between young people and adults, through the provision of aid to satisfy the essential material and psychological needs of young people ;

3. untiring efforts to keep an eye on young people and to locate their families, where they exist, with the aim of exploring every possible avenue for re-establishing contact between them, if necessary in the young people's interest ;

4. efforts to reintegrate young people into society, requiring the involvement of various players under the supervision of the judicial or other competent authority responsible for the protection of minors, particularly in cases where a

permanent placement is to be decided for the young person in question ;

5. the assumption of full responsibility for the child's emotional life and upbringing, in cases where family ties have been irreversibly severed or where the child has no family ;

6. the provision of educational and vocational guidance for adolescents.

B. Assert the crucial need to review the structures and operation of justice with regard to minors, according to the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (1985), by :

1. regularly reviewing the age of criminal responsibility, which is far too low in certain countries, in the light of the various prevention policies and their results ;

2. providing for special court protection and special proceedings for minors (setting up of youth courts, special criminal laws for young people, etc) ;

3. guaranteeing each minor who is subject to court proceedings that his or her case will be dealt with immediately, with due regard for essential time limits, thereby obviating the need for long-term remand structures : "justice delayed is justice denied" ;

4. offering legal, psychological and social assistance for young people without resources, which could be provided by volunteer professionals (associations, NGOs) approved by the judicial authorities ;

5. providing, as a last resort, for alternatives to prison sentences and/or for sentences of minimal duration within a range strictly prescribed by law ;

6. gradually replacing punishments by educational measures and prisons by "communities" or "homes" able to offer close supervision of young people, provide them with a genuine education and offer them vocational training. Such institutions could, under a public contract, be run by groups or associations of voluntary workers recognised both by the judicial and by the local authorities.

C. Declare that priority should be given to prevention over punishment, on the basis of policies which are in accordance with the UN Guidelines for the Prevention of Juvenile Delinquency (1985) and which :

1. may ultimately prove themselves to conform to the requirements of civil society, humanity and efficiency, as such measures are usually less costly than any other policy based on rigid and long-term punishment structures. It is now a proven fact that homeless children and young people run the risk, sooner or later, of getting into trouble with the law ; it is therefore appropriate to prevent young people from entering or moving up in the criminal system, by providing them with steady support and a stable living environment ;

2. are aimed at opening up and co-ordinating the various services, departments, and public and private players, in order to avoid the unnecessary breaking of ties between families and young children or adolescents ;

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3. identify groups of young people and families in distress and provide them over a period of time with genuine family support and access to fundamental rights (health, housing, etc), by involving a combination of teachers and other social players (social and health services and, where necessary, the police and youth courts) and the persons concerned as genuine partners ;

4. implement, within or outside the school, programmes enabling parents and pupils to develop parenting skills ;

5. should be implemented by each public authority in a co-ordinated way, in accordance with a community-based plan, in line with the principles of subsidiarity and of the sharing of responsibilities ;

6. are based on the active support of the voluntary sector, able to supplement the action of the public authorities and tackle the problems the latter do not even address, and thereby to create an unparalleled network of grass-roots solidarity ;

7. are periodically assessed to make sure that the most disadvantaged are really being reached, eg. by means of impact assessments.

Recommend :

That states :

1. comply fully with, and implement in its entirety, the United Nations Convention on the Rights of the Child ;

2. provide for exemplary sentences for all who take advantage of deprived children for the purposes of economic, sexual or other exploitation ;

3. set up throughout Europe a new legal institution, the “ombudsman”, or “mediator”, responsible for promoting and defending the rights of children as enshrined in the UN Convention on the Rights of the Child ;

4. ensure that, in addition to the sharing with local authorities of responsibilities and powers in a field as important as human rights and children’s rights, there is also an appropriate sharing of financial resources.

That the local authorities of greater Europe :

1. “regulate and manage”, in accordance with the European Charter of Local Self-Government, public affairs “in the interests of the local population”, including, consequently and as a matter of priority, children/adolescents and families who are in extremely insecure situations and in great need ;

2. co-ordinate their action with that of the police and of judicial and other relevant authorities in the fields of

prevention and of the rehabilitation of children/adolescents and families belonging to at-risk groups ;

3. offer support using all possible means, and in particular legislative and financial measures, to associations and voluntary groups and volunteers working to improve the well-being of deprived young people and their families ;

4. support the partnership with the local and judicial authorities of other European towns and regions, with a view to organising intra-European exchange and training programmes for judges, lawyers and police representatives and representatives of the other authorities concerned who are active in the field of criminal law relating to minors.

And, with regard to St Petersburg :

5. the stepping up of co-operation between the St Petersburg region and regions of other countries of Europe in the social and health fields, leading to agreements in the administrative and staff training sectors ;

6. the initiation of administrative, judicial and police staff, as a matter of urgency, into the Convention on the Rights of the Child and into the professional handling of the problem of children belonging to at-risk groups ;

7. the encouragement of autonomous and voluntary partnership and twinning agreements between associations belonging to different countries, in particular with voluntary associations in St Petersburg, with a view to exchanges of information and to reciprocal training provision ;

8. the setting up in St Petersburg, with the assistance of the European voluntary sector, of an “observatory” of young people’s world and a permanent training school for voluntary workers, which could promote, facilitate and implement European projects and networking ;

9. support for any initiative of the St Petersburg authorities with a view to the appointment of a children’s rights “mediator”, enjoying the resources needed efficiently to carry out his or her duties ;

10. a favourable reception for Unicef’s proposals to provide assistance with a view to :

– greater co-ordination of the efforts made and the activities conducted by the public authorities and the non-governmental sector in respect of children and adolescents ;

– the setting up of an office of children’s rights “mediator” ;

– support for initiatives relating to youth justice, particularly the training of youth court judges, reproducing a pilot project already under way in one district of the City of Moscow.