



Guaranteeing respect for the rights of children living in residential institutions

It is universally acknowledged that the family is the best place for a child's development and well-being. However, children sometimes have to be entrusted to care institutions. A child can experience this "placement" as a traumatic experience, and it is important that the care procedure, arrangements and conditions respect the rights of the child concerned. In its recommendation on the rights of children living in residential institutions, the Council of Europe encourages states to adopt legislative and policy measures to guarantee compliance with certain basic principles and quality standards. The recommendation also sets out a number of specific rights of children living in residential institutions.



Basic principles to be observed

- ▶ Placement must be an exceptional measure taken with the child's best interests in mind following a multidisciplinary assessment.
- ▶ Placement must not last longer than necessary and must have as its primary objective the best interests of the child and his or her successful social integration or reintegration as soon as possible. Placement should be subject to periodic review.
- ▶ A child leaving care should be entitled to an assessment of his or her needs and to appropriate after-care support with a view to ensuring his or her reintegration in the family and in society.
- ▶ The care procedure, arrangements and conditions should guarantee the rights of the child, not least the right to be consulted and the right not to be discriminated against.
- ▶ Any disciplinary or supervisory measures applied in residential institutions should have their basis in official regulations and approved standards.
- ▶ Where possible, preventive support measures for children and families, tailored to their specific needs, should be implemented. The child's family should be involved in the planning and organisation of the placement and receive the necessary support to permit the harmonious reintegration of the child in the family and in society.

Specific rights to be upheld

The United Nations Convention on the Rights of the Child of 1989 naturally affords protection to children living in residential institutions. However, these children have specific needs which justify the reiteration of certain rights and the definition of others more specific to their situation.

All children placed in residential institutions have the following rights, in particular:

- ▶ that the care decision, procedure, arrangement and conditions should comply with the principles set out above;
- ▶ the right to their identity, to equal opportunities and to respect for their ethnic, religious, cultural, social and linguistic background;
- ▶ the right to be placed together with siblings and to maintain regular contact with their families and other key people in their lives;
- ▶ the right to good quality health care;
- ▶ access to all kinds of education and vocational training under the same conditions as apply to other children;
- ▶ the right to be prepared for active, responsible citizenship through play, sport, cultural activities and increasing responsibilities;
- ▶ the right to participate in decisions concerning them and to be informed of their rights and the residential institution's rules in a manner suited to their age;
- ▶ respect for their human dignity and physical integrity, in particular the right to humane, non-degrading living conditions and a non-violent upbringing, including protection against corporal punishment and all forms of abuse;
- ▶ the right to privacy, including access to a person they trust and to a body competent to provide them with confidential advice on their rights;
- ▶ the right to assert their fundamental rights before an identifiable, impartial, independent body.



Quality standards to be met

- ▶ All childcare institutions should be duly accredited and registered by a competent public authority. Institutions run by religious organisations and NGOs can also have an important role in caring for children provided they are accredited, registered and inspected by the public authorities.
- ▶ The care institution should as far as possible be located close to the child's home environment to facilitate regular contact between the child and his or her parents.
- ▶ An individual care plan should be drawn up based on the child's capacities, abilities and autonomy, with a view to preparing him or her for a future life outside the institution.
- ▶ Conditions inside the institution should be organised so as to ensure the child's best possible mental, emotional and physical development. Small, family-style living units should be encouraged. A diversified, competent, stable staff is important. Teams should be multidisciplinary, have sufficient resources and comply with a code of ethics describing standards of practice consistent with the United Nations Convention on the Rights of the Child.
- ▶ An effective system for the monitoring and external control of care institutions should be established in the light of these standards. Any breach of children's rights should be sanctioned in accordance with appropriate, effective procedures.



Knowledge for taking action

The Council of Europe encourages its 47 member states to ensure that its recommendation on the rights of children living in residential institutions is widely distributed to children living in institutions, public authorities, professionals, institutions' staff, children's ombudspersons and relevant NGOs.



About the Council of Europe

Founded in 1949, the Council of Europe is an international organisation whose primary role is to promote human rights, democratic stability, the rule of law and social cohesion in its member states. To this end, the Organisation has a broad range of legal instruments, the main one being the European Convention on Human Rights.

The programme "Building a Europe for and with children", launched in 2006, is aimed at promoting children's rights and eradicating violence against children.

Other key legal instruments with regard to the rights of children placed in care institutions include the European Social Charter, the European Convention on the Exercise of Children's Rights, the European Convention on the Adoption of Children (revised), the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the recommendation on children's participation in family and social life, the recommendation on foster families and the recommendation on policy to support positive parenting.

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"Building a Europe for and with children"

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