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# **Rights of Children in Institutions**

**Report on the implementation of the Council of Europe Recommendation  
Rec(2005)5 on the rights of children living in residential institutions**

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## I. Introduction

In the following report replies from 42 member States<sup>1</sup> of the Council of Europe to a questionnaire on the implementation of Recommendation Rec(2005)5 of the Committee of Ministers to member States on the rights of children living in residential institutions<sup>2</sup> are examined.<sup>3</sup> The national replies were provided by the members of the European Committee for Social Cohesion (CDCS) and the Committee of Experts on Social Policy for Families and Children (CS-SPFC). The aim was to extract the core of the national replies in order to provide a basis for an assessment of the present situation with regard to the rights of children living in residential institutions. Its purpose was also to reflect on the possible influence of the Recommendation, to draw the attention of member States to the value of this international tool for furthering children's rights and to provide member States with the opportunity to share experiences and disseminate information on good practices.

The replies to the questionnaire do vary in substance. Some are detailed and give a good picture of the situation at the national level. Others were unfortunately ambiguous and further information was required to clarify a number of important issues. Therefore the preliminary draft report submitted to the CDCS in May 2008 was sent to member States for comments and clarification and several countries provided additional information.

In the report '*Rights of children at risk and in care*', published by the Council of Europe in 2006, three groupings of nations are identified. These are based on variations in terms of the nature of child institutionalisation, the determining factors being the rate of institutionalisation and the nature of residential care including the size, the profile of children in care (age, sex), the reasons for placement and the quality of institutional care (number of staff, training, specialised services, etc). The three groupings identified are Central and Eastern Europe, South Eastern Europe (including the Caucasus states) and the more affluent Western European states.<sup>4</sup>

In this report, the replies of the member States are classified according to previous analysis on the different situations in European states with regard to the prevalence of child institutionalisation and the general characteristics of out-of-home care. For the purposes of the report, this approach was considered feasible in order to examine whether the national replies reflected the difference between the groupings of nations mentioned above, perhaps with a view to assessing whether progress has been made in those regions where an improved situation of children in residential care is most needed.

Some general observations can be made on the basis of the national replies. Interestingly, they do not reflect any fundamental differences between the states in the different groupings with regard to legislative and administrative features relating to children in institutions. It can even be argued that some states in Central and Eastern Europe and South Eastern Europe now have perhaps more up-to-date legislation than in many of the more affluent states in Western Europe. This of course reflects the political attention to, and increased awareness of, the crucial efforts required to improve the situation of children in residential care in many of the states of the former mentioned regions. The replies suggest that important progress is being made to that end. On the other hand, the Western European

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<sup>1</sup> Albania, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine and United Kingdom.

<sup>2</sup> Hereafter called 'Rec(2005)5'

<sup>3</sup> San Marino indicated that there were no children (under 18) living in residential care and is therefore not included in the report.

<sup>4</sup> Bragi Guðbrandsson ed.: *Rights of Children at Risk and in Care*, pp. 36-40, CoE, 2006

states have more advanced structures and traditions that may not be as transparent in the existing legislation which is generally older.

Although the replies of the member States to the questionnaire portray a complex picture, it is possible to draw some important conclusions on the status of the rights of children living in residential institutions as defined and elaborated in the Council of Europe Rec(2005)5.

## **II. Conclusions and recommendations based on the national replies**

On the basis of the national replies it can generally be recommended that member States need to give special attention to the following three topics with regard to Rec(2005)5:

- a) National Minimum Standards of Care are established only in a few member States. Although there are often important principles incorporated in national laws on the rights of children living in residential care, more elaborated standards of care are generally lacking. These standards need to reflect the basic rights of children in care, including their right to be informed of those rights and to make complaints to identified and impartial bodies.
- b) Monitoring systems are in place in most of the member States, albeit ambiguous in some cases. It is important that monitoring responsibilities are separated from administrative ones in managing residential institutions. In many member States this is not the case. Special attention should be paid to the role of children in the monitoring process by means of their participation with an opportunity to convey their live experiences.
- c) After-Care Support is a crucial aspect of reintegrating children into the family and society, for example, independent living. Although children in care may be seen as a category of children with many common characteristics, they are individuals with specific needs, aspirations and hopes for the future. Hence Rec(2005)5 places high importance on their rights to an assessment and appropriate support when leaving care. Although the replies generally reflect many important provisions that aim at after-care support, it can be argued that in many member States adequate supportive measures based on individual plans for after-care are not in place. Evidence of the child's right to participate in developing such after-care plans is generally not found.

## **III. General observations**

### **Accreditation and registration of residential institutions**

This question is based on one of the most important articles of Rec(2005)5 as accreditation and registration of all residential institutions for children by the authorities are a prerequisite for ensuring that children in residential institutions can exercise the fundamental human rights embodied in the United Nations Convention on the Rights of the Child (UN CRC).

The replies by member states generally indicate that registration and some form of accreditation is in place. Only Malta replied that provisions to this effect do not exist although the process is under way. Both the New Administration Adoption Act and the Fostering Act state that the Agencies managing the two respective services must be accredited by the Maltese Central Authority. Moreover, the accreditation process of the residential homes, although not yet in place, is at an advanced stage.

In the majority of states this is a legal obligation, for example laws governing the conditions for granting a license to operate an institution for children (Poland, Slovakia, Sweden, and France). In most cases, the law specifies the body responsible for the accreditation/registration of institutional services for children, the procedure for application and some of the defining criteria that need to be fulfilled in order to obtain a license.

In other states the law does not organise the accreditation and registration of institutions. However, when this is the case, there are usually identified appropriate bodies whose aim is to establish whether the care provided meets the legal requirements and acceptable professional standards (Netherlands, Iceland). Failure to meet these requirements will result in the institution being banned from providing services to children.

It should also be noted that there is a wide divergence in terms of the level of government exercising responsibility with regard to children's institutions and the degree to which NGOs or private bodies are involved in this sector.

### **Minimum standards of care and the rights of the child**

The replies indicate that most states do not have specific minimum standards of care other than may be reflected in the general legislation (Denmark, Finland, Netherlands, Spain, Slovakia, and Serbia). Moreover, in some states there does not seem to be any national standards in place (Azerbaijan) as is the case in some federal states due to the autonomy of provincial authorities. In some instances there are legal requirements that individual institutions should or may set their own standards of care (Croatia, France, Monaco, Portugal, Switzerland) based on national legislation or that regional authorities should issue such standards (Italy). In some states, however, legislation on the quality of care is very detailed (Estonia) and in others there are specific regulations stipulating requirements and standards based on detailed legal provisions (Sweden, Norway, Latvia).

There are a number of states that have issued officially national minimum standards of care (Albania, Bulgaria, Cyprus, Iceland, Ireland, Lithuania and Poland). In most cases these have been implemented in the last few years. In Malta national minimum standards based on the European Project *Quality4Children* are under way.<sup>5</sup>

Standards or regulations on approved standards concerning measures aimed at preventing self-inflicting harm or injuries to others seem to have been issued only by Ireland, Latvia and the Nordic states (Denmark, Norway, Sweden, Finland and Iceland) according to the replies.

Generally, based on the national replies, it should be recommended that member States examine the status of existing standards of care with regard to Rec(2005)5 on this particular topic. The European standards *Quality4Children* are to be recommended as an important contribution, complementary to Rec(2005)5, that contain important added value for these purposes.

### **Competent authority responsible for collecting relevant statistical data and/or research for monitoring purposes**

The replies by the states reveal that they have identified a competent authority responsible for collecting relevant statistical data/and or research with few exceptions. In most cases state agencies have been assigned this function. In some cases it is the relevant ministry that has this role (Croatia, Estonia, Lithuania and Poland). In a number of states there is more than one state agency that performs these functions (France, Denmark, Serbia, Slovakia and Czech Republic). In one state, the competent authorities are on the regional level (Netherlands).

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<sup>5</sup> See the website: [quality4children.info](http://quality4children.info)

Unfortunately, the replies often lack information on the responsibilities and practices concerning research. There are, however, notable exceptions (for example, Bulgaria, France, Denmark, Sweden, Spain, Ireland, and Malta).

### **Is there an independent monitoring system in place?**

The replies to this question give rise to difficulties of interpretation. In most states monitoring bodies are in place but it is debatable whether or not they can be considered as independent. In many states monitoring is carried out either by the ministry (e.g. Serbia, Croatia, Lithuania) that has the overall responsibility with regard to services for children (including residential care) or by state agencies at national (e.g. Cyprus, Portugal, Iceland) or regional level (e.g. Albania) that are under these same ministries. Some of the states refer to county or regional authorities' role of monitoring without giving adequate information as to the independence of these bodies (Poland, Estonia and Finland). In many states the monitoring role is on different levels, partly by the state and partly by local authorities (Denmark, Finland, and Sweden). In some states the main emphasis of monitoring is on research, surveys and statistical collection (Denmark, Spain) but others on direct inspection.

Many states have Offices of Ombudsman for Children which generally have the right to access institutions and examine all files and other relevant information. It is unclear however to what extent, if any, the Ombudsman offices exercise these powers. Furthermore, it appears that in a number of states independent monitoring systems specific to children in residential care are not in place at all or in a limited form (e.g. Azerbaijan, Czech Republic, Turkey, Ukraine).

Some states without doubt have a well-developed and independent monitoring system with defined procedures for children in residential institutions to make complaints. The main characteristics of these systems consist of a clear separation of the responsibilities for administering or managing residential facilities on the one hand and the monitoring activity on the other. These include Norway, Sweden, Ireland, Latvia and Greece.

The overall conclusion to be drawn from the national replies is that there are good reasons for many - if not most - member States to look closely at their existing monitoring practices in relation to the importance given to independent monitoring in Rec(2005)5. It also can be recommended that the role of children in the monitoring process by means of their participation should receive special attention.

### **Can children in residential care make complaints to an identifiable, impartial and independent body?**

According to the replies, there are overall few examples of *defined systems* of complaints to *independent bodies* available for children in care. However there are some important exceptions: Norway, Sweden, Ireland, Greece, Latvia and Romania. In the Netherlands there is a defined system in the form of complaints regulation and an independent *complaints committee* that clients of residential institutions are guided to register complaints with. In Albania, minimum standards of care stipulate that the children's complaints have to be treated within 30 days. As yet there are no schemes for these complaints but regulations are being drafted. In Cyprus, new draft Regulations, which are in the final stage of preparation, require providers to prepare a written complaints procedure that must be available for inspection and approval by the Director of Social Welfare Services. In Iceland special schemes/forms are available for children in residential care to register their complaints.

A number of references are made to the role of the Ombudsman for children (Children's Commissioners), but generally the Ombudsman offices do not process individual complaints although they may act on these complaints in a general way. References are also made to offices of Parliamentary Ombudsman whose role is to deal with citizens' complaints of violation of human

rights. However, this can hardly be seen as viable procedure for children in residential care. Finally, references are made to appeal procedures in cases where children are deprived of their liberties.

The rights of children living in residential care to make complaints to an identifiable, impartial and independent body should be seen as an essential and important aspect of a monitoring system. A precondition for viable implementation in this respect is that children are informed of their rights in general and to make complaints in particular. The national replies suggest that this may be lacking in many if not most of the member States.

### **Legal provision or measure to ensure after-care support**

Most states have put in place some measures for support after institutional care and emphasise the importance of keeping the children's ties to their natural family. However, in some replies this is described as unsatisfactory (e.g. the Czech Republic, Lithuania) and in many instances it seems that this support is not based on legal provisions although reintegration may be stipulated as the desirable goal (e.g. Malta, Greece, Switzerland). The Netherlands point out that this is not required by law but is generally expected to be provided by individual institutions. In some countries legal provisions for support are defined, e.g. in the form of housing, education (vocational training) and limited financial support. In Poland an interesting project, referred to as the "self-dependence", seems to be a well devised scheme. The same applies to Denmark where an individual post-care plan is designed and a permanent contact person is appointed for the young person leaving care. In other states, support is generally expected to be provided by the local social services (the Nordic countries) without specific schemes. Only few states make no reference to available after-care support (Italy).

The emphasis in Rec(2005)5 on the right of a child leaving care to an assessment of his/her needs and the appropriate follow-up support - with the aim of reintegration into the family - cannot be said to be reflected in the national replies barring a few exceptions. The national replies also suggest that the child's participation in developing such individual after-care plans is generally not ensured in most member States.

### **Steps taken to introduce Rec(2005)5 to children living in residential institutions and to the relevant bodies, including the translation of the Recommendation**

Approximately one third of the states replying to the questionnaire referred to some actions taken with regard to Rec(2005)5. However, almost no reference is made in the national replies to steps taken to introduce this Recommendation to children living in residential institutions.

A number of states indicated that the Recommendation has specifically been applied in revising legislation, regulations, minimum standards and work practices (Croatia, Estonia, Cyprus, France, Lithuania, Portugal and Sweden) or that such an application is pending (Switzerland). Some states have put considerable effort into introducing the recommendation, especially Estonia, Poland, Croatia and Iceland. The Recommendation has been translated in Cyprus, Czech Republic Estonia, Greece, Iceland, Lithuania, Poland, Romania, Serbia, Slovenia, Spain and Turkey. Translation is pending in Azerbaijan and Bulgaria. A Russian version exists and, obviously, English and French speaking countries do not need to translate the Recommendation which was drafted in both the official languages of the Council of Europe.

## Appendix I:

### Extracts from the replies of the Member States to the Questionnaire on the implementation of the Council of Europe Recommendation (2005)

#### *I. How does your country ensure by legal provision or otherwise, that residential institutions for children are accredited and registered by the competent public authority?*

##### 1.1 Central and Eastern Europe

**Bulgaria:** In general there are three types of specialised residential institutions: (1) for children lacking parental care, (2) homes for children with developmental disabilities and (3) medical/social homes for children from 0-3 years of age. The legislation stipulates that all service providers are obligated to hold a license issued by the State Agency for Child Protection and be registered in the Register of the Social Assistance Agency.

**Croatia:** According to the existing legislation both accreditation and registration are required for the operation of institutional services for children. This is implemented mostly on the ministerial level but also on the county level in relation to certain types of residential services.

**Czech Republic:** All residential institutions are subjected to legal conditions and a framework of regulations and require the registration of governmental as well as non-governmental residential institutions.

**Estonia:** A recent amendment in the legislation (2007) stipulates that every provider of residential care services for children is required to apply for a licence in accordance with regulations set by the relevant Ministry. The regulation identifies a number of requirements to ensure adequate quality and safety.

**Latvia:** Generally residential institutions fall into two categories, those subordinated to the Ministry of Education and Science (e.g. Special boarding schools, institutions of social correction) on the one hand and those that are under the Ministry of Welfare on the other (orphanages, disabled children, etc). The State Agency for Quality Evaluation of General Education assumes the responsibility for the accreditation of the former and the Ministry maintains the Educational Institution Register. The State Social Service Agency has the responsibility for registration and accreditation for those institutions that are under the Ministry of Welfare.

**Lithuania:** All residential care institutions have to be registered with the general register of legal persons. The new law on Social Service (2007) establishes the types of social services, including residential institutions, which can be provided as well as their organisation, conditions for providing and obtaining them, and funding principles. Licensing of residential institutions pursuant to the provisions of this law as planned from 2010 under the authority of the Department of Supervision of Social Services within the Ministry of Social Security and Labour.

**Moldova:** Residential institutions are accredited on the basis of the Law nr.1257-XIII of 16.07.97 on assessment and accreditation of educational institutions of the Republic of Moldova. The Ministry of Social Protection, Family and Child elaborates the legal framework necessary for the assessment and accreditation of social services.

**Poland:** Residential institutions need to conform to the standards set by the Act of Social Assistance (2004) which regulates the activities and services provided. The register of residential care is kept by the governor's regional administration which has to license all residential institutions.

**Romania:** According to the law (2003) on social services all service providers, including public or private residential institutions, must be authorized and licensed. At the central level, it is the National Authority for the Protection of the Child's Rights that decides upon the policies and standards.

**Russian Federation:** According to *the Family Code of Russian Federation* (p. 155.1) there are four types of specialized residential institutions for orphan children and children deprived of parental care: 1) Educational, for orphans and other children lacking parental care (orphanages); 2) Medical child care, homes for small children (0-4 years); 3) Social protection institutions (temporary care centres, shelters, boarding schools for mentally-retarded children and children with heavy health problems); 4) Non-commercial institutions which deal with keeping, upbringing and education for children lacking parental care. All institutions are accredited and registered by the public authority. A new regulation for all types of institution based on the same criteria of care will be adopted in the near future.

**Slovakia:** Residential facilities for children can only be established by the competent bodies, municipalities or regional authorities or accredited subjects in accordance with functions defined in recent legislation (2005). Accreditation is granted on the basis of requirements and conditions specified in the legislation

**Slovenia:** Residential institutions are public institutions. In general there are three types of residential institutions for children with special needs in Slovenia: for children with disabilities, emotional and behavioural disturbances and finally penal institutions. These are subordinated to different ministries and each type is operated in accordance with the relevant legislation. Residential institutions are accredited and registered with the competent authorities

**Ukraine:** All residential institutions for children in Ukraine are registered by the relevant local authority. Residential institutions are guided by various legislations and are subordinated to defined ministries. There are different types of residential institutions in Ukraine: (1) *Residential care institutions*, for children up to 4 years (subordinated to the Ministry of Health). They are to be accredited according to a procedure approved by the Cabinet of Ministers in 2009. (2) *Residential institutions for children*, (4 to 7 years old), and general educational institutions for orphans and other children without parental care from 7 to 18 (subordinated to the Ministry of Education and Science). They operate according to the regulation on residential institutions and general educational institutions approved by the ministry and their own regulations, which are registered by the local body of executive power (3) *Residential institutions for children with disabilities* that are subordinated to the Ministry of Labour and Social Policy. They operate according to a regulation on the residential institutions for children approved by the ministry and to their own statutes, which are registered by the local body of executive power.

## 1.2 South Eastern Europe and Azerbaijan

**Albania:** A special licence is by law required for all service providers from the ministry, both private and public. The state has traditionally provided services but institutions have increasingly been taken over by the municipalities and the role of NGO's has increased. NGOs must submit their application for a licence to the Inspectorate of Social Services. An assessment is made in accordance with requirements defined in the legislation on the quality of care, e.g. trained staff.

**Azerbaijan:** According to the law all residential institutions should be registered under the respective Ministry responsible for their operation: the Ministry of Education (50 institutions), the Ministry of Labour and Social Protection (2) and the Ministry of Health.

**Bosnia and Herzegovina:** The registration of social protection institutions for children in residential care in Bosnia and Herzegovina is under the responsibility of the Ministry of Health and Social Protection of Republika Srpska (RS), the Ministry of Labour and Social Policy of the Federation of

Bosnia and Herzegovina (FBiH), and cantonal ministries in the area of social protection in the FBiH. The registration of the institutions is made on the basis of the Law on Social Protection and other relevant regulations, which allow legal functioning of these institutions.

**Cyprus:** The current legislation includes some regulations of registration and inspection of residential institutions although these are not comprehensive. In accordance with a new draft Children's law, all children's residential institutions not operated by the state must be registered and are subject to regular inspection. Failure to comply with this requirement constitutes a punishable offence.

**Greece:** Public residential institutions for children are regulated by the Ministry of Health and Social Solidarity and private residential care by the relevant local authority. The Institute of Social Policy and Solidarity has a consultative role in this process determines the criteria and accredits private, non profit organizations which may provide residential care.

**Montenegro:** Residential institutions for children are registered according to Law on Social and Child Protection, by Montenegrin Government Constitutional Decision, which is a necessary document for registering at bodies in charge (Commercial Court).

**Serbia:** There are legal provisions that require the Ministry of Social Affairs to issue a licence based on prescribed criteria that residential institutions need to fulfil. The Ministry should also maintain a register of residential care institutions at the central level.

**Turkey:** No specific information is given in the answer on accreditation and registration of residential institution. The placement of children is, however, regulated by various legal provisions (e.g. juvenile protection, disabled).

### 1.3 Western Europe

**Austria:** Residential institutions, whether they are public or private (NGO), are accredited and registered by regional youth-welfare authorities (*Ämter der Landesregierung*). Renewals of licenses are subject to assessments of practices and organization.

#### **Belgium:**

- ***Flemish community:*** Residential institutions, both public and private, are accredited and registered by youth welfare authorities. Renewals of licences are subject to assessment of practices and organisation.

- ***French Community:*** As a federal entity of Belgium, the French Community has the right to legislate and to ensure the application of its decrees in the youth field. Several regulatory provisions relate to the granting of an agreement to residential institutions. All legal provisions are available on the French Community Web site: <http://www.aidealajeunesse.cfwb.be>.

- ***German-speaking Community:*** According to the *Décret de la Communauté germanophone concernant l'aide à la jeunesse du 20 mars 1995*, any person, physical or moral, regularly accompanying young people need an accreditation by the government. This is given for a renewable period of three years. When the required conditions are no longer met, the person, physical or moral, has six months to be in conformity with the regulation. If this is not the case, the government withdraws the accreditation after this period.

**Denmark:** The legislation places the overall responsibility for residential institutions on the local authorities. Thus residences for children and young persons shall be subject to approval by the municipality council where the institution is located as "being generally suitable". This also applies to privately operated institutions. The role of the state is limited to the collection and dissemination of information on registered and approved facilities.

**Finland:** The legislation generally grants the local authorities the responsibility for residential care of children. NGO's and private bodies need a licence from the relevant State Provincial Office. The State Provincial Offices keep a register of residential institutions in their areas and supervise their operations.

**France:** All child welfare residential care requires prior authorisation by the relevant State Provincial Office (*Conseil Général* – department-level council). The licence is granted on the basis of a number of statutory conditions such as medico-social requirements and quality of care. The issue and renewal of permits are also subject to an internal assessment of practices of the organisation.

**Germany:** In the Child and Youth Care law there are detailed provisions that require a facility in which children and youth are cared for to be registered and have permission to operate. Each federal state decides on the actual implementation on these provisions.

**Iceland:** The law assumes that residential facilities for children are operated either by public authorities or according to contracts with private parties. The Government Agency for Child Protection issues licences to institutions operated by local authorities or private parties.

**Ireland:** The Social Service Inspectorate (SSI) was established in 1999 with the overt aim of ensuring a quality assured system of care for children and young people who are in the care of the state.

**Italy:** According to the legislation all residential institutions for children are to be accredited and registered by the competent public authority. The law also stipulates that the organisation of residential care should be “a family type” with high emphasis put on interpersonal relations.

**Lichtenstein:** The youth act amendment (2002) and the corresponding regulations regulate the accreditation and registration of residential institutions.

**Luxembourg:** Several measures exist where the legislative and statutory framework for the official approval of reception centres for children is concerned: (1) the so-called ASFT *Law of 8 September 1998* governing relations between the State and the agencies working in the social, family and therapeutic fields. It stipulates that no one may undertake any of activities listed in the law (such as providing residential facilities and daytime and/or overnight accommodation for at least three persons simultaneously) in the social field without official accreditation by the Ministry of the Family or other ministries; (2) the *Grand Ducal Regulation of 16 April 1999* on requisite governmental accreditation for residential centres for children and young adults. Furthermore, private institutions providing daytime and overnight accommodation for children are currently covered by a funding agreement with the State. Alongside the private institutions, two State institutions provide daytime and overnight accommodation for children placed outside their families.

**Malta:** Currently there is no legislative provision whereby residential institutions are accredited or registered. However, the accreditation process is at an advanced stage. It is envisaged that Malta will have one National Standards for Out-of-Home-Care incorporating national standards for residential care as well as foster care. The national standards are reflecting the Quality 4 Children Standards for Out-of-Home Child Care in Europe<sup>6</sup>, a European project in which Malta was very much involved.

**Monaco:** There exists only one institution for children, under protection orders and it is operated as a department under the Directorate of Health and Social Affairs.

**Netherlands:** The law does not organise the accreditation and registration of residential care. However, under the existing legislation, the Youth Care Agency on the local level is the single point

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<sup>6</sup> Web site : [quality4children.info](http://quality4children.info)

of entry for children into residential care. The providers of residential care have a duty to maintain acceptable professional standards in their work and are subject to an examination by the Inspectorate for Youth Care with a view to fulfilling the requirements of acceptable standards. The sector has subjected itself to an accreditation process and a common assessment of quality management, the so-called *Harmonisation of quality review in health care and welfare* (HKZ).

**Norway:** Residential institutions can be run by the state, organizations or private bodies. The responsibility for accreditation and registration of residential institutions is with the Directorate of Children, Youth and Family in cooperation with the regional state authorities. Accreditation and other regulations for residential care are ensured by the Child Welfare Act.

**Portugal:** There is specific legislation that regulates conditions in relation to various aspects of residential institutions. These include registration and accreditation by a competent state agency (ISS) that also is also responsible for monitoring the facilities.

**Spain:** The Legal Protection of Minors Act 1/1996 regulates and supervises the establishment and other facilities in which children are placed. All such facilities catering for minors shall be accredited and registered by the competent authority.

**Sweden:** In Sweden, residential institutions can be run by the municipalities or private bodies. Residential institutions for young persons requiring close surveillance is provided for and operated by the state. A license from the county administrative board is required for private bodies to operate a residential institution. Such permission may only be granted if the services meet the requirements of good quality and safety. A government bill is under way with the aim of providing a national registry of residential care institutions.

**Switzerland:** Legislation determines the institutions that require accreditation and lays down the conditions under which it is granted. For the majority of the institutions, the obligation is laid down in the federal law (those that receive state subsidy), and for the others in the cantonal law (the competent authority in the Canton where the institution is located).

#### **United Kingdom:**

- **England:** Children's homes are registered under the Care Standards Act 2000, which provides that it is an offence for a person to manage a children's home without being registered in respect of the establishment. Homes are inspected by the Chief Inspector and are required to provide information for the purposes of regulation and inspection. All independent schools, including those with boarding/residential provision, must be registered with the Department for Children, Schools and Families.

- **Scotland:** The Care Commission was established in April 2002 under the Regulation of Care (Scotland) Act 2001 to regulate all adult, child and independent healthcare services. It ensures that care service providers meet the Scottish Government's National Care Standards and work to improve the quality of care. All residential child care workers must be registered with the Scottish Social Services Council (SSSC).

- **Wales:** Children's homes in Wales are registered under the Care Standards Act 2000. Registration is with the Care and Social Services Inspectorate Wales. Children's Homes must comply with the Children's Homes Regulations and the Welsh Assembly Government issues National Minimum Standards for Children's Homes which are used by the Care and Social Services Inspectorate Wales. The regulatory framework for children's homes was strengthened in Wales in 2007 as part of Towards a Stable Life and a Brighter Future. The Care Council for Wales is responsible for promoting high standards of conduct and practice among social care workers and high standards in their training.

- **Northern Ireland:** Legislation (2003) provides that it is a criminal offence for any person to manage a residential children's home without it being registered (in accordance with the statutory requirements) by the Regulation, Quality and Improvement Authority, which is an independent public authority.

2. *Are there in place national minimum standards of care for children in residential care? Do they include:*

- a) *Standards with the aim of defining the rights of the child in residential care and his/her rights to be informed about these rights?*
- b) *Regulations or approved standards concerning measures with the aim of preventing self-inflicting harm or injury to others?*

### 2.1 Central and Eastern Europe

**Bulgaria:** The Ordinance on the criteria and standards for social service for children (2003) defines the requirements for quality of social services provided in the community and residential institutions. This Ordinance was amended recently (2007) with the aim *inter alia* of enhancing children's rights and bringing it in line with the new Child Protection Act of 2006. No reference is made to regulations concerning control of harmful behaviour.

**Croatia:** Recent changes in legislation reflect the principles of the UN CRC, regulating the rights of children living in residential institutions. Thus the Family Act stipulates that a child has the right to seek protection of his/her rights through a competent body and to be informed of procedures in relation to decision making. Individual institutions are to set regulations concerning rules of behaviour, including control and discipline.

**Czech Republic:** National minimum standards of care have not been set but the legislation can be seen to provide the framework. Some of the basic rights of children are reflected in the relevant legislation, e.g. the rights of the child to be informed as well as the right to express opinions. No specific reference is made to measures under 2b). National standards of care for children in residential care are planned to be set in 2009 and will also be implemented the same year.

**Estonia:** From 2007, amendments to the Social Welfare Act provide an elaborate legal framework for residential care, including a detailed list of obligations that service providers are to fulfil. Limits on the maximum size of institutions are defined; an action plan for the resolution of the child's problems is established, etc. National minimum standards of care which define the rights of the child, separate from legislation, are not in place.

Although there are regulations on conditions for placement in closed institutions and health protection requirements in residential care, there are nonspecific procedures for self-harming behaviour.

**Latvia:** For the two sets of categories of residential care in Latvia, educational on the one hand and social care and rehabilitation on the other, there are separate national minimum standards. The law on social services, for instance, defines the rights of children to independent decision making and individual access to staff in residential care. The State Inspectorate for the Protection of Children's Rights has prepared recommendations concerning internal regulations of childcare institutions to ensure that procedures comply with the requirement of the law. With regard to educational institutions regulations adopted by the Cabinet of Ministers identifies numerous standards and rights and special standards apply to correctional institutions. In addition there are certain provisions that apply to both categories of residential care, especially with the aim of ensuring the rights of the child to protection. Measures to control disruptive behaviour are defined in national legislation and regulations, partly specific to both categories of institutions and partly common provisions. These include *inter alia* the mandate to restrict the rights of children in defined situations of danger and regulations concerning the appropriate procedures in such situations.

**Lithuania:** New quality requirements have been introduced for residential care institutions, which state that the rights of children in residential care should be clearly defined and children should be informed about them. Lithuania is also introducing new Social Care Quality Standards, which place the major focus on every person's rights to privacy and personal dignity, his or her emotional needs and social ties with relatives and a community. Assessment criteria for these Quality Standards and an

assessment mechanism are in the process of creation. To this purpose, methodological material on “Quality of Social Care for Children and its Assessment” (2007) has been drawn up. No reference is made to defined measures with regard to self-inflicting harm or injuries to others.

**Moldova:** The following quality standards, all approved by government decisions, exist: Quality minimum standards for care, education and socialisation of children in centres for temporary placement (2006); Quality minimum standards for care, education and socialisation of children in residential institutions (2007); Quality Minimum Standards for social services supplied in centres for placement of children with disabilities (2008).

**Poland:** A regulation has been issued that contains minimum standards of care for residential institutions with reference to the UN CRC. Those standards oblige the institutions to ensure respect of a number of fundamental rights, including the requirement of certifying in writing that the child was informed about these rights. The standards also stipulate that children in residential care can form children’s councils able to proposals and express opinions on matters concerning the care arrangement. There exists a legal provision concerning offences committed by juveniles that defines measures taken in cases of self-inflicting harm or injuries to others.

**Romania:** The National Authority for the Protection of Children’s Rights has defined the mandatory minimum standards of residential care. There are for instance special standards concerning the protection of children in residential institutions, on the protection of disabled children, emergency placement centres and the protection of homeless children. These standards reflect the rights of the child in basic areas, including the right of the child to be informed about his/her rights in an accessible manner. With regard to control and discipline a regulation is presently being prepared by the NAPC.

**Russian Federation:** A general list of the rights of the child, independent of the place where he (she) lives (biological family, substitute family, residential institution for orphan children and children deprived of parental care), is set out in *the Family Code of Russian Federation* (chapter 11). Additionally, the rights of orphan children, other children lacking parental care, and children living in residential institutions are set out in the Family Code. Upbringing and the educational process, the rights and duties of orphan children and children deprived of parental care as well as those of the staff of the institutions are regulated by Standard Rules. The Rules of each institution are based on the Standard Rules. A draft Decree of the Russian Federation Government about standards of care for orphan children and children deprived of parental care in residential institution was prepared in accordance with *the Family Code of the Russian Federation* (p. 155.1) This Decree will also regulate the questions of control of leaving conditions in residential institutions for children.

**Slovakia:** Recent legislation regulates the conditions for children’s placement in residential care, the types of residential care and some important standards that have to be adhered to, e.g. the maximum number of children and required number of staff in different types of residential units. Also, emphasis is given to children’s rights, for instance every child in residential care should have access to the UN CRC and is entitled to ask for assistance in the protection of his or her rights. Standards on measures to prevent self-inflicting harm or violent behaviour have not been set.

**Slovenia:** There are two types of norms and standards relating to children with special needs living in residential institutions, social and educational; these depend on the type of residential institutions. To ensure the optimal development of the child and the respect of his/hers rights, the individual educational child’s plan is prepared in each institution. In the process of preparation, parents are included. No specific references are otherwise made as to how the rights of the child are reflected in the standards or approved measures of discipline.

**Ukraine:** Standards and norms are to be found in the Regulation on children’s homes and comprehensive residential schools for orphan children and children deprived of parental care, registered by the Ministry of Justice 2004. The Regulations specify the rights and duties of children in

institutions and identify a number of aspects concerning qualities of facilities and care. No reference is made to the rights of children to be informed or on measures of discipline.

## 2.2 South Eastern Europe and Azerbaijan

**Albania:** In 2005 national minimum quality standards of residential care were for the first time adopted. These standards form the basis for licensing and monitoring. They reflect some of the basic rights of the child, e.g. the right to be involved in decisions that affect their lives, protection from abuse. On April 2008 were approved the regulations with regard to the standards i. No reference is made to regulations on the prevention of self-harm or injury to others

**Azerbaijan:** Minimum standards of care are not in place as yet. However, the development of such national standards is stipulated by the State Program on “Fostering children from State child institutions (deinstitutionalisation) and Alternative Care of 2006. No reference is made to standards concerning measures to prevent self-inflicted harm.

**Bosnia and Herzegovina:** The standards for the establishment and operation of the institutions for children in residential care are not precisely determined by laws and by-laws. However, by registering the institutions and approval of their work, the responsible ministries require that the agenda of the institutions incorporate standards for protection of the rights of the child that result from the UN Convention on the Rights of the Child, the positive pedagogical practices and the general practice of taking care of this category of users.

The ministries are required, through supervision and inspection surveillance, to control the respect of children's rights. Each institution is required to devise and implement measures preventing self-inflicting harm and injury of children, as well as the protection of children from potential abuse. In some institutions, the specified issues are very precisely regulated by internal acts. At the level of laws and by-laws there are no precise standards relating to general, technical, personnel, pedagogical, programme and similar standards of social protection institutions.

**Cyprus:** Existing minimum standards of quality of care are incorporated in regulations and manuals of social welfare services and private children's homes. The new draft Children's law includes standards based on quality of services and the rights of the child e.g. ban on corporal punishment.

There are no standards concerning measures to prevent self-inflicted harm.

**Greece:** National minimum standards are in place including standards for construction, hygiene, safety and quality of services. Each institution, moreover, is ruled by internal regulations in which standards of care are included. Explicit reference to defined rights of the child are not made nor on measures concerning self-harming behaviour.

**Montenegro:** There are national minimum standards of care for children in residential institutions in place, defined according to standards for rights of children in residential institutions, like their right to be informed about their rights.

**Serbia:** The national minimum standards are defined in the legislation. Special emphasis is to be found on children's rights, including the right to be informed, to express opinions and participate in the decision making, etc. A vigorous gate-keeping process is in place to ensure that the placement procedure is in accordance with the best interests of the child. The Ministry of Labour and Social Policy has prepared the Draft of Minimum National Standards for Children and Adolescents in Residential Care, as well as the standards of alternative forms of care of children and adolescents ( day centres, supported living, shelters for various groups of beneficiaries, including children who are victims of violence.). Experts and service providers, representatives of social welfare services and professional associations, as well as the beneficiaries of the services were involved in their creation.

The standards have been piloted in the selected institutions of social care, and in NGOs providing such services to children, while the relevant regulations and norms will be defined in 2009. These standards will serve as an incentive and encouragement for service providers to extend and advance de-institutionalised/alternative forms of care for children and young persons.

Standards related to measures of control and discipline for the prevention of self-inflicted harm or violence have not as yet been adopted, but the definition of new standards is underway. They will be guidelines and a regulatory framework at the national level and each institution will develop internal procedures of behaviour (codes of practice) in situations where beneficiaries cannot control their behaviour in a manner that is safe for themselves, other beneficiaries and staff. The Ministry of Labour and Social Policy will monitor their application. Furthermore, in the Republic Institute for Social Protection, accreditation of training programmes is under way for social protection institutions staff in order to promote and upgrade staff competencies on protection of the rights of children in residential care, taking into account the application of the above-mentioned measures and interventions. These training courses for the staff started in February 2009.

**Turkey:** Projects to implement minimum standards have been initiated, including the adaptation of 28 standards developed with the technical support of UNICEF. Various activities aimed at informing children about their fundamental rights have been carried out, including involving children living in residential institutions in “Children’s Rights Provincial Committees”. The role of these committees is to enhance children’s rights, e.g. informing children about their rights. Children in institutions should receive information on the UN CRC. Provisions concerning discipline have been taken in the form of general preventive measures but not standards nor regulations.

## 2.3 Western Europe

**Austria:** The Austrian constitution assumes that detailed legal provision for youth-welfare is reserved to state (*Länder*) legislation. Thus there are no minimum standards on residential care at the national level.

### **Belgium:**

- *Flemish Community:* The decree regarding the rights of children in youth care (May 2004) ‘translates’ the UN Convention on the Rights of the Child in the context of youth care in Flanders and thus adopts it in legislation at Flemish governmental level. The decree describes the rights of children in care and deals with the legal competence of children to exercise their rights. The decree implies that attention is paid to all the children in care and special attention is given to children who are separated from their parents (thus living in residential institutions or in foster care). The minimal standards in the decree include regulations or approved standards concerning measures with the aim of preventing self-inflicting harm or injury to others. The rights of the child, recognised by the decree can be subdivided in three headings, according to the 3 P’s: the right to youth care, rights in youth care and rights through youth care.

- *French Community:* The Decree of 4 March 1991 on Assistance to Youth deals with ‘Children’s rights’ (*Titre II*): its chapter 2 focuses on “Guaranteeing observance of rights of young people submitted to placement” (art.12-19). For young people in public institutions, art.19 of the decree states that ‘an isolation measure in specific rooms can only be taken in a public institution of youth protection, when the young person puts his/her safety or other people’s at risk. The authority which placed child and, if this is absent, the Public Prosecutor (*Procureur du Roi*) should be informed immediately of this by the Directorate. This measure cannot last more than twenty-four hours without the agreement of the relevant judge. There are standards to guarantee respect for human dignity in isolation rooms. For private institution covered under agreement, other specific regulations exist. The isolation does not deprive young people of their rights.

- *German-speaking Community:* There are no minimum standards on residential care. The service in charge of assisting young people examines all the requests for help it receives and all the situations dealt with by the above mentioned decree. This service is advising and supporting young

people as well as other people involved in their problematic situations. It informs them about their rights and obligations and orients them according to their needs. The management contract (for 2006-2009) between the Government and the Centre Mosaik - an institution with the highest number of children and having a family advising role – focuses particularly on quality of services. The same decree states that any form of individual help cannot be decided - with some exceptions - without hearing the person concerned.

**Denmark:** Standards with the aim of defining the rights of the child in residential care consists mainly of the individual action plan which is based on an assessment of the child's problems and the available resources and has to address a number of significant factors for the child. This plan should be revised regularly with the participation of the child.

The Ministry of Welfare has issued rules governing measures with the aim of preventing self-inflicting harm or injury to others which addresses the use of secure wards, isolation, restraint etc. in situations only if absolutely required.

**Finland:** Minimum standards of residential care other than those regulated in the Child Welfare Act are not to be found. The legislation, however, contains provisions on the information to be given to a child regarding his/her rights and responsibilities during the placement. The basic rights of the child are identified in the law such as provisions ascertaining the child's opinion and on hearing the child in the decision-making process. The Child Welfare Act contains specific provisions on possible restrictions and other measures that can be applied in situations of violence or when child tries to inflict harm to him/her.

**France:** The legal provisions stipulate that institutions for children should be organized and run in accordance with minimum standards. These standards, which are specific to the type of institution concerned, are aimed at quality of care, safety and the protection of children concerned. The law lays down the rights and freedoms of children in residential care, for instance the right to appropriate individualized care, the right to information, informed consent and participation.

No reference is made to specific measures with regard to self-inflicting behaviour.

**Germany:** There are national minimum standards of care in place that reflect basic participatory and protective rights of the child. There are not existing regulations as to discipline or prevention of harmful behaviour.

**Iceland:** A regulation specifying the rights of children in residential care has been in place for the last decade. In early 2008 a National Minimum Standards of Care are in place. The Standards are elaborated on the basis of the UN CRC, the Rec(2005)5, the European Quality4Children Standards and the national legislation. The Standards cover all out of home placement, institutional as well as foster care. Generally, the Standards involve five categories: (i) *the general framework for placement* (ii) *the decision making process*, (iii) *quality standards of care*, (iv) *post care support* and (v) *outcome evaluation*. Each of these categories have a number of defined sub-standards and an identification of "red light", a warning signs that are to identify infringement of these standards.

Approved standards concerning measures to be taken with the aim of preventing self-inflicting harm or violent behaviour are defined in a special legal provision and accompanying regulation. These standards include permission of force only as an emergency measure in a situation of danger and it is required that such incidents should be documented and a report given to a number of partners, including the child's parents and the monitoring authorities.

**Ireland:** The National Standards for Children's Residential Centres (2001) apply to all residential homes both statutory and non-statutory. There also exist a number of special national standards, including National Standards for Special Care Units (2001), New Special Care Regulations and National Standards for Foster Care. Concerning harmful behaviour a national guidelines on the use of Single Separation in Special Care Units were published in 2003.

**Italy:** The legislation defines the national minimum standards in residential care (the Prime Minister Decree 2001). Each Italian Region is also mandated to define regional minimum standards of care and inspection. The rights of the child are reflected in these standards, including the rights of the child to be informed about his/her rights in residential care. There is no specific national regulation or standards with the aim of preventing injuries to others and/or with the aim of preventing self-inflicting harm for children in residential care, as the general provisions for the protection of children apply also in this case.

**Liechtenstein:** National minimum standards are not referred to but pointed out that the UN CRC has been awarded the status of national legislation. No regulations exist concerning measures to prevent harmful behaviour.

**Luxembourg:** Article 4 of the already mentioned Grand Ducal Regulation of 16 April 1999 on accreditation sets out the minimum standards of care for such children, especially opening times and the provision of a 24-hour service, guaranteed access to the service for users, comprehensive care, conclusion of a care contract, formulation of an individual psycho-educational and social project, the ratio of staff to users, staff qualifications and regulation on infrastructures. Furthermore, all residential centres must: (i) draw up - a regularly updated and tailored to users - strategy for the activities implemented; (ii) provide to anyone who so requests a document summarising the activities implemented. This document must be transmitted by the residential centre to all authorities which are likely to call on its services or which may have to refer potential users to the centre; (iii) provide users with care and infrastructures compatible with their physical, mental and social well-being, complying with the provisions of the Convention on the Rights of the Child; (iv) to provide a type of care which caters for the bonds between the child or young adult and his or her parents and wider family, with an eye to their social or family reintegration, as appropriate.

The Grand Ducal Regulation of 16 April 1999 does not set out any specific measures to prevent self-harm or violence by young people against others.

It should be stressed that the judicial authorities can refer any minor displaying any of a wide range of behavioural, affective or relational disorders and/or physical injuries to the State Socio-Educational Centre for an indefinite period, usually up to the age of 18. The Centre must provide socio-educational support, therapeutic assistance, etc. for such users.

**Malta:** As of yet there are no minimum standards of residential care. A consultation document on this is presently under discussion.

**Monaco:** As there is only one institution operated in Monaco, the minimum standards of care are reflected in that institution's own rules of procedure and the '*Livret d'accueil*' (*Welcome Booklet*). This booklet - which mentions rights and duties of the children, the organisation and functioning of the institution as well as sanctions in the case of non-respect of rules or behaviour dangerous for themselves or to the others - is given to the children and their families and is regularly updated. .

**Netherlands:** Under the Youth Care Act, a youth care provider has to provide "responsible care", i.e. a good quality of care with regards to the child's needs. The youth care providers are required to have client's councils, at least one for each institution. The councils have an advisory role as well as looking after the client's interests.

There are no national standards concerning measures to control violent or self-destructive behaviour.

**Norway:** The Child Welfare Act ensures that quality standards are approved in the form of regulations of various natures, reflecting the different rights of the child. Special regulations apply to situations in which it is necessary to intervene in order to prevent self-inflicting harm or injury to others.

**Portugal:** The legislation contains the national minimum standards of residential care and includes the rights of the child.

All institutions are obliged to set internal rules including the rights of the child and the measures of control and discipline that are allowed.

**Spain:** The legislative framework defines the rights and duties *inter alia* that include international commitments such as defined in the UN Convention on the Rights of the Child. The Autonomous Communities also have special regulations concerning institutions located in their territories. National standards specific to residential care therefore do not exist.

**Sweden:** The general standards can be said to be reflected in the Social Services Act and specifically the law on the Care of Young persons. These cover the conditions for placement, provisions on all phases of care and the termination of care. In addition there are more specified regulations on quality of care, such as responsibilities and qualification of staff, premises, planning of care etc. The legislation states that the principles of the “best interest of the child” should be a vital concern in all decision making and number of rights are addressed. However, there are no standards regarding the right of the child to be informed about his or her rights. Propositions to that effect are now under considerations. The National Board of Institutional Care operates specially approved homes for the care of young persons requiring particular close surveillance. These homes have rules regulating the rights to restrict the freedom of movement of the young persons in care with the aim to prevent self-inflicting harm or injury to others.

**Switzerland:** There are in place minimum standards of care for institutions that have applied for a subsidy from the Swiss Confederation. These standards are said to largely match the requirements of the CoE Rec. (2005)5. Non-subsidized institutions have to meet requirements established by the competent Canton. There are in place regulations concerning measures with the aim to prevent self-harm and harm to others.

#### **United Kingdom:**

- **England:** Children’s homes must comply with the Children’s Home Regulations. These regulations impose various obligations on the person carrying on the home and the manager, such as to make sure that all staff they employ are fit. In addition, the Secretary of State publishes *National Minimum Standards* which must be taken into account in the making of any decision by the Chief Inspector and in any prosecution for failure to comply with the regulations. There are National Minimum Standards for Boarding Schools and National Minimum Standards for Residential Special Schools. All these standards define the rights of the child in residential care, his/her rights to be informed about these rights, and also cover measures to prevent self-inflicting harm or injury to others.

- **Scotland:** Scottish ministers developed the National Care Standards to ensure everyone in Scotland receives the same high quality of care no matter where they live. There are 23 sets of care standards covering the various kinds of care services regulated within the 15 types of care services set out in the Regulation of Care (Scotland) Act 2001. The National Care Standards that cover care homes specifically address what children and young people can expect from service providers, including their rights to be informed about their rights in a way that they understand. They also cover measures to prevent self-inflicting harm or injury to others.

- **Wales:** The Welsh Assembly Government issues National Minimum Standards for Children’s Homes, which include ensuring that the child’s views are taken into account. It is committed to the UN Convention on the Rights of the Child which it has translated into seven core aims for children and young people. The Government will shortly consult on a strategy for vulnerable children focused on children in care on the edge of care and care leavers. The role of the independent reviewing officer to ensure the child’s views are taken into account in all decisions that affect them using powers under the Children and Young Persons Act 2008. Measures to prevent self-inflicting harm or injury to others are covered within these standards.

- **Northern Ireland:** Standards of care are currently established through a comprehensive legislative framework, underpinned by independent inspection and monitoring. Minimum Standards will shortly be implemented. The rights of children in residential care are defined in legislation and an independent visiting advocacy service has been established for young people in residential care which, *inter alia*, seeks to promote awareness of their rights. Persons managing residential children’s homes are also required to promote and protect the health of the children accommodated there.

**3. Is there a competent authority in place that has the responsibility of collecting relevant statistical data and/or research on a national basis for the purpose of monitoring the placement of children in residential care? Please name the competent authority in place**

### **3.1 Central and Eastern Europe**

**Bulgaria:** *The State Agency for Child Protection* is responsible for maintaining a national information system on various issues concerning vulnerable children, including residential institutions. The Agency also assumes responsibilities regarding research in this field.

**Croatia:** The competent authority of collecting statistical data is the *Ministry of Health and Social Welfare*.

**Czech Republic:** Statistical data on children living in residential institutions are collected within the *national statistical research* system. Particular statistical monitoring systems are provided by the relevant ministries: *Ministry of Education, Ministry of Health and Ministry of Labour and Social Affairs*.

**Estonia:** The *Ministry of Social Affairs* has by law the responsibility for producing statistical reports and within the Ministry the *Department of Social Policy Information and Analysis* has the role of analyzing the data on residential care.

**Latvia:** *The Ministry of Education and Science* collects annually statistical data on children in residential institutions subordinate to the Ministry. *The States Social Service Agency* is responsible for collecting data regarding children in residential institution within the domain of the Ministry of Welfare. In addition the Ministry for Children and Family Affairs has the responsibility to do research and analyze the situation of children living in residential care. Currently a research on out-of-home care (residential care, foster families and guardianship) and adoption is under way with the aim of identify possible improvement for children.

**Lithuania:** *The Department of social Services Supervision* under the *Ministry of Social Security and Labour* is responsible for collecting statistical data relevant for the monitoring of residential institutions.

**Moldova:** The *Ministry of Social Protection, Family and Child* annually presents statistical reports to the National Statistic Office on the activity of boarding homes for children with mental disabilities and the number of children without parental care under the tutelage of public authorities. The *Ministry of Education and Youth* (Department for pre- and secondary school education) has an electronic monthly reporting mechanism on the number of children placed in residential institutions, the number of children exited from the system and the number of children staying over night in the institutions; the *National Office of Statistics* of the Republic of Moldova also collects relevant data. With the view of monitoring the placement of children in the Centre for placement and rehabilitation of tender-age children, the *Ministry of Health* presents statistical reports to the Municipal Division for Protection of the Rights of the Child, including weekly informative notes on children leaving the institution. Local public authorities receive written information on the placement of a child.

**Poland:** *The Ministry of Labour and Social Policy* has the responsibility of collecting statistical data.

**Romania:** *The Directorate of Monitoring the Child's Rights* was set up specifically inter alia to design tools of analysis and collection of data. This is done by an IT system, *Child Monitoring and Tracking Information System* (CMTI) and includes two modules: the child module (containing database of the child protection system) and personal module (data about the employed personnel).

**Russian Federation:** The monitoring of the number of children lacking parental care and of children living in residential institutions is carried out by *The Ministry of Education and Science of the Russian Federation*. In the framework of Federal statistical observations, the statistical data for reporting periods (annually) are sent to the *Federal Educational Agency* by the regional Ministries of Education. Institutions of general education which are directly affiliated to the Federal Authority also report to this Agency. Based on the official data obtained, *the Federal Educational Agency compiles the information to the Federal State Statistic Service..*

**Slovakia:** *The Ministry of Labour, Social Affairs and Family* and its department *Central Office* on the one hand are responsible for statistics on children in orphanages. On the other the *Ministry of Education* and the *Institute of Information and Prognosis in Education* compile data on children in residential re-educational facilities upon court decision or application of their legal representatives.

**Slovenia:** The Ministry of Labour, Family and Social Affairs and the Ministry of Education and Sport has the responsibility to collect data on children in residential institutions. The Statistical Office of the Republic of Slovenia also collect and publish data on children in residential institutions.

**Ukraine:** *The State Statistics Committee of Ukraine* processes and summarizes data of statistical surveys and administrative reports and prepares a statistical *bulletin Children's Residential Institutions* on the annual basis.

### 3.2 South Eastern Europe and Azerbaijan

**Albania:** *The Ministry of Labour Social Affaires and Equal Opportunities*) is the competent authority for collecting statistical data on national basis on children in residential care.

**Azerbaijan:** Each institution submits annually statistical report to the relevant Ministry. *The Ministry of Education* has been entrusted with the responsibility for the coordination in this field in relation to the coordination of the State program for de-institutionalisation project.

**Bosnia and Herzegovina:** Statistical data relating to social protection of children in residential care in Bosnia and Herzegovina is collected by the relevant ministries: the *Ministry of Health and Social Protection* of RS, the Ministry of Labour and Social Policy of FBiH and cantonal ministries of social protection as well as the authorities of Brcko District. In addition, entities' statistical institutes and the Agency for Statistics of BiH also collect information. The data collection is dominated by quantitative indicators. There are very little organised data collections with the aim of monitoring and improving the work of social protection institutions of children in residential care. Research in this area is often performed by non-governmental organizations which provide appropriate positive contributions to the enhancement of the overall situation in this field.

**Cyprus:** The competent authority for collecting data and monitoring is the *Social Welfare Services*, under the Ministry of Labour and Social Insurance.

**Greece:** *The Ministry of Health and Social Solidarity* has the responsibility to collect statistical data on a national basis in collaboration with the *National Centre of Social Solidarity*.

**Montenegro:** *The Ministry of Health, Labour and Social Welfare* is in charge of monitoring children placement in residential institutions and for gathering and holding relevant national statistical data.

**Serbia:** *The Republic Institute for Social Protection* has the obligation to collect statistical data and carry out research in residential care. In the autonomous Province Vojvodina the comparable function is carried out by the Secretariat for Social Protection of *Vojvodina*.

**Turkey:** *The General Directorate of Social Services and Child Protection Agency* carries out the required collection of statistics on the national basis with the *Turkish Statistical Institute*.

### 3.3 Western Europe

**Austria:** There is no competent authority at the national level that has the responsibility of collecting national data due to the autonomy of the states (*Länder*).

**Belgium:**

- *Flemish community:* The competent authority in place is the *Agency for Youth Well-being* (IVA Jongerenwelzijn). Statistical data collection is provided by the National Youth Monitor (*Jeugdmonitor*) and administrative bodies.

- *French Community:* The General Directorate for Assistance to Youth manages a data bank called 'Sigmajed' which includes all the measures taken by advisers, Directors for Assistance to Youth as well as by Juvenile Judges. This tool also contains full information concerning care of the young person.

- *German-speaking Community:* The competent authority is the *Ministry of the German Community, Department of Employment, Health and Social Affairs*.

**Denmark:** *The National Social Appeals Board (Ankestyrelsen)* is responsible for statistical data and statistics is produced for each quarter. Also *Statistics Denmark* collects statistical data and the *Danish National Centre for Social Research (SFI)* conducts research and projects in this area.

**Finland:** The compilation of the national statistics on child welfare, including residential care, is the responsibility of the *National Research and Development Centre for Welfare and Health (STAKES)*.

**France:** There are a number of bodies authorized to collect statistical data on children in residential care and to conduct research on the subject on the national level: *The Directorate of Research, Studies and Statistics of the Ministry of Social Affairs, the National Social and Medico-social Assessment Agency (ANESMS)* and the *National Observatory of Children at Risk (ONED)*.

**Germany:** For the purposes of monitoring, the *Arbeitsstelle Kinder- und Jugendhilfestatistik* (children and youth statistics) has the responsibility to collect the relevant statistical data on the national level.

**Iceland:** *The Government Agency for Child Protection* has the responsibility for collecting and processing data on residential care as well as the role of supporting research in this area. Some statistics are collected monthly but generally submitted publicly on annual basis.

**Ireland:** *The Health Care Executive* compiles annually *Analysis of Child Care Interim Dataset* which includes detailed information on out-of-home placement, including residential care. *The Children Acts Advisory Board* also has a role in conducting or commissioning research in the area of child care.

**Italy:** *The National Childhood and Adolescence Documentation and Analysis Centre* is the agency that is legally responsible for collecting statistical data for monitoring purposes but its functions are carried out by *Istituto degli Innocenti*.

**Liechtenstein:** There is presently only one residential institution in operation and it is supposed to deliver a yearly report to the *Office for Social Services*.

**Luxembourg:** *The Ministry of the Family and Integration* is currently collecting statistical data on children and young people living in residential institutions for inclusion in its annual activities report. The Bill on child welfare assistance provides for commissioning the *Research Centre on Populations, Poverty and Socio-Economic Policy* to collect and analyse data on children in distress.

**Malta:** The *Department for Social Welfare Standards* collects the relevant statistical data and research on the national basis.

**Monaco:** The *Directorate for Health and Social Affairs* is responsible for this function.

**Netherlands:** The provincial authorities are responsible for statistical data collection and the relevant data are collected through the Youth Care Agencies.

**Norway:** Statistical data are collected annually by the regional authorities to the *Directorate for Children, Youth and Family* and to the *National Statistic Central Bureau*. These data are coordinated with data collected from the municipality's child welfare services. Some data are collected every 6 months. Analyses of data from placements are done by different state authorities and also in connection with research projects carried out by different research institutions.

**Portugal:** The *Social Security Institute (ISS)* is the authority that has collects data for the purpose of monitoring and managing children in care.

**Spain:** The *Directorate General for Minors and Families* is responsible for collecting data from the Autonomous Communities concerning placement of minors in residential institutions. Furthermore the Childhood Observatory collects together and encourages all kinds of research on the situation of children in Spain. It has its own publishing department and a website on which publication is posted.

**Sweden:** The *National Board of Health and Welfare* is the government agency responsible for preparing official national statistics and also conducts research and information reviews.

**Switzerland:** Although there is a legal basis for assigning a competent authority the role of collecting national statistics and research this has not yet been implemented.

**United Kingdom:**

- **England:** The *Department for Children Schools and Families* collects data annually from each local authority in England on the children looked after by local authorities, including those in residential care. The Department also commissions a range of research in this area.

- **Scotland:** The *Scottish Government* publishes the Children's Looked after Statistics (CLAS) on an annual basis. The CLAS publication is based on a range of data provided annually by all Scottish local authorities about their looked after children and young people and care leavers. *Audit Scotland* also requires all local authorities to provide data on a number of Statutory Performance Indicators (SPI); a number of which relate to looked after children and young people, care leavers and residential child care services.

- **Wales:** The *Statistical Directorate of the Welsh Assembly Government* collects data annually from each local authority in Wales on the children looked after by local authorities, including those in residential care.

- **Northern Ireland:** The *Department of Health, Social Services and Public Safety (DHSSPS)* in Northern Ireland collects statistical information on an annual basis on the placement profile of children in care as well as on the number of registered statutory and voluntary sector homes and the number of places they offer.

**4. Does an independent monitoring system exist? Is there a defined system in place for children in residential care to make complaints to an identifiable, impartial and independent body in order to assert children's fundamental rights? What is the procedure?**

**4.1 Central and Eastern Europe**

**Bulgaria:** The State Agency for Child Protection is a specialized body of the Council of Ministers competent for management, coordination and control in the field of child protection. Besides accreditation and other function, it has the role of monitoring and control at the specialized child care institutions for observing the child's rights and issuing mandatory notices. Each service provider is, according to standards of care, obliged to provide children in care the opportunity to file complaints but no independent body is defined in this procedure.

**Croatia:** On behalf of the Ministry of Health and Social Welfare inspection supervision is exercised. The inspectors have mandate to extensive monitoring, including the right to visit residential institutions without a priori notice. The Ombudsperson for Children, an independent and autonomous body, is authorized to access premises and inspect residential facilities. A report of such inspection submitted to the body exercising monitoring should be reacted to within 30 days and without delays in emergencies. The system of complaints for children in residential care is not described.

**Czech Republic:** An independent monitoring body does not exist with regard to public residential institutions. Some NGO's that run residential care provide independent monitoring. Children placed in institutions can appeal decisions to a body that is monitoring children's rights in residential care. Children can also submit complaints to an educational supervision body and to the ombudsman. The setting up of the Office of Public Defender of the children's rights (Ombudsman) is planned in 2009.

**Estonia:** The supervision over the residential care services is exercised by the county governor of the locations of the service providers. The answer also highlights the role of the institution of Chancellor of Justice (Ombudsman) whose role is to exercise supervision over state authorities of legislative and executive powers. Pursuant to the Social Welfare Act children in residential care have the right to contact the county government that exercise monitoring with their problems directly. The Act does not currently stipulate an exact scheme for complaints but this is planned in the near future. In addition it is mentioned that every person who claims that their rights have been violated can file a petition to the Chancellor.

**Latvia:** An independent monitoring system exist both at governmental and local level. The State Social Services Agency monitors all children's residential institutions and the State Inspectorate for Protection of the Children's Rights (SIPCR) shall supervise and control compliance with regulatory enactments in the field of the rights of the child. The independence of the SIPCR is ensured as it is not a part of the welfare services and exercises both scheduled and unscheduled inspections. It is the SIPCR duty to examine complaints submitted by children in residential care. Among other the Inspectorate ensures the operation of a hotline telephone service in the field of protection of the rights of the child.

**Lithuania:** It is the task of the Department of Social Services Supervision under the Ministry of Social Security and Labour to monitor all providers of social care, including residential care for children. According to the new Social Care Quality Standards, every child care institution has to set up rules how a child in care can make a complaint regarding his/her quality of life in the institution. In 2001, the institution of the Children's Rights Ombudsman was established, where every child can submit complaints. The Children's Rights Ombudsman is accountable to the Parliament.

**Moldova:** The Family Code states that the tutelage authority should monitor and assess - not less then once in 6 months - the situation of children without parental care, who are under a form of protection. The Ministry of Social Protection, Family and Child examines the possibility to implement an automated informational system for the protection of family and child, which shall become the basic

instrument for evidence and monitoring at the national level of all children in difficult situations. For the Centres for placement and rehabilitation of tender-age children, monitoring depends on specialists of the institution and is tailored according to the specific case.

The Parliamentary Advocate for the Protection of the Right of the Child guarantees the observance of the constitutional rights and freedoms of the child and the implementation by public authorities and persons with responsibilities at all levels of the provisions of the UN Convention on the Rights of the Child. The examination of complaints in the field of reference is also part of the responsibilities of the Ministry of Social Protection, Family and Child. In the administrative-territorial units, the complaints regarding the protection of the child in difficult situation are examined by the tutelage authority or by the Commission for the Protection of the Child in difficult situations. In the Centre for placement and rehabilitation of tender-age children, there is a box for complaints and suggestions.

**Poland:** The regional governors (the *voivods*) are responsible for monitoring residential care. From 2004 the Ministry of Labour and Social Policy also monitors important aspects of residential care, for example education, health and therapeutic services. The outcome report is shared with the Ombudsman for Children who is an independent monitoring body in the field of children in general. Children living in residential care can file complaints to the regional governors or with the Ombudsman.

**Romania:** The National Authority for the Protection of Child's Rights, a specialized body subordinated to the Ministry of Labour and Family, has from 2005 assumed the role of monitoring the observance of the minimum standards of residential care and the rights of children. From 2007 the Social Inspection, a new institution, has taken over this responsibility. Also in place is the Child Advocate Department which aims to promote the rights and freedoms of the child in its relationship with the public authority but is independent. A system of complaints is incorporated into the standards of care. Children's helpline is also operated by an independent NGO where children in care are targeted.

**Russian Federation:** According to *the Family Code of the Russian Federation* the defence of the child's rights and the child's legal interests is ensured by parents (or the persons legally replacing the parents), by the tutorship and guardianship authority, by the State prosecutor and by the court. The child has the right to appeal independently to *the tutorship and guardianship authority* and to the court, when he (she) reaches the age of 14, in the case of infringement of the child's rights and child's legal interests. The post of a Commissioner for children's rights is established in 19 subjects the Russian Federation. According to *the Federal Law 'About the child's fundamental rights guarantees in the Russian Federation'* lists of federal state bodies, local bodies and national officials to which the child appeal when his (her) rights are violated are to be drawn up. Those bodies provide monitoring and supervision for the protection of the rights of children.

**Slovakia:** The National Centre for Human Rights is an independent body that inter alia has specific obligations in monitoring Children's Rights, including those of children in out-of-home placement. The State School Inspection monitors educational facilities. Otherwise, a reference is made to numerous bodies at the central and local level that play important role in monitoring and protecting the rights of children including the local offices for the protection of children's rights. No specific procedure or examples are given on systems or procedures for making complain by children in residential care.

**Slovenia:** A special independent monitoring body to monitor children's rights in residential institution, doesn't exist. The Educational Development Office is in charge for the preparation of expert concept and strategies in the area of education. The monitoring function is the responsibility of the general social (Ministry of Labour, Family and Social Affairs) and educational inspectorate (Ministry of Education and Sport). Both inspections carry out regular and special inspections to monitor social and educational residential institutions. The child or the parent's are also entitled to make a written complaint to the Human Rights Ombudsman of the Republic of Slovenia.

**Ukraine:** The national reply does not indicate that an independent monitoring system is in place. A system of complaint is apparently not in place.

## **4.2 South Eastern Europe and Azerbaijan**

**Albania:** The State Social Services (SSS) is through its twelve regional offices responsible for monitoring and supervision of existing services and staff development. One of the Standards (no. 9) of the SSS for children in residential care states explicitly that children should have the right to complain and the complaint should be treated without delay, within 30 days. According to the regulations approved on April 2008, there is a defined procedure for children in institutions to make complains

**Azerbaijan:** There is no independent monitoring system in place other than the general Ombudsman Office periodic monitoring in child residential institutions. A defined procedure for children in institutions to make complains is not in place.

**Bosnia and Herzegovina:** The monitoring system of social protection institutions for the care of children is arranged through inspection by the competent authorities for different areas of work and life of these institutions, including educational, health, social-protective, hygienic, technical, personnel, programme and other relevant areas. *The Ombudsmen for Human Rights* at all levels (BiH, RS, FBiH) have certain competencies with regard to the protection of children's rights. The issue of children's right to complain about the specific circumstances of the protection is not systematically regulated.

**Cyprus:** The Director Social Welfare Services under the Ministry of Labour and Social Insurance is responsible for inspection of all children's residential homes that are not run by the state. A Commissioner for the Protection of Children's Rights (Ombudsman) was enacted in 2007 may, on his/her own initiative; submit complaints regarding violation of children's rights to relevant authorities.. Included in the new draft Regulations for children in residential institutions, which are in the final stages of preparation, is the requirement for providers to prepare a written complaints procedure for children and their parents that must be available for inspection and approval by the Director of Social Welfare Services.

**Greece:** Within the framework of the Greek Ombudsman, an independent authority, the Deputy Ombudsman on Children's Rights is entitled to monitor relevant issues, including residential care. Since 2003, 80 visits have taken place in state and private children's residential institutions and these have initiated a number of reforms. In addition, the state Body of Inspectors of Health and Welfare Services administer processes of monitoring of residential care. Children are able to make complaints to the Deputy Ombudsman.

**Serbia:** The immediate or direct insight into the conditions of children in institutions is carried out by the local guardian services that refer children for placement. The legal monitoring role is executed by the Department of Inspection Surveillance of the Ministry of Labour and Social Policy. In the autumn of 2008 the Serbian Parliament selected the Children's Ombudsperson Deputy. The Government also adopted the Bill of Children's Ombudsperson to be submitted to the Parliament for adoption.

**Turkey:** An independent monitoring system for child residential institutions does not exist. Children may make complains but there are a number of bodies that such complaints can be submitted to, none of which is independent.

### 4.3 Western Europe

**Austria:** There is no answer given to this question by the member state. However, from responses to other question it is possible to infer that this is reserved states (*Länder*) legislation. There is no legally defined procedure for children living in residential care to make complaints. However, there is an independent ombudsperson in every state (Land) whose task is among others to address complaints.

**Belgium:**

- Flemish community: An independent monitoring system exists to some extent. The 'Agency for General Inspection of Services' (*IVA Inspectie WVG*). Every youth care service must ensure that the rights of children, stipulated in the decree, are fully respected. Youth care facilities should create preconditions to meet the standards of the decree. For children in residential care to make complaints there is access (free calls) to Children's Ombudsman (*Kinderrechtencommissariaat*) or the Telephone service for complaints (JO Lijn). Some specific arrangements exist also within services or institutions for minors. The *Flemish Inspection* has developed an efficient system of monitoring and external control of youth care facilities, with special attention to children in residential care. The monitoring instrument is operational since April 2009.

- French Community: Art. 37 of the Decree of 4 March 1991 foresees an appeal to the Juvenile Court. The decision of the Court is not an obstacle to the conclusion and implementation of a further agreement between parts, which derogates to the Judge's decision. The Decree of 20 June 2002 established a General Delegate for Children's Rights to guarantee the rights and best interests of children. The General delegate has free access – within the Constitution's limits – to all buildings of the Community's public services and to private building subsidized by the French Community. The Decree is available on the Web site of the General Delegate (<http://www.2.cfwb.be/dgde/decret.htm>)

- German-speaking Community: there is no independent monitoring system. The Decree of 20 March 1995 regulates the procedure in case of complaints.

**Denmark:** Basically the independent monitoring system consists of the data collection, national surveys and research by the National Social Appeals Board and the Danish National Centre for Social Research. In addition to this a reference is made to practice surveys by the five Counties in Denmark. With regard to complaint procedures for children in residential care, it is pointed out that decisions on social benefits may be put before the regional social complaints board. In specific complaint cases, the National Social Appeals Board may be involved if a decision is of principle importance and relate to its task of ensuring that national practices are as similar as possible. Also a reference is made to the authority of the Danish Parliamentary Ombudsman who has the power to initiate investigations and inspections of institutions for residential care.

**Finland:** The monitoring system consists of few levels. The basic supervision of institutions is the responsibility of the State Provincial Offices, the municipality in which the institution is located and the municipality that has placed the child. In addition STAKES (state agency) by means of statistics and research follows the development.

The child can complain about the activities to the supervisory authorities, an ultimately to the Parliamentary Ombudsman. The State Provincial Office has the opportunity to hear the child in the context or its supervision. The child has a regular contact with his or her social worker at the municipality and can make complaints.

**France:** The monitoring function is the responsibility of the general welfare inspectorate (IGAS) which supervise social and medico-social institutions and reports to the ministers of labour and health. To this is added the role of the Children's Ombudsperson who e.g. performs investigation into the field through 45 local correspondents covering all of France. The Ombudsperson has access to all institutions and individual files in cases he/she wants to investigate.

The system in place that enables children in residential care to make complaint is mainly the Children's Ombudsman. Anyone under 18 who maintains that his/her rights have been violated can apply to the Ombudsperson, who also can examine cases at own initiative. In addition to this a

mention is made of the national telephone hotline (119, children at risk) accessible 24h and provides information and advice.

**Germany:** The national reply does not indicate the existence of an independent monitoring system focused at child residential care. A system of complaints to an independent body is not in place.

**Iceland:** Monitoring of residential institutions is executed on different levels. Firstly the Gov. Agency for Child Protection is responsible for supervision of the contracts made with service providers. Secondly, an independent inspector is appointed to visit all institutions at least twice per year, private interviews with every child included. Thirdly, regular visits of parents and social workers to residential facilities serve an indirect monitoring role.

Children can make complaints to the Gov. Agency for Child Protection. A special scheme has been developed for this purpose. The Agency must inform the parents (custodian) of the child of the complaint and also the child's social worker at the municipality level. In addition to this the Child Ombudsman has powers to access institutions at own initiative and children can draw his attention to issues by forwarding complaints.

**Ireland:** The Social Service Inspectorate (from 1999) was established to promote and ensure quality standards through inspection. Its statutory basis provides SSI with independent status for monitoring with the aim to meet the requirement of standards and identify and correct any deficiencies. Ireland also has an Ombudsman for Children's Office. In the minimum standards of care a complaints procedure is defined.

**Italy:** An independent monitoring system is the Regional Commissioner for Children and Young People (*Garante Regionale dell'Infanzia e dell'Adolescenza*), existing only in seven out of twenty Regions. Children in these Regions can make complaints to the regional *Garante* (some other regions are in the process of approving the institution of an independent body for children's rights.). A specific law is under way to establish a National Commissioner for Children and Young People. Children living in residential institutions can make complaints to the prosecution office (*Procura della Repubblica presso il Tribunale per i Minorenni*).

**Liechtenstein:** The monitoring authority is the department responsible for children and youth affairs and provisions. Complaints can be made to that office.

**Luxembourg:** In 2002 Luxembourg introduced an "Ombudscommittee on the Rights of the Child". This independent body is mandated to ensure the protection and promotion of children's rights and interests. Furthermore, for state-approved services, the parties are working together within a co-operation platform responsible for monitoring the implementation of the services and adopting any requisite adjustments to the measures and resources for implementing this service. The committee accordingly examines the general principles and procedures for quality assurance. For the requisite procedures in cases of complaints lodged by children living in residential institutions, according to this same law, any child or young person under the age of 18, together with his/her parents or legal guardians, whose rights have been infringed, as well as any associations or institutions catering for children which wish to report any violation of the provisions of the Convention on the Rights of the Child and/or other national legislative provisions, can contact the President, who represents the Ombudscommittee on the Rights of the Child in writing, by email or by telephone. The Ombudscommittee can act *ex officio* in cases of failure to comply with the Convention on the Rights of the Child.

**Malta:** The Department for Social Welfare Standards assumes the responsibility of the regulatory body. Children in residential care can make complaints to the Social Work Agency and the Children's Commissioner. The complaint procedure is incorporated in the Model Policies and Procedures for out-of-home care and is extensively referred to in the National Social Work Agency Manual of Procedure of the Fostering Service.

**Monaco:** There is no independent monitoring system in place. Children can forward their complaints in written form to the guardianship judge attached to the Judicial Services Directorate in a sealed envelope. Minors are informed of this right.

**Netherlands:** The Dutch Inspectorate for Youth Care has the monitoring role as far as the quality of care is concerned. The Health Care Inspectorate supervises services of mental health and care of mental handicaps. Both inspectorates have various powers to enforce their role.

Every residential institution needs to have a client council in place which may be appropriate platform for complaints in some cases. Otherwise the Youth Care Act stipulates that every youth care provider establishes a complaints regulation and a complaints committee and the client should be informed on this. A client or a parent can complain to the committee e.g. with regard to services or employee's conduct. The complaint committee consists of at least three members that are independent from the service provider. The complaints regulation entails a right to file appeal against the complaints committee in a court.

**Norway:** There are 18 County Governor Offices that monitor and audit residential institutions. The Child welfare services in the municipalities have the responsibility to look after the child as a part of an individual care plan. The County Governor Offices have an independent status and the monitoring is carried out in accordance with the law and regulations. A defined procedure for children in care to make complaints to the County Governor Offices is in place.

**Portugal:** All the monitoring of residential institutions is implemented by the ISS, the Social Service Institute. The ISS is also responsible for the implementation of services and is therefore not regarded independent in its monitoring functions. The ISS has inspectors' teams that supervise the functioning to residential care. Children and their families can make complaints to the local offices of the ISS or to the Local Commissions of Protection of Children and Youth.

**Spain:** It is the responsibility of the Autonomous Communities and Cities to make arrangement for residential care when necessary. They also have the responsibility for inspection and supervision of establishments and other facilities every six months or whenever circumstances so require. In addition an independent body, the Public Prosecution Department shall oversee all residential establishments. Finally the Childhood Observatory and Children's Ombudspersons have a role in research and monitoring of the facilities. Children may submit complaints under the internal rules of each establishment. It is also possible to lodge complaints with the Public Prosecutor. No information is given on the procedure in the national reply.

**Sweden:** The monitoring function is implemented on several levels. The county administrative boards are responsible for the monitoring/supervision of homes for care or residence. The county administrative boards have no part in the provision of social services, which is the responsibility of the municipalities, and their main task within this field is to carry out independent supervision. They carry out announced and unannounced inspections and also make inspections based on complains by individuals addressed to the boards. The county administrative boards have been commissioned by the government to carry out comprehensive inspections of all homes for care or residence under the period 2007 to 2008. At the local level, the social welfare committee in the municipality where the service is located also has monitoring responsibilities. Finally the National Board of Health and Welfare has an overall responsibility for monitoring the social services in the country. Children can complain either to the country administrative board or to the social welfare committee. A government appointed committee of inquiry proposes that the agency responsible for the supervision shall compile relevant information about children's and young persons' rights and information about the agency in charge of the supervision. The information shall also include information about how to contact the agency. The information shall be made available for all children and young persons subject to care in homes for care or residence.

**Switzerland:** The competent authority of the Canton where the institution is located is to appoint a qualified person whose role is to inspect each residential institution at least once every two years and

more often if considered necessary (if the institution has given grounds for complaints the monitoring is more intense). In any possible way, the appointed person has to find out how the children feel and is taken care of and if the institution still meets the requirements. No example is given of systems of complaints other than referring to the rights of minors to appeal in cases of minors taken to care and for the reason of deprivation of liberty.

### ***United Kingdom:***

- ***England:*** The Chief Inspector of Education, Children's Services and Skills (Ofsted) has statutory responsibility for registering and regulating children's homes, in particular by inspecting services and assessing their performance in line with both the National Minimum Standards for Children's Homes and the Children's Homes Regulations 2001.

All local authorities should ensure that advocacy services are provided for children and young people making or intending to make a complaint under the Children Act 1989. The children's homes regulations and national minimum standards cover the complaints procedure and representation. The latter include that children know how and feel able to complain if they are unhappy with any aspect of living in the home. Any complaint will be fully responded to within a maximum of 28 days. The government recognises that advocacy can have an important role to play for looked after children – as well as children in need and young people leaving care. Local authorities are expected to fund and manage advocacy services in a manner which ensures independence.

- ***Scotland:*** In addition to the national statistics, Audit Scotland and the Care Commission also provide a system for independently monitoring residential child care. National Care Standards 18 and 19 relate to concerns, comments, complaints and advocacy. In the course of their inspections, the Care Commission will inspect residential child care establishments against these standards. If a child living in a residential establishment wishes to make a complaint, he/she can: use the residential establishment's own complaints procedure, use local authorities' complaints procedures, contact a children's rights officer, make a complaint to the Care Commission, contact 'Who Cares? Scotland', a national voluntary organisation, contact Scotland's Commissioner for Children and Young People (SCCYP) or to contact the national organisation *Childline*.

- ***Wales:*** The Care and Social Services Inspectorate Wales is responsible for registering and regulating children's homes, including inspecting services in compliance with regulations and national minimum standards. All local authorities ensure that advocacy services are provided for children making or intending to make a complaint under the Children Act 1989. The children's homes regulations and national minimum standards cover the complaints procedure and representation.

- ***Northern Ireland:*** Legislation provides that the functions of the Regulation Quality and Improvement Authority include conducting reviews of, and making reports on, arrangements by statutory bodies for the purpose of monitoring and improving the quality of the health and personal social services for which they have responsibility; and carrying out inspections of bodies or persons who provide services, and making reports on the inspections. A regular visiting advocacy service to residential care facilities has been established to provide skilled independent advocacy support to children. Legislation provides for a complaints procedure for all children in care. Children have a right to complain to the Commissioner for Children and Young People. Where appropriate, the Commissioner is empowered to start or take over legal proceedings on behalf of a child or young person if a general principle is at stake.

## ***5. Has your country ensured by legal provisions or otherwise that after-care support is provided with the aim to ensure the re-integration of the child in the family and society?***

### **5.1 Central and Eastern Europe**

***Bulgaria:*** According to the Ordinance on the criteria and standards for social services for children, during the child's stay in institution the service provider shall prepare the child for independent living. Increasing effort toward this aim is apparent in the development of community based services such as sheltered housing, social rehabilitation and integration centres.

**Croatia:** Legally the Local Social Welfare Centres are to draft a plan in individual cases, identifying the objectives of the support. In the case of children, parent's collaboration and consent is generally required except by court decision on protective grounds. The Act on Social Welfare stipulates that a support shall be yielded following a stay in a facility. The latest amendments to the Act with the aim of providing support to a child to become independent have been strengthened with monthly financial allowance and college education.

**Czech Republic:** An after care support is ensured by several legal provisions. In the reply given it is maintained that the system does not work satisfactorily and attention is now given to improve these provisions.

**Estonia:** The local government of the child's residence must provide housing for the child when he or she leaves residential care to start their independent life. The state also pays a benefit for the young person to purchase essential items. Otherwise the young person can receive general social services provided.

**Latvia:** There are legal provisions to support children leaving care, including housing, education and other measures of support. Specific provisions of right to social rehabilitation are established for children who have been in out-of-home care for long duration (more than a year). With regard to educational institution for social correction it is stated that at least three months prior to leaving care, the institution shall notify the local government of the child's residence that has the responsibility to ensure appropriate services for the re-integration of the child to society.

**Lithuania:** Support for children leaving care is ensured until the age of 24 and is provided in the form of special allowance, housing support and scholarships. The care leavers' *de facto* access to different forms of support, however, often depends on the initiative of staff of the respective child care institutions or municipal administrations. For example, the availability of social housing varies greatly and is very limited and the capital and other larger cities. The Directive on Norms for Provision of Social Care (2007, will be applied from 2010), foresees non-financial forms of after-care support such as individual care plans, monitoring, and guardians. According to the Plan for Reorganization and Optimization of Childcare Institutions (2007), as from 2010 all management functions for social care institutions for children will be transferred to the local level. After-care support should then become an integral part of the foster care system, with one contact person (guardian) continuously providing the child with necessary care and support. From 2005 to 2008, the government's "Programme for support and social integration of orphans and children without parental care" funded organisations providing professional orientation, individual consultations and trainings, as well as the publication of a special guide for care leavers.

**Moldova:** No legal provisions or particular after-care support are mentioned in the national reply. Children entering and leaving institutions are supervised by the specialists of the respective institution, depending on the individual case.

**Poland:** The legislation stipulates the residential institutions to facilitate contacts between children and their parents. This includes regular assessments on the possibility that the child will reunite with his/her parents. Regulation emphasizes the importance of preparation of the child for life in society. A special care worker is appointed that is responsible for the re-integration process of up to 6 children. After leaving the residential institution and together with the special care worker they create the project of "self-dependence" for former resident of the institution. The tasks of the "self-dependence" social workers are to work with the young person in accordance with his/her needs and facilitate support from different sectors (housing, education). This becomes a basis for grant provisions on self-dependence.

**Romania:** There are legislative provisions specifying services that should be available to support young people to an independent life, including housing and work.

**Slovakia:** In the orphanages elaborate individual plans should be made to further the development of the child and strengthen his/her ties with the family. For that purpose the orphanages can, for instance, encourage the child visits to the parents or organize the parents to stay in the facility. The orphanage keeps in touch with the child and the family or the young adult for at least two years after the stay. The young person can apply for assistance up to the 25<sup>th</sup> birthday in terms of housing and financial support paid on the day of departure from the orphanage.

**Russian Federation:** According to *the Family Code of the Russian Federation, The Tutorship and Guardianship Authority* are responsible for the child who leaves an educational residential institution for orphan children and children deprived of parental care before the age of 18. Additional social guarantees for orphan children and children deprived of parental care, between the ages of 18 and 23 (concerning education, material security, work, medical services protection, protection of housing right) are given by the *Federal Law 'About additional guaranties in the area of social support for orphan children and children deprived of parental care'* (21.12.1996). The social protection of such children (regulation, financial support) is ensured by the authorities of the Subjects of the Russian Federation.

**Slovenia:** The Act on Social Protection stipulates that the local centres for social work have a responsibility for the re-integration of the child in the family and society. Services are specified in the National Program on Social Protection for the period 2006-2010.

**Ukraine:** There exist some legal provisions of general nature, for instance concerning education and rehabilitation.

## 5.2 South Eastern Europe and Azerbaijan

**Azerbaijan:** Legal provision ensures support for children leaving care in various ways, including education. There is also in place an Action Plan for de-institutionalization which put emphasis on measures to re-integrate children in the family and society.

**Albania:** In the minimum standards of care the issue of post care support is explicitly addressed. The residential facility is obliged to draft a leaving care plan for the child who is leaving the institution and move to independent or semi-independent life.

**Bosnia and Herzegovina:** The Laws on Social Protection of the RS and of the FBiH limit protection of children living in residential institutions to the age of completion of regular education. Extended protection mechanisms with the aim of full integration of these persons in normal social processes are not regulated by law. However, the problem and need for additional protection after the termination of the legal conditions had been detected a long time ago and therefore, in many parts of the country, also thanks to NGOs, successful after-care programmes are provided.

**Cyprus:** According to the recently amended after-care scheme, persons under the age of 30 years who had previously been in care until the age of 18 years may be provided with assistance, such as payment of fees for vocational training or higher education and support for the purchase of furniture and equipment.

**Greece:** Legal provisions are not referred to in the national reply but some state regulation to this effect. Also a National Plan on de-institutionalization applies to a pilot program in 14 residential institutions with the aim of reintegration of persons with disabilities.

**Montenegro:** Legal provisions and after care support are not referred to in the national reply. A specialised team from *the Centre for Social Work* is in charge of children placement in residential

institutions. The team consists of a psychologists, pedagogues, social workers and lawyers and assesses the needs of the child and suggests the best form of a placement. This team from the Centre for Social Work, together with specialised team from the residential institution, is obliged to create an individual protection plane for each child, to revise it every 6 months and is in charge for continuous work aiming at the return of a child in a family or his inclusion into society.

**Serbia:** The legislation stipulates that residential institutions should draft a plan according to which a child leaving care is best prepared for independent living. Educational and financial support is provided until the young person finds job. Various reform projects have been introduced in recent years to further deinstitutionalization and reintegration after care, e.g. according to special ministerial instruction from 2008 resulting in approx. 4000 children placed in foster care. As for children returning to their natural family, foster care or adoption, the law proscribes program of preparing the process of leaving care which can for instance include provisions of professional assistance or “supported living”. Examples of good practice: The Republic Institute for Social Protection has prepared the Project titled Supported Living for Young Persons Leaving Social Protection System – A step to Independence. This Project develops the service aimed at provision of adequate accommodation and professional support to young persons for their as increase integration into society as possible.

**Turkey:** There exist legal provisions with the overt aim of re-integration of the child to the family and society. Importance is given to assessment of individual need in this respect, e.g. educational needs.

### 5.3 Western Europe

**Austria:** The provision of support for re-integration in family and society is guaranteed by regional Youth Welfare Acts and pedagogical standards. It involves a wide range of services, including e.g. therapy and housing.

#### **Belgium:**

- Flemish community: After-care support is provided with the aim of ensuring the reintegration of the child into the family and society.

- French Community: The separation from the family is the exception and has to be regularly reconsidered and stopped as soon as the circumstances do not justify it any longer. This same principle should guide the decision of the Juvenile Court when accepting or refusing to separate the youngster from his/her family environment. Art.9 of the Decree of 4 March 1991 states that unless it is not possible (in the case of a conflict with the interests of the young person), he/she should not be separated from his/her siblings.

- German-speaking Community: the decree of 20 mars 1995 states that the primary aim of all the measures is to keep the young person in his/her usual family environment, unless it is contrary to his/her interests. If the child needs to be placed outside the house, he/she should be placed in a foster family, especially if he/she is less than 7 years old. Contacts with the family should be maintained or facilitated, unless it is against the interests of the child. The new decree which should come into force at the latest on 1 January 2009, will take into account these aspects.

**Denmark:** A scheme with different services can be established for supporting and training 18 -22 years old to live independently, including the appointment of a permanent contact person and a phasing-out plan in the care facility where the young persons has stayed.

**Finland:** The municipality is legally responsible to ensure after-care for the child up to the age of 21. The aim is to support the young person’s reintegration in society after residential care has ended.

**France:** A new legislation (2007) stipulates the coordination of all those involved in child welfare and facilitates flexible forms of care that can be adapted to different needs. The Chair of the *Conseil*

*Général* is responsible for the continuity and most often after care support consists of educational measures.

**Germany:** The young adult leaving institution is legally entitled to guidance and assistance as needed for independent self-reliant development.

**Iceland:** The legislation stipulates that the local child protective services provide after care support according to individual plan. This can be in the form of housing, financial assistance or educational support. The child protection system has obligation to support children in need up to 20 years of age.

**Ireland:** A reference is made in the national reply to legal provisions relating to aftercare and to the minimum standards of care without further elaboration.

**Italy:** Law has been passed to create fund for supporting projects aimed at improving the quality of life of children and adolescents, including support services for parent-child relations and to combat poverty. No reference is made to after care programmers.

**Liechtenstein:** In the national reply a reference is made to legal provisions to support the re-integration to the family. However these provisions are not specified.

**Luxembourg:** The above-mentioned Grand Ducal Regulation of 16 April 1999 provides for three types of non-residential social services geared to promoting the reintegration of children and young adults in their families and the community: (i) the Non-Residential Support Centre (*Centre d'accompagnement en milieu ouvert* – CAEMO) providing (as an alternative or complement to placement) psycho-educational and social support for children, young adults and their families by means of social training, consultation, family mediation, aid, assistance, guidance and other activities; (ii) the Non-Residential Accommodation Structure (*Structure de logement en milieu ouvert* - SLEMO), with the aim to preparing children and young adults from residential institutions or from temporary residential centres for independent living and integration in the community, by means of different assisted social housing schemes; (iii) the Socio-Occupational Integration Centre (CISP);, providing children and young adults with practical education and training by means of special employment programmes.

**Malta:** Whilst there are no legal provisions in effect, children who have been in care are followed by social workers from Children who have been in care for 6 months after the re-integration with the family and/or society. If the child and his/her family need further assistance, they are referred to Generic Services and Community Services. .

**Monaco:** When a court order terminates the placement, “educational assistance in a non-institutional environment” should be provided by the social services.

**Netherlands:** After care support is provided by most institutions but not organized by law. The Youth Care Agency is responsible for a complete care plan which includes after care. The support can in exceptional cases carry on until the age of 23.

**Norway:** Post care support is provided according to legal provisions on a voluntary basis from the age of 18 and up to 23 years of age. These include programs concerning work, education etc. in relation to individual plan for a child leaving care. Every child under 18 leaving care will also have an after care plan.

**Portugal:** The legislation stipulates the definition of a “life project” with the aim of reintegrating the child in the family and society. The child and the family should be involved in the making of the project which should include access to education, vocational training, health care etc. The duration of these measures can be up to 18 months after care support.

**Spain:** The emphasis is laid on engaging in psycho-social work with the minor's family in order to facilitate faster and easier reintegration of the minors to their families. Otherwise, special after care support is not elaborated on.

**Sweden:** The Social Services Act stipulates that the local social welfare committee has a comprehensive responsibility for children in need and that includes young persons leaving care. However, the Government has recently found it necessary to define this responsibility more clearly. Therefore, the National Board of Health and Welfare has been commissioned to develop support for the social services in their work with children and young persons after the termination of the out of home care.

**Switzerland:** National legislation defines goals, but standards to ensure reintegration or after care support is not elaborated. Preparations for reintegration in the family and society are generally part of the care arrangements but it is up to the institution concerned to do everything necessary to that end.

**United Kingdom:**

- England: Both the Children Act 1989 and the Human Rights Act 1998 promote the importance of the child remaining with their family, insofar as this is consistent with their welfare. According to the Children (Leaving Care) Act (2000) the responsible local authority must allocate each care leaver a personal adviser whose role will be to co-ordinate an individual pathway plan for each young person leaving care. The pathway plan must include details about the accommodation and support that each care leaver needs, so that they can realise their ambitions in education, training and employment and be put on the path to success just like other young people. Young people's involvement is at the heart of this pathway planning process and care leavers are entitled to independent advocacy and support where they identify that they need this to fully communicate their views. The responsible authority must keep in touch with care leavers until they are at least 21, or later if they are still being helped with education or training. However, too many young people are still pushed into independent living too early and without proper support.

- Scotland: National Care Standard 17 relates to moving on from a residential child care establishment. In 2004, the Government produced regulations and guidance on services for Young People Ceasing to be looked after by Local Authorities. The regulations are underpinned by the Children (Scotland) Act 1995, the Regulation of Care (Scotland) Act 2001 and the Children (Leaving Care) Act 2000.

- Wales: The Children Leaving Care Act (see above) extends to Wales. Through "Towards a Stable Life and a Brighter Future" the Welsh Assembly Government has introduced a range of provisions to strengthen the placement arrangements for looked after children and to ensure that young people are not forced out of care before they are ready to leave and that they have a voice in all the decisions affecting them.

- Northern Ireland: Authorities are under a legal duty to prepare children for leaving care and to assess and meet the care and support needs of young care-leavers until they are at least 21 years old. Authorities are required to prepare a plan, and provide a personal adviser, for relevant young people aged 16 or 17. Specialist leaving and after care services are in place to support all young people leaving care to identify suitable accommodation, build and maintain relationships with family and others, develop their self-esteem, teach practical and financial skills, and enhance access to education, training and employment. There is a regional Leaving Care and After Care taskforce currently developing a standards framework for leaving care and after care services and accommodation.

**6. Has your country taken steps in order to introduce Rec. (2005)5 on the rights of children living in residential institutions to children living in residential care and/or relevant bodies providing residential services? Could you provide us with one (or some) relevant examples of best practice in this field? Has Rec. (2005)5 been translated into your national language?**

### **6.1 Central and Eastern Europe**

**Bulgaria:** Rec(2005)5 has been introduced in regular training courses for professionals. Reference is made to the CLIP project, a joint project with the Swiss government, on enhancing the life skills of youth. Translation of the Recommendation is forthcoming.

**Croatia:** Pursuant to clause 1 of Rec(2005)5, on 22 March 2006 the Republic of Croatia developed the National Activity Plan on children's rights and interest from 2006 to 2012, which involves rights of children living in residential institutions. Furthermore, at the end of 2005, the Ministry of Health and Social Welfare together with UNICEF organised a conference on children in residential institutions where the Recommendation was introduced. A number of "best practice" programs are identified in line with the spirit of Rec(2005)5, which has not been translated into Croatian.

**Czech Republic:** Rec(2005)5 was translated and it is fully reflected in the transformation of the care system for vulnerable children which will start in the second half of 2009.

**Estonia:** The Recommendation was considered in the amendments to the Social Welfare Act which entered into force 2007. Three steps are mentioned with regard to introducing the Rec. on behalf of the Ministry: (i) the Conference on "Children in institutions", for the heads of social welfare institutions, in which Rec.(2005) 5 was specially introduced; (ii) the seminar "Deinstitutionalisation and changing welfare services for children" in association with SOS-Children's Village and WHO-Daphne program in 2007; and (iii) the active participation in the cooperation on children at risk within the Council of the Baltic Sea States, which has launched the programmed "Rights of children in institutions" – a follow up on Rec(2005)5. Some examples of "best practice" are given. Rec(2005)5 has been translated into the Estonian language.

**Latvia:** The national reply gives a detailed overview of how national legislation is in good harmony with the fundamental aims and quality standards of Rec(2005)5. An example of good practice is referred to, the "Matra-flex" collaboration with the Netherlands on social integration of children in child care. Another example referred to is educational programs in institutions of social correction by involving counsellors, social teachers and medical persons in the rehabilitation process, providing a secure environment within the institutions. The Recommendation has not been translated into Latvian.

**Lithuania:** The guidelines provided in Rec(2005)5 were incorporated into the national strategy on the reorganisation of the child guardianship (ward) system. This strategy aims at creating conditions in terms of guardianship (ward) or adoption for children who are deprived of parental care, which meet the child's best interest and allow him/her to grow up in a family-like environment. As examples of good practices in this respect the report refers the SOS Children's Village in Vilnius and the non-governmental children's home "Fireplace of the Home" in Kaunas. Rec(2005)5 has been translated into Lithuanian.

**Moldova:** The Strategy and National Action Plan on Reforming the Residential Care System of the Child for the years 2007-2012 aims at respecting the right of the child to live in a family environment. In this domain, the Republic of Moldova has been guided by Rec(2005)5. In the context of developing and diversifying the social services according to the need for care and reintegration of the child in the family and community, 100 Centres for Social Services are functioning in the country (day-time centres; placement centres; mixed centres). Alternative forms of residential care are promoted. The role of the social assistant of the local municipalities has a great importance in the process of reforming the residential child care system through prevention of institutionalisation, reintegration of

children in the family and their consequent monitoring until closing the case. The Centre for placement and rehabilitation of tender-age children contributes to maintain the relationship between the child and the family and some 42% of the children leaving the Centre reintegrated their families. An example of good practice of implementing Rec (2005)5 is the transformation of the Gimnazium-home for orphan and children without parental care (in Cărpineni, Hîncești) into a Day-time Centre for children from the community who benefit of a large range of services. Rec(2005)5 has been translated into the national language.

**Poland:** At the initiative of the Ministry of Labour and Social Policy, Rec(2005)5 was introduced by its publication and its records among relevant regional and local institutions working with children. An example of “good practice” is the project “Foster families – True Love” from May 2006 to September 2007 and as an effect of the campaign the Polish Parliament established 30 May as the Day of Foster Parenthood. In 2005, the Ministry translated into Polish the Recommendation and its explanatory report.

**Romania:** It is not mentioned that Rec (2005) 5 has been introduced specifically; however, it has been translated into Romanian. An example is referred to as good practice – the “*Adolescenta*” – a family type home for 12 children.

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**Russian Federation:** Rec(2005)5 was translated into Russian and the text is distributed at conferences and seminars on the rights of the child and social re-integration of children at risk.

**Slovakia:** Up to now the Ministry of Labour, Social Affairs and Family has not been aware of Rec(2005)5. No official translation of the Recommendation has been done, but an unofficial one exists.

**Slovenia:** It is planned to apply the Recommendation regard to revising legislation and practice. An example of good practice is mentioned, an introduction to experimental youth housing with the aim of independent living. The new Placement of Children with Special Needs Act (2000, 2007) the concept of inclusion for all children with special needs anticipates social integration of all children with special needs who can cope with additional expert support. The text has been translated into Slovenian.

**Ukraine:** Some steps have been taken to introduce Rec(2005)5 at conferences in parts of the country. It has not been translated but the Russian translation has been used. The program for preventing social abandon and SOS villages are mentioned as examples of good practice.

## **6.2 South Eastern Europe and Azerbaijan**

**Albania:** With regard to the new Minimum Standards of Care in Albania, no steps have been taken to introduce Rec(2005)5 nor has it been translated.

**Azerbaijan:** No steps have been taken to introduce Rec. (2005)5 but translation is pending. Examples of good practice are referred to in the Sarai and Shagan settlements concerning rehabilitation.

**Bosnia and Herzegovina:** No steps have been taken to introduce Rec(2005)5, but there are examples of good practice, such as "Pedagogical Life Communities" and children's villages, which are in the spirit of the recommendation. The Recommendation has not been translated into Bosnian, nor Croatian.

**Cyprus:** Rec(2005)5 was born in mind in the preparation of the new draft Children's law and it is also being used in the current evaluation of children's residential institutions. An example of good practice is that children in residential care have the opportunity, in accordance with their age and level of maturity, to participate in the *Review Committee*, which takes decisions on the protection, care and rehabilitation of children. Rec (2005)5 is available in Greek.

**Greece:** Rec(2005)5 has been distributed among professionals and further measures are planned. The Rec has been translated into Greek.

**Montenegro:** Children placed in residential institutions are familiar with the Rec(2005)5 and it has been translated into national language.

**Serbia:** The reply discussed the progress made in recent years with regard to legislative reform which enhance the rights of children in 2005. During the following years, significant steps have been taken to reduce the number of children in residential care. The outcome is that placement in institutions is now a measure that is taken only in exceptional case. The Rec(2005)5 has been translated into Serbian.

**Turkey:** Rec(2005)5 has not as yet been introduced but the translation process has started. As an example the “Child Forum” is referred to, a sequence of campaigns in order to promote children’s participation in society.

### 6.3 Western Europe

**Austria:** No steps have been taken to introduce Rec(2005)5 nor are examples of best practice mentioned.

**Belgium:**

- Flemish Community: The decree regarding the rights of children in youth care (May 2004) reflects the recommendations of Rec(2005)5. Specific brochures for children and parents ([www.rechtpositie.be](http://www.rechtpositie.be)) can be considered as an example of good practice. Rec(2005)5 is not available in Dutch.

- French Community: The provisions of the Recommendation were already included in the Decree of 4 March 1991; these being compulsory, the Department of Educational Inspection and the Department of Inspection of Accounts are in charge of their observance and application. If provisions are not respected, the sanction can go up to the withdrawal of the agreement to the institution in question. The Directorate General of Youth Assistance harmonised the practice of the services of youth assistance and of judicial protection so that all beneficiaries of specialised care receive the same treatment in all parts of the French Community.

- German-speaking Community: The new decree of 2009 and future contracts with residential institutions will incorporate the principles of Rec(2005)5. An example of good practice meetings organised with the service for the assistance to young people and the service for Legal protection on the request of young people. The text of the Recommendation was not translated into German.

**Denmark:** Although Denmark recognizes the importance of the Recommendation, no steps have been taken to either introduce or translate it into Danish. The reason is mainly that it is believed that this instrument does to a large extent follow the Danish approach in this field.

**Finland:** It is maintained that the principles of Rec(2005)5 are integrated into the Finnish legislation. Examples of “best practice” include: Measures to restrict the freedom of a child in a residential institution must be recorded carefully. The client’s plan that has been drawn up shall be revised regularly. The child’s own opinion on supportive measures should be recorded in the clients plan. Rec(2005)5 has not been translated into Finnish.

**France:** The fundamental principles of Rec(2005)5 were taken into account in the law of 5 March 2007 on child welfare reforms. A number of “good” practices are identified, especially with regard to alternatives to residential care. The Recommendation exists in French.

**Germany:** No steps have been taken to introduce Rec(2005)5. Some “best practices” are referred to, initiatives from different parts of Germany, concerning among other participation of children and quality standards. The text has not been translated into German.

**Iceland:** Rec(2005)5 has been introduced in various conferences and meetings of professionals involved with child protection and all the residential facilities in Iceland. The Recommendation provided a basis for the New Minimum Standards of Care which will be presented to all children placed in residential facilities. Rec(2005)5 has been translated into Icelandic and is accessible on the website of the Government Agency for Child Protection.

**Ireland:** It has not been considered necessary to introduce Rec(2005)5 as the basic principles are already reflected in the legislation.

**Italy:** No steps have been taken to introduce the Recommendation as it is considered to be in accordance with the existing laws. Some “good practice” is referred to, especially the Plan to close institutions by the end of the year 2006. Rec(2005)5 has not been translated into Italian.

**Liechtenstein:** No measures have been taken to introduce Rec(2005)5

**Luxembourg:** The Grand Ducal Regulation of 16 April 1999 set out the provisions guaranteeing care for children and the infrastructures to ensure their physical, mental and social well-being. The Regulation defines the aims of providing a comprehensive support system, preserving contact with families, observing provisions on safety, security, health and hygiene. As an example of good practice, the initiative of a group of Directors of Luxembourg residential centres from the Association of Directors of Residential Centres (ADCA), who have decided to draw up quality criteria for residential accommodation aimed at children and young people in distress. Rec(2005)5 has not been translated into Luxembourgish, as it appears unnecessary.

**Malta:** No reference is made to introducing the Recommendation. The integration of various services for children could be an example of good practice. The New Administration Adoption Act and the Fostering Act have come into effect.

**Monaco:** The institution’s educational and teaching strategy is in keeping with the broad lines of Rec.(2005) 5. Examples of good practice include the “educational assistance in a non-institutional environment”. No need to translate the Recommendation, as it exists in French.

**Netherlands:** No steps have been taken to introduce the Recommendation and it has not been translated.

**Norway:** Not considered necessary to introduce the Recommendation or to translate it as it is considered to be in harmony with the national legislation.

**Portugal:** Since Rec. (2005)5 came into being many projects have been introduced in Portugal concerning the rights of children living in residential institutions. Some of the efforts are mentioned, for instance the programme of “De-institutionalization of children living in care”. The Recommendation has not been translated into Portuguese.

**Spain:** The national reply emphasizes that the rights and guidelines embodied in Rec (2005)5 are reflected in the national legislation and principles governing the work of the Spanish authorities. Also the principles of the Recommendation are already incorporated in the National Strategic Plan for Children and Adolescents 2006-2009. An example of good practice is the “System for the Evaluation and Registration of Placements in Institutions” (SERAR). Rec(2005)5 has been translated into Spanish.

**Sweden:** Rec(2005)5 has been used by the Government appointed committee on supervision of social services, for instance concerning proposals on children's rights to be informed about their rights, their rights to make complaints and proposals on monitoring and external control. As an example of "good practice", the document "Important information for people receiving care based on the Swedish Care of Young Persons Act (LVU)", which is provided to all children and young persons in care and is available in various languages. The Recommendation has not been translated into Swedish.

**Switzerland:** No steps have been taken steps to introduce the Recommendation. One of the national languages in Switzerland is French and it has not been translated into the other languages. As an example of good practice, the initiative of a group of Directors of Luxembourg residential centres from the Association of Directors of Residential Centres (ADCA), who have decided to draw up quality criteria for residential accommodation aimed at children and young people in distress.

**United Kingdom:**

- England: The principles of Rec(2005)5 are in harmony with existing direction of policy, legislation and standards. As a best practice example, the White Paper "Care Matters" (2007) includes a comprehensive set of commitments to improve the quality of care provided to look after children. Care Matters sets out a vision to move away from the unhelpful notion of "leaving care" as a single event, in favour of supporting young people to make a gradual transition from their care placement, so that they make a transition to greater adult responsibilities when they have been properly prepared and feel ready.

- Scotland: The legislative and regulatory framework relating to residential child care together with the implementation and inspection of the National Care Standards address the Rec(2005)5. Examples of best practice include the National Care Standards, the role of the Care Commission in relation to residential care, and national and local government support for 'Who Cares? Scotland'.

- Wales: The Welsh Assembly Government has adopted a rights based agenda for all its policies for children and young people and the principles of the Recommendation are consistent with these policy objectives. As an example of best practice, the Welsh Assembly Government is encouraging the development of a forum for children's residential care to act as a sounding board for developing policy and to share good practice.

+ - Northern Ireland: As part of a regional review of residential child care, the Department for Health, Social Services and Public Safety will be consulting on a paper concerning the rights and responsibilities of young people and staff in residential care. Rec(2005)5 will be considered as part of this process. The visiting advocacy service can be considered as an example of good practice in safeguarding the rights of young people living in institutions. The aim of the service is to empower and protect children and young people who are in care by promoting awareness of rights and supporting young people to participate in or challenge decision-making which affects them, to contribute to their own care plans and challenge aspects of their care in an appropriate and positive way.

## Appendix II: Comparative table

CENTRAL AND EASTERN EUROPE											
Country	1. How does your country ensure that residential institutions are accredited and registered?	2 (i). Are there standards with the aim of defining the rights of the child	2 (ii). Are there regulations or approved standards with the aim of preventing self-inflicting harm?	3. Is there a competent authority in place that collects statistical data – please name the authority.	4. Is there an independent monitoring system?	5. Is there a defined system in place for children to make complaints? What is the procedure?	6. Has the country ensured that after care support is provided?	7. Have steps been taken in order to introduce Rec(2005)5?	8. Examples of best practice in this field	9. Has Rec(2005)5 been translated into your national language?	Date of national reply
<b>Bulgaria</b>	Yes, by the State Agency for Child Protection	Yes, the Ordinance on the standards specify rights	No	Yes, the State Agency for Child Protection	Yes, the State Agency for Child Protection	No	Yes, individual plan an preparation for independent living	Yes, in regular trainings of experts	The CLIP project	No, pending	Received: 16.05.2008
<b>Croatia</b>	Yes, the Act on Institutions and the Act on Social Welfare	Yes, the Family Act, regulating children's rights	No national standards	Yes, Ministry of Health and Social Welfare	No	No	Specific measures possible, not legally binding	Yes	Three programs: a) for children with visual impairment, b) housing communities, c) prolonged prof. Procedure	No	Received: 12.12.2007 Updated: 03.10.2008
<b>Czech Republic</b>	Yes, legal provisions	Some rights defined by law. No standards	National standards in 2009	Yes, the relevant Ministries, i.e. Health, Social, Educ.	Public Defender of Children's Rights (Ombudsman) in 2009	No	No satisfactory provisions	No	No	Yes	Received: 06.12.2007 Updated: 13.03.2009
<b>Estonia</b>	Yes, Social Welfare Act 2007, licence requirements	Some rights defined by law. 15(2) Social Welfare Act. No standards	No national standards	Yes, Ministry of Social Affairs	Yes	No	Legal provisions, individual plan, incl. Measures of aftercare support	Yes	A policy strategy: Reorganization of national welfare institutions	Yes	Received: 12.12.2007

<b>Latvia</b>	Yes, the State Social Service Agency and the State Agency for Quality Evaluation of Education	Yes, national standards applied to different categories of institutions	No	Yes, the respective Ministries of Education and of Social Welfare	Yes, an independent inspectorate	Yes, well defined	Some legal provisions of post care support	No	The "Matrafles" project and educational projects in institutions of social correction	No	Received: 06.05.2008
<b>Lithuania</b>	Yes, with the general register of legal persons. Licensing through Ministry of Social Security and Labour foreseen as from 2010	Yes, quality requirements are defined and mention children's rights. Assessment mechanism is being created.	No	Yes, Ministry of Social Security and Labour	Monitoring done by Department of Social Services Supervision in the Ministry of Social Security and Labour	Yes, there exist both internal procedures in institutions and a Children's Rights Ombudsman	Legal provisions exist, but implementation depends on local conditions	Yes, in national strategy on the reorganization of the child guardianship (ward) system	SOS Children's Village Vilnius, non-governmental children's home "Fireplace of the Home", Kaunas	Yes	Updated: 27.04.2009
<b>Moldova</b>	Yes, the Law of 16.07.97 on assessment and accreditation of educational institutions	Yes, approved by Government Decision	No	Yes, relevant Ministries and the National Office of Statistics	Yes, the tutelage authority	Yes, the Parliamentary Advocate for children's rights protection and the responsible tutelage authority	Yes, some legal provisions exist	Yes	The transformation of the Gimnazium-home for orphan children and without parental care into a day-time centre	Yes	Received: 03.06.2009
<b>Poland</b>	Yes, the Act on Social Assistance 2004	Yes, by regulation set by the Ministry of Labour and Social Policy	Partly, limited to measures taken after the incident	Yes, Ministry of Labour and Social Policy	Monitoring done by regional governors, the Ministry and the Commissioner for the Rights of the Child	Partly, by filing complaints to the regional gov. or the Ombudsman	Yes, the programme of "self-dependence"	Yes, the Ministry has publicized the Rec. And distr. among the relevant regional and local institutions	"Foster families- True Love"	Yes	Received: 03.12.2007 Updated: 25.02.2008
<b>Romania</b>	Yes, the National Authority for the Protection of the Child's Rights	Yes, national standards issued by the NAPC	No, not as yet	Yes, the Directorate for Monitoring the Child's Rights	Yes, the Social Inspection	Yes, to the Child Advocate Department	General provisions with the aim of supporting independent living	Not mentioned	The "Adolescenta"	Yes	Received: 24.04.2008

<b>Russian Federation</b>	Yes, the Family Code of Russian Federation	General list of the rights of the child is set in the Family Code	No, national standards	Yes, the Ministry of Education and Science	The Tutorship and Guardianship Authority	No	Yes, some legal provision exist	Yes, according to the Federal Law	No	Yes	Received: 27.04.2009
<b>Slovakia</b>	Yes, legal provision: Ministries of Labour, and of Education	Yes, defined in laws for institutions under Ministry of Labour and internal order of Ministry. of Education	No national standards	Yes, the Ministry of Labour, and the Ministry of Education	Yes, the National Centre for Human Rights and , the State School Inspection	Partly, number of offices including the local office of labour, social affairs and family	Yes, legally binding, individual plan	No	Remedial educational facilities	No	Received: 30.11.2007 Updated: 30.09.2008
<b>Slovenia</b>	Yes, legal provisions for the different type of institutions	Yes, national standards adopted	No	Yes, the Ministry of Labour, Family and Social Affairs and the Ministry of Education and Sport the Statistical Office	No special independent monitoring but monitoring exists	No	Partly	Pending	Independent living Deinstitutionalization of children wioth special needs	Yes	Received: 24.04.2008 Updated: 24.10.2008
<b>Ukraine</b>	Yes, legal provisions exist for the different type of institutions	Yes, among others in regulations under the Ministry of health.	No	State Statistics Committee and Centre of medical statistics of Ministry of health	Centre of medical statistics of Ministry of health of Ukraine	No	Limited	No	SOS Villages	No, but the Russian translation has been used	Received: 10.10.2008 Updated: 5.03.2009

**SOUTH EASTERN EUROPE AND AZERBAIJAN**

Country	1. How does your country ensure that residential institutions are accredited and registered?	2 (i). Are there standards with the aim of defining the rights of the child	2 (ii). Are there regulations or approved standards with the aim of preventing self-inflicting harm?	3. Is there a competent authority in place that collects statistical data – please name the authority.	4. Is there an independent monitoring system?	5. Is there a defined system in place for children to make complaints? What is the procedure?	6. Has the country ensured that after care support is provided?	7. Have steps been taken in order to introduce Rec(2005)5?	8. Examples of best practice in this field	9. Has Rec(2005)5 been translated into your national language?	Date of national reply
Albania	Yes, licence required from the Ministry	Yes, National Social Services Standards	No	Yes, The State Social Services	Yes, The State Social Services	Yes, complaints treated within 30 days	Standard nr. 3, individual care plan	No	No	No	Received: 06.12.2007 Updated: 06.10.2008
Azerbaijan	Yes, by the relevant Ministry	Not on the national level	No	Yes, the relevant Ministries, i.e. Health, Social, Educ.	No	No	Yes, legal provisions	No	The Sarai and Shagan settlements of rehabilitation	No, pending	Received: 15.04.2008
Bosnia and Herzegovina	Legal provision social welfare Act	No legal provisions, but standards required in the agenda of the institutions.	No	Ministry of Work and Social Policy Federation BiH and Ministry of Health and Social Protection of Republic Srpska, Statistical Agencies of BiH, F BiH, RS	Relevant entity inspectorates	No	Partly, systematic solutions pending	No	No	No	Received: 21.05.2008 Updated: 05.12.2008

<b>Cyprus</b>	Yes, the Children Law, cf. Cap.352	Yes, the Manual of Operations of the Social Welfare Services Regulations concerning private children's homes and pending draft Regulations concerning all children's residential institutions.	No	Yes, the Social Welfare Services Under the Ministry	Yes, the Social Welfare Services register, inspect and monitor all children's residential institutions that are not run by the State.	Pending. A complaints procedure is defined in the pending draft Regulations concerning all children's residential institutions	Yes, in accordance with the recently amended after - care scheme, support may be provided up to the age of 30 years.	Yes, the Recommendation was borne in mind in preparing new draft legislation and it is also being used in the current evaluation of children's residential institutions. No	Children's participation in the Review Committee for protection, care, rehabilitation	Yes	Received: 06.12.2007 Updated: 14.07.2008
<b>Greece</b>	Yes, by the Ministry of Health and Social Solidarity	Quality standards on facility an care	No	Yes, the Ministry of Health and Social Solidarity	Yes, the Deputy Ombudsman	Yes, to the Deputy Ombudsperson	No legal provisions but a National plan on de-institutionalisation	Yes, distributed among professionals	No	Yes	Received: 05.12.2007
<b>Montenegro</b>	Yes, the Law of Social and Child Protection	Yes, the national minimum standards of care exist	No	Yes, the Ministry of Health, Labour and Social Welfare	Yes, the Centre of Social Work	Yes, specialized team from the Centre for Social Work	Yes, the specialized team from the Centre for Social Work creates and revises (every 6 months) an individual protection plan	Yes	Not mentioned	Yes	Received: 28.04.2009
<b>Serbia</b>	Yes, legal provision: Ministry for Social Affairs	Yes, legally defined in the Family Law	No national regulations but pending	Yes, the Republic Institute for Social Protection	Partly	Partly	Yes, legally binding, individual plan	Yes	Not mentioned	Yes	Received: 13.10.2008 Updated: 23.11.2008
<b>Turkey</b>	Not clear from the answer given	Some standards available	No	Yes, the Statistical Office	No	No	Legal provisions which aim at re-integration	No	"The Child Forums"	Yes	

**WESTERN EUROPE**

Country	1. How does your country ensure that residential institutions are accredited and registered?	2 (i). Are there standards with the aim of defining the rights of the child	2 (ii). Are there regulations or approved standards with the aim of preventing self-inflicting harm?	3. Is there a competent authority in place that collects statistical data – please name the authority.	4. Is there an independent monitoring system?	5. Is there a defined system in place for children to make complaints? What is the procedure?	6. Has the country ensured that after care support is provided?	7. Have steps been taken in order to introduce Rec(2005)5?	8. Examples of best practice in this field	9. Has Rec(2005)5 been translated into your national language?	Date of national reply
<b>Austria</b>	Yes, by the regional youth welfare authorities, <i>Ämter der Landesregierung</i>	Not on the national level	Not on the national level	Not on the national level	Not on the national level	No legally defined procedure	Legally defined rights in the Youth Welfare Act	No	No	No	Received: 13.05.2008 Updated: 24.09.2008
<b>Belgium</b> <i>i-Flemish Community</i> <i>ii –French Community</i> <i>iii- German Community</i>	i. Formally accredited and registered by the public Agency for the Youth Well-being  ii. Regulatory provisions relating ti the granting of an agreement  iii. Accreditation by the Government and official registration	i. Yes, various rights were added  ii. Yes  iii. Yes, the Decree of 4 march 1991	i. No  ii. Yes  iii. No, but there are systems to help children	i. Yes, the Agency for Youth Well-. being  ii. General Directorate for Assistance to Youth  iii. Yes, Ministry of the German Community	i. Yes, to some extent  ii. not mentioned  iii. No	i. Yes, free access to Children’s <i>Ombudsman</i> or telephone service for complaints  ii. Yes, appeal to the juvenile Court; General delegate for children rights  iii. Yes, according to Decree of 1995	i. Yes  ii. Yes  iii. Yes, including in the new Decree	i- Not formally, but dissemination of information  ii. the Decree of 4 March 1991 includes provisions as those of Rec(2005)5  iii- new Decree and future contracts with institutions incorporate principles of Rec(2005)5	i- No  iii -meetings with minors at their request	i. not in Dutch  ii. not applicable  iii. not in German	Received: i. – 29.04.2008 ii. – 11.02.2009 iii. – 29.04.2008  Updated: i. – 15.06.2009

<b>Denmark</b>	Yes, Act on social services (par 142(5): local authorities resp.	Yes, includes the rights to be consulted in all decisions	Yes, rules issued by the Ministry defining requirements	Yes, National Social Appeals Board (NSAB)	NSAB (practice surveys) and five state counties, supervision	NSAB, and the principle of "importance"	Scheme with different services for 18-22 y.	No	No	No	Received: 04.12.2007
<b>Finland</b>	Yes, Child Welfare Act: The State Provincial Offices	Yes, the CWA Act contains right based approach	Yes, including provisions in the CWA Act	Yes, the National Research and Development Centre (STAKES)	Yes, the State Provincial Offices and local social services	Partly	Legal provisions, individual plan up to 21 y	No	Any measures to restrict the freedom of child is subject to be recorded	No	Received: 04.12.2007
<b>France</b>	Yes, cf. Law of 2. January 2002	Yes, the Charter of Carees' Rights and Freedoms 8. Sept. 2003	No	Yes, a number: The Directorate of Research, ANESMS, ONED (National Observatory of Children at Risk)	Yes, the general welfare inspectorate, a scheme of inspections implemented since 2002	No, but the Children's Ombudsman can receive complaints	No explicit legal obligation but support in practice	The Rec. Taken into account in the law of 5 March 2007 on Child Welfare Reform	Provisions of the law of 5 March 2007 on Day Care, Periodic Care and Specialist Care	French	Received: 18.02.2008
<b>Germany</b>	Yes, clear legal provision	Yes, general procedural standards, including rights of involvement	No	Yes, Arbeitsstelle Kinder- und Jugendhilfestatistik	No	No	Legal provisions for guidance	No	No	No	Received: 21.12.2008
<b>Iceland</b>	Yes, the Child Protection Act, cf. Art. 83 and 84	Yes, the Child Protection Act, cf. Art. 80 - 82	Yes, Regulation issued by the Gov. Agency for Child Protection	Yes, the Gov. Agency for Child Protection	The Gov. Agency for Child Protection and indep. Expert	Yes, e.g. scheme to fill in	Individual Care plan. Resp. Local Child Protection services, up to 18 max. 20 y.	Yes	Regulation on the rights of children and use of coercive measure in residential Institutions	Yes	
<b>Ireland</b>	Yes, The Social Service Inspectorate	Yes, the National Standards for Children's Residential centers and more	Yes	Yes, the HSE (ministry) and the Children's Act Advisory Board	Yes, the Social Service Inspectorate	Yes, defined in quality standards	Legal provisions of after care support	No	No	Not applicable	Received: 20.02.2008

<b>Italy</b>	Yes, frame-Law, 328/2000	Yes, Law 149/221 includes specified rights	No national standards	Yes, <i>Istituto degli Innocenti</i>	Partly, in four Regions (law is pending)	Partly	Not specific	No	A strategy of de-institutionalisation	No	Received: 05.12.2007 Updated: 03.10.2008 15.06.2009
<b>Lichtenstein</b>	Yes, the Office for Social Services	No, but the UN CRC has been legalised	No	Yes, to the Office for Social Services	Department responsible for children services	Partly	Reference is made to legal provisions	No	No	No	Received: 28.04.2007
<b>Luxembourg</b>	The ASFT Law (1998) and the Grand Ducal regulation (1999) regulate official accreditations and registrations	Yes, art.4 of the 1999 Grand Ducal Regulation		Yes, the Ministry of Family and Integration	Yes, the Ombudscommittee on the Rights of the Child, which can act <i>ex officio</i> in case of not complying with the UNCRC	Yes, By contacting the President of the Ombudsman-committee	3 types of non-residential social services to support reintegration to the family		Association ADCA drawing up quality criteria for residential accommodation of children in distress	No, unnecessary	Received: 22.07.2008 Updated: 27.04.2009
<b>Malta</b>	No legal provisions	No	No	Yes, the Department for Social Welfare Standards	No	Yes	No legal provisions, ref. NGO	No	Integration of services	English	Received: 12.05.2008 Updated: 30.09.2008
<b>Monaco</b>	Yes, one institution as a department under the Directorate of health and Social Affairs	The institution's own rules of procedures and the 'Welcome Booklet' ( <i>Livret d'accueil</i> )	No legal standards. but the 'livret d'accueil' of the Institution (Welcoming booklet) deals with these aspects.	Yes, the directorate of Health and Social Affairs	No	Partly, children may write to the Guardianship Judge	"Educational assistance in a non-institutional environment"	Yes, in the institution's educational and teaching strategy	A six-month socio-educational report is sent to the guardianship judge	French	Received: 05.12.2007 Updated: 10.03.2009

Country	1. How does your country ensure that residential institutions are accredited and registered?	2 (i). Are there standards with the aim of defining the rights of the child	2 (ii). Are there regulations or approved standards with the aim of preventing self-inflicting harm?	3. Is there a competent authority in place that collects statistical data – please name the authority.	4. Is there an independent monitoring system?	5. Is there a defined system in place for children to make complaints? What is the procedure?	6. Has the country ensured that after care support is provided?	7. Have steps been taken in order to introduce Rec(2005)5?	8. Examples of best practice in this field	9. Has Rec(2005)5 been translated into your national language?	
<b>Netherlands</b>	No legal provisions	Individual care plan, no defined rights	No national standards	Provincial authorities/Youth care agencies	Yes, the Inspectorate for Youth Care	The Client's councils and complaint's committees	No spec. legal provisions. Indiv. Care plan up to 18 max. 23 years	No	No	No	Received: 14.01.2008
<b>Norway</b>	Yes, the Directorate of Children, Youth and Family	Yes, the standards defined in the law and accompanying regulations	Yes, specific regulation has been issued based on the law	Yes, the Directorate for Children, Youth and Family	Yes, County Governor Offices	Yes, to the County Governors Offices	Legal provisions according to individual plan (up to 23 years)	No	Not mentioned	No	Updated: 19.11.2008
<b>Portugal</b>	Yes, legal provisions, Social Security Institute	Yes, defined national minimum standards	All institutions are obliged to set internal rules, including rights of the child and measures of control and discipline are allowed	Yes, Social Security Institute responsible	No	Children and their families can make complaints to the ISS local offices and at the Commission of Protection of Children and Young People	Yes, "Children's life project", 1.5 year aftercare support	Yes, the Rec. has provided basis for many plans to enhancing the rights of children	Numerous programmes mentioned	No	Received: 11.12.2007 Updated: 10.09.2008
<b>Spain</b>	Yes, by the Legal Protection of Minors Act 1/1996	Yes, included in the LPM Act and the Autonomous Communities	No	Yes, the Directorate General for Minors and Families and the Childhood Observatory	Yes, the Childhood Observatory and on behalf of the Autonomous Communities	Partly, to the director of the institutions and Public Prosecutors	Legal provisions are not referred to other than general access to education etc.	The principles set out in the Rec are reflected in the national legislation	The "System for the evaluation and registration of placement in institutions" (SERAR)	Yes	Received: 18.07.2008

<b>Sweden</b>	Yes, Act on Social Services (SFS 2001:937)	Yes, incl. the Social Service Act and other provisions	No national standards	Yes, the National Board of Health and Welfare	Yes, the County Administrative Board	Yes, to the County Administrative Board, amendments on procedure pending	Yes, a comprehensive services, but more clearly defined pending	Yes	"Important information for people receiving care"	No	Updated: 04.12.2007
<b>Switzerland</b>	Yes, by the Order of 19 Oct. 1977	Yes, minimum standards of care to those institutions that apply for a subsidy	Yes, but limited to those which receive a subsidy	No, a legal basis but not in practice	Yes, regular inspection by the Cantons (provincial authorities)	The procedures governed by the Cantons	No, legal provision do not exist	No	Basel -Stadt	French	Received: 10.12.2007
<b>UK – England</b>	Yes, the Care Standards Act 2000	Yes, National Minimum Standards and standards for Boarding and Residential Special Schools.	Yes	Yes, The Department for Children Schools and Families	Yes, the Independent Reviewing Officer, the Chief Inspector of Education, Children's Services and Skills ( <i>Ofsted</i> )	Yes, through Local Authorities and the Advocacy Services and Representations Procedure	Legal provisions according to individual pathway plan	The principles of Rec(2005)5 are in harmony with existing direction of policy and legislation	White Paper "Care Matters" (2007).	Not applicable	Received: 28.05.2009
<b>UK - Scotland</b>	Yes, the Regulation of Care (Scotland) Act 2001	Yes, the National Care Standards set out in the Regulation of Care (Scotland) Act 2001.	Yes	the Children's Looked After Statistics (CLAS) and Audit Scotland	Yes, Audit Scotland and the Care Commission	Yes, to: the Care Commission, local authorities, the children's rights officer, the Care Commission, Who Cares? Scotland or the Commissioner for Children and Young People	Regulations and guidance on services for Young People Ceasing to be looked after by Local Authorities, "Supporting Young People Leaving Care in Scotland	The legislative framework relating to residential child care with the implementation and inspection of the National Care Standards address the Rec(2005)5.	The National Care Standards, the role of the Care Commission in relation to residential care, National and local government support for "Who Cares? Scotland"	Not applicable	Received: 28.05.2009
<b>UK – Wales</b>	Yes, the Care Standards Act 2000	National Minimum Standards for Children's Homes	Yes	The Statistical Directorate of the Welsh Assembly Government	Yes, The Care and Social Services Inspectorate Wales	Yes, to the local authorities' advocacy service.	A personal adviser co-ordinates an individual pathway plan,	The principles of the Recommendation are consistent with our policy objectives.	"Towards a Stable Life and a Brighter Future", National Minimum Standards for Children's Homes	Not applicable	Received: 28.05.2009

<b>UK – Northern Ireland</b>	Yes, with the Regulation, Quality and Improvement Authority	Minimum Standards will shortly be introduced.	Not mentioned	The Department of Health, Social Services and Public Safety	Yes, the Regulation Quality and Improvement Authority	Yes, to independent advocacy support service, to the Commissioner for Children and Young People	Local authorities support young care-leavers until they are at least 21 years old, prepare a plan, and provide a personal adviser	Consultation on a White Paper concerning the Rights and Responsibilities of Young People and Staff in Residential Care will take into account Rec(2005)5	The visiting advocacy service: individual advocacy, working with young people group advocacy	Not applicable	Received: 28.05.2009
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