

Child Protection in Europe: the Impact of the UN CRC and International Collaboration on Policy and Practice,

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I. Introduction

During the last decade the UN Convention on the Rights of the Child has increasingly affected perceptions and implementation of child protection in Europe. This is reflected socially and politically by increased awareness of children's issues, as well as professionally in terms of prevention, intervention and the recovery from child abuse and neglect. Significant aspects of these processes have been furthered by state collaboration within the framework of international bodies such as the Council of Europe or by UNICEF and the diverse initiatives of the many NGOs working on children's issues within Europe. On the national and local level the key messages of the UN CRC has widely affected the professional community in practical work as well as research.

In this presentation I will address some of these developments: first I will make a few remarks on the dynamic nature of the UN CRC and the inherent potentialities it provides for enhancing children's rights. Then an attempt will be made to demonstrate how the international community has - on the basis of these qualities of the Convention - made an increased effort to develop further tools that can be applied with the aim of ensuring protective as well as participation rights of children in certain important areas. For this purpose, I have chosen to focus my discussion on work within the Council of Europe on three topics – child institutionalization, parenting and child sexual abuse. In the final part of my paper I shall reflect on some of the different features of the child protection traditions found in Europe in order to demonstrate some of the complexities involved in developing a more convergent and child focused child protection practices.

II The UN Convention on the Rights of the Child

As we are all aware of, the UN Convention did not fall from the sky in 1989, but was a result of a drafting process for over a decade. Prior to that there were other international agreements and declarations on children's rights and perhaps you will learn more about the history of the CRC from madam Brisset later this afternoon. The Convention on the rights of the child is not only *quantatively* different from older declarations in the

sense that it is far more comprehensive and exhaustive in terms of identifying and defining the rights of children. Very importantly, it is also *qualitatively* of a different nature.

The need for a comprehensive Convention on the Rights of the Child, originated in two sets of reasons. Firstly, the need to devise “precise obligations” for states; and secondly, to unify international law for children as there were approximately eighty international documents or tools, applying to the protection of children at the time.¹ To accommodate for these it became paramount to establish an ambitious and comprehensive approach. At the same time it soon became clear that if the Convention was to become a reality, it needed to be “culturally sensitive”. The solution to this dilemma became the basic characteristics of the CRC; its twofold nature: the *descriptive* and the *normative*.²

The distinction between descriptive rights and normative rights is of great political significance. The descriptive elements refer to rights already established in existing legislation and thus specify the rights that are currently embodied in a particular legal or cultural system. By contrast “normative” rights refer to what ought to be the case, the desirable rights, objectives. While the former represent the legal rule as its source, the latter – the normative rights, requires a value framework to be adopted. This dual nature of the Convention allowed for flexibility in interpretations - and eventually implementation – without compromising on the “absolute” nature of human rights, in this context the basic principles of children’s rights.

My discussion will be grounded in the work carried out by the Council of Europe. Madam Elda Moreno has fortunately provided you with the necessary background information on the role and activities of the Coe so I do not need to repeat that. Suffice it to say that the three instruments of the Coe I shall discussed can be seen as examples of how the normative rights embodied in the CRC can provide proactive basis for furthering children’s rights against a social reality that is constantly changing.

The first example of this which I will discuss is the Council of Europe Rec.(2005)5 on the *Rights of children living in residential institutions* and the background for this effort.

¹ Hammarberg, T (1990): “The UN Convention on the Rights of the Child – and How To Make It Work”, Human Rights Quarterly, 12. 97- 105

² Lawrence-Karski, Ruth (1996): “Legal rights of the child: the United States and the United Nations Convention on the Rights of the Child”, The International Journal of Children’s Rights, 4: 19-44

III. The Rights of Children living in residential institutions

Out of home placement remains one of the most common child protection strategies in Europe, either in foster care or residential institutions. As statistics are fragmented and reflect different definitions, no one knows how many children in Europe are brought up in residential care or spend part of their childhood for shorter or longer periods in institutional settings. The *Unicef TransMonee Database* from 2005, based on official figures, suggests that the figures for central and eastern Europe and the Caucasus states alone amount to over 700 000 children living in residential institutions. The same database published 2007 concludes that “in most of the countries rate of institutionalization has at best “stagnated” or at worst “increased”.³ In 2005 the UK based NGO EveryChild published the report: *Family Matters, a study of institutional care*. Evidence is presented that supports an estimate of number of children in the region living in residential institutions as nearly 1.2 million children or twice the official figure.⁴ In Western Europe, there is little evidence of significant decline in institutionalization of children during the recent years, estimated figure not below 100 000. In fact, official figures suggests that there is even an increase in some countries, especially with regard to children with behavioral problems as well as the population of child offenders in prisons - the UK, Netherlands being the prime examples of this. Even in the Nordic countries, that have invested substantially in alternative treatment services for youth with behavioral problems, we have not witnessed a decline in institutional placement in recent years. Norway, for instance, has impressively implemented family based treatment services nationwide, like the American models of *Multi-systematic Treatment* and *Parent Management Training* - a state of the art evidence based intervention programs – on a scale that never has been tried before. Still, this has not resulted in decreased number of youth placed in institutional settings.

I am not arguing here that there is no correlation between out-of-home placement and family based services. On the contrary, there is a strong correlation between the two as is demonstrated in my report *Rights of Children at Risk and in Care*, published by the CoE last year.⁵ The report also underlines the different nature of residential care in Europe, in terms of factors such as reasons for and the duration of placement, sizes of institutions and quality of care. It is argued that it is possible to identify at

³ See: <http://www.unicef-icdc.org>

⁴ Carter, Richard: *Family Matters, a study of institutional care*, EveryChild, 2005

⁵ Guðbrandsson, Bragi: *Rights of Children at Risk and in Care*, CoE 2006

least three distinct categories of institutional placement of children in Europe.

In the first category, which constitutes most of the countries in Central and Eastern Europe, we find high rates of child institutionalization, from 7 and even up to 20 children per 1 000 living in residential care in countries like Bulgaria, the Russian Federation, Romania, Poland, Hungary, Moldova, Latvia and Lithuania. It is not only the high numbers of children in residential care that gives cause for concern, but also the fact that among these countries we find the largest institutions for children in Europe, with the poorest quality of care. The old Soviet-era structure of institutions, with 100 up to 300 children is still to be found in the region, although in most of these countries much has been done in restructuring and creating smaller living units within the institutional framework. One of the most disturbing features of residential care in this region is the high number of orphans, who typically are “social orphans”. Thus, most children living in orphanages in Russia, for instance, have living parents – a fact that tells a very sad story of poverty and vulnerability of many families. In this region, characteristically there are very limited family support services and few alternative placement possibilities which clearly sustain this high level of child institutionalization.

The second category of countries that can be identified are a number of states in South-Eastern Europe: Albania, Turkey, Serbia, Montenegro, Bosnia and Herzegovina, and the Caucasus states of Armenia, Azerbaijan and Georgia. These states have relatively low rates of child institutional care, typically one to three children per 1 000. Otherwise these countries have institutions for children that resemble the type of institutions that are to be found in central and eastern Europe: large institutions, high ratio of infants and orphans in care, long duration of placement, poor quality of care, poverty and family breakdown a significant cause for placement, and low level of family support and alternative care.

The more affluent states in western Europe represent the third category in spite of considerable variations within the region, both in terms of size of institutions and quality of care, for example between southern Europe and northern Europe. Thus rates of residential care varies from less than 1 per 1 000 in the UK, Norway, Iceland to 5-7 children per 1 000 in Denmark, Germany, France and Portugal. In most countries like Sweden, Finland, Ireland, Belgium, the Netherlands, Italy and Spain, the comparative figure is typically between 1.5 and 3. These figures do not, however, represent a good basis from which to assess the situation of

residential care in general, as the residential environment differs greatly and the statistics may be obscured by ambiguous definition of terms referred to earlier.

In most states in western Europe a significant progress of de-institutionalization was made some decades ago, and small, family type residential care is common. Compared to other regions there is generally low rate of orphan and infant care and the duration of placement in residential care is most often limited. Quality of care is often satisfactory and even excellent and hardly comparable to other regions. There are more complex reasons for placement, for instance therapeutic purposes are more common, and generally both alternative placement to institutions and range of services to families are more readily accessible than in other regions.

The bulk of evidence that now exists on harmful consequences for infant development in residential care – a topic I expect Kevin Brown to address tomorrow, and the abusive experiences of many children and youths, makes the need for increased protection of children in residential care a challenging issue. Painful disclosures of men and women brought up in institutions during their childhood demonstrate the lifelong scars that such an experience can leave. Examples of such institutional abuse have been brought to light, for instance in the well known UK Gov. report “*People like us*“, the *Befering report* from Norway and pending inquiries in Sweden and my own country Iceland. It is not least against this background that the quality of care in general and the rights of children living in residential care in particular has to be improved.

The CoE Rec. (2005)5 on the Rights of children living in residential institutions is an example of work whereby an attempt is made to “translate” or “operationalize” the content of the CRC into a concrete residential setting in which children find themselves. The CRC is used as a framework for the definition of specific rights that children living in residential care should enjoy and exercise. Although the Convention is quite clear on that children should be brought up in families, it does not “demonize” institutions as such. Residential facilities can under certain circumstances fulfill the needs and rights of those children for whom, at a given time in their lives and under the right conditions, suitable residential placement is the best option.

On the basis of this understanding of the CRC, the CoE Recommendation (2005)5 on the rights of children living in residential institutions is divided into three parts: (i) *the basic principles* governing out-of-home

placement, including preventive measures, assessment of the child's need, gate-keeping and aftercare support ; (ii) *the identification of the concrete right* that children in residential care should exercise, including the right to make regular contacts with family members, the right to privacy, the right to protection against degrading treatment and corporal punishment and the right to make complaints to an impartial and independent body; and finally (iii) *guidelines and quality standards must be set by governments* and on the basis of these, an efficient monitoring system should be ensured, including the collection of statistical data and research.

As referred to earlier, in most of the states in Western Europe, the small family-type residential homes are increasingly replacing the large-scale institutions and can be seen as the result of continuous development that is still in progress. This evolution in Europe started in different points in time in different countries and the path taken reflect the socio-economic and cultural peculiarities of each country. Interestingly, it is possible to identify different stages in this evolution.

The first stage of this evolution can be characterized by the *specialization paradigm* in which the problem and its categorization is the focal point. This involves the identification of the children's needs and how they can be met within the institutional structure. This is the period of "total" institutions, often isolated or located in sparsely populated areas. The second stage can be referred to as the *normalization paradigm* where the focus is on the organizational context to appropriately cope with the problem. This involves the principle of mainstreaming, that children live in a physical and social environment as similar as other children do and enjoy participation and interpersonal relations outside the institutional setting.

It can be argued that the CoE Rec. on the Rights of children in residential institution can be viewed as a step toward the *third paradigm, of children's rights* that focuses on the best interest of the child and the child's rights in particular. In its extreme form the case against institutions per se can in fact be forcefully argued.

There are reasons to belief that the CoE Rec. on the rights of children living in residential care will receive enforcement. Some states in central and eastern Europe have already incorporated the Rec. into their national plans of action. The cooperation *Children at Risk* between the eleven states within *The Council of the Baltic Sea States*, which I know Dr. Carl Göran Svedin will discuss further in his keynote paper, has already

launched an extensive work on implementing the Rec. on institutions with special focus on the monitoring of residential institutions and after-care support. Other projects in progress will compliment this development like the *Project Quality4Children*, a work based on narratives of children in care from over 30 countries in Europe, initiated by IFCO (International Forster Care Organization), FICE (The Federation of Educative Communities) and SOS Kinderdorf International. And hopefully we will see a new phase when the *UN Guidelines on the Protection of Children without Parental Care* will be submitted to the UN General Assembly to consider and adopt in 2008, the drafting of which is almost completed under the supervision of UNICEF and International Social Service (ISS).

IV. Parenting and non-violent upbringing

The second example of an international instrument based on the CRC and brings added value to child protection in Europe is the *CoE Rec. (2006)19 on Policy to support Positive Parenting*. The significance of this topic for successful child protection practices is beyond dispute as professionals have for many years emphasized the value of preventive strategies by empowering parents in the upbringing of their children. Moreover, from the child's perspective there is evidence to suggest that this issue has priority status. Thus, one of the main conclusions of the new report by *Unicef: Child Poverty in Perspective: An overview of children well-being in rich countries*, were coined in the following way: "Material goods and leisure activities were not in general, seen as a top priority by children. Relationships with the family were seen as the most important determinant of well-being, followed by friends, schools and pets"⁶

The breakdown of the "normative" family and other fundamental changes in the pattern of family life that are still taking place require us to constantly examine and re-examine the environment that children are facing. *Fiona Williams* in her book "*Rethinking families*" demonstrates how greater diversity in living forms arrangement and family forms is acknowledged than ever before.⁷ The increased incidence of cohabitation, separation, divorce, lone parenthood, step families, people living on their own and a greater acceptance of same sex relationships are of course well known. The breakdown of the normative family has coincided with and is reinforced by other structures in transformation – of social, economic, demographic and cultural nature, which impact upon family relations and family support networks. Among these are

⁶ Unicef: *Child Poverty in Perspective: An overview of children well-being in rich countries*, Innocenti Research Centre, Report Card 7, 2007, p 41

⁷ *Fiona Williams: Rethinking Families*, 2004

multicultural and global societies that create more diversity of family traditions and care commitments that may even stretch out across continents.

According to Fiona Williams, this transformation of real experiences of family lives and personal relationships has been interpreted in different ways, but there are basically two sets of interpretation that can be identified: the *pessimistic view* and the *optimistic perspective*.

The pessimistic view is firmly grounded in the perception of the “normative” family, the nuclear family of the post war. Thus, the decline of the traditional family pattern is seen as a representation of moral decline of society with harmful effects on children who are damaged, both socially and emotionally by family breakdown. The lack of father figures leads to vulnerability and inadequate parenting and poverty. Family values of duty, fidelity and responsibility are replaced by selfish individualism and flight from commitment. Generally, the breakdown of the normative family often causes parental “deficit”, e.g. by values of careerism and consumption, and can lead to crime, antisocial behaviour and mental illness.

The optimistic interpretation on the other hand emphasizes the dynamic nature of these changes by stressing the potentialities of the new experiences and family relations. Thus, the consequences are not individualism but rather individualization whereby individuals shape their own biographies and identities. This has become to be a way to sustain respect, happiness and mutual satisfaction in relationships that children do benefit from. It involves the democratization of both gender relations and family as it counteracts women’s dependency on men and promotes more equal relationships. Finally by improving the quality of personal relationships and enhancing intimacy it supports the prevailing parent-child relationship even though parents come and go.

It is probable that these extreme positions may not reflect accurately the processes described here. Importantly, however, we must recognize the potentialities for children in this new environment, especially how changes of intimacy have seen “move away from fixed, given or ascribed relationships, to a more fluid, chosen or floating”.⁸ *Jesper Juul*, a well known Danish family therapist has described the implications of this for parenthood in the following way:

⁸ Ibid, p.49

“Today’s parents are confronting a task that is historically unique. They literally have to reinvest the partnership between man and woman and also the leadership in relation to children and young people, all according to new sets of values and goals that are equal dignity and genuineness to avoid violating the integrity of children and young people”.⁹

But how are parents doing when confronting this “historically unique” task? Are they given the opportunity to resolve the emerging issues at hand in “the best interests of the child”? One of the main lessons to learn from Fiona’s Williams research is that while these new conditions may have changed the shape of commitments parents have had in the upbringing of their children, they have not undermined commitment itself. In the word of Williams: “When faced with dilemmas parents generally negotiate the “proper thing to do” in and through their commitment to others, especially with reference to the well-being of their children”.¹⁰

The CoE Rec. (2006)¹⁹ on Positive Parenting can be seen as a significant contribution toward committing governments to support parents in doing “the proper thing”. The core of the Rec. consists of policies to support families, including public transfers to combat poverty, the work-family balance and an infrastructure of care provisions, with focus on supportive measures especially for those who are at risk of vulnerability. The spirit of the recommendation is focused on the resources of a different kind needed for successful parenting in terms of “community” of key parties: parents, children, local and national service providers and the state. Each is obligated and endowed with resources to fulfill their duties and realize the rights and responsibilities involved in parenting in accordance with the UN CRC.

The normative nature of the CRC becomes most transparent in the Guidelines for professionals and the Key messages to parents that are an integral part of the Rec. (2006)¹⁹. A conscious attempt is made to relate the different categories of children’s rights in the Convention, e.g. the rights to protection, participation rights and the right to development, into a practical and accessible form for children, parents and professionals alike. Again we have here an example of a way in which the CRC is “translated” or “operationalized” to be an useful instrument in concrete social context. To give an example of this, the essence of the Positive Parenting is identified as consisting of the following four main components:

⁹ Juul, J.: Livet i familjen. De vigtigste verdier I samliv og barneopdragelse, 2005

¹⁰ Ibid, p. 55

Nurture - corresponds to the child's need for emotional nourishment, love, warmth and security. This can be seen as precondition for healthy and secure attachment and necessary feeling of belonging.

Structure - refers to setting out standards of appropriate behaviour and role models provided by parents. This is essential for providing the child with a sense of security and predictability, regularity and yet the necessary flexibility.

Recognition – refers to each child's need to be seen, heard and valued as a person. Acknowledging and respecting the child's experience and views contributes to mutual respect and the fostering of the child's personal development to its full potential.

Empowerment – refers to the child's sense of competence and personal control by enhancing the existing strength in the child. The evolving capacities of the child are developed in interaction with parents creating the understanding that childhood and parenthood are both a dynamic processes.

It goes without saying that the Rec. (2006)¹⁹ denounces corporal punishment as a means in the upbringing of children. It suggests alternative non-violent ways based on views on children and childhood that most academics and child practitioners have of course accepted long time ago. Since 1979 when Sweden was the first European state to introduce full prohibition of corporal punishment of children, the number of states that have followed has risen to 17, most of these in the last 10 years. It will be an excellent criterion to assess the implementation of the Rec. on Positive Parenting to follow developments in the remaining 30 states in this respect.

V. Protection of Children against sexual abuse

A few weeks ago, on the 25th of October 2007 the first international *Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse* was opened to signature of the Member States of the Council of Europe. This convention is a unique document in international cooperation in protecting children against all forms of sexual abuse because of its comprehensive and elaborated nature. It has a broad coverage as its definition and scope of substantive criminal law deals with child sexual abuse inside and outside the family setting, commercial sexual abuse including child pornography and prostitution, and solicitation of children for sexual purposes. Offences as well as procedures defined by the Convention will probably require most of the

Member States to introduce new measures in their national legislation for improved protection of children against sexual offences.

During the past decades we have witnessed a growing social awareness in most European societies of child sexual abuse and the serious threat this represents to the well being and the healthy development of children. Generally, societies seem to go through different stages in the development of social awareness in terms of child sexual abuse. The first can be characterised by “*Denial*” whereby the very existence of the problem of sexual abuse of children is minimised or even denied. The second stage is the stage of “*Admittance*”, whereby sexual abuse of a child is seen as a horrible incident of psychopathic aggression or outrageous behaviour of sexual deviance. Finally and hopefully, society realizes that the root of child sexual abuse is only partly due to paedophiles, the problem is essentially of social nature. Then we have reached the stage of “*Recognition*” once society is aware of the collective responsibility for this issue and acts accordingly by measures to protect vulnerable children.

Many member states of the CoE have introduced various measures in order to address this great problem including prevention, more effective legal procedures and supportive measures to child victims. However, recent studies on the status of individual countries in Europe reveal that some states seem still to have a long way to go.

The reader: *Child sexual abuse in Europe*, edited by Chahal and Herczog, provides documented examples of poor social awareness (Poland and Romania) and how in some countries the legal procedures victimizes children by repetitive interviews and insensitive court proceedings (Spain).¹¹ *Save the Children*, Europe, conducted a detailed comparative analysis of nine European countries under the heading “*Child Abuse and Adult Justice*”, published in 2002.¹² The outcome of this research demonstrated shortcomings of the existing legal systems among all the countries in varying degree with regard to accommodating the needs of the child victims in a number of areas, in particular with regard to insensitivity towards the best interest of the child in the criminal proceedings.

¹¹ C. May-Chahal and M. Herczog ed.: *Child Sexual Abuse in Europe*, CoE 2003.

¹² Christian Diesen: *Child Abuse and Adult Justice*, A comparative study of different European Criminal Justice Systems handling of cases concerning Child Sexual Abuse, *Save the Children*, Europe, 2002

The key to uncovering child sexual abuse - to successfully prosecute the offender and most importantly to provide the child with the necessary treatment and support – is the *child's disclosure*. Research has shown that medical evidence exists in less than one out of every ten cases and furthermore, it is conclusive in only half of those. Witnesses other than the child victim her/himself rarely exist. Thus, in the absence of other evidence, the child's story often represents the only source of information on which the whole case rests. Failure to appreciate this fact not only can jeopardize the judicial procedure but also subject the child to repetitive interviews with serious traumatic consequences for the child victim.

In most European states the responsibility in dealing with child sexual abuse is divided between a numbers of agencies: the Child Protection and/or the Social Services, the Health Professions, Law enforcement, Prosecution and finally the Courts. In order to fulfil their roles, all these different agencies need to examine the child victim's disclosure. Consequently it is commonplace that children are subjected to repeated interviews by different professionals in many locations – a condition that can result in re-victimization of the child - even more painful for the child than the original abuse.

I do want to share with you very positive experience from my own country in this context. It is based on the premises of article 3.1 of the UN CRC, which states that:

“In all action concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration”

Almost a decade ago Iceland restructured the work procedure in child sexual abuse cases. Instead of the child having to adapt to the needs of the different agencies of societies, the best interest of the child was given priority by having the different agencies working together under one roof. Interestingly, the prototype for this project was found in the USA, the one of two countries in the world that has not ratified the UNCRC. The mission of the US Children's Advocacy Centres, a multi-agency and interdisciplinary approach was integrated to the Nordic welfare tradition and became what we refer to as the “Children's House”. The aim was to prevent repetitive interviews and re-victimization by facilitating coordination of the different agencies in dealing with child sexual abuse cases in a child friendly setting – an environment designed to make the child feel secure and comfortable.

The core of the concept of the Children's House is the joint investigative interview of the child victim, implemented by a trained professional interviewer, observed through a closed circuit television by representatives of the police and prosecution, the defence lawyer, the child's legal advocate, the child's social worker and the Court Judge who is responsible for the procedure. The interview is videotaped for multiple purposes, including medical examination and therapeutic services that are also provided in the Children's House. Thus, the Children's House provides a comprehensive service for the child victim and her/his family. The goal is to ensure professional criminal investigation and "due process" for the suspect without compromising the best interest of the child. An additional benefit is the accumulation of experience and knowledge that can be transmitted to the public and professionals alike.

The nine year experience of this interdisciplinary and multi-agency approach of the Children's House in Iceland has totally transformed the work procedures in child sexual abuse cases for the benefit of the child. Other European countries have also found this model attractive. From 2005 Sweden has set up Children's Houses in eight cities, Norway in two cities and more will follow in the near future.

The spirit of this child-friendly interdisciplinary approach is certainly to be found in the CoE Convention on the protection of children against sexual abuse and exploitation. For instance, it proscribes child-friendly measures designed to protect child victims of sexual offences at all stages of criminal justice proceedings. Important principles of investigative interviews are defined, such as that the number of interviews should only be carried out by trained professionals and preferably by conducted in premises designed for this purposes. Other elements include: a) *interdisciplinary approach to appropriate treatment services* for the child victim and his/her significant others; b) *measures for intervention concerning perpetrators* of child sexual abuse, for instance in relation to risk assessment and therapeutic treatment of sex offenders, including special programs for young offenders; c) *prevention such as concerning recruitment, training and awareness raising* of persons working in contact with children, including legal provision to ensure that these professions have not been convicted for crimes against children.

In the report "*Child Abuse and Adult Justice*", from 2002 referred to earlier, *Save the Children*, called for European standard in protecting children against sexual abuse: "Throughout Europe a common view is required as regards sexual abuse of children, a child focused view which

is reflected in the practices and ethics of the legal actors”.¹³ I believe that now we have taken the first step. It remains to be seen if further steps will be taken by the ratification of this Convention and its implementation.

VI. Concluding remarks: development of a more convergent child protection practices in Europe?

In this paper I have discussed examples of commitments made by European governments in areas that have an important bearing on child protection practices and reflected on some related developments or experiences that may have given rise to these commitments. I will conclude by making few comments on cultural diversity of European child protection.

In looking at how European countries have developed systems to protect children, it becomes clear that there is a great divergence in terms of the structure, values and work practices of child protection. The division of labour, responsibilities and service delivery between central and local government and the voluntary sector differs greatly. The interplay between the different actors and agencies varies from one country to another and is reflected in legislation and administrative systems. In brief, the functioning of the different systems depends on a complex interplay between past and present structures, cultures and ideologies.

At the risk of some oversimplification we can identify at least three categories of child protection models in Europe: the model in the Anglo speaking part, the Continental tradition and the Nordic model. It could be argued that the new democratic states in central and eastern Europe represent the fourth category, where characteristically there is a lack tradition except in terms of the placement of children in institutions.

The Anglo tradition, sometimes referred to as a “child rescue” model is historically based on the duty of the state to intervene. The fundamental role played by the State in devising not only legislation but also procedures and monitoring mechanisms which are generally not to be found for most of the 20th Century in other European countries. From the enactment of the Children’s Act in UK and Wales in 1989 and subsequently there has been a shift in policy toward a greater emphasis of family support and early intervention based on partnership with parents and defined rights of children “in need”. The characteristic of the system remain, however, an emphasis on mandatory reporting, investigation,

¹³ Ibid, p. 50

assessment and proscription of detailed procedures for safeguarding children, with emphasis on interdisciplinary and interagency collaboration including the police and the criminal judicial system.

Child protection services on the Continent of Europe, often referred to as the “family support” model, have developed along a totally different paths. Although there are variations among different countries on the Continent, they do share the culture of de-centralized and family focused principles. The family is seen as a foundation of society and a proper object of social concern and support by local initiatives. Consequently, child protection work is rather viewed from the perspective of family preservation with emphasis on self-referral and confidentiality where professionals and voluntary organizations have autonomy in delivering services. Mandatory reporting is therefore almost non-existent in most of the countries and procedurally driven investigations and interagency collaboration is generally limited to the most serious cases.

The Nordic model of Child protection can be seen to be situated somewhere between the “Child Rescue” Model and “Family Support”. Historically it has its origins in the responsibilities of municipalities to take care of the need. The first Child protection legislation in Norway, *Vergerådsloven* 1896, probably the oldest in the world, had the overt aim of supporting and restoring and the same principle has governed the child protection practices in Sweden, Denmark, Finland and Iceland. Child protection work practices have reflected general principles of welfare services with very limited involvement of police and the judicial system. However, mandatory reporting to the child protection authorities exists in all of the countries followed by investigation and plan of support in individual cases based on the “best interest of the child”. The function of state agencies is generally limited to monitoring and specialized services while family support is provided by municipalities with limited roles of NGO’s.

The lack of child protection tradition in the former communist states of central and eastern Europe derives from the historically latent nature of child abuse and neglect. Formal child protection systems reflected in specific legislation and professional practices did not generally come into existence until during the 90’s. Weak municipalities and NGO’s without adequate resources remain stumbling blocks although positive developments are to be seen in most countries in central- and eastern Europe. In many countries, including the Baltic States, Romania, Bulgaria and Georgia, child protection structures have been established on the local level coupled with a state agency for coordination and monitoring.

Significant changes are also taking place as new political and professional perspectives are emerging, Russia for instance declaring 2008 the year of the family with comprehensive strategy for enhancing family support and alternative care such as foster placement.

Dear colleagues!

My final remarks will be in the form of a summary: It is clear that international collaboration in Europe is unfolding - bringing into being important instruments, firmly rooted in the Convention on the Rights of the Child. In light of the cultural diversity I have described, it is probably too early to determine the degree to which this development will transform the work practices in protecting children from abuse and neglect in Europe in a more convergent and child focused way. However, it is clear that the developments in the new democracies in central and eastern Europe have already been affected by this effort. Otherwise, I will say this by way of conclusions for your further deliberations:

- a. although traditions, structures and functions are important, so are political and professional ideologies that are nurtured and changed by dialogues
- b. all of the child protection models I have discussed in Europe have developed and changed during the past years in spite of strong traditions and heritages
- c. the nature of these changes indicate developments of convergence
- d. the “Child Rescue” model has become more supportive to families in crisis
- e. the “family support” model has become more child focused, for instance by taking important steps towards allowing reporting child abuse – thus overcoming rigid confidentiality and family secrecy that can perpetuate child abuse and neglect.

Perhaps we are making some progress after all!