

# COUNCIL OF EUROPE

## COMMITTEE OF MINISTERS

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RECOMMENDATION No. R (79) 17

### OF THE COMMITTEE OF MINISTERS TO MEMBER STATES CONCERNING THE PROTECTION OF CHILDREN AGAINST ILL-TREATMENT

*(Adopted by the Committee of Ministers on 13 September 1979  
at the 307th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

1. Considering that the aim of the Council of Europe is the achievement of greater unity among its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and of facilitating their economic and social progress ;
2. Bearing in mind the United Nations' Declaration on the Rights of the Child, and especially its second and ninth principles ;
3. Bearing in mind Article 17 of the European Social Charter concerning the rights of mothers and children to appropriate social and economic protection ;
4. Bearing in mind Recommendation 561 (1969) of the Consultative Assembly of the Council of Europe ;
5. In the light of the report on the causes and prevention of child abuse prepared at the request of the Social Committee ;
6. Reaffirming the generally accepted principle that the rights of parents, guardians and custodians over children may and should be subjected to the necessary restraints to prevent serious and avoidable harm to the children ;
7. Reaffirming that this principle should be applied through effective intervention on the part of public authorities ;
8. Confirming that physical or emotional ill-treatment or neglect of children by those responsible for their care is a serious problem in most member states ;
9. Considering also that such child abuse may be the most extreme manifestation of a wider problem of family disorder and often of society as a whole ;
10. Noting that the long-term effects of the abusive home environment are frequently disastrous for the child's growth, his learning capacities, his personality development as well as his future behaviour as a parent and thus costly for society in the long run ;
11. Regretting that, despite this fact, there is ignorance, indifference and even resistance within society to the acknowledgement of the extent and gravity of the phenomenon and that it is often regarded as a problem for the authorities and not for the individual ;

12. Noting that the search for a long-term solution to this problem requires a dual strategy, consisting of effective measures of immediate intervention, detection and management, and secondly a policy of prevention ;

13. Noting the initiatives taken in several member states and in non-member states to develop systematic and co-ordinated methods in the prevention and management of child abuse, and their positive results ;

14. Anxious therefore, in view of the urgency of the problem, to promote the general application of such methods to combat the problem in member states ;

15. Anxious to encourage research and projects intended to obviate the lack of data presently available and the inadequacy of experience in this field, as well as to adapt measures taken to the newly acquired knowledge ;

16. Stressing that effective prevention and management of the problem requires the fullest co-ordination and co-operation between the health, social and other agencies,

I. Recommends that the governments of member states take all necessary measures to ensure the safety of abused children, who for the purposes of this recommendation are those subjected to physical injury and those who are victims of neglect, deprivation of affection or mental cruelty likely to jeopardise their physical, intellectual and emotional development, where the abuse is caused by acts or omissions on the part of persons responsible for the child's care or others having temporary or permanent control over him ;

To this effect, it invites them to :

1. foster a better awareness of the extent and gravity of the problem, in particular by encouraging public education campaigns in order to spread information on child abuse as a social phenomenon, on its causes, its signs and the measures which are being taken or could be taken to combat it ;

2. with a view to ensuring, in the most effective way, prevention, detection and management of cases of child abuse, improve the organisation of the child welfare and protection system, taking into account the principles and suggestions mentioned at Appendix I ;

3. promote co-ordination, knowledge and understanding among services and among persons belonging to the various professional groups involved in child protection, in order to facilitate a multidisciplinary approach ;

4. promote research into the problem giving priority within available resources to studies on schemes for prediction and prevention and for early identification and management ; formulate specific definitions on child abuse, and consider research along the lines indicated at Appendix II ;

5. keep child protection legislation constantly under review in order to ensure that it conforms to the guidelines set forth in the present recommendation and, if appropriate, adapt it according to developments in understanding of the problem of child abuse ;

II. Invites the governments of member states to inform the Secretary General of the Council of Europe every five years of the steps they have taken to implement the present recommendation.

**Principles and suggestions to be considered**

**1. Prevention**

In order to ensure effective prevention it would be appropriate :

- a. to improve general socio-economic conditions and to develop measures for family welfare giving special consideration to those population groups which are economically and socially at a disadvantage ;
- b. to develop family planning services with a view to enabling couples to avoid unwanted pregnancies ;
- c. to encourage all measures likely to contain violence in society ;
- d. to research into the most effective ways of preparing young people for parenthood, including the provision of courses at school and use of the mass media for teenagers and the public in general ;
- e. to ensure, especially during the first pregnancy, that all parents have adequate opportunities to learn and discuss methods of child rearing appropriate to the various stages of development and are encouraged to do so ;
- f. to devote particular attention to the perinatal period in order to promote the establishment of emotional bonds between the parents and the newborn child by :
  - ensuring a good preparation for childbirth and parenthood for both parents,
  - emphasising support and understanding for the mother in labour and discouraging the excessive use of emotionally traumatising practices at the time of birth, which might affect the mother's attitude towards the child,
  - encouraging rooming-in in the maternity wards,
  - promoting parents' self-confidence and competence in handling their baby, avoiding over-emphasis on the acquisition of technical skills,
  - favouring and promoting breast-feeding, where appropriate, by educating parents and persons who are likely to advise mothers,
  - recognising the important role of the father vis-à-vis both the mother and the newborn child, for example by giving the father the opportunity to participate at the childbirth and by giving consideration to providing for childbirth leave without loss of income for him ;
- g. when low birthweight or sick newborn babies, particularly handicapped babies, are in special care units, to encourage maximum contact between parents and infants and especially to ensure support and counselling by nurses, doctors and others ;
- h. to ensure that there exists a comprehensive preventive child health care system capable of following, by regular checks, the progress of every pre-school child, paying special attention to :
  - i. continuity of health care,
  - ii. ways of improving the take-up of services by families prone not to make full use of them ;
- i. to establish a mechanism, or extend research, for predicting vulnerable families at an early stage in the antenatal and perinatal period ;
- j. to give special care and support to vulnerable families with parenting problems in the early stages of the child's life ;
- k. since many parents concerned have unrealistic expectations about child development and bearing in mind that the majority have not had a good model of parenting themselves and have great difficulty in understanding how to achieve a warm family relationship, to pay very special attention to :
  - i. teaching these parents to understand the needs and behaviour of young children at different stages of development,
  - ii. understanding and treating marital problems, giving psychological help where necessary,
  - iii. relieving environmental stresses which often coexist.

**2. Detection**

In order to reach the main objective, i.e. the detection of all cases of child abuse at an early stage, it would be appropriate :

- a. to give the public information about reporting systems which it can use with discretion, so that the people around a child at risk may take effective measures ;

- b. to encourage the public and especially those most likely to meet ill-treated children to assist in the detection of cases of abuse ;
- c. to take such measures as are necessary to enable persons subject to professional secrecy to disclose cases of ill-treatment or neglect of minors, on the basis of established procedures and in a manner consistent with professional ethics, *inter alia* by the enactment of legislative provisions for this purpose or encouraging the adoption of similar provisions in codes of professional conduct.

### 3. Management

- a. The priority objective should be the interruption of ill-treatment and the prevention of further abuse in every detected case ;
- b. As a subsidiary objective, it should be endeavoured to maintain as far as practicable the child in his family by effective measures of support and treatment of the whole family unit ;
- c. It would be appropriate to ensure the use at local level, within the existing institutions for child welfare, of procedures making it possible to take action as soon as a case has been reported or detected, and providing in every case for immediate medical and psycho-social investigation by a multidisciplinary team and, if appropriate, legal intervention ;
- d. Procedures should be made available, subject to due process of law, both for short-term emergency removal of a child from its family to a place of safety and for partial or total deprivation of parental rights or of the exercise of those rights for a period or permanently, the criterion for the decision being the best interests of the child, assessed, where possible, after a thorough multidisciplinary psycho-social study of the child, its parents and the whole family ;
- e. Regular assessment of the long-term growth and development of the child can be used as a sign of the total family well-being as well as alerting professional staff to its own need for special treatment, training or care ;
- f. Steps should be taken to ensure the continuity and coherence of management and the adequate co-ordination of the parties involved.

### 4. Training of personnel

With a view to ensuring an adequate training of the personnel in the various professional groups dealing with the protection of children against ill-treatment, it would be appropriate :

- a. to favour a systematic approach to such training and to stimulate studies and experiments to determine the most appropriate content of such training, the teaching methods as well as the preparation of the necessary teaching aids ;
- b. to make such training an integral part of the formal training of all workers likely to be involved in the detection, management and prevention of child abuse ;
- c. to provide opportunities for in-service training and for regular refresher courses, in the light of the rapid developments of knowledge in the field ;
- d. to ensure that the training programmes of all paediatricians, school doctors, general practitioners and child psychologists, as well as of other members of the medical and para-medical professions likely to come across the problem, will enable them to recognise cases of child abuse at an early stage ;
- e. to ensure that social workers, teachers, members of the police and all professional workers likely to come across cases of child abuse will be taught to recognise signs of it ;
- f. to make known to all the professional workers referred to in *d* and *e* the steps to be taken in the presence of a suspected case ;
- g. to emphasise the need for a multidisciplinary approach in this training, as a means of breaking down any barriers to co-operation between disciplines and professions ;
- h. to ensure the co-operation of all bodies or services responsible for the training of all relevant professions, of the management for child abuse and of the teams, if any, especially concerned with child abuse attached to local paediatric units ;
- i. to introduce a new awareness of the concept of responsibility into training for medical and social personnel as well as into information for the public at large.

**Subjects of research**

- i. The evaluation of schemes for predicting families needing special help to prevent abnormal ways of child rearing.
- ii. The evaluation of schemes for the best means of providing this early intensive help and counselling.
- iii. The evaluation of the various family support systems on a long-term basis, once abuse has been recognised, e.g. extra health visiting, counselling, home-help services, day foster care, substitute grandmothers, crisis nurseries, day nurseries, twenty-four-hour assistance.
- iv. Carefully controlled follow-up studies on the later development and personality of children who have been abused.
- v. The evaluation of various forms of substitute family care, in terms of the child's overall personality development.
- vi. The establishment of guidelines for estimating the relative safety of the home before returning the child.
- vii. The study of various ways in which the existing law may be more effectively used for the protection of children.
- viii. Statistical data on the problem and research into the lives of people committing child abuse.
- ix. Action research programmes on measures of prevention, detection and management.