Resolution on safeguarding the best interests of the child across the EU on the basis of petitions addressed to the European Parliament

2016/2575(RSP) - 28/04/2016 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution tabled by the Committee on Petitions on safeguarding the best interests of the child across the EU on the basis of petitions addressed to the European Parliament.

The committee on petitions has received numerous petitions on practices of child welfare authorities and the protection of children's rights, child custody, child abduction and childcare over the years from various EU Member States.

Parliament stated that the large **number of petitions** received on child-related cases indicates that there is a major problem with the implementation of the Brussels IIa Regulation. It considered that all child protection systems should have **transnational and cross-border mechanisms** in place which take into account the specificities of cross-borders conflicts.

Child protection and judicial cooperation within the EU: in line with the Brussels IIa Regulation, the national authorities are obliged to recognise and enforce judgments delivered in another Member State in child-related cases. Parliament called on the Member States to:

- increase and improve the cooperation of their judiciaries in cases involving a child;
- put in place **monitoring and evaluation systems** (with relevant socioeconomic and nationality-disaggregated statistics) within a national coordinating framework on cross-border cases involving children; recommends that the Commission coordinate the transfer of information among the relevant Member State authorities.

It also called for a clear definition of '**habitual residence**' in the revised Brussels IIa Regulation.

Members also called on the Commission and the Member States to:

- co-finance and promote the establishment of a **platform** providing assistance to non-national EU citizens in family proceedings;
- put in place a **single European helpline** for cases of child abduction or abuse;
- provide **counselling** concerning care and adoption proceedings.

The Commission should provide a clear and easily accessible **guide** with practical information for EU citizens on the institutional arrangements on child protection, with a particular focus on adoption or placement without parental consent and on parents' rights in different Member States.

Role of social services in child protection: Parliament called on the Member States to take a preventive approach and to ensure appropriate and well-resourced policies to avoid launching care proceedings where possible, by introducing **early-warning procedures** and monitoring mechanisms and providing adequate support to families as primary caregivers, particularly within vulnerable communities where social exclusion is a risk.

There is also a need for **specialised training and education** for social workers and all other professionals dealing with cross-border cases involving a child.

Childcare-related judicial proceedings: in this regard, Parliament called on the Member States to:

- designate **specialised chambers** within family courts or cross-border mediation bodies to deal with cross-border child-related cases;
- systematically implement the provisions of the **Vienna Convention of 1963**, and to ensure that embassies or consular representations are informed from the start of all childcare proceedings involving their nationals and that they have full access to the relevant documents;
- guarantee **regular visitation rights** to parents, except where this could be detrimental to the best interests of the child, and to allow parents to use their mother tongue with their children during the visits;
- provide parents, from the outset and at every stage of child-related proceedings, with complete and clear information on the proceedings and on the possible consequences thereof as well as information about the rules on legal support and aid;
- establish **minimum standards for the hearing** of a child in national civil proceedings.

Members recommended that **thresholds** for the duration of each stage in cross-border childcare proceedings be set, so that members of the child's extended family have sufficient time to come forward and apply to adopt the child, or parents can address their problems and propose sustainable alternatives before the final decision on adoption is taken.

Child placement and adoption: Parliament called on the Member States and the Commission to **regulate on recognition of domestic adoption**, taking into account the best interests of the child and with due respect for the principle of nondiscrimination. Non-contracting states are encourage to join the 1993 Hague Convention, which would guarantee that all children benefit from the same standards.

Members emphasised the importance of offering children in any kind of fostering or adoption arrangement the placement that offers the best opportunities to **maintain links with the child's cultural background** and to give particular attention and support to parents, and particularly women, who have been victims of domestic violence.

Cross-border parental child abduction: the Council is called upon to report on the results achieved in establishing child abduction alert systems with cross-border implications, and to **conclude the relevant cooperation agreements** dealing with cross-border abduction cases on the basis of the Commission guidelines.