



**Doc. 13971**

29 January 2016

## **Striking a balance between the best interest of the child and the need to keep the families together**

### **Motion for a resolution**

tabled by Mr Ben-Oni ARDELEAN and other members of the Assembly

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This motion has not been discussed in the Assembly and commits only those who have signed it

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The Parliamentary Assembly adopted [Resolution 2049 \(2015\)](#) on social services in Europe: legislation and practice of the removal of children from their families in Council of Europe member States where, *inter alia*, it is recommended that, except in urgent cases, initial removal decisions be based only on court orders, in order to avoid unwarranted removal decisions and to prevent biased assessments. At the same time, according to Article 9 of the UN Convention on the Rights of the Child “a child shall not be separated from his or her parents, against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child”.

But in some cases the best interests of the child principle is interpreted in an abusive and disproportionate manner leading to the children’s removal from their families. In this respect it is worth mentioning the case of Marius and Ruth Bodnariu, a mixed Romanian-Norwegian family living in Norway and whose children have been taken by the regional child welfare body (Barnevernet). Virtually an administrative body, based on unproven violence allegations, and whose actions are beyond any democratic oversight, took the decision to take away by force, issuing a temporary care order, their five children, one of them being a three months breastfed child. This last resort measure cannot be justified as long as no intermediate measures have been taken, such as social investigation, psychological counseling or mediation.

The significant number of cases of removal of children from their families – in 2013 out of about 53 000 cases approximately 9000 led to removal of children is a fact that indicates a systemic problem of Norwegian social services that are dealing with the children welfare, matter which should urgently be addressed by the Assembly.

*Signed (see overleaf)*

*Signed*<sup>1</sup>:

ARDELEAN Ben-Oni, Romania, EPP/CD  
ANDERSON Donald, United Kingdom, SOC  
BADEA Viorel Riceard, Romania, EPP/CD  
BAPT Gérard, France, SOC  
BESELIA Eka, Georgia, SOC  
BULIGA Valentina, Republic of Moldova, SOC  
CORLĂȚEAN Titus, Romania, SOC  
DJUROVIĆ Aleksandra, Serbia, EPP/CD  
DURRIEU Josette, France, SOC  
FENECHIU Cătălin Daniel, Romania, ALDE  
GHILETCHI Valeriu, Republic of Moldova, EPP/CD  
GROZDANOVA Dzhema, Bulgaria, EPP/CD  
HEINRICH Gabriela, Germany, SOC  
IORDACHE Florin, Romania, SOC  
JAPARIDZE Tedo, Georgia, SOC  
KANDELAKI Giorgi, Georgia, EPP/CD  
KORODI Attila, Romania, EPP/CD  
LE DAIN Anne-Yvonne, France, SOC  
MASSEY Doreen, United Kingdom, SOC  
MULLEN Rónán, Ireland, EPP/CD  
NEGUTA Andrei, Republic of Moldova, SOC  
NÉMETH Zsolt, Hungary, EPP/CD  
OMTZIGT Pieter, Netherlands, EPP/CD  
PALIHOVICI Liliana, Republic of Moldova, EPP/CD  
PÂSLARU Florin Costin, Romania, SOC  
SABELLA Bernard, Palestine  
UNGURYAN Pavlo, Ukraine, EPP/CD  
VENIZELOS Evangelos, Greece, SOC

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1. EPP/CD: Group of the European People's Party  
SOC: Socialist Group  
ALDE: Alliance of Liberals and Democrats for Europe  
EC: European Conservatives Group  
UEL: Group of the Unified European Left  
NR: Representatives not belonging to a Political Group