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As a reminder, this Review is directed, uppermost, at professionals in the field of adoption and child protection worldwide. It is not aimed at being directly shared with prospective or current adoptive parents, as its content and editorial line often raise sensitive issues, which may require adequate support for their understanding.

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EDITORIAL

***Moving Forward* – Implementing children’s rights in the framework of alternative care**

Black letter laws and international standards are the first step towards better protections for children; yet, unless they are effectively applied, they remain legal prose with no practical value.

The ISS/IRC is pleased to announce the launch of the handbook for the implementation of the UN-approved alternative care Guidelines – the first global resource of its kind – on 7 March at the Human Rights Council in Geneva and online in English, French, Spanish and Russian at www.alternativecareguidelines.org. This website will include details on how to access the handbook as well as contact details for further

information. Launches in New York, Asia, Africa and Latin America are in course of preparation.

The Guidelines for the Alternative Care of Children (hereafter, the Guidelines), unanimously welcomed at the UNGA in 2009, brought in a watershed of ‘orientations for policy and practice’ to address the special vulnerabilities of children deprived of their family. The text’s acceptance marked a fundamental policy shift indicating to States that, as a first priority, they should invest in

strengthening the capacity of families as well as in mechanisms to prevent separation.

Since the approval of the Guidelines, the continuing challenge has been their implementation. As remarked by Jean Zermatten, Chairperson of the CRC Committee 'as with all internationally agreed standards and principles, however, the real test lies in determining how they can be made a reality throughout the world for those that they target – in this case, children who are without, or are at risk of losing, parental care'.

Continuing realities to be addressed

The ongoing actualities in the field are that over two million children around the world live in care institutions. At least 80% of these have one or both parents alive. Many more children are in need of alternative care and are in danger of becoming unnecessarily separated from their families. These children are subject to higher risks of exploitation, abuse and other violations.

Whilst the Guidelines address these situations, challenges in the field include how to develop comprehensive strategies with limited resources and importantly, how to ensure that the child and his family participate in the decision-making process. Other issues include the development of programmes with appropriate standards, which can be complemented by other initiatives such as the standards (see p. 6) as well as how to tackle obstacles that those leaving care face to become fully independent, as is also addressed by SOS Children's Villages International in its new tool on the subject (see p. 4). Other hurdles for those in the field include how to provide appropriate care for children with disabilities, as examined in the ISS/IRC's Special Series (see p. 7).

Further direction on how to address realities

Supplementary direction has been an ongoing request from national and international stakeholders. Funded by an international consortium, a handbook titled *Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children* was developed to specifically

provide such guidance. The core text was drafted by an international team led by CELCIS with overall supervision by an expert steering group. Hundreds of professionals from within Governments, NGOs, UN agencies and academia fed into the drafting process, which includes promising practices from over 40 countries. The handbook was field-tested in Argentina and Malawi, facilitated by RELAF, Family for Every Child and the Better Care Network Malawi.

Moving along the road to better implementation

The handbook makes a difference by providing practical guidance on how to move forward on the road to embedding children's rights in alternative care provision. It highlights implications for policy-making where national governments should provide leadership, and provides links to what is already being effectively done on the ground. Matilde Luna, Project Leader from RELAF (Latin America) confirms that 'the handbook provides child protection specialists and decision makers with inspiration for the design of national policies to better implement the Guidelines in Latin America. It builds on the trail-blazing progress that the region has continued to make with respect to alternative care in our region'.

Follow-up to the Guidelines

The ISS/IRC looks forward to seeing a better protection of children's rights as this new tool provides insight and encouragement to all professionals on what can feasibly be done in resource-constrained contexts. Other follow-up activities with the help of UNICEF and NGOs, such as evaluations and reforms of alternative care systems in light of the Guidelines, will also be needed to complement the handbook.

The ISS/IRC team
February 2013

* Please note that this editorial is based on the press release for the handbook, which includes specific notes and other important information.

ACTORS

Source: Hague Conference on Private International Law: http://www.hoch.net/index_en.php?act=conventions.status&cid=69.

- **Germany:** This country has updated the contact details of its Accredited Adoption Bodies.

A new report on the child's right to be heard and the alternative care process

A newly-published Resource Guide on the UN Committee on the Rights of the Child's General Comment 12 outlines the importance of the right to be heard, the challenges that are faced in effectively implementing this right, and gives suggestions to guarantee its realisation.

Too often, adults underestimate children's capacity to make informed decisions. Under Article 12 of the UN Convention on the Rights of the Child, every child is guaranteed the right to be heard. UNICEF, in conjunction with Save the Children, developed *Every Child's Right to be Heard: A resource guide on the UN Committee on the Rights of the Child General Comment 12*, a tool that breaks down the context of Article 12 of the UNCRC and suggests measures for its implementation in various settings. The right to be heard directly relates to alternative care and this guide should be used to ensure its implementation in all different facets of alternative care.

The need to secure the right to be heard

In order to ensure that this right is guaranteed to every child, it needs to be codified in legislation; however, doing this is hindered by long-standing practices, cultures, and attitudes, as well as political and economic obstacles. Many adults believe that giving children too much of a voice will lead to a lack of respect for their parents, a loss of their childhood, or, conversely, that children lack the experience necessary to make decisions and are generally incompetent. These points have been proven to be unfounded, and UNICEF and Save the Children recommend that a legal guarantee, especially for children, who are without parental care, is needed to ensure that they are given a voice that is listened to.

The right to be heard and alternative care

In accordance with the UN Guidelines for the Alternative Care of Children, all decisions made regarding the care of a child should take into full account the views of the child. Adults making decisions on child welfare need to fully respect the child's right to be consulted on those decisions. It is acknowledged that the views of the child should be given consideration in light of their age and maturity level and that any decision should ultimately be made in the child's best interest. The Resource Guide advises that a child's voice should be heard concerning decisions on where

they live, who they have contact with, future plans, reviews of placement, and any potential day-to-day issues involving their care that might arise.

Tools to guarantee the right to be heard

The Resource Guide gives suggestions for measures that need to be taken to ensure the implementation of the child's right to be heard in alternative care. For example, there should be mandatory family group conferences where a child can feel safe expressing his views about his care options. In addition, there needs to be greater access to information for children in order for them to be aware of their rights as well as greater access to information regarding any proposed placement, future plans and the implications of any options available. This information needs to be presented in a way the child can understand and has time to question.

Furthermore, the Resource Guide recommends that there should be independent and safe complaint mechanisms in case a child feels as if his rights are not being respected. Additionally, the position of an independent inspector should be established to ensure compliance with rules of care. There needs to be the creation of an independent monitoring body, like a children's ombudsperson, to more successfully represent the best interests of children. Also, consultative mechanisms for children, who are unsure about what rights are guaranteed to them, would be immensely useful in realising the child's 'right to be heard'.

This Resource Guide is a tool for those involved in decisions relating to child alternative care in order to ensure that the right to be heard is respected in all aspects of the alternative care process.

Source: UNICEF and Save the Children, *Every Child's Right to be Heard: A resource guide on the UN Committee on the Rights of the Child General Comment No 12* (2011), http://www.savethechildren.org.uk/sites/default/files/docs/Every%20Child%27s%20Right%20to%20be%20Heard_0.pdf.

Welcoming initiatives on leaving alternative care

The subject of leaving alternative care is receiving increasing attention, the outcome for young people finding themselves in this situation being a real issue in the context of young people and child protection.

Several publications have been published in recent years on the subject of leaving alternative care (see Monthly Review 09/2011). These were intended to primarily establish an overview in several areas of the world and to make recommendations accordingly. As the assessment on the quality of leaving alternative care is generally rather negative, in that it highlights that there is little or no monitoring or support available to young people leaving alternative care facilities, this article aims to highlight recent national and regional initiatives that are particularly encouraging and in full accordance with paragraphs 131 to 136 of the Guidelines for the Alternative Care of Children.

***I matter*: Publication of two tools**

In the context of the SOS Children's Villages' 'I matter' campaign (see Monthly Review 11-12/2009), two works of great interest have been published in Bosnia and Herzegovina¹. The first, entitled *How to help young people leaving care find their way*, is aimed at professionals, while the second *Now what: challenges ahead of you* is for young people leaving alternative care. These guides are the result of collaboration between SOS Children's Villages in Bosnia and Herzegovina and Hopes and Homes for Children.

More specifically, the guide for young people emphasises the importance of their participation in the decision-making process, the means to ensure the effectiveness of their rights and the legal solutions available to this category of young people. Thanks to this guide, they will learn, amongst other things, to get their personal documents, protect their health, get an education, find a job and manage their money. Regarding the guide aimed at professionals, it is divided into several pragmatic chapters and provides advice on communicating with children and young people in alternative care and the professional qualities needed when working with these groups, etc.

This is an additional step in the efforts provided by SOS Children's Villages and their partners to improve the transition into adulthood, the *Quality4Children standards* already having greatly contributed (see Monthly Review 08/2007 and p. 6).

Emphasis on accessing employment

Reed in Partnership, one of the most important employment providers in the United Kingdom, has published a report entitled *From care to independence: improving outcomes for care leavers* based on their research and public policy². This report makes very concrete recommendations such as, from the age of 15: creating alliances with the private sector to provide opportunities for these young people or even to provide them with advice from employment professionals. Similarly, this report stresses that employment should be seen as a way to integrate these young people into work and social life. Finally, it recommends providing them with success stories of people, who have been in the same situation, so they can look to the future with more confidence.

In Macedonia, the regional project 'From foster to prosper' was developed by the Children's Embassy *Megjashi* back in November 2011, in cooperation with several Serbian and Slovenian NGOs³. Funded by the European Commission, this project aims to ensure the proactive social integration of young people leaving alternative care by promoting, in particular, their employment and the principle of equal opportunity. This project also mentions the relevance of compiling an overview of the difficulties these young people face. It is expected that this project will be implemented in four stages: research, interviews with young people in institutions, a media campaign aimed at encouraging employers to hire young people leaving alternative care and, finally, workshops with experts will be organised so these young people can receive advice on how to submit a job application. The ultimate aim is that these young people find employment.

¹ Publications 'I matter' available at: <http://www.sos-childrensvillages.org/About-us/Publications/Pages/IMatter-Publications-on-Leaving-Care.aspx>; see also *When Care ends - Lessons from peer research*, <http://www.crin.org/docs/When-Care-Ends-SOS-Childrens-Villages.pdf>.

² See: <http://www.reedinpartnership.co.uk/media/68137/from%20care%20to%20independence.pdf>

³ See: <http://www.fromfostertoproper.com/en/>.

Ensuring a child's return from care to his family of origin goes as smoothly as possible

A study on this issue, the first in England for a long time, has gathered and analysed the experiences of children, who have been reunited with their family of origin following placement in care. This research has concluded that reunification involves great risks.

Achieving successful returns from care. *What makes reunification work?*¹ looks at the return of 180 children, aged from 0 to 14 years, to their families of origin. This study examines the children's experiences before and during their temporary placement measure, the planning of their return to their family, the return itself and its monitoring over a two-year period. To this end, it gives a voice to the parents, children and social workers and researches the factors leading to success or failure in these situations.

Family backgrounds of the children in care

It is interesting to note, on this first point, that the majority of parents concerned had already met problems similar to those now affecting their family unit during their own childhood. Thus, the study highlights that domestic violence, substance abuse or sexual problems appeared in 82% of families, with mental health problems affecting half of the mothers. The repercussions on the children have already started for a quarter of them at birth, and for three quarters by the time they start school.

Causes and forms of child placement

In 91% of cases, the children have been placed in care because of parental abuse or neglect. Among the other causes identified are parenting problems or a breakdown in the parent-child relationship. It is rare for a child to be placed in care following a behavioural problem. The study states that a fifth of the children have been placed as a matter of urgency and that the length of the placement was of about ten months. Regarding the forms of care, it seems that a minority of children (13%) were placed in institutions. For the majority of children, contact with their parents is maintained, with one visit per week, this contact becoming more frequent before their return.

Different experiences on returning from care

The study describes in detail how the return is planned and how it is decided.

In total, nearly half of the children have suffered abuse or neglect upon their return and new placement measures have been put in place in nearly one out of five cases. The study also examines in depth, from the point of view of the parents, the children and the social workers, the success or otherwise of the return. One of the significant factors leading to failure is the children finding themselves faced with the same problems as before, without adequate support.

Success factors

This research finally identifies the most important factors in achieving the child's successful return to his family. Namely, that the child has not been physically abused; that he has not already made several trips between the family and the institution or foster family; that he does not suffer from serious attachment problems; and that the child and the parents were given adequate preparation. Another positive factor is the fact that positive changes have taken place in the child's house since his departure and that supervision of the child and his parents by a professional is carried out upon his return.

The authors concluded that the matter of the child returning to his family of origin has long suffered from neglect in England in terms of policy, research and practice and that this must change. This study has shown that adequate assessment and preparation as well as quality monitoring are the keys to success. Specific attention and support must also be offered to children being physically abused, and who have already experienced several separations and/or are suffering from attachment problems.

¹ Elaine Farmer, Wendy Sturgess, Teresa O'Neill, Dinithi Wijedasa, *Achieving successful returns from care. What makes reunification work?*, British Association for Adoption and Fostering, London, 2011.

Quality4Children: Report on a pan-European evaluation survey

The Quality4Children (Q4C) Standards (see Monthly Review 08/2007) were published in 2007, with the object to improve the quality of delivered services in the alternative care sector. After three years of implementing these standards in 26 European countries, it was essential to review what has been achieved so far.

The Q4C Standards were established to develop an adequate reference framework – at national and European levels – for quality in care for children without parental care or at risk of losing parental care, as well as to provide information and guidance to all involved in alternative care processes. After three years, it was necessary to critically review the impact of the Q4C Standards in terms of implementation, advocacy, as well as in terms of impact on children and youth involved.

Main findings of the analysis of impact of Q4C Standards in alternative care

The study reveals that the Q4Cs' most important perceived improvements were achieved in the following categories: respecting the child's right generally, child participation, the aspect of keeping siblings together, the child's development planning and care-giving process. Those who know the standards came to the conclusion that they provide a useful orientation framework, but that the organisation of internal standards makes that the care services work better.

However, some difficulties have been identified, in particular the relatively low levels of publicity of the Q4C Standards. It has emerged that most of the respondents became aware of the Q4Cs through the SOS Children's Villages website or newsletter, whereas hardly any respondent got to know the Q4Cs via the network partners. The study also reveals that the Standards are

predominantly known among people at managing levels. Caregivers and youth welfare representatives should be better informed and trained. Therefore, the problem is the same in relation to the implementation.

Recommendations for further use of the Q4C Standards

The report concludes with a few recommendations, in particular to:

- promote the Q4Cs in a structured/planned way;
- elaborate information, training, as well as reminder offers;
- elaborate offers to accompany implementation processes based on good practices; and
- put special focus on the awareness of youth welfare as a key partner in the alternative care sector.

In conclusion, the Q4Cs can be considered as a relevant contribution to the further development of alternative care. The evaluation survey concludes that it needs to be discussed whether the standards should become a legally-binding document.

Source: Report on a pan-European evaluation survey on Quality4Children Standards, www.quality4children.info.

Two recent publications by the African Child Policy Forum focus on disabled children

In 2011, the African Child Policy Forum (ACPF) published two reports regarding the situation of disabled children in Africa during the Disabled People's International 8th World Assembly in Durban.

The ACPF – an independent institution for research and dialogue on the African child – focused in detail on the lives of disabled children in several African countries. The first report, entitled *The lives of children with disabilities in Africa* gives a very broad view of the lives of special needs children in Africa. The second report *Educating children with disabilities in Africa* mainly examines matters linked to the schooling of these children. This article proposes to briefly present these reports and wishes to highlight the very interesting recommendations contained within these two publications.

Overview

The first study provides an overview of the situation of disabled children in Ethiopia, South Africa, Senegal and Uganda, countries that have ratified the United Nations Convention on the Rights of Persons with Disabilities. The very comprehensive study reviews the domestic regulations and legislation, their establishment, the impact of poverty on the welfare of these disabled children, their care, schooling, employment and finally their social integration.

Unfortunately, the study reveals that while the laws and regulations ensure the rights of disabled children, achieving these rights is more difficult. The report stresses the extreme poverty of these countries and its main consequences: 88% of people charged with looking after a disabled child are unable to provide the basic care the child would need. The report also shows that the exploitation of disabled children exists.

More generally, the ACPF shows, however, that families are extremely supportive and that the superstitions and misconceptions associated with disabilities are diminishing.

Progress made and to be made in terms of schooling

80% of the 140 million out-of-school children in the world, who are mostly girls or disabled children, live in Africa. While the results are encouraging in South Africa and Ethiopia, children

from Uganda and Senegal are unfortunately still too excluded from the education system. Often, the parents are not even aware their child could enrol at school or they fear that the child will be excluded.

Nevertheless, the first report highlights two positive points, such as the fact that some programmes have been very effective at community level and have increased children's access to education. Along these lines, South Africa has set up a system to raise awareness in pilot schools regarding the integration of disabled children in existing schools. This country has also created a television programme on this subject; there are 13 episodes and it has reached a million viewers. It is worth noting that the budgetary resources allocated to educating disabled children are often nonexistent.

In conclusion, the two reports highlight the fact that disabled children should be educated in schools that already exist and not in special schools. Finally, the ACPF believes that once this right to education is well understood by all, it is important to secure political commitment ensuring non-discrimination in relation to disabled children and to make schools as inclusive as possible.

Valuable recommendations

The ACPF thereby recommends that more of the United Nations Convention on the Rights of Persons with Disabilities be included in domestic laws and regulations. It also highlights the fact that accurate data on disabled children must be collected so as to be able to make comparisons nationally and internationally. It would also be essential to set up better information on health and better monitoring of pregnant women and babies, so as to help reduce disabilities. Furthermore, it would be desirable for pregnant women, and children up to the age of seven years, to receive free health care. Families with a disabled child should also be able to access advice and support.

According to the ISS/IRC, these two publications are very important because they allow the problems that relate to disabled children in Africa, who are still very marginalised and vulnerable, to become more visible, and, above all, because

they allow real and affordable solutions to be considered.

Source: The African Child Policy Forum, <http://africanchildforum.org>.

FORTHCOMING CONFERENCES, SEMINARS AND COURSES

- **France:** *Adoption : questionner nos pratiques, apprendre de nos échecs* [Adoption: Questioning our practices, learning from our failures], COPEs, Paris, 15 April 2013 (start of the training). For further information: <http://www.copes.fr/Annexes/Formations>.
- **United Kingdom:** **a)** *Fostering with a view to adoption – risk or opportunity*, BAAF, Leeds, 25 April 2013; **b)** *Diversity Issues in Fostering and Adoption*, BAAF, Rhyl, 30 April 2013; **c)** *Minute Taking for Adoption and Fostering Panels*, BAAF, Edinburgh, 1 May 2013. For further information: <http://www.baaf.org.uk/training?page=2>.



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