



Published by the International
Reference Center for the Rights of
Children Deprived of their Family

Monthly Review

EDITORIAL

Child-headed families –

A form of alternative care among others?

The phenomenon of child-headed families – mainly present in Sub-Saharan Africa – raises the issue of the role of such an option within the continuum of alternative care measures – the sign of a recognised social fact but of concern in several regards.

The phenomenon of child-headed households raises numerous issues relating to the rights of every affected child, even though it is recognised as a 'new type of family' (General Comment N° 3 – 2003) and accepted as an alternative care measure by the 2009 UN Guidelines for the Alternative Care of Children (§ 37). The ISS/IRC suggests initiating a reflection process on the implications resulting from this form of care.

An option between challenges and reality

Even though this care option is indeed recognised and framed within international standards, its reality in the field entails a heavy burden to carry for those young (even very young) adolescents led to provide for and ensure the needs of their siblings, of a sick parent and/or their grandparents. This arrangement gives rise to considerable pressure upon those children heading a household, who are at higher risk of lack of schooling as well as of exploitation and abuses linked to the search for incomes for their family and the absence of a protective adult.

Furthermore, the example of Zimbabwe (see p. 5) illustrates the need for support and protection for this type of care, which, to a great extent, still remains informal. Indeed, for such a measure to be beneficial for all the children in the household, numerous efforts are required from the political powers, as much with regards to the identification and the registration of these 'self-managed' – known as informal – households, as in relation to the periodic monitoring and support provided to these children. The children's access to basic social services (access to health care, birth certificates, education, financial support), the opportunities provided to children heading families in order for them to retain their rights to childhood, the training of professionals, are as many implications resulting from raising it as a relevant child protection option.

N° 170 – MARCH 2013

TABLE OF CONTENTS

EDITORIAL

Child-headed families – A form of alternative care among others? 1

ACTORS

Estonia, Iceland, Mexico, Spain, Swaziland and United Kingdom 2

PRACTICE

Domestic adoption practices in Ethiopia: The example of the Oromia région 2

Haiti takes charge of the protection of its children 4

READERS' FORUM

Working with child-headed households in Zimbabwe 5

Reading suggestion 6

SPECIAL SERIES: THE RIGHTS OF CHILDREN IN ALTERNATIVE CARE AT THE UNITED NATIONS

Protecting children's economic, social and cultural rights within the family and in alternative care settings 7

FORTHCOMING CONFERENCES AND TRAININGS

France, United Kingdom and United States of America 8



32 Quai du Seujet ■ 1201 Geneva ■ Switzerland
irc-cir@iss-ssi.org ■ www.iss-ssi.org

Moreover, this support entails the allocation of a minimum of resources – resources that precisely lack in those countries, which this type of family context is mostly present in. It is therefore not surprising that NGOs and civil society currently take over to ensure, as much as possible, the well-being of children in this kind of households.

In addition, whether temporary or permanent, this care measure should be decided in the child's best interests and together with the child – whenever his age allows for it – as would be done with any other measure. Any challenge therefore lies in the determination of the interests of every child in the household, including those of the eldest one as head of the family, in order for this option not to be experienced as a sacrifice made by the latter. Let us remind ourselves, however, that if the safeguards and preconditions are not respected, then this measure may soon become harmful to the rights of children and, in particular, of those children heading households, given the thin line between risk and benefit in this context.

Is it necessary to think about other strategies to maintain groups of siblings together?

If the aim is to maintain groups of siblings together, could this care measure be questioned? Could the care of these groups of siblings – whether temporarily or permanently – in adapted public structures or foster families not respond better to the needs and the interests of every child (in particular the eldest one as head of the family) by including an adult acting as a reference person? The scope of the reflection may extend to the issue of adoption, given the progressive context of the profile of children adopted abroad (in particular, the children's age and groups of siblings)?

The major challenge for the affected States eventually seems for them to remain inventive, taking into account the available resources to develop strategies to maintain groups of siblings together, which protect the rights and interests of every child in the household.

The ISS/IRC team
March 2013

ACTORS

- **Estonia, Iceland, Mexico, Spain and United Kingdom:** These countries have updated the contact details of their Central and/or Competent Authorities.
- **Swaziland:** This country has recently acceded to the HC-1993 and has appointed its Central Authority.

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

PRACTICE

Domestic adoption practices in Ethiopia:

The example of the Oromia region

Although intercountry adoption from Ethiopia has been in the spotlight, it should not imply that domestic family-based options for children do not exist in the country, as the experience of the Oromia region shows.

Over the past decade, Ethiopia has seen a dramatic rise in the number of children being placed into intercountry adoption, although statistics shared by Dr. Peter Selman show that, in 2011, 3,455 children were placed in intercountry adoption; the 'lowest' in five years. Concerns about certain aspects of the adoption process have been raised by adoption service providers, Central Authorities of receiving

countries and child rights advocates. This has resulted in some changes, including the aforementioned decrease in the number of children placed in intercountry adoption, but Ethiopia still remains the number one country of origin in Africa. Although intercountry adoption from Ethiopia has been in the spotlight, it should not imply that domestic family-based options for children do not exist in the country.



The cultural practice of informal adoption: Definition and rituals

Children outside of parental care and orphanhood are not new phenomena in Ethiopia. In fact, research shows that orphans have been a part of Ethiopian society for centuries, and local traditions for orphan care have responded to the issue in unique ways (Abebe and Aase, 2007). Ethiopia has a long tradition of practicing in-country child adoption. The traditional form of adoption is referred to as *guddifachaa*. The meaning is understood to mean the full assimilation of an outsider (child) into a family. Beckstrom (1972) did seminal research on the topic and other Ethiopian researchers have also studied different elements of this particular practice. The cultural practice of *guddifachaa* involves taking an oath in front of community members and leaders. The term, coming from the Oromo language, has historically been used to describe the cultural practice of informal adoption, but was also incorporated into the Ethiopian legal framework and jargon to describe the formal process of domestic adoption.

Children may be placed in *guddifachaa* for various reasons. The infertility of the adoptive parents or the lack of a male heir is common reasons. Another motivating factor is if the child is left without parents or the parents are too poor to appropriately provide for the child. Increasing social standing and/or economic reasons are other less common factors for *guddifachaa*.

Negeri (2006) describes some of the specific cultural rituals used to recognise the incorporation of a child into a new family. The adoptive parents usually conduct a ceremony at their home with community members in attendance. They take responsibility for the child and the child is given a name. In one community in the region of Oromia, the families approach tribal leaders and sing a request to the biological family (if present), lamenting their lack of a child and asking for help in gaining a child for their family. Tribal elders then sing a song and have each of the families – biological and adoptive – take a vow before passing the baby from one family to the next. These traditional ceremonies appear to be in decline and are being replaced with other rituals that are more illustrative of formal religions practiced in the area, such as Christian Orthodoxy and Islam.

Statistics and results: Increase in the number of domestic adoptions

The Oromia region of Ethiopia is made up of 18 zones and eight city administrations. The total population, according to the Oromia Bureau of Finance and Economic Development, is 31,477,184. A recent study in the Oromia region demonstrated a significant number of domestic adoptions had occurred in the past year; both traditional *guddifachaa* as well as formal adoption. A total of 1,145 children were placed in domestic adoption in the Oromia region: 724 in formal adoption and 421 in traditional adoption. According to records, there was a similar number of girls and boys placed in domestic adoption (575 boys and 570 girls).

Regional government authorities together with *woreda* (district)-level child protection officers conducted a follow-up study to learn more about the adoptive families and adopted children. The study found that the largest proportion (60%) of children was adopted by families living in the region's rural areas. The review met with families, who had adopted both in *guddifachaa* and formal adoption, and found that the children had their rights fulfilled in both types. The study mentioned that, during the verification assessment, families that had adopted following traditional practices were now interested in formalising their adoption arrangement, thereby legalising the adoptive relationship.

Strengthening and development of family-based care

As part of a comprehensive approach to reduce reliance on institutional care and promote family-based care, in conformity with the spirit of the UN Guidelines for the Alternative Care of Children, local officials are hoping that domestic adoption will increase as an option for more children. Through the promotion of traditional practices (which are familiar to much of the population) and building awareness about formal procedures to register and legalise domestic adoption, the region of Oromia is serving as an example to other regions of the country.

Local officials, UNICEF, and civil society organizations are pleased with the results and hopeful that the number of children who will be placed in Ethiopian adoptive families will continue to rise.

Kelley McCreery Bunkers
International Child Protection Consultant



Sources:

- Oromia Bureau of Women, Children and Youth Affairs (BoWCYA) (2012). *Summary Report on the Assessment and Verification of Domestic Adoption in Oromia Regional State*; used with permission of the Oromia BoWCYA.
- Beckstrom, J.H. (1972). Adoption in Ethiopia Ten Years after the Civil Code. *Journal of African Law*, 16, pp. 145-168; retrieved 14 March 2010 from www.jstor.org/pss/744674.
- Bunkers, K. M., Mezmur, B. and Rotabi, K. S. (2012). Ethiopia: Intercountry adoption risks and considerations for informal care. In Gibbons, J. L. and Rotabi, K. S. (Eds.). *Intercountry Adoption: Policies, Practices and Outcomes*. Ashgate Press: London.
- Negeri, D. (2006). Guddifachaa Practice as Child Problem Intervention in Oromo Society: The Case of Ada'A Liban District. A thesis submitted to the Research and Graduate Program of Addis Ababa University in partial fulfilment of the Masters in Social Work; received from the author on 15 May 2010.
- Duessa, A., (2002). Guddifachaa: Adoption Practice in Oromo Society with Particular Reference to the Borana Oromo. A thesis submitted to the School of Graduate Studies at Addis Ababa University, Addis Ababa, Ethiopia. For information please contact Kelley McCreery Bunkers (kellybunkers@gmail.com)

Haiti takes charge of the protection of its children

Since the 2010 earthquake, important progress has been observed in relation to the protection of children and families. ISS bears witness of this upon its return from a joint mission with the Permanent Bureau of the Hague Conference on Private International Law.

The Ministry of Social Affairs stated that ‘the Martelly-Lamothe government has established the issues of Law and child protection as priorities. It has increased its efforts to consolidate the rights of the child’¹ at the opening of a meeting held on 6 March 2013 in Port-au-Prince, attended by the Director of the Institute of Social Welfare and Research (IBESR, for its acronym in French), UNICEF, ISS and the Permanent Bureau of the Hague Conference (PB). These actors worked together to identify the needs of the IBESR following the ratification of the HC-1993 (which, however, is still not in force due to the lack of formal submission of ratification instruments) and will determine a plan of action aimed at best responding to these. On this occasion, ISS was able to welcome the important steps taken by the country and to reiterate its support in the implementation of the new standards relating to childrens’ rights.

Moving forward towards a child protection system focused on domestic solutions

As highlighted by the Director of the IBESR, Ms Arielle Jeanty Villedrouin, one of the main objectives of her entity is to focus now on family reintegration and family support. In particular, she stated that ‘domestic adoption will be given priority and that informed consent will now be at the centre of the new policy on adoption’. The concrete measures, which were recently established by the IBESR, evidence this: the census of the country’s child care centres and of the children living in them; the

establishment of a procedure of authorisation to operate (to date, 58 – out of 725 – child care centres have been authorised); new safeguards on gaining the consents for adoption (initially granted at the IBESR, following a process of advice and assessment, and then confirmed before a Judge); a ban on consents for the adoption of a child before he is three months old; etc. These provisions reflect the country’s willingness to develop its own solutions for children deprived of their family or at risk of so being.

Considerable progress in strengthening the adoption system

Other considerable actions have been launched in order to strengthen the adoption system, such as the ratification of the HC-1993 in June 2012 and the ban on independent and/or private adoptions. The IBESR, acting as the Central Authority in adoption matters, has equipped itself with qualified staff and has already adopted some important decisions. Thus, the IBESR has decided to restrict, to some extent, the number of accredited adoption bodies that operate in Haiti, by establishing a limited number per receiving country. Furthermore, it has also limited to a specific unit the number of files that may be submitted each month per accredited body. Clearly, this means that a certain number of files of prospective adopters that may be submitted each year will be allocated to the receiving country. These files will be submitted by this country’s accredited bodies, in accordance with their own quotas. A potential balance, for example, could relate



to intra-family intercountry adoptions, managed directly between Central Authorities. It is worth mentioning that the quotas relate indeed to the number of files of prospective adopters, and not to the number of matched children. It is also worth mentioning that the IBESR wishes to implement the principle of the reversal of the flows of files in relation to children with special needs, which may be proposed by the IBESR to its partner Central Authorities.

Pending issues

During its joint mission with the PB, ISS contributed to the review of the bill on adoption. The latter may soon be submitted to the Senate and then once again to the Chamber of Deputies, although it is possible that the dilatory manoeuvres that have already affected this process may interfere once again. The issue of

transparency in the costs of adoption will also soon have to be the object of regulations.

As in any reform process, it clearly appears that some resistance exists when faced with changes; the 'old' actors have spared no effort to preserve what they consider to be their gains, thereby submitting the IBESR to tough pressures. In addition, there are the expectations of the foreign prospective adopters, their accredited adoption bodies and the receiving countries, which are keen on information and assurances. The implementation of the Convention is a very complex exercise (even more so in a context such as the one currently prevailing in Haiti); the ISS/IRC calls for the interested foreign actors to restrain themselves, in order for the IBESR to be able to achieve the difficult tasks incumbent upon it in the most serene manner possible.

Reference:

¹ Haïti - Social: "Droit et protection des enfants, une priorité pour le Gouvernement", *Haïti Libre*, 6 March 2013, <http://www.haitilibre.com/article-8030-haiti-social-droit-et-protection-des-enfants-une-priorite-pour-le-gouvernement.html>.

READERS' FORUM

Working with child-headed households in Zimbabwe

The Association Vanavevhu is providing support to child-headed households. It gives the opportunity to the head-child to improve his skills and to make his own living whilst providing food, education and health care to the whole family.

1. Could you briefly present your organisation/work?

Vanavevhu (Shona for 'children of the soil') supports and advocates for child-headed households by providing the resources that a parent would otherwise provide: food, education and health care to ensure the household's stability. *Vanavevhu* is dedicated to the financial self-sufficiency of child-headed families and the development of these at-risk youth. To that end, we provide education and training that will ensure a measurable socioeconomic improvement in their lives.

Vanavevhu has developed a social Enterprise, V2 Enterprises, through which it aims to teach entrepreneurial and employable skills. These youth need to reintegrate society and to be supported in a country with over 70% unemployment. Small-scale, yet profitable ventures in candle-making,

Name and surname: Elizabeth Vimbai Mhangami
Place of residence and work: Bulawayo, Zimbabwe
Profession: Executive Director / Founder

beekeeping, and organic gardening are run cooperatively by all enrolled youth and

used as means, which many aspects of small businesses can be learned and experienced from.

I manage a five-person team and, as our organisation is registered in the U.S.A., I share my time between the U.S.A. raising funds and Zimbabwe to implement our programmes.

2. Can you explain the main reasons for the phenomenon of child-headed households in Zimbabwe?

In the last ten years, the country has been devastated by political turmoil, economic challenges and an AIDS pandemic, which has left its youth vulnerable and many orphaned with very little guidance. UNICEF estimates that there are approximately 1.5 million orphans in Zimbabwe and



100,000 households with children under 18 living without parental care or supervision. The child-heads we are working with are between the ages of 14 and 22 and have between one and four younger siblings under their care. They are out-of-school, many having dropped out of school without completing the standard levels. They live in the homes their parents left for them and the eldest children work within the informal sector to earn a living to keep the family fed, clothed and educated.

3. What is the position of the State regarding these households? Is it a recognised alternative care measure?

Zimbabwe recognises a child-headed household's state of orphanhood. However, aside from collecting data, there is little that it can do for these. The State relies on direct service NGOs in relation to these households because the social welfare system is overburdened and under-funded. NGOs working with child-headed households usually do so by providing money for school fees, food, healthcare services. There are few organisations that are working on economic empowerment for youth in the way that *Vanavevhu* does.

4. What are the main challenges, difficulties which the children of these households encounter? What role does the local community and the extended family play in supporting them?

The main challenges that the children in the households face are:

- food insecurity,
- inadequate documentation (not all members of the family will have birth certificates),
- household expenses (water and electricity bills, etc.),
- the children incur debt from neighbours that they cannot pay back, making their environment hostile.

Many in the local community will either find child-headed households to be a nuisance because they are

constantly begging or they find them to be exploitable. In our experience, extended family members offer more moral support than material support.

5. How do you identify the children in these households and how do they benefit from your support?

We collaborate with local volunteer groups and home-based care providers to identify families headed by children and, in particular, seek those young heads, who have shown some success in managing their families, and who display formidable entrepreneurial instincts that can be built upon through the programme at *Vanavevhu*. The model of support that *Vanavevhu* is providing is beneficial because it keeps the family unit together by recognising the eldest child as the head of the house and therefore as the decision maker. This model strengthens the family and the young person, who is the head, because we empower that individual to be economically self-sufficient.

6. What elements of your work could be translated in other contexts/countries?

Empowering young people and developing their leadership skills as well as teaching the young how to make a living on their own.

7. Based on your experience, what is required to improve the rights of the children living in child-headed households?

The recognition of the child-head of the household as the head and decision-maker is important in improving the rights of children living in child-headed households. Youth, who head these households, often complain that when they have to engage with an authority, like a school head, they are never regarded as decision-makers and are not taken seriously. I think that it is important that we recognise that we live in a time where young people are taking up positions as heads of households, and that they need to be taken seriously as such and supported.

***Child-headed households: a feasible way, or an infringement of children's right to alternative care?* by Charlotte Phillips**

The author of this book took a particular interest in the homes headed by extremely vulnerable children given the multitude of difficulties they are faced with (poverty, lack of education, exploitation, etc). She focuses on the most AIDS-affected Sub-Saharan African regions and explores the importance of the children's right to appropriate care structures. In particular, she raises the issue of the recognition of child-headed households as a true form of care. Finally, she suggests a universal definition of the latter and examines the policies and standards addressing them, in the light of international conventions.



SPECIAL SERIES: THE RIGHTS OF CHILDREN IN ALTERNATIVE CARE AT THE UNITED NATIONS

Protecting children's economic, social and cultural rights within the family and in alternative care settings

This third article in the series examines cross-cutting issues and protections in the Guidelines for the Alternative Care of Children (Guidelines) and the International Covenant on Economic, Social and Cultural Rights.

Children may regrettably find themselves unnecessarily separated from their families or living in appropriate care settings due to contraventions of their economic, social and cultural rights. This article highlights examples of such breaches and identifies safeguards in the International Covenant on Economic, Social and Cultural Rights (ICESCR), supplemented in more detail by the Guidelines. The contents are grounded on a presentation* to the CESCR Committee by ISS and SOS-Children's Villages International.

Violations of economic, social and cultural rights – these may lead to a child's separation from his or her family

Poverty is often cited as the main reason why children are separated from their families, as in Bulgaria and Ecuador. It has been noted that, in Bulgaria, two thirds of the children in institutions had parents, who were unemployed. In Iceland, it has been observed that "social benefits aimed at families in poverty, including single-headed families, are inadequate and that this has a negative impact on the development of children in such families."

Harmful traditional practices may also lead to separation – such as forced early marriages, as is the

case in Mauritania, where girls may be sold to the Middle East. In Tanzania, girls may also be traded for "ritual purposes, including ritual killings of albino children" and pregnant girls are often expelled from schools.

Some protections for children as included in the Guidelines

Para. 13: Children must be treated with dignity and respect at all times and must benefit from effective protection [...]

Para. 15: Financial and material poverty, or conditions directly and uniquely imputable to such poverty, should never be the only justification for the removal of a child from parental care [...]

Para. 16: Attention must be paid to promoting and safeguarding all other rights [...] including, but not limited to, access to education, health and other basic services, the right to identity, freedom of religion or belief, language and protection of property and inheritance rights.

Para. 32: States should pursue policies that ensure support for families in meeting their responsibilities [...] by promoting measures to combat poverty, discrimination, marginalization, stigmatization, violence, child maltreatment and sexual abuse, and substance abuse.

Para. 84: Carers should promote the health of the children for whom they are responsible and make arrangements to ensure that medical care, counselling and support are made available as required.

Para. 85: Children should have access to formal, non-formal and vocational education in accordance with their rights, to the maximum extent possible in educational facilities in the local community.

Para. 91: Accommodation in all alternative care settings should meet the requirements of health and safety.

Paras. 132-135: These include the need for a timely planning process; the allocation of a specialised support person; child participation in planning; planning specific to the child's particular characteristics and circumstances; the allocation of a specialised support person; access to vocational and formal education; access to employment

A range of options lacking for children

Due to a lack of family support and vulnerability, there are often limited quality alternative care options available. Hence, children may be forced to live on the streets or in inappropriate settings, where they may be exploited. In Tanzania, "orphans and children from single-parent families are particularly vulnerable to becoming victims of child prostitution." In Ecuador, children may be left to fend for themselves, becoming responsible for the household, including siblings, when parents emigrate to other countries.

A lack of protections in formal care settings

In addition to the problems of the long-term impact of institutionalisation (see

Monthly Review N° 11-12/2012), children are often ill-prepared for leaving the care setting. A transition and preparation period is required for successful independent living when approaching adulthood, especially for those without family support. Research shows that "many care leavers are at a higher risk of



being homeless, unemployed or under-employed, under-educated or dependent on social security.” In many countries children continue to lack support when leaving residential care. In Bulgaria alone, 294 children left residential care to start an independent life in 2010. In Albania, young people are required to leave state care at the age of 15 and face uncertain futures in relation to child protection, housing, education and employment.

International conventions provide protections for economic, social and cultural rights of children in alternative care

The CRC as well as other key international conventions, including the ICESCR have provisions to address the above situation. The ICESCR affords children with special protections, firstly through the scope of the preamble (article 1), freedom from all kinds of discrimination (article 2), equal rights for girls

as women (article 3), equal opportunities to work and be educated (article 6), safe working conditions (article 7), equal access to social security benefits (article 9), the widest possible protection and assistance should be accorded to the family (article 10(1)), children and young persons should be protected from economic and social exploitation (article 10(3)), an adequate standard of living (article 11), the highest attainable standard of physical and mental health (article 12) and the right to education (article 13). Supplementary protections are provided by the Guidelines (see box above).

The CESCR Committee has started referencing the Guidelines in its concluding observations. We hope that actors in the field can use both the ICESCR and the Guidelines to better protect children in alternative care matters.

Note:

* Briefing Note available at the ISS/IRC, including references for the country examples.

FORTHCOMING CONFERENCES AND TRAININGS

- **France:** **a)** *La construction de la famille adoptive* [The building of the adoptive family], COPES, Paris, 22 May 2013 (six-day training) ; **b)** *Travailler en adoption internationale aujourd’hui - Réalités, éthique et vécu psychique* [Working in intercountry adoption today – Realities, ethics and psychological experience], COPES, Paris, 29 May 2013 (three-day training). For further information, see: <http://www.copes.fr/Annexes/Formations>; **c)** *Accueillir un enfant handicapé en structure collective* [Caring for a disabled child in a collective structure], Association Pikler Lóczy, 13 and 14 June 2013. For further information, see: www.pikler.fr.
- **United Kingdom:** *Achieving the best outcomes for siblings - The challenge of planning permanence for sibling groups*, BAAF, 20 May 2013. For further information, see: <http://www.baaf.org.uk/training/conferences>.
- **United States of America:** *37th Annual Child Welfare Symposium*, Joint Council on International Children’s Services, The Conference Center, New York, 20-22 May 2013. For further information, see: http://symposium.jointcouncil.org/?page_id=211.

As a reminder, this Monthly Review is distributed to a selected network of Authorities and professionals. It is not aimed at being posted on an internet website without the authorisation of the ISS/IRC.

The ISS/IRC would like to express its gratitude to the governments (including certain Federal States) of the following countries for their financial support in the realisation of this Monthly Review: Andorra, Australia, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Luxembourg, Monaco, New Zealand, the Netherlands, Norway, South Africa, Spain, Sweden and Switzerland.

