



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

Monthly Review

The ISS/IRC team wishes you Happy Holidays and looks forward to pursuing its mission together with you for children without parental care in 2016!

N° 197
DECEMBER 2015

SPECIAL ISSUE: **Committing to children and families in order to prevent separation**

EDITORIAL

‘Recipe’ for a truly festive season for children and their families

As we started the year focusing on the year of the family, this issue of the Monthly Review likewise concludes with the same theme, concentrating on better investment to prevent unnecessary separation.

The harsh realities for thousands of children separated or at risk of being separated from their loved ones, often become more acute during the festive season – a time of family reunions, celebrations and scrumptious meals. The most successful meals often follow a recipe: willingness to prepare the meal and investment into quality ingredients. Similarly to ensure that children are able to remain with their families, international standards must be respected; political will must exist and targeted investment must occur. Given the importance of the family as the fundamental unit of society, this Monthly Review discusses these essential steps for this recipe of keeping families together.

Respect of international standards

A first ingredient in ensuring a festive season is that international standards are implemented in national systems. Despite universal acceptance that ‘as far as possible, every child has the right to know and be cared for by his or her parents’ (Article 7(1) UNCRC) as well as international standards outlining protections for support to families in meeting their responsibilities towards the child, access to basic services such as adequate housing and health, education and social welfare service – such rights are systematically contravened due to multiple factors. For example, children may be removed unnecessarily from their families or parents feel compelled to abandon or relinquish their children – due to lack of available

TABLE OF CONTENTS

EDITORIAL

‘Recipe’ for a truly festive season for children and their families **1**

ACTORS

Namibia **3**

BRIEF NEWS

India: Issuance of the Model Foster Care Guidelines 2015 **3**

LEGISLATION

Investing in children and families to prevent separation in accordance with the UN Guidelines: The role of civil society **3**

PRACTICE

Promotion and support of foster care as part of family-based solutions in Asia **6**

Investing in quality care that will result in the deinstitutionalisation of children in Europe and globally **9**

INTERDISCIPLINARY RESOURCES

Migrant children: Beyond the numbers **11**

Family for Every Child undertakes research on the linkages between social protection and child care in Ghana and Rwanda **14**

ADDITIONAL REFERENCE DOCUMENTS

FORTHCOMING CONFERENCES AND TRAININGS

Australia, Sri Lanka, Switzerland and United Kingdom **16**



support of all kinds to do so – and, in many societies, prevailing discrimination in its many forms. International standards remain an empty shell without force if not applied or even misapplied.

Political will to act

This situation can and must be changed. Family breakdown and separation can be prevented through targeted investment and support to families in their caregiving role. Actions that recognise the multi-dimensional nature of children's vulnerabilities including that of their family are required. Investment in social protection measures to strengthen families at risk, tailored to the specific issues and circumstances faced, must be encouraged to help secure the care of children within families. Clearly, a second essential ingredient therefore is political will to better protect children and their families through better investment.

Better and targeted investment

To encourage such political will, a side event was organised in the broader framework of the Human Rights Council's (HRC) annual day on the rights of the child in 2015 – dedicated 'towards better investment in the rights of the child'. This event built on the HRC's resolution adopted in March 2015, [Rights of the child: towards better investment in the rights of the child](#), reflecting support from the 190 plus States represented.

Yet, once political will is established, how does one define investment priorities with finite resources? To this end, the [Guidelines for the Alternative Care of Children](#) were used as an international recipe to identify primacies. Instructions were clear for all participants – definitions of family were avoided to ensure the focus remained on safeguarding children's rights in whatever environment they should find themselves in. This approach covers challenging situations, including separation, cross-border movements and multiple family contexts.

In opening, Professor Benyam Dawit Mezmur, Chairperson of the Committee on the Rights of the Child and Vice-Chairperson of the African Committee of Experts on the Rights and Welfare of the Child provided an international overview on the importance of States Parties investing in children and families, a pressing concern. This complements the Committee's efforts in drafting a new [General Comment](#) on this theme.

However States do not bear the burden alone and shared responsibilities for intelligent investment are required, for example by working with civil society as highlighted in the African region (see p. 3).

Assuming then there is cooperation between the various stakeholders in country, the obvious question of direct support to families of origin arises, especially during infant years. For this purpose social support schemes in the African context were showcased, such as the research published by Family for Every Child in Ghana and Rwanda (see p. 14).

However, as we all know, despite all efforts to keep children in families of origin, alternative care may be necessary. In this case, better investment into other forms of family based care is required. To illustrate this, a presentation on the need for investing in formal foster care systems as part of family-based solutions in Asia was shared (see p. 6). Arguably, such investment into quality family-based care is even more vital when countries embark on deinstitutionalisation strategies, as is the case in Eastern Europe (see p. 9). Likewise the necessity of adequate resource allocation can only be reiterated as 2015 has seen an increasing number of children on the move – for example with the 'European Refugee' crisis – which, of course, is occurring worldwide. In such circumstances, support for children to return to their families of origin as unaccompanied and separated children is equally significant as illustrated by research in Latin America (see p. 11).

The ISS/IRC can only echo the concluding remark of Professor Benyam Dawit Mezmur, that 'investment into children and families to prevent unnecessary separation is not only the right thing to do, but also the smart thing to do'. Our hope is that the upcoming period will be a truly festive season for all children and their families. We look forward to working with you all to reach our common goal that children are able 'grow up in a family environment, in an atmosphere of happiness, love and understanding' (Preamble of the UNCRC).

The ISS/IRC team, December 2015



ACTORS

- **Namibia:** This country has acceded to the HC-1993 and has appointed its competent authorities.

Source: The Hague Conference on Private International Law, http://www.hcch.net/index_en.php?act=conventions.publications&dtid=43&cid=69.

BRIEF NEWS

India: Issuance of the Model Foster Care Guidelines 2015

The *Model Foster Care Guidelines, 2015* have been issued by the Ministry of Women and Child Development. These Guidelines were developed through a consultative process involving representatives from States, non-governmental organisations, civil society, academics, experts and organisations working on alternative care, and detail the procedure – from the child’s individual care plan to the matching and placement order, the roles and responsibilities of stakeholders, along with various aspects related to the implementation of the foster care programme in the districts.

The Guidelines state the rights of children in foster care as well as the rights and responsibilities of the foster families, including their eligibility criteria. In addition, they mention the role of the competent authorities and non-governmental organisations, the counselling available and the financial support. Whilst foster carers may be given priority to adopt the child under certain specific circumstances and conditions, it must be said that these Guidelines do not cover pre-adoption foster care – in such cases, the *Guidelines Governing Adoption of Children, 2015* will apply.

Finally, it is worth highlighting that the Guidelines state that, whilst children in the age group of 6-18 years, who have been staying in child care institutions shall be placed in foster care based on their individual care plan, children in the age group 0-6 years shall not ordinarily be considered for placement in long-term foster care as such small children should be preferably provided a permanent family through adoption, in accordance with the *Guidelines Governing Adoption of Children, 2015*.

For further information, see: Ministry of Women and Child Development, *Model Foster Care Guidelines 2015*, http://wcd.nic.in/sites/default/files/FInal%20Edited_guidelines.pdf; Ministry of Women and Child Development, ‘WCD Ministry Issues Model Guidelines for Foster Care’, 19 October 2015, <http://pib.nic.in/newsite/PrintRelease.aspx?relid=129835>.

LEGISLATION

Investing in children and families to prevent separation in accordance with the UN Guidelines: The role of civil society

Salimane Issifou, National Director of SOS Children’s Villages Benin and President of the Network of Organisations that Care for Children in Need, describes the role of civil society in its work with Government to prevent unnecessary separation of children.

In the world, millions of children and their families encounter huge difficulties due to many reasons (political, economic, health, environmental, etc). Today, it is clear that child and family care stakeholders should invest in children and families so that they can properly develop and better take part in the life of their societies. Investing in children and families is a multi-faceted component encompassing elements such as investment in prevention, family and

parenting support, deinstitutionalisation and alternative care and child participation, which are issues that are highlighted in the Guidelines for the Alternative Care of Children. Like in other regions of the world, civil society organisations in Africa are enhancing their contribution to the development of children and their families thanks to the provision of the Guidelines.



The role of civil society organisations in the prevention of family separation

Governments bear the major responsibility for the welfare of children and their families. This responsibility that is also related to the prevention of family separation, is recommended by the Guidelines for the alternative care of children (Paras. 39-48). Accordingly, coalitions, networks and platforms of NGOs or civil society organisations play a tremendous role, together with governments, in the prevention of family breakdown. When the Network of Organisations that Care for Children in Need in Benin¹ was proposing norms and standards to regulate the alternative care of children, to the government of the Republic of Benin, it put emphasis on the need for prevention of the separation of children from their respective families². Furthermore, integrated child protection systems – which coordinate with the welfare, education and health systems – must be supported and developed. It may happen that government forgets to implement the aforementioned mechanisms. It is up to the networks or social society organisations to remind government to do so. In 2012, the civil society networks in Benin were the driving forces of the development of a comprehensive child protection policy that contributes to the improvement of child protection across the country.

Recently, when the Network of Organisations that Care for Children in Need in Benin mobilised Members of Parliament to develop and to approve the *Child Code* known as Law No. 2015-08, it highlighted the need to provide for the role of child-care duty-bearers to implement all measures aimed at ensuring the prevention of the separation of children from their respective families and to promote the place of family as the most important environment for the development of the child (Article 10 of the Code). Once promulgated, the implementation of the Law will enable child-care stakeholders to engage in family-strengthening activities that will enable children to stay in their families instead of being

placed in alternative care. As such, the new Child Code is considered to be strongly in line with the ‘necessity principle’ of the Guidelines.

The importance of civil society organisations in providing family and parenting support

NGO networks, platforms and inter-agency advocacy and cooperation are increasingly becoming very important in the investment conducted for children and their families. In Nigeria, for example, civil society organisations use the Nigeria Network of Organisations as a framework to exchange experience on the provision of family and parenting support, the fulfilment of child rights and the implementation of the Guidelines³. Child-care stakeholders, including civil society organisations, are investing financial and other resources for the well-being of children and their families. The Guidelines have

positively influenced national child protection systems in many countries because they offer many new ideas to governments:

the improvement of alternative care standards (Namibia); in some other countries, such as Kenya, Tanzania, Benin, Togo, etc, the Guidelines have

provided civil society actors with new tools to conduct appropriate advocacy campaigns.

Providing support to parents in conjunction with interventions to tackle the root causes of poverty and social exclusion, and address structural barriers and inequalities, is very important to the creation of well-integrated societies. In fact, interventions such as parent support, education, training, strengthening family networks and peer support can participate in the building of parents’ self-esteem and skills, increase parents’ long-term employability, and enhance children’s well-being and development. Unfortunately, across many African countries for example, family and parenting support is not yet widely included in the agenda of governments. SOS Children’s Villages, which is among the first organisations to have initiated such activities in Africa, is trying to promote family and parenting support in accordance with the provisions of the Guidelines

Guidelines for the Alternative Care of Children

45. When a public or private agency or facility is approached by a parent or caregiver wishing to place a child in care for a short or indefinite period, the State should ensure the availability of counselling and social support to encourage and enable him or her to continue to care for the child. A child should be admitted to alternative care only when such efforts have been exhausted and acceptable and justified reasons for entry into care exist.



(Para. 32) among its partners in the different African countries where it operates.

The role of civil society in deinstitutionalisation and alternative care

Alternative child care is not a panacea. Many activities can be conducted before children lose parental care. As a result, the Guidelines highlight the importance of promoting parental care, the prevention of family separation, the promotion of family integration, in order to fight against the need for alternative care⁴. In 2011, the network of child care organisations called FODDET in Togo (West Africa) noticed that the law that regulated the creation of alternative child care centres was passed but not promoted among the concerned stakeholders. Subsequently, based on the Guidelines, this network successfully conducted an advocacy campaign that led to the promotion of the law with the full involvement of the network⁵.

In the Republic of Benin, the Network of Organisations that Care for Children in Need in Benin noticed that there was no law and no regulations that governed the creation and management of alternative child care centres in the country. They proposed a decree titled 'Norms and standards applicable to child protection centres' based on the Guidelines and with the support of UNICEF, and together the decree was proposed to government; the decree was signed on 6 November 2012 by the President of the Republic. The main contribution of the decree is the fact that it was expressly built on the key principles of the Guidelines: the principle of necessity, the principle of appropriateness, the prevention of alternative care and family strengthening to prevent children from falling out of the nest of their families (SOS Benin, 2012). When the decree was signed by the President of the Republic, capacity-building sessions were organised by the network to train owners of alternative child-care centres on the provisions of the decree. Funding was found to support organisations that face severe financial constraints. Follow-up strategies were implemented to ensure that alternative child-care centres that did not abide by the decree were reported to the Ministries of Justice and Family Affairs⁶. In August 2015, an organisation that was using children for fundraising purposes failing to

cater for the needs of the children that were accommodated in the centre was reported by the President of the network. Measures will soon be taken to close the concerned centre⁷; the children are already admitted to more suitable environments. Civil society in Kenya together with the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) developed national Guidelines for Alternative Care based on the UN Guidelines. The national Guidelines have helped to enhance the previous Kenyan legal framework and existing practices for children without parental care and those at risk of being separated from their parents⁸.

The role of civil society in participation

Participation of children is compulsory in order to ensure a comprehensive fulfilment of their rights. It is important for child-care duty bearers to build on existing mechanisms to involve children in service delivery and to consult them on policy planning, as well as to encourage professionals working with and for children to involve them. Mostly, the involvement of children in policy development planning and implementation is neglected for various reasons. It is up to civil society organisations to remind this important component of child rights to their peers and to government. When, for example, the national protection policy was being developed in Benin in 2013, the involvement of children in the development of the policy was not planned. This aspect could have been omitted without the insistence of the Network of Organisations that Care for Children in Need. In fact, upon the insistence of the Network, the consultation component of the policy was delegated to the Network, which organised many focus groups with children, including vulnerable ones, across the country⁹. In Cote d'Ivoire, the main network of organisations that care for vulnerable children recently held meetings to exchange experiences on how child participation can be enhanced following the ratification of the UNCRC and the implementation of the Guidelines¹⁰. Such activities are opportunities to develop actions plans and to follow up on how child participation is implemented in the country.



In Africa, civil society is getting tremendously active in the movement pushing for investment for children and families so as to prevent the unnecessarily separation of family members. Civil society organisations are meaningfully and structurally involved in the process of investment for children by governments. Hence, civil society organisations take part in developing, implementing, monitoring and evaluating social and other relevant policies as well as identifying and mapping best practices. Nevertheless, strategies should additionally be implemented to map and promote cross-country experience exchange among civil society, such as the exchange meeting held in 2013 among the child care networks and platforms of Togo and Benin (FODDET-CLOSE, 2013). Across Africa, civil society faces some problems such as political instability, disconnection from rural organisations, lack of unity, inadequate funding, government patronage, lack of internal democracy, lack of skills, corruption and lack of state support and partnership. Civil society should be supported to get strengthened so as to ensure effective service delivery for families through the creation of an enabling environment for their operation and to maintain a high degree of independence from the government¹¹.

References:

¹ See: www.respesd.org.

² SOS Children's Villages Benin (2012), *Advocacy Report*.

³ See: <http://www.nnngo.org>.

⁴ See Paras. 32-52.

⁵ FODDET and CLOSE (2013), *Rapport de la rencontre d'échange sur la CDE, la CADBE et l'EPU entre coalitions des OSC du Togo et du Bénin*.

⁶ RESPESED (2013), *Rapport d'activités*.

⁷ SOS Children's Villages Benin and RESPESED (2015), *Situation des enfants en danger dans un orphelinat de Lokossa*.

⁸ ANPPCAN (2012), *Annual Report*.

⁹ SOS Children's Villages Benin (2015), *Lessons learnt from Care for Me!*.

¹⁰ Forum ONG Enfance (2014), *Participation de l'enfant*.

¹¹ Omede, A.J. and Bakare, A.R. (2014), *The Impact of Civil Society Organizations on Sustainable Development in Developing Countries: The Nigerian Experience*.

PRACTICE

Promotion and support of foster care as part of family-based solutions in Asia

Ian Anand Forber-Pratt, Executive Director of Foster Care India and member of the Board of Directors of the International Foster Care Organisation presents foster care solutions in Asia.

In Asia, foster care is a concept that is both ancient and modern. Deeply rooted in many countries' informal care structures, the idea of caring for a child other than your own is not new. However, the idea of government involvement and regulated systems of care is a concept that is new to Asia and often misunderstood.

Today, in 2015, the dialogue and movement towards foster care at a policy and service delivery level is steadily increasing throughout Asia. Responding to the UN Guidelines for the Alternative Care of Children, a majority of the 50 Asian countries have engaged in conversation and strategic planning at national, state/district and

local levels about the need for family-based care. Yet, decentralised efforts to start foster care at the government and civil society levels can lead to inefficiencies in the development of family-based care reform.

This short presentation will frame the Asian context and address the following four topics:

1. The situation of foster care in Asia, including country examples;
2. The remaining challenges of implementing foster care;
3. The benefits of establishing a formal foster care system in Asia; and
4. The needed next steps for the promotion and support of foster care in Asia.



Out of the 50 or so countries identified in Asia, according to the macro-geographical regions by the UN Department of Economic and Social Affairs¹, this presentation briefly covers Bangladesh, Cambodia, India, Mongolia, Nepal, Singapore, Sri Lanka and Vietnam.

The situation of foster care in Asia, including country examples

Foster care attributed to joint family living arrangements (i.e. grandparents, aunts/uncles and children living in the same home) traditionally

absorbed the need for care and protection of children. As 'development' has spread across a majority of the countries in Asia, the joint family structures have broken down, yielding to nuclear families in exponentially increasing numbers. For example, 10 to 15 years ago, an Indian couple with two children lived with their parents, extended relatives and was tightly connected with their surrounding community. Now, in 2015, the same Indian couple has moved to a bigger city and has a more distant relationship with their joint family and past generations, who may live in a village area. Now, if an accident occurs and the Indian couple is no longer able to care for a child, their children, who are accustomed to a certain modern lifestyle, may not wish to move back to the joint family unit. Though preference to move back to a village is an important factor, the limits of access to education, social support and opportunity are contributing factors as well. This puts pressure on a government who could have said 10 to 15 years ago that 'this is a family problem', when now, they are forced, both socially and politically, to create and promote social initiatives to care for the children.

Foster care is practiced across Asia especially during times of emergency situations, but the formalisation of the system is still slow to be accepted and implemented. However there is progress. In Bangladesh, for example, a recent 2015 article marked one of the first public statements about foster care in the country's history: 'Health Ministry, the government has taken the plan as a part of its effort for making

the autistic and neuro-developmental children as worthy citizens of the country so that they could contribute to its socio-economic development. Gradually, the government will introduce the foster-family care service in the country and the work is on to prepare a concept paper in this

regard', a senior official of the ministry told UNB².

Agencies other than the government are likewise taking the lead on foster care initiatives. These initiatives are often without government's firm commitment to this family-based form of care and

nationwide systematic implementation. Some pilots include the Foster Care Pilot in Nepal (UNICEF and Terre des Hommes), the Foster Care Pilot in Vietnam (UNICEF), the Foster Care Program under development in Mongolia (World Vision and Save the Children) and the Sevana Sarana Foster Parents Scheme and Foster Parents Program of the Department of Probation and Childcare Services in Sri Lanka³.

The remaining challenges of implementing foster care

Stark differences exist when initiatives are Government-led and well resourced. For example, compared to the above pilots, China and South Korea have comparatively robust nation-wide foster care systems. The China Social Welfare Department statistics show there are 919 children under foster care across Hong Kong. The foster family pool comprises 938 registered families. The government spent HK\$ 115.6 million on foster care services in the 2012-2013 fiscal year, and increased the budget to HK\$ 130.7 million for 2013-2014⁴. This financial investment is paramount in the beginning years of a legal foster care system. Yet, financial investment is not enough.

The acceptance of the idea of foster care as a legitimate way to give children care and protection is one of the most fundamental barriers to the success of the system. Therefore more than resource, a true commitment by governments into promoting and supporting carers is crucial. In India, for example, the Minister of the Ministry of Women and Child

The Guidelines for the Alternative Care of Children define **foster care** (Para. 29(c)ii) as: *'Situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children's own family that has been selected, qualified, approved and supervised for providing such care.'*



Development has pushed the nation towards family-based care dialogue and awareness through new schemes, concentrated media efforts and the passing of legislation. The Indian government's task will now be to take the momentum created at the national level to the ground level. The bridging of the gap from policy to practice is of crucial importance for the sustainability of a foster care program (for further information on India's recently-issued *Model Foster Care Guidelines 2015*, see p. 3).

The benefits of establishing a formal foster care system in Asia

Since a formal foster care system (apart from kinship care) is a new concept and has not taken root in societies in Asia, the aforementioned limiting factors must be addressed. The benefits of having a formalised foster care system with dedicated resources, a pool of trained foster carers and clear competent authority support are:

- Foster care can be embedded into society;
- Carers can support each other, as well as keep other carers accountable (*e.g.* foster care associations);
 - Children receive the care and support they need to reach their full potential;
 - Carers retained for many years can support many children (*e.g.* carers, who have cared for 30 children over the course of 15-20 years).

The time is NOW for the systematisation and sustainability of foster care throughout Asia. As policies and procedures emerge on paper, it is time for practitioners to collaborate and demand quality and a community-base for service delivery. For a region with huge populations and deeply historical roots, the opportunities and responsibilities will be realised with the combined efforts of civil society and government in a joint effort to vision the much needed quality 'care' for our children and caregivers.

Moving forward: Next steps for the promotion and support of foster care in Asia.

The first step in promoting and supporting carers is the establishment of a formal and effective system of foster care. The better resourced the system, the more carers can concentrate only on delivering quality care to children in need of care and protection. Clear policies and procedures for the full range of foster

care situations helps carers to know what to expect and how to handle challenges. For example, if provisions for emergency foster care are set up with clear processes, children will not have to be institutionalised even during their initial entry into care.

In order to create such a foster care system in which not only the needs of children in various situations are met, but carers are also supported and given the importance they deserve, the following recommendations are suggested:

- Wider promotion of the UN Guidelines for the Alternative Care of Children;
- Effective national policy frameworks;
- Adequate and well-planned financing for foster care;
 - An effective child welfare workforce;
 - Reductions in the number of children in need of alternative care;
 - Supporting a range of care choices; and
 - Building research and understanding on foster care.

Guidelines for the Alternative Care of Children

Para 118. The competent authority or agency should devise a system, and should train concerned staff accordingly, to assess and match the needs of the child with the abilities and resources of potential foster carers and to prepare all concerned for the placement.

Para. 119. A pool of accredited foster carers should be identified in each locality who can provide children with care and protection while maintaining ties to family, community and cultural group.

Para. 120. Special preparation, support and counselling services for foster carers should be developed and made available to carers at regular intervals, before, during and after the placement.

Para. 121. Carers should have, within fostering agencies and other systems involved with children without parental care, the opportunity to make their voice heard and to influence policy.



References:


¹ See United Nations, Department of Economic and Social Affairs, accessed 3 August 2015, http://unstats.un.org/unsd/economic_main.htm.

² 'Foster care system in offering for autistic children's welfare', *The News Today*, http://www.newstoday.com.bd/index.php?option=details&news_id=2405855&date=2015-03-17. Please note: when one searches on the government's website under 'foster care', no information is currently available.

³ EveryChild (2011), *Fostering better care: Improving foster care provision around the world*, Positive care choices: Working Paper 2, June 2011, <https://www.everychild.org.uk/sites/default/files/docs/FosteringBetterCare.pdf>.

⁴ 'Finding someone who cares', *China Daily*, 28 February 2014, http://www.chinadailyasia.com/focus/2014-02/28/content_15121431.html.

Sources referenced:

■ Islamic Republic of Afghanistan, Ministry of Labour and Social Affairs (MOLSA) and UNICEF (2003), *Afghanistan Country Report*, <http://www.children-strategies.org>; Bell, T. (2007), 'Orphanages in 'children for sale' racket', *The Telegraph*, 10 March 2007, <http://www.telegraph.co.uk>; 

■ Parry-Williams, J. (2006), *Suggestions for a strategy to develop alternative care and diversion systems through government structures in Sri Lanka*, Save the Children in Sri Lanka;

■ UNICEF (2009b), *Analysis of Progress and Remaining Challenges in Childcare System Reform. Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan*, Discussion Paper for the 2nd Child protection Forum on 'Building and Reforming Childcare Systems', Bishkek, Kyrgyzstan, May 2009.

■ UNICEF (2008a), *What You Can do about Alternative Care in South Asia – An Advocacy Tool Kit*, UNICEF Nepal.

Investing in quality care that will result in the deinstitutionalisation of children in Europe and globally

Dr Maria Herczog, former member of the Committee on the Rights of the Child, astutely explains the importance of high-quality sustainable deinstitutionalisation processes that are rights-based and more effective in the long run.

There have been many attempts made in many countries for many years to prevent the separation of children from their families, placing those in need of out-of-home placement into family, community-based alternative care for the shortest possible period and reuniting them with their families if possible. The UN Guidelines for the Alternative Care of Children have become an essential tool helping decision and policy-makers, practitioners, service providers working in child welfare and protection to learn about the possible child-rights-based approaches on how to assess and make decisions on children at risk or separated from their families. These aim to provide States with information on the principles, possible policies and practices of prevention, service provision and placement options.

The handbook *Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children'* was developed by CELCIS and a group of NGOs and experts, and was launched in 2013 to support the implementation of the Guidelines by offering practical methods and information¹.

The need to reform welfare and protection systems

An increasing number of governments are confronted with the need to reform and restructure their welfare and protection system for all, including children, considering human rights, individual needs, professional arguments and evidence, limited resources and financial considerations as well. The focus has been on avoiding institutionalisation by providing high-quality local universal, targeted and specialised services to persons, families in vulnerable situations, by strengthening families, communities and ensuring the active participation of all actors, including family members and communities.

Paradoxically, poverty has been in all countries the main root cause of separation of children and of their placement into institutions but, despite the evidence on the harm caused, there has not been much effort made to learn more about the costs and outcomes, long-term impact on children and the effects of referring them into care.

The current climate of austerity has accelerated the pressure to evaluate the ways public money is



spent, including the effectiveness, efficiency and outcomes. Many countries have made very difficult choices about budget cuts, mostly on health, education and social service provisions, despite the growing needs and social problems occurring during the crisis. Early intervention, prevention, community and family-based care are easy targets because the outcomes are more likely to be long-term and therefore more difficult to measure and politically often not supported for different reasons.

Many countries have child protection systems with an over-dependence on institutional, residential care, despite the overwhelming scientific evidence on the detrimental effects of institutional and residential care on children's emotional, physical, mental and social development, the poor outcomes and very high costs. Other countries have limited or very poor quality services at all levels in all areas, including health, education, social support, accelerating the already existing problems and depriving many, including children, from access to them.

Deinstitutionalisation and investing in family and community-based alternatives

Deinstitutionalisation – the process of strengthening families, preventing family breakdown, and putting in place more appropriate forms of alternative care for children, reintegration into their family – requires substantial and long-term strategic investment, careful planning, on-going monitoring and evaluation, follow-up. This presents a huge challenge to advocates pushing for system-wide child welfare and protection reform, both for prevention, early intervention and reintegration purposes, to conduct a high quality sustainable deinstitutionalisation process.

Despite the current political and economic challenges, there is a considerable momentum worldwide to move away from institutional, residential care to community and family-based alternatives. There have been successful attempts and substantial policy changes made in recent years, for instance in Romania, Bulgaria, Moldova, among other countries, to prevent separation, reintegrate children into their families, developing foster care and family services, and raising awareness about the rights of children to be

brought up in their own families or in quality alternative care and the harm institutions can cause.

Deinstitutionalisation is perceived by many as being a short-term cost saving measure, not requiring parallel and additional resources and often meant as closure of institutions without proper alternatives and family preservation efforts. In fact, high-quality intervention and support are, by no means, cheaper than institutions but they are rights-based, reaching out to the entire community; they are far more effective; and their impact on the children, families and society is positive in all means. Cost-benefit analyses are a very useful tool to measure the investment and outcome in many ways, but cannot provide the whole picture. Social return of investment is aiming to draw a more complex picture of all the possible areas that count on both sides, taking into consideration not only easily quantifiable elements but emotional wellbeing, savings or avoiding harm, etc.

Consideration has to be given to how to develop a complex model, including economic elements, that adequately reflects the complexity of child welfare and protection systems, their links with health, education, criminal justice and social welfare, and the difficulty to establish direct cause-and-effect relationships between decisions on policies and practices, allocation of resources, implementation, direct services and indirect impact on outcomes on children, families and the community. Taking a holistic perspective is important as it is increasingly recognised that integrated services and inter-agency work, mobilisation of the children's and the families' own resources are important factors in improving outcomes for children, just like the flexible funding opportunities where 'money follows the child' and is not sectorial or authority-based.

The availability of consistent and reliable data on the direct and indirect costs of all types of services, as well as the outcomes for children and families, represents another key challenge.



Promising practice: Opening Doors for Europe's Children

Activities conducted during the 'Opening Doors for Europe's Children' campaign have demonstrated many good examples on how to mobilise hidden resources, encouraging all actors and mutually learning from each other, at local, national and international levels. In other regions, like in Africa, there have been attempts made to develop indicators, analyse the costs and benefits to ensure the wellbeing of children. The inter-sectorial cooperation of professionals, regular

evaluation and case conferences on learning from the experiences, better allocation of resources to local, universal and targeted services, family group conferences to involve all family members are useful examples that can be adapted in the different countries in accordance with the local needs and circumstances. There is a long way to go, thinking and working together to demonstrate the economic proof of the professional evidence in the Guidelines for the Alternative Care for Children.

Reference:

¹ Cantwell, N.; Davidson, J.; Elsley, S.; Milligan, I.; Quinn, N. (2012), *Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children'*, UK: Centre for Excellence for Looked After Children in Scotland, <http://www.alternativecareguidelines.org>.

INTERDISCIPLINARY RESOURCES

Migrant children: Beyond the numbers

Ludín Caballero de Chávez, Director of Programme Operations at Save the Children El Salvador, describes the challenges faced by unaccompanied and separated children in Latin America, highlighting potential avenues for improving this difficult situation.

Beyond the numbers of children in a situation of illegal migration, *i.e.* beyond the numbers of children caught by border security systems in transit or destination countries, or the numbers of children returned precisely to those countries, which they left running away from violence, poverty, lack of opportunities or because they wished to be reunited with their families, or even beyond the numbers of children, who are walking through deserts, crossing rivers and trying to pass unnoticed to the migration authorities, or in the worst cases, of children caught by organised criminal groups resulting in them being at risk of death or other forms of violations... Beyond these numbers, the strengthening of national protection systems – as a strategy to prevent the illegal migration of children, in particular that of unaccompanied children, and in order to provide them with child-rights-based care – becomes an imminent need that cannot be postponed.

The importance of numbers

And I say 'beyond the numbers' without any intention of minimising the research undertaken in this regard. On the contrary, the studies undertaken by UN agencies, human rights organisations, the academic sector and others have fulfilled and continue to fulfil their mission of disclosing the denial of rights, which children face in their countries of origin, transit and destination, and even more so, the numbers, which demonstrated that, for example, between October 2013 and August 2014, the number of families that migrated illegally to the U.S.A. increased by 412% compared with the same period in the previous year, and even more revealing: that, in 2014, over 66,127 children¹ undertook this journey being unaccompanied, *i.e.* without any adult person, and that 18,000 children were detained and subsequently repatriated. Furthermore, the disaggregated numbers by country showed that, for most of them, these children came from Mexico and, in particular, from the countries known as 'Central America's Northern Triangle', which includes El



Salvador, Guatemala and Honduras, and estimated that the increase in unaccompanied migrant children was of about 92% in comparison with the previous year.

An assessment study undertaken in Central America by RELAF, UNICEF and Save the Children in 2014² showed that the increase in the number of migrant children and their families was soon described as a 'humanitarian crisis' and, as such, the actions of the involved governments, NGOs and international organisations mostly based themselves on its description as a 'humanitarian crisis' and therefore, most actions had a humanitarian intervention approach, *i.e.* the provision of basic services to cover the immediate needs of migrant children, as would occur in emergency situations. Many of our institutional interventions were included in the latter. However, when looking beyond the numbers and searching for the implementation of a child-rights approach in accordance with relevant international instruments, Save the Children integrated and led efforts to provide a more sustainable solution.

In the search for a systemic approach to the care of migrant children, the assessment undertaken by RELAF, UNICEF and Save the Children studied the operation of domestic protection systems in Mexico, Guatemala, Honduras and El Salvador, in order to have a basis to suggest a model of policies and services that would ensure the adequate protection of migrant children and their long-term reintegration. The outcomes identify the operational and institutional shortcomings, and the economic, social and cultural factors that generate a gap between domestic and international legal progress and the measures in practice.

Important findings on various countries

The study highlights critical aspects applicable to the countries subject to the study in relation to:

1. The lack of coordination amongst those bodies, which, within countries of origin, must safeguard the rights of children at local and national level;
2. The absence or weakness of a steering entity that coordinates, in practice, the actions of governmental and non-governmental bodies;
3. The poor development of decentralisation

processes for programmes and services, which, in addition to having low coverage, are not accessible in the poorest regions of each country;

4. The shortage of specialised responses to the causes that lead to migration, including violence, poverty, lack of access to services and the feeling of a grim future. Sometimes, States launch 'preventive' campaigns, which draw attention to the dangers along the journey, in order to discourage migration, instead of focusing on its causes and trying to solve them;

5. The poor application of state enforceability mechanisms, in particular those that entail the participation of children;

6. The lack of monitoring and support to migrant children, who have returned, once they have been reintegrated into their families and communities;

7. Weakness in the development of intervention standards for the care and protection of the rights of migrant children. Some countries have harmonised their laws and protocols, but their actions usually have an approach based on assistance and humanitarian intervention, instead of focusing on the comprehensive fulfilment of the human rights of children;

8. Persistence in the application of mostly institutional options for the care of migrant children, which, in practice, are similar to detention or deprivation of liberty; and

9. Finally, the issue of migrant children is disappearing from domestic budgets, other than the investment in responses to the basic needs in repatriation centres.

For the future

Based on this knowledge, RELAF, UNICEF and Save the Children have issued specific recommendations to Mexico and the countries of the Northern Triangle, based on their political and operational characteristics with regards to migrant children, but also general recommendations applicable to the region as a whole, such as:

1. To strengthen the dialogue amongst all countries in the region, in order to create regional policies that would improve the living conditions in societies of origin and in situations of displacement of migrant children and their families;



2. To promote the implementation of intervention standards in relation to migrant children, in particular those, who are unaccompanied, in the design, implementation and monitoring of plans and programmes. These standards must be based on the Guidelines for the Alternative Care of Children, which require States to base their care systems on family-type rather than institutional options. For the latter, the authors have drafted a handbook on international human rights standards applicable to migrant children³, which is a concrete and detailed proposal of options to operate the care of returned migrant children;

3. Finally, and even though progress in the training of the personnel of bodies that work with children is welcomed, it is recommended that the staff that work with migrant children is constantly strengthened.

Furthermore, the authors emphasise that the policies and services to protect children must have a systemic and well-coordinated approach,

with a steering body that coordinates the actors in the system, with a decentralised approach towards districts and municipalities, with a high degree of participation of civil society and child-related organisations, and with the operation of an independent rights protection body, which ensures the application and enforcement of the principles of the UNCRC, as well as an adequate budgetary allocation for the operation of programmes that address the causes of illegal child migration and offer relevant responses to repatriated children.

The protection of the rights of children is also incumbent on the international community and its organisations, in order to ensure, amongst others, that the state bodies in countries of destination, transit and origin communicate through their Consulates, Ministries of Foreign Relations and those in charge of children's issues, and have a protocol for this dialogue, in order to safeguard the rights of these children at any given time during the journey and return⁴.

A coordinated set of actors will help, amongst others, for the moment when the children are rescued on the territories or at the borders of transit or destination countries to be just that, a rescue and not a detention, and for their policies and procedures to be amended in accordance with the principle of the best interests of the child, and to call upon their understanding that they are working with a child and that this perception prevails over the child's migratory condition, given that when changing this perception, their procedures in their regard could change considerably.

References:

¹ U.S. Customs and Border Protection, Southwest Border Unaccompanied Alien Children Statistics FY 2016, <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>.

² RELAF, Save the Children and UNICEF, *Niños, niñas y adolescentes migrantes retornados. Un análisis de los contextos y las respuestas de los servicios y las políticas de protección en El Salvador, Guatemala, Honduras y México*, 2015, http://www.unicef.org/lac/informe_migrantes_retornados_final.pdf.

³ RELAF, Save the Children and UNICEF, *Manual Sobre Estándares Internacionales de Derechos Humanos Aplicables a Los Niños, Niñas y Adolescentes Migrantes*, 2014, <http://resourcecentre.savethechildren.se/library/manual-sobre-estandares-internacionales-de-derechos-humanos-aplicables-los-ninos-ninas-y>.

⁴ Additional information by ISS/IRC: An effort has been made in this direction in Mexico with the publication of the *Protocolo para la atención consular de niñas, niños y adolescentes migrantes no acompañados*, Secretaría de Relaciones Exteriores, 2015, <http://proteccionconsular.sre.gob.mx/index.php/documentos/protocolonna>.



Family for Every Child undertakes research on the linkages between social protection and child care in Ghana and Rwanda

Two 2014 research studies explore the links between the Livelihood Empowerment Against Poverty Programme (LEAP), child wellbeing, children's care and family cohesion in Ghana¹, as well as the links between the Vision 2020 Umrurenge Programme (VUP), child wellbeing, children's care and family reunification in Rwanda².

This research is part of a wider study on the linkages between social protection and children's care in Rwanda, Ghana and South Africa. It was led by Family for Every Child and the Centre for Social Protection at the Institute for Development Studies in the United Kingdom. In Ghana, Challenging Heights was the leader, whilst in Rwanda, Uyisenga Ni Imanzi, a Rwandan NGO, member of Family for Every Child, led the study. The ISS/IRC welcomes this innovative research, which provides some evidence of how social protection schemes can in fact prevent the unnecessary separation of children from their families.

Social protection schemes: LEAP and VUP

LEAP in Ghana gives participating households a cash transfer every two months, depending on the number of 'eligible members'. These households are extremely poor and have at least one member caring for one orphan, or someone, who is elderly or disabled and unable to work. All the members of these households also receive free enrolment in the National Health Insurance Scheme.

VUP in Rwanda is directed at very poor families and consists of four pillars: cash transfers to extremely poor households where there is an adult unable to work; paid employment on community-asset building projects at extremely poor households where an adult is able to work; the provision of access to savings, credit and financial institutions; and training and sensitisation.

Questions raised

The research addresses three questions:

1. What is the link between social protection and the quality of children's care?
2. What is the link between social protection and the loss of parental care or family separation?
3. How does social protection influence decisions about foster or kinship care?

Main findings

Finding 1: The benefits of the programmes

Both in Ghana and in Rwanda, the programmes improved material and non-material aspects of care for children. It is very interesting to note that children refer to non-material aspects more frequently than adults. In Ghana and Rwanda, children seem to understand that the lack of love, affection and misunderstandings are linked to poverty and therefore, the programmes improve these aspects of care. In Rwanda, the issue of alcoholism is raised, and how alcoholism can be caused by poverty but can also lead to poverty.

Both in Ghana and in Rwanda, the programmes seem to benefit unequally to all children: older children, girls and non-biological children seem to benefit less from the programmes, especially in terms of affection.

Finding 2: The differing impact of the programmes

In Rwanda, the VUP programme supports family reunification and the LEAP programme in Ghana prevents family separation. In Rwanda, the majority of children live with their parents. Most children leave home to find a job and one of the main causes of separation is poverty. Therefore

The report mentions that, in Rwanda, a large number of children are placed in kinship care with grandparents heading the household or nieces or nephews taken into the family unit. Other children are placed in foster care with friends, neighbours or community members. 20% of children under the age of 21 are single or double orphans and 30% of households include non-biological and/or orphan children. In 2011, 3,323 children were living in 33 residential institutions.

In Ghana, the report indicates that 57% of Ghanaian children aged 0-17 live with both biological parents, while 17% live with neither; and 8% of children have one or both parents deceased. The rate of informal kinship care is very high: the number of children per household ranges from 2-22. In 2010, 4'500 children were still living in institutions.



the VUP programme helps children to return home, because of the family's improved living conditions. In a few cases, VUP money can cause conflicts, alcoholism and therefore lead to family separation.

In Ghana, the most common cause for separation is also poverty and lack of adequate housing, families being very large. In this country, it is also mentioned that family separation can be caused by child trafficking and child labour. LEAP can therefore reduce family separation by improving the living conditions of the family. Like in Rwanda, the money may also be misused.

Finding 3: The remaining challenges of the programmes

In Rwanda, the VUP Publics Works element, which provide employment for one adult member, may prevent this adult from providing high quality care because it adds to their existing tasks. Women, who are pregnant or lactating, should do less physically demanding work.

In Ghana, irregularities and delays in the cash transfers prevent the beneficiaries to plan in the future. Moreover, the beneficiaries should be trained more on using the money and how to avoid treating children unequally (especially biological and non-biological).

The research further notes that in Ghana and Rwanda, cash transfers – as an incentive – have dual positive and negative effects. The transfers give support to those providing foster/kinship care for children, but some adults in Rwanda mention that sometimes people take care of non-biological children only to get support. In Ghana, respondents mention that the cash transfers help provide for children's basic needs but they also fear that in some cases the money is used for their own benefit or for biological over non-biological children.

Recommendations

This research includes recommendations such as:

- the ongoing care reform in Rwanda should strengthen the link between the VUP and child protection services; it is essential to adapt the public work component of the VUP programme to pregnant and lactating women;
- concerning LEAP, the report notes that payment delays and arrears must urgently be addressed as well as ensuring that the size of the transfers be increased depending on the size of the household;
- in both programmes, it is essential to strengthen awareness raising activities to ensure that all have equal access.

References:

¹ Family for Every Child, *Researching the linkages between social protection and children's care in Rwanda, the VUP and its effects on child well-being, care and family reunification*, April 2014,

http://www.familyforeverychild.org/sites/default/files/resources/Rwanda_social_protection_report-web.pdf.

² Family for Every Child, *Researching the linkages between social protection and children's care in Ghana, LEAP and its effects on child well-being, care and family cohesion*, October 2014,

<http://www.familyforeverychild.org/sites/default/files/resources/Social%20protection%20Ghana%20report.pdf>.



ADDITIONAL REFERENCE DOCUMENTS

- *United Nations Guidelines for the Alternative Care of Children*, 2009, UN Doc. A/RES/64/142.
- Working Paper *De-institutionalisation and quality alternative care for children in Europe: Lessons learned and the way forward*, Eurochild and Hope and Homes for Children, 2012.
- *Deinstitutionalisation Myth Buster*, Eurochild and Hope and Homes for Children, 2012.
- *Common European Guidelines on the Transition from Institutional to Community-based Care*, European Expert Group on the Transition from Institutional to Community-based Care, 2012.
- *Opening Doors Campaign: The theory of change* (internal working document).
- *Toolkit on the Use of European Funds for the Transition from Institutional to Community-based Care*, European Expert Group on the Transition from Institutional to Community-based Care, 2012.
- *Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children'*, 2013, <http://www.alternativecareguidelines.org>.
- *Towards a stronger economic evidence base to support child protection reform: from institutions to family based care and community level services*, Submission to the UN Office of the High Commissioner for Human Rights' Report on Better Investment in the Rights of the Child, by Eurochild, Hope and Homes for Children and SOS Children's Villages, 2014.
- *Are European Structural and Investment Funds opening doors for Europe's institutionalised children in the 2014-2020 programming period?: An assessment of the attention for deinstitutionalisation for children and the involvement of children's organisations in the ESIF implementation process across eight EU Member States*, Opening Doors Campaign, 2015.
- Report of Eurochild's 11th Annual Conference *Children First: Better Public Spending for Better Outcomes for Children and Families*, 2015.

FORTHCOMING CONFERENCES AND TRAININGS

- **Australia:** *Children & Families Across Borders, Challenges and Opportunities for Action*, International Conference, ISS Australia and the University of Melbourne, Melbourne, 4 – 5 April 2016. For further information, see: <http://www.iss2016melbourne.net/>.
- **Sri Lanka:** *Residential Child and Youth Care in a Developing World – Caring to Notice!*, First International Conference, Colombo, 23-25 February 2016. For further information, see: <http://youthstudies.co/2016/>.
- **Switzerland:** *Santé et développement de l'enfant adopté: de l'accueil à la recherche d'origine*, Training days, Espace A, Lausanne, 17 March and 10 November 2016, registration until 8 February 2016. For further information, see: <http://www.espace-a.org/>.
- **United Kingdom:** *Exploring the principles of child protection*, Lunch and Learn Seminars, ChildHope and Consortium for Street Children, London, monthly. For further information, see: <http://www.streetchildrenresources.org/resources/childhope-lunch-learn-seminars-exploring-the-principles-of-child-protection-2/>.

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 publication of this Monthly Review: Andorra, Australia, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Luxembourg, Malta, Monaco, New Zealand, the Netherlands, Norway, South Africa, Spain, Sweden and Switzerland.

