

# Child Rights Situation Analysis

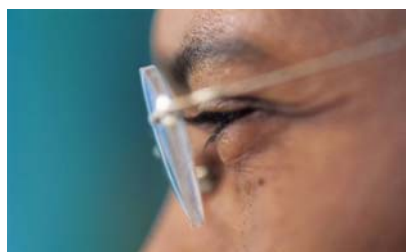
## Rights-Based Situational Analysis of Children without Parental Care and at risk of losing their Parental Care

### *Global Literature Scan*

*November 2006 - Summary Paper*

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*“My vision of 2020 is no more war, but peace for all children. Children will be able to live with their own parents and our existing SOS Children’s Villages will be more than enough. Our existing facilities create a brotherhood to help children live in their families.”*

(Helmut Kutin, SOS-Kinderdorf International Directors Meeting, 15.03.02)

This report forms the summary paper from a global scan on a key rights based analysis identifying global and regional trends concerning children without parental care and/or at risk of family breakdown (with attention to differing socio-political, cultural contexts). Key analyses of rights violations for this target group, the root causes as well as targeting strategies are described. Identification of key duty bearers (at a range of levels) including their responsibilities are also outlined, with a particular focus on obstacles preventing the fulfilment of children’s rights by State governments. Key strategies of UN and INGO agencies are described, as well as a range of prevention and out of home care options. The document at hand summarizes the information available in the full version of the global scan as well as an accompanying set of papers, providing more in-depth information to specific areas of research:

- Our target group - towards a clearer definition of vulnerability
- Intervention strategies of key agencies working with children without parental care
- Different options in implementing prevention work and out-of-home care

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## 1 Introduction

**The UNCRC provides a key framework to guide programme and policy interventions with and for children without parental care.** The preamble of the UNCRC emphasises the role of family as *'the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children.'* According to the key principles of the UN CRC (non-discrimination, best interest, participation, survival and development), working from a child rights perspective means recognising children as rights holders and social actors, and creating child-friendly environments, as well as addressing the root causes of rights violations. It means Governments should be recognised as primary duty-bearers accountable for fulfilling, protecting and respecting children's rights. It also means recognising parents and family as the primary caregivers and protecting and supporting them in this role. It implies using participatory and empowering approaches, working in partnerships and alliances for promoting the rights of the child.

The purpose of this analysis is to provide a global overview about the general situation of children without parental care as well as children at risk of losing parental care. Information regarding key trends, overall analysis of rights violations for this target group, the root causes, as well as targeting strategies are summarised. Identification of key duty bearers (at a range of levels) and key strategies to meet the needs and rights of children in this target group are also outlined. While attention is drawn to the importance of understanding children within the specific socio-cultural, economic, political context in which they live, it should be noted that a global scan cannot address specific regional or national realities in detail; therefore this analysis should be enriched by further analysis at regional, national and local levels.

For SOS Children's Villages, this analysis provides a key ingredient to inform their next global strategic planning process 2009-2012. Furthermore, this analysis is used as a foundation for further in-depth analysis processes taking place for the development of core policies regarding HIV/AIDS, education and children with disabilities.

In terms of methodology, an external consultant, experienced in child rights analysis, was leading this research process content wise, supported by three colleagues from the SOS-Kinderdorf International Office. A global scan of key literature was undertaken to inform the development of an initial draft of this report. In a second phase, international NGOs and UN agencies working in a similar context as SOS-Kinderdorf International were contacted for key information to further elaborate on specific issues and strategies. It should be noted that desk research exclusively is a valuable analysis method for a global analysis; however it cannot replace the value of more direct consultation and participatory processes with relevant stakeholders, including children and their family members, as well as national and local level policy and practice analysis – both of which are key for conducting a thorough national child rights analysis.

## 2 Children without parental care: definition, estimation and targeting

Groups of children living without parental care include: Children who have lost one or both parents as a result of HIV/AIDS, conflict, illness or other cause; Children living in child headed households; Children who have been separated from parents, usually in the context of armed conflict or natural disaster; Children living in residential institutions; Children who have been placed in an alternative care setting as a result of an administrative decision or a court ruling that removal from parental care is in the child's best interests; Unaccompanied children who arrive in another country seeking asylum or immigration, or as a victim of trafficking; Children who are left without care for the majority of the day/night for different reasons (including: parents illness, disability or alcoholism; parents away working long hours; parents imprisonment); Children who live and work away from their home; Children associated with armed forces; Children who leave their family home, including runaways and children living on the streets (ISS & UNICEF, 2004).

All available evidence presents an alarming picture regarding the increasing scale of children's care needs across the globe, particularly as a result of the growing HIV/AIDS pandemic (UNAIDS/UNICEF/USAID,

2004). **Millions of children around the world live in out-of-home care settings or are otherwise separated from their parents, including:**

- 143 million orphans across Sub-Saharan Africa, Asia, Latin America and the Caribbean (by end 2003)
- 1.5 million children in out-of-home care settings in Central and Eastern Europe and the CIS, including 900,000 in residential facilities. The majority are NOT orphans and children with disabilities are over-represented in this group.
- Every year thousands of unaccompanied minors arrive as potential immigrants or asylum seekers in the industrialised countries.

Children in out of home care situations are at increased risk of facing different forms of discrimination, abuse and exploitation, including trafficking and sexual exploitation (1.2 million children are trafficked every year, 5,7 million children work in difficult circumstances, including bonded labour and 2 million children work in the commercial sex industry).

**Targeting is a way to ensure that the most deserving needy are given priority, regardless of geographic regions, ethnic groups and clans.** As there will always be more orphans and vulnerable children than a project can afford to support the main two questions are: how many orphans and vulnerable children can the project assist and who should be given priority? There are three main forms of targeting: a) geographical targeting with (local) stakeholders or by statistics; b) identifying children outside the family with spot census or specialized surveys; or c) identifying children on a community-level. It is recommended to choose a community-based selection procedure which has two advantages: it strengthens the ability to identify the children who are indeed most in need and it strengthens the community ownership of the intervention. Selection criteria should be easy to understand by the community, easy to use by the project implementers, low-cost to monitor and verify, strengthen the children's ties to their community rather than detach and isolate them, allow transparent selection processes and avoid stigmatizing the beneficiaries (World Bank, 2005a).

### 3 Key global and regional trends<sup>2</sup>

**Children must be considered in their broader context, as a range of socio-political, cultural and economic factors impact upon their and their families' lives.** Furthermore, social policy is influenced by culture, history, politics and a range of other factors (Moreno and van Dongen, 2005). Consideration of the wider context also helps us to identify key global or regional trends in relation to children without parental care and/or at risk of family breakdown.

- **Globally, too many children are unnecessarily deprived of parental care due to poverty and its impact upon the family** (Anglade, 2005; Cantwell, 2005; ATD Fourth World, 2004; UNICEF, 2005; SOS-Kinderdorf International, 2005)

In different regions of the world, poverty is repeatedly described as the first reason for families resorting to institutional care or alternative care placements for their children. Children in families affected by poverty are at greater risk of institutionalisation, entering a life on the street, and becoming victims of sexual exploitation, including trafficking.

- **Disability is one of the main reasons for children being placed in institutions in CEE/CIS region** (UNICEF Innocenti Insight, 2005)

During the economic transition in the CEE/CIS region there have been increased rates of institutionalisation of children with disabilities under three years old (UNICEF Innocenti Insight, 2005). Use of the medical model and the soviet discipline of defectology have compounded this trend in this region (Carter, 2005; UNICEF Innocenti Insight, 2005).

- **Discrimination arising from ethnicity has also resulted in increased institutionalisation of children, separating them from their parents.**

For example, in Eastern Europe Roma children are more likely to be labelled with a disability (UNICEF Innocenti Insight 2005) and they are over-represented in the care system (Carter, 2005; Tolfree, 2005; UNICEF

<sup>2</sup> Some issues like gender, teenage mothers, child soldiers, birth registration, sexual orientation, children in conflict with the law and sexual exploitation which are not mentioned separately in the present paper are very likely to rise in the more detailed regional analysis.

Innocenti Insight, 2005). Furthermore, in Canada aboriginal children are over-represented in the Canadian child welfare system.

- **In Sub-Sahara Africa, parts of Asia, Latin America and Caribbean there are increasing numbers of children being orphaned as a result of HIV/AIDS** (UNAIDS/UNICEF/USAID, 2004).

There are growing HIV/AIDS epidemics in Eastern Europe, Central Asia and East Asia. Within Sub-Sahara Africa the majority of orphans are being cared for by their relatives, but with insufficient support (UNAIDS/UNICEF/USAID, 2004; Save the Children 2005; World Vision, 2005).

- **Worldwide more than 13 million adolescent girls give birth each year and most of these births take place in developing countries.** (Save the Children, 2004)

Young mothers often struggle socially and economically, and their children are likely to repeat the cycle of poverty. In many parts of the world particularly in contexts with strong religious beliefs (Islamic, Christian or Hindu) a child and the mother are stigmatised and discriminated against if the child is born out of wedlock (Economic and Social Council Commission, 2000).

- **The rate of child trafficking has been increasing since the late 1980s** (Van Reisen & Stefanovic, 2004).

Although reliable global statistics are impossible to compile, it is estimated that trafficking affects about 1.2 million children each year (UNICEF, 2005b). In Africa poverty is recognised as the most visible cause for trafficking in human beings. Besides poverty the particular vulnerability of women and children makes them an easy target for traffickers (UNICEF Innocenti Insight, 2005a).

- **The exact number of street children is impossible to quantify, but it is likely to number in the tens of millions or higher, some estimates place the figure as high as 100 million.**

Most street children are not orphans. Many are still in contact with their families and work on the streets to augment the household income. Many others have run away from home, often in response to psychological, physical or sexual abuse. Once on the street, children become vulnerable to all forms of exploitation and abuse. (UNICEF, 2005b; Martin and Parry-Williams, 2005).

- **At the end of 2004, roughly 48 per cent of all refugees worldwide were children; and 25 million people were displaced within their own countries by conflict or human rights violations.**

Refugee and internally displaced children may become separated from their families, lose their homes and find themselves living in poor conditions that jeopardize their health and education. The loss of family protection can leave them at significant risk of military recruitment by armed groups and forces, abuse and sexual exploitation. (UNICEF, 2005b).

- **The numbers of separated children seeking asylum in industrialised countries peaked in 2001 and has since declined, but remains a significant concern.**

The majority of separated children seeking asylum are male (Ruxton, 2005). During complex asylum and immigration processes children may be detained, they may lack the support of an adult guardian or a legal representative and may not have access to: appropriate food, housing, education, health, social care and cultural links (Smith, 2003).

- **There is increased global attention on levels of violence faced by children in different settings, including within family homes, institutions and alternative care settings.**

Emotional, physical and sexual abuse faced by children within the home is one of the main reasons why children may be removed from family care (by State authorities) or choose to run away from their family (International Save the Children Alliance, 2005; Martin and Parry-Williams, 2005; SOS-Kinderdorf International, 2005). Girls face increased risk of sexual abuse, whilst boys face increased physical violence (Save the Children, 2005). The prevalence of abuse within residential care settings in Western Europe has been highlighted in the past decade, with an increased numbers of in-depth public investigations.

- **There is a global concern to redefine the residential care system and to support family based models, including prevention work with biological families.**

There has been a decline in use of institutional care in Western Europe since the 1970s, with increased prevention work with families, gate-keeping and de-institutional care efforts. Furthermore, in the past 15 years de-institutional care processes have been supported by the World Bank, UN agencies, EU and INGOs in Central and Eastern Europe, the former Soviet Union, as well as in other parts of the world (see UNICEF

Innocenti Insight, 2005; Bilson and Gotesan, 2002). Where institutions exist (or are developed) they are often inappropriately called orphanages, as very few children in institutions are genuine orphans (Tobis, 1992, Carter, 2005; Cantwell, 2005; Williamson, 2004a).

Kinship care is the most prevalent form of care for children affected by HIV/AIDS in Africa, Asia and Latin America, where 90% of children are in kinship care (Cantwell, 2005). Kinship care is also prevalent in the USA. Furthermore, there are efforts to increase use of kinship care in the UK and Australia where the foster care system is becoming over-burdened there (Cantwell, 2005). There has been a significant rise in the rate of a type of kinship care (guardianship) in many of the states of Central and Eastern Europe and the Caucasus (Gudbransson, 2004)

Faith based organisations (FBOs) are playing an increasing role in providing or supporting care of children orphaned or made vulnerable by HIV/AIDS (Tolfree, 2005, Firelight Foundation et al, 2005). While some faith based organisations (Islamic and Christian) continue to establish institutions for children, increasing numbers of FBOs are running and supporting more effective community based prevention, care and protection initiatives (Firelight Foundation et al, 2005; Williamson 2004a).

- **In the past decade there has been a significant shift towards recognising children and young people as social actors, and supporting their participation.**

Empowering girls and boys as right holders, supporting them to assert their rights and participate in all decisions affecting their lives is key to rights based work. In understanding and responding to the situation of children without parental care and/or at risk of family breakdown it is crucial to listen to the views of girls and boys of different ages and abilities. Furthermore, in practice developments there has also been a shift from focusing solely on risks and vulnerabilities to identifying and building upon the positive coping strategies and resilience of marginalised children, young people, their families and communities (see Boyden and Mann, 2000).

#### **Highlights of children's recommendations in relation to children without parental care:**

- need more preventative work with families, including increased social benefits to families;
- enact laws which protect children from violence in all settings and let children know their rights;
- support child participation initiatives, and involve children and young people in policy and programme developments affecting them;
- avoid placing young offenders in jail, have alternative responses in the community;
- continue to support children when they leave institutions, so that they have a place to live, to study or to work;
- where-ever possible enable children to live with families rather than in institutions.

(Save the Children, UN Secretariat 2005)

- **The shift to rights-based approach is one of the most fundamental trends affecting the work of a range of development and relief agencies in recent years.**

Over the past ten years, rights-based approaches have gained widespread acceptance among UN organisations, NGOs and donor agencies. *"The rights based approach ... means describing situations not in terms of human needs, or areas for development, but in terms of obligation to respond to the rights of individuals. This empowers people to demand justice as a right and not as a charity."* (Mary Robinson in CRIN, 2005, p. 4) A rights based approach is basically about challenging the power relations that lie at the root of poverty, exploitation, discrimination, violence and abuse. This requires an in-depth analysis of power and politics and the processes that support people to claim their rights and motivate people in power to fulfil their obligations. (Theis, 2005)

Several initiatives were undertaken in order to find out what are the most successful ways to implement a child rights based approach. (INTRAC, 2003, Save the Children, 2005). All these studies came to the conclusion that *"there was no blueprint for what child rights programming, or a rights-based approach more generally, entails or how an organisation should go about implementing it. The challenge has been to create a fundamentally new way of working"* (Save the Children, 2005).

## 4 Child Rights Violations concerning Children without Parental Care

**All groups of children without parental care face increased risk of abuse, exploitation and violence, including sexual exploitation, risk of being trafficked and recruitment to the armed forces (Yuster, 2005; World Vision, 2005; UNICEF/World Bank 2002; UNICEF, 2005b).**

When children are without parental care they often **enter a negative cycle of marginalisation, discrimination, abuse and exploitation**. A child who has lost his or her parents (due to different reasons) may face discrimination in his/her new family, causing them to runaway to the streets where they face increased risks of abuse and exploitation. Orphans, especially girls face increased risk of sexual abuse, being forced into early marriage or prostitution as a survival strategy (World Bank/UNICEF, 2002; UNICEF, 2005).

**Children who are orphaned or made vulnerable by HIV/AIDS experience a wide range of rights violations** (see World Vision, 2005; Williamson, 2000) including deprivation of parental care, stigmatisation and discrimination, lack of food, shelter and clothing, lack of access to health care. Furthermore, children are forced to drop out from school to help care for ill parents or siblings and/or to earn an income to contribute to the diminished family livelihood – thus depriving them of an education.

<b>Common Violations of Rights of Children Orphaned by HIV/AIDS or other causes</b>	
<b>Survival:</b>	<b>Development:</b>
Poverty (article 27)	Increased likelihood of school drop out and reduced performance in school (article 28)
Reduced access to food (article 24, 27)	Reduced opportunities to play (article 31)
Reduced access to adequate shelter (article 27)	Increased stigma and discrimination (article 2)
Lack of access to appropriate health care (art 24)	Psycho-social distress
Lack of social security (article 26)	Reduced guidance and love from adults (article 9)
	Identity and inheritance rights (article 7, 8)
<b>Protection:</b>	<b>Participation:</b>
Increased risk of neglect and abuse (article 19)	Lack of opportunities for expression and participation decision-making in alternative care settings (article 12, 13)
Increased risk of sexual abuse and sexual exploitation (article 33, 34)	Lack of opportunities for association (article 15)
Increased risk of child labour and economic exploitation (article 32) – increased household responsibilities	Lack of information (article 17)
Increased risk of living on streets, survival behaviour (articles 9, 10, 34, 37, 39)	
increases risk to coming into conflict with the law (article 37, 39)	
Increased risk of recruitment in armed forces (article 38)	
Lack of effective care planning or reviews (article 25)	

In different parts of the world there is evidence that children without parental care and/or placed in care **face educational disadvantages**. In HIV/AIDS affected countries illness and death within a household has a negative impact on enrolment, attendance and performance of a child in school (World Bank/UNICEF, 2002). However, there are also some studies which challenge the assumption that orphans are the most vulnerable (e.g. Ainsworth and Filmer, 2002; Huber and Gould, 2002), for example it has been found that **in some contexts poor children are more likely than orphans to be out of school**. In most developing country contexts **gender inequalities result in more girls being out of school** (Human Rights Watch, 2005).

**Children in residential institutions** are deprived of parental care (art 9, 10). They often live in overcrowded, poorly resourced premises (particularly in CEE/CIS region and developing countries). Bureaucratic regimes within institutions often deny children their rights to play (art. 31), and freedom of expression (art. 12, 13). Furthermore, children are likely to lose their identity (art. 7, 8) and may be forced to change or adopt a religion that was not their own (art. 14). Children from institutions often face

discrimination and stigma from the wider community (art. 2). The prevalence of neglect and abuse including physical, emotional and widespread sexual abuse of children (art. 19, 34, 35) within residential institutions has been established in the West, as well as in developing countries (Cantwell, 2005; UNICEF, 2005). Children in institutions are often neglected, excluded from decision making processes (art. 12), without effective care planning or reviews processes (art. 25), such that their placement is not in their best interests (art. 3). Furthermore they may face an abrupt entry into adult life, with increased risks of poverty, homelessness, alcoholism, drug use, abuse, economic, sexual and criminal exploitation (UNICEF Innocenti Insight, 2005; Save the Children, 2003).

**Separated children seeking asylum, children living on the streets**, as well as **other groups** of children without parental care may **enter similar negative cycles of marginalisation** characterised by violation of their rights to survival, protection, development and participation (UNICEF, 2005b).

**Summary of (immediate and root) causes of these child right violations:**

Lack of support to families - Fragmented, under-resourced and inappropriate government policies and practices in relation to social welfare and protection

Low status of children's voices - Gender Inequality - Abuse against girls and boys - Patriarchal culture -

Discrimination on the grounds of gender, ethnicity, disability or HIV status

HIV / AIDS epidemic - Armed conflict - Poverty - Globalisation - Lack of access to basic services

Unemployment - Migration - Family stress and disintegration - Alcoholism and drug use within the family

- Domestic violence, child abuse and neglect.

## 5 Analysis of Duty Bearers

In each context it is important to identify the main duty bearers who have responsibilities to prevent children from being separated from their parents, while also protecting and fulfilling the rights of all children who are without parental care. The State is the primary duty bearer who has responsibilities to care and protect all children within their jurisdiction. In particular the State has duties to support families in their crucial care-taking role of children (article 9).

### Key duties/responsibilities of main duty bearers:

**Families/ extended families:** to care, protect and guide children without discrimination; to enable children to study and play; to meet their basic needs for food, water, clothing and shelter.

**Relatives and neighbours:** to support families to care and protect children in their communities.

**CBOs, religious leaders, community elders, schools:** To support families, relatives and neighbours in all duties described above; to monitor and respond to child right violations.

**NGOs, local government and local business:** To support families and communities in fulfilling duties described above; to ensure resources for children to access quality, basic services; to enable children to access alternative family/ community based care.

**State Government:** To make use of its available resources to honour children's rights (UNCRC); to develop, implement and monitor integrated legislation, policies and practices which protect the rights of all girls and boys, and strengthen the capacities of families, communities and civil society (to better fulfil all duties described above). State efforts to include: social protection and access to basic services; multi-disciplinary response to address root causes of family separation including poverty, discrimination, HIV/AIDS, and conflict; support for alternative quality care placements for children; and to involve children and families in policy and practice developments.

**INGOs and UN:** To strengthen the role of the State in fulfilling their duties (as described above) and becoming more accountable e.g. through supporting improved legislation, policy, strategy or practice developments; to address gaps in rights fulfilment or violation of rights through practical strategies (e.g. support de-institutional care efforts; demonstrating community based models of prevention, care and protection; empower children and families; build child rights constituencies for advocacy).

**International donor community, World Bank and IMF:** To support the State in fulfilling all duties described above; to implement strategies which help reduce poverty, inequality, conflict and other root causes of family separation; to provide funds which support family strengthening.

The adoption of the UN CRC in 1989 marked the beginning of a new era in the relation between NGOs and state duty bearers since it provides a base for their partnerships. Many INGOs use the CRC as a key framework to develop and implement strategies and programmes and local NGOs have emerged to further lobby for the fulfilment of key child rights. Furthermore, international strategic NGO coalitions have been formed to ensure joint advocacy and action on thematic child rights areas. Such coalitions include: the NGO Group for the CRC, the Global Movement for Children, the Better Care Network, the Global Campaign for the Right to Education, the International Campaign to End Child Prostitution, Pornography and Trafficking (ECPAT), and the Coalition to Stop the Use of Child Soldiers.

**Globally, there is a growing understanding that State government and civil society organisations cannot operate independently and both can be more effective when they engage with each other.** International practice has shown that NGOs can perform different tasks in relation to the state duty-bearer including: lobbying and advocacy for a comprehensive legislative and institutional system of child protection and care; the development and implementation of sustainable programmes and services to enable children and families in difficult circumstances to fulfil their rights; lobbying and advocacy on behalf of or together with the most disadvantaged categories of children and families for the real fulfilment of their rights; keeping the state duty-bearers accountable for their responsibilities.

Key obstacles in preventing States from fulfilling their responsibilities include lack of political will, fragmented, under-resourced and ineffective ministries concerned with social welfare, lack of knowledge and capacity to support prevention work, family re-unification and family and community based care alternatives as well as an over-reliance on families and communities and belief that they can support children without State support.

## 6 Main Programmes/Strategies of key players at global level

**There is currently an unprecedented level of awareness of the need to respond to the rights of children without parental care** (Cantwell, 2005). Furthermore, among key players at a global level including UNICEF, UNAIDS and child focused international organisations (including Save the Children, SOS Children's Villages, EveryChild, Defence Child International, BICE, World Vision, Terres des Hommes, International Foster Care Organisation, International Federation of Social Workers) there is an increased agreement and joint advocacy regarding the need to support State governments to develop effective care and protection systems at all levels, and to implement multi-sector strategies which address the root causes of separation. (see UNICEF 2005, Tolfree 2005, Cantwell, 2005).

At a strategic level, the **UN and a range of other agencies** have defined 'The Framework for the Protection, Care and Support of Orphans and Vulnerable Children Living in a World with HIV and AIDS' (UNICEF et al, 2004) to guide different agencies in responding to the care needs of children affected by HIV/AIDS.

**This Framework clearly outlines that the strengthening of families should be a first line response:**

1. Strengthen the **capacity of families** to protect and care for orphans and vulnerable children by prolonging the lives of parents and providing economic, psychosocial and other support.
2. Mobilize and support **community-based responses**.
3. Ensure access for orphans and vulnerable children to **essential services**, including education, health care, birth registration and others.
4. Ensure that **governments protect** the most vulnerable children through improved policy and legislation and by channelling resources to families and communities.
5. Raise awareness at all levels through advocacy and social mobilization to create a **supportive environment** for children and families affected by HIV/AIDS.

**A Companion Paper** to this Strategic Framework concerning '**Child Protection and Children Affected by AIDS**' (UNICEF, 2006) has also been recently published. The paper highlights how protecting children affected by AIDS requires strengthening national and community-level responses for all vulnerable children. Governments, civil society and their partners can make real progress towards this goal by enhancing social protection, legal protection and justice and alternative care. This work must be underpinned by efforts to address the silence and stigma that allow both HIV- and AIDS-related discrimination, abuse and exploitation of children to continue. It also requires strengthening government authorities that hold the bulk of responsibility for protection, to more effectively provide oversight and coordination. This responsibility often falls to government social welfare agencies, but may also include health, education and other agencies.

The strategic work of **UNICEF** as the key UN agency concerned with protecting the rights of the child, also has an explicit focus on children without parental care.

The **European Commission** has only currently (July 2006) adopted the communication "Towards an EU strategy on the Rights of the Child" launching the starting point in developing a long term European Union strategy on children. The Directorate General Development is currently preparing a strategy on children highlighting the need to have programmes aimed at preventing child abandonment and strengthening families and they are planning to have a Unit on Children by 2007.

**SOS Children's Villages** provides family-based child care for children who have already lost the care of their own family through the SOS family childcare model within SOS Children's Villages. More recently the organisation has developed family strengthening programmes to also address the situation of children who are at risk of losing the care of their biological family. Family strengthening programmes aim to prevent children from falling out of their family and community. This is done by supporting families to strengthen their ability to care for their children, and strengthening safety nets for vulnerable children and their families within the community. The organisation has developed a position paper (SOS-Kinderdorf International, 2005) on 'a Child's Right to a Family'.

**International Social Services (ISS)** has been instrumental in developing international standards for children without parental care, together with UNICEF an international NGO working group. These standards

propose that special prominence is put on a) primacy of efforts to maintain the child with his or her parents by providing necessary support to the latter in their care-giving role; b) ensuring a planned provision of a range of alternative care options, with priority to family- and community based solutions; c) securing permanency for the child through, wherever possible, reunification with the family or in an alternative stable family setting; d) protection from abuse, neglect and exploitation in all care settings.

**Save the Children** have developed strategic initiatives to further the rights of children without parental care and/or at risk of family breakdown, including their 'Last Resort' position paper on residential care, and the production of a 'First Resort' series to promote prevention work and positive care options for children.

**EveryChild** supports prevention work to prevent children being separated from their families and support family-based care options to solve and address the problems of institutional care. EveryChild has supported the establishment and strengthening of social worker systems and pioneered the use of the 'foster care' approach across South Eastern Europe and Former Soviet Union.

The **International Foster Care Organisation** (IFCO) promotes foster care as an important alternative for children without parental care through the enabling of the exchange of knowledge and experience.

The **Global Better Care Network** (BCN) was established in 2003 to further information and practice exchange among a range of key players: UN, INGOs and local NGOs who are concerned with children without adequate family care. BCN is committed to reducing instances of separation and abandonment of children; family re-unification wherever appropriate; strengthening family and community based care options; and establishing international and national standards; and ensuring that residential institutions are used only as a last resort.

In May 2003 the second **International Conference on 'Children and Residential Care'**, organized by the Swedish Foreign Ministry and the Swedish International Development and Cooperation Agency (SIDA) was held in Stockholm. The 'Stockholm Declaration' was developed which reaffirmed State responsibilities to protect children's rights by ensuring: prevention work (including fighting discrimination and supporting families); use of institutional care only as a last resort and as a temporary response; more effective monitoring of care systems in line with CRC and agreed standards; and increased participation of the children and young people.

In September 2005 the **UN CRC Committee** organized a **general day of discussion on children without parental care**. The committee reiterated the importance of prevention work and strengthening of families as 'the natural environment for the survival, protection and development of the child'. It is also recommended that international standards for the protection and alternative care of children without parental care be developed for the UN General Assembly to consider and adopt in 2006. In taking forward this recommendation, a number of existing global and regional initiatives may be built upon including:

- **Changing Minds, Policies and Lives** joint project by **World Bank and UNICEF**: Project supporting national programmes to reduce the institutionalisation of vulnerable children in transition countries in CEE/CIS through reform of child welfare systems. Standards, as well as better systems for gate keeping have been developed as part of this project.
- **Working papers developed by ISS/UNICEF**: A Call for International Standards, and special papers concerning: kinship care, HIV/AIDS, and working in emergency contexts.
- **Quality4Children**: Joint initiative by FICE (International Federation of Educative Communities), IFCO (International Foster Care Organisation) and SOS Children's Villages to establish quality standards for children in care in European countries based on the CRC and views and experiences of children, families and care-givers.
- **Save the Children (2005) Raising the Standards**: A set of quality child care standards developed in east and central Africa, based on CRC and applicable to a range of care settings.
- **NGO working group on children without parental care** which has been established to further advocacy and implementation of international standards.
- **Global Better Care Network**

A first draft of the guidelines was developed by the NGO working group on children without parental care, based in Geneva, at the request of the UN Committee on the Rights of the Child. In May, 2006, the draft guidelines were submitted to the UN Committee on the Rights of the Child. In August, 2006 the Brazilian government hosted an inter-governmental meeting of technical experts to further refine and strengthen the guidelines. The two-day meeting, held in Brasilia, drew over 40 governments representing all the regions of the world. The meeting was extremely positive. Amongst other developments, a 15-country review board was established at the meeting to facilitate further revisions. The international guidelines seek to ensure that, on the one hand, children do not find themselves in out-of-home care unnecessarily and, on the other, out-of-home care provided is of a type and quality that corresponds to the rights and specific needs of the child concerned. They are designed to promote, facilitate and guide the progressive implementation of the Convention on the Rights of the Child in this particular area of concern.

## 7 Range of Prevention and Out-of-Home Care Options

**Generally, the best possible environment for children's development is the family.** All stakeholders should ensure efforts to sustain and empower families to exercise their functions to care, protect and empower children. In cases where it is in the best interest of the child to be separated from his/her family, the most appropriate form of out-of-home care should be identified and provided.

Recent publications concerning care options have emphasised the importance of a "package of protection and care" which implies a range of responses, which can be combined to meet the individual needs of the child. This range of responses includes alternative forms of child care like family support, small group homes, supported accommodation, supported child-headed households, peer households, foster care (short- and long term), self-selected foster care, sheltered housing, respite care, drop-in/open door centres and adoption (Save the Children, 2006b).

The draft **UN Guidelines for the Protection and Alternative Care of Children without Parental Care** states that:

Family preservation efforts should aim to empower families with attitudes, skills, capacities and tools to enable them to provide adequately for the protection, care and development of their children. Such efforts should draw on the complementary capacities of the State and civil society, including religious leaders and the media.

They should include:

- a. family strengthening approach** that may include parenting courses, the promotion of positive parent-child relationships, conflict resolution skills, and opportunities for income generating activities.
- b. Support services**, including financial assistance and care facilities for parents and children together when necessary, designed to enable particularly disadvantaged and vulnerable families to fulfil their responsibilities to their children. Such services should be directly accessible at community level and actively involve the participation of families as partners.
- c. Youth policies** aiming at empowering youth to positively face the challenges of everyday life and preparing future parents to make positive decisions with respect to their reproductive health and to fulfil their responsibilities in this respect.

There is a global concern to redefine the residential care system and to support family based care models, including prevention work with biological families, which is often referred to as the 'de-institutionalisation process'. Over the past 15 years the de-institutional care processes in Central and Eastern Europe and the former Soviet Union have been supported by key international and national governments and non governmental organisations. Mechanisms of support have covered a range of forms, mainly logistical and financial support, but also important legal frameworks.

Complementary to the de-institutionalisation process, NGOs show their concern and call for actions to prevent the use of residential forms of care in regions which are very much affected by natural catastrophes (Asian countries affected by Tsunami) or HIV/AIDS epidemics (Sub-Saharan Africa). Forms of family- and community-based care are considered to last longer and be more sustainable and in the same time to answer better the needs of children at risk of separation or abandonment. (ISCA, 2003, Carter, 2005, Cantwell 2005)

## 8 Concluding comments – key considerations for SOS Children’s Villages

### The target group of SOS Children’s Villages

SOS Children’s Villages currently focus on children without parental care within existing SOS facilities and children at risk of family breakdown through family strengthening programmes, however, there is no focus on children who are living without any form of adult care such as street children or child soldiers. Rights based programming involves working with the most marginalised groups of children. Thus, there is a need for SOS Children’s Villages to explore ways in which communities define the index of vulnerabilities and subsequently prioritise the response to children they are most concerned with (World Bank/UNICEF, 2002).

### *“Just call us children”*

Children on the Brink (UNAIDS/UNICEF/USAID, 2004) has avoided using acronyms such as “OVC” (for orphans and vulnerable children), as experience has shown that such jargon eventually becomes used at the community level to identify particular children. When asked what they prefer to be called, children have said, *“Just call us children.”*

### Common implications of rights based analysis for organisations working in the out-of-home care sector:

- **Scale up prevention and family strengthening work.**
- **Ensure application of quality standards in all aspects of the organisation’s work** (in accordance with principles and articles of the CRC).
- **Need to collect, analyse and monitor data** (at local, national, regional and global levels) concerning which children the organisation works with – disaggregate information in relation to: gender, age, disability, ethnicity, family status, reasons for admission etc).
- **Re-assessment of children within existing care settings to determine if they are any children who could be re-unified with their families with a package of family support.**
- **Re-training of some residential staff as community based mobilisers, family supporters.**
- **Engage with Governments as primary duty bearers and strengthen their role in developing appropriate policies and practices** which ensure access for all children to basic services (health, education and protection), and strengthen the role of families and communities in providing care and protection of all marginalised children.
- **Strengthen advocacy work on root causes of family separation**, including: poverty, discrimination, violence and HIV/AIDS; as well as access to basic services (education, health, protection).
- **Form alliances with other key agencies to strengthen child right constituencies.**
- **Empower children and families to assert their rights.** Empower girls and boys (of different ages and abilities) to participate in all decisions affecting their lives, including policies affecting them.

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*[References: Available in the full version of this child rights situation analysis]*