

# Factsheet on Guidelines for the Alternative Care of Children

## Millions of children in alternative care

Millions of children around the world live in informal or formal foster care, in institutions, or are otherwise separated from their parents; many more are at risk of separation, due to difficulties within the family, the impact of HIV, armed conflict, natural disasters and poverty. The UN Convention on the Rights of the Child (UNCRC) recognises the child's right to be cared for by his or her parents, and sets out States Parties' obligations to provide suitable alternative care. However, current international instruments offer only partial and limited guidance on steps to prevent family separation and to ensure adequate care.

## What are the risks faced by children now?

❖ Children who are informally cared by relatives or unrelated families are usually well loved and cared for, but their risk of discrimination, inadequate care, abuse and exploitation is greater than those who live with their parents. This situation is exacerbated by factors such as HIV/AIDS, armed conflict, and economic migration. Across Asia, Africa and Latin America, 13.4 million children have lost at least one parent to AIDS.

❖ Children are often placed within the formal care system (as ordered by a competent authority) unnecessarily and for longer periods than needed. For example, 1.5 million children are in out-of-home care in Central and Eastern Europe of which 900,000 are in large residential facilities. The risk of abuse and neglect in poorly resourced and monitored foster and residential care is well documented as in the UN Study on Violence against Children at <http://www.violencestudy.org/r242>.

❖ Without appropriate prevention and reintegration mechanisms, children without any form of care are amongst those most at risk for abuse and exploitation. These children may be forced to live on the street and work in harmful conditions. Every year, 1.2 million children are trafficked and another 2 million children are forced to work in the commercial sex industry.

Few children in any of the above situations have the opportunity to participate in decisions about their care arrangements. Their voices must be heard.

## Why are existing instruments insufficient?

The UNCRC establishes a useful framework, but does not provide guidance or set minimum standards. The Guidelines set out desirable orientations for policy and practice to deal with issues such as prevention, the conditions for children to be removed from parental care, the provision of a range of care options to meet individual children's needs, the criteria for determining out-of-home care options as well as the selection, training, monitoring and support for alternative carers. The full text is available in all the UN languages at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/11/L.13](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/11/L.13)

## Why address these concerns through Guidelines?

Experience has shown that such guidance can be extremely useful to States seeking to implement the UNCRC. UN Rules, developed in the area of juvenile justice, for example, have proved to be extremely useful in defining standards and guiding implementation. The Guidelines on alternative care are already demonstrating their value for professionals, judicial authorities and other administrators working in child protection in Eastern European and Latin American countries as they guide their activities.

Having had the Guidelines approved at the level of the General Assembly in 2009 will help protect children and families facing extreme problems better than the inadequate piece-meal coverage of current texts. Children in different countries share common problems of stigma, isolation, lower rates of education attainment and higher rates of homelessness after leaving care. These Guidelines on alternative care can give each of these children a better opportunity to reach their full potential and transition successfully into adulthood.

### BACKGROUND: GUIDELINES ON ALTERNATIVE CARE

*On 20 November, 2009, the United Nations General Assembly (UNGA) in New York formally welcomed the Guidelines by consensus. The Guidelines were submitted to the UNGA on June 17, 2009 via the Human Rights Council (HRC) in Geneva who had adopted by consensus a procedural resolution A/HRC/11/L.11 with the objective of having the text formally recognised.*

*These Guidelines were first called for by UNICEF and International Social Service (ISS) in 2004 which resulted in the Day of General Discussion in 2005 on children without parental care. One recommendation by the UN Committee on the Rights of the Child from this Day was the development of guidelines to improve the implementation of the UNCRC for children deprived of their family. In 2006 Brazil worked with UNICEF and NGOs to host an intergovernmental meeting to develop a draft text.*

*That draft evolved in 2007-2008, notably, at a consultation meeting in Cairo hosted by the League of Arab States and was taken forward by Brasil, as co-ordinator of the Group of Friends, into the HRC. Over this period awareness was raised through various UNGA and HRC resolutions, a high level panel at the HRC in June 2008, and a long series of intergovernmental consultations to negotiate the text in early 2009.*