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Editorial:

Improving Protection for Children without Parental Care: A Call for International Standards

Millions of children throughout the world are currently in, or in need of, out-of-home care because their parents are unavailable or unable to care for them. They live with relatives, in foster care, in residential facilities, in child-headed households or in the street. They reside in their own country or are displaced internationally (children placed abroad, separated child asylum seekers or undocumented migrants ...). Sometimes, care is provided under conditions that violate their rights: abuse, lack of efforts towards family reunification and/or permanency planning, deprivation of liberty, etc.

UNICEF and ISS launched a research and advocacy program in early 2004 calling for the development of specific international standards for improving the protection of such children.

A *joint working paper* reviews the complex reality of care provision for these children and seeks to identify the main problems and issues that need to be broached in an internationally-accepted instrument. These include the unwarranted recourse to out-of-home care; inappropriate decisions regarding type of care; over-burdened foster-care systems; lack of protection in informal care; undue recourse to residential care; inappropriate conditions in residential care; uncontrolled private residential facilities; inadequate permanency planning; children and parents with no voice; inadequate preparation of de-institutionalisation; lack of support to child-headed households; lack of specific guarantees for substitute care in emergencies, children affected by HIV/AIDS, cross-border care placements and care for separated children abroad; care involving deprivation of liberty, etc. The Convention on the Rights of the Child and other current international standards provide an overall framework in which to raise these problems but they do not set out comprehensive and detailed guidelines and rules that could clarify good practice, prevent abuses and establish responsibilities and accountability:

www.iss-ssi.org/Resource_Centre/A_CALL_FOR_INT_L_STANDARDS_main_paper_.pdf.

A series of three other papers deal in greater depth with selected complex issues broached in the working paper:

- *Care for children affected by HIV/AIDS*, describing the dilemmas of arranging care for such children (recourse to informal care, recourse to institutions, child-headed households) and how international standards could foster implementation of new strategies: www.iss-ssi.org/HIV-AIDS_NOTE.pdf;
- *Kinship care*, describing the advantages and limitations of such care, either informal or formal, sometimes cross-border, and the issues for international standard-setting: www.iss-ssi.org/Resource_Centre/KINSHIP_NOTE_FINAL.pdf;
- *Care for children in emergency situations*, describing the factors affecting care in such situations, specific care initiatives and issues, the need for adequate child protection and the implications for international standards: www.iss-ssi.org/EMERGENCIAS_NOTE.pdf.

During its 37th Session from 13 September to 1 October 2004, **the UN Committee on the Rights of the Child** adopted a decision that recognises among other things “the frequency with which its Concluding Observations provided to States Parties following periodic consideration of their reports address serious difficulties regarding care provision for children in informal or formal fostering, including kinship care and adoption, or residential facilities, often recommending the strengthening and regular monitoring of alternative care measures”. The Committee also recalled “the recommendation ... that States Parties develop the use of alternative measures in order to avoid long term placement of children in institutions

that do not provide the type of setting children need, not only for survival, but also for development, including psychological, mental, spiritual, moral and social development, in a manner compatible with human dignity and to prepare the child for individual live in a free society, in accordance with article 6.2 of the Convention". Recognising furthermore "that, notwithstanding the existence of the Convention on the Rights of the Child and certain other international instruments, precise guidance available to States working to meet their obligations with respect to suitable alternative care remains partial and limited", the Committee recommended "that **the UN Commission on Human Rights:**

- a. considers establishing at its 61st session (2005) a working group to prepare a draft of UN Guidelines for the protection and alternative care of children without parental care by 2008;
- b. requests the Office of the UN High Commissioner for Human Rights (OHCHR), UNICEF, the World Health Organization (WHO), other interested intergovernmental bodies and international NGOs to provide, in consultation with the UN Committee on the Rights of the Child, information and support to the Working Group in pursuance of this objective;
- c. requests a report on progress achieved in this regard for consideration at its 62nd session (2006)": www.ohchr.org/english/bodies/crc/decisions.htm#7.

The Member States of the UN Commission on Human Rights in 2005 (for a list of these States, see www.ohchr.org/english/bodies/chr/index.htm) are thus kindly invited to support this initiative, and every organisation or institution to disseminate it and advocate for it.

The day of general discussion organised by the UN Committee on the Rights of the Child in September 2005 will also be devoted to children without parental care.

Finally, **the NGO Group for the Convention on the Rights of the Child** (www.crin.org/NGOGroupforCRC/) decided to create a special working group to develop a common NGO approach on the issues involved and to coordinate documented inputs and advocacy work in support of the initiative.

By combining our efforts in 2005, we will hopefully secure in the not-too-distant future an improved basis for protecting children without parental care throughout the world!

The ISS/IRC team