

Discussing the Progress of Children’s Right to Live in a Supportive, Protective and Caring Environment

We are nearing five years since the Guidelines for the Alternative Care of Children were welcomed by the UN General Assembly in 2009. It is an opportune moment to review progress, share successes and highlight remaining challenges ahead of that anniversary. On Tuesday, October 22nd, the NGO Committee on UNICEF’s Working Group on Children without Parental Care in collaboration with the Office of the Special Representative to the Secretary-General on Violence against Children and the Permanent UN Missions of Austria and Brazil hosted an event at the UN , which drew representatives from Member States, the UN and civil society, to review progress on the implementation of the *guidelines* and share experiences from various regional perspectives, in particular Latin America and West and Central Africa.

The *guidelines* are essentially grouped around two principles: that such care is genuinely needed and that, when this is so, it is provided in an appropriate manner. The acceptance of the *guidelines* marked a fundamental policy shift indicating to States that as a priority they should invest in strengthening the capacity of families to care for their children adequately, provide support to prevent separation and provide a range of appropriate care options for children in need of alternative care.

The discussion spanned experiences of implementing the *guidelines* at country level, the expanded guidance from the [Moving Forward Handbook](#), on-going regional initiatives to prevent the institutionalisation of children under three, and the challenges remaining in fulfilling children’s right to care and protection across the globe.

The discussion was led by participants with a broad range of experiences in advocating for the implementation of the *guidelines* through international, national and program level initiatives. Peter Gross of UNICEF moderated the discussion and offered an overview of what the *guidelines* and *handbook* had offered, noting their emphasis on enabling families to stay together and the resort to alternative care only in necessity. Mr Gross gave a summary of the progress in countries which have implemented the *guidelines*, highlighting the 2011 call for action to

A Child’s Right to Live in a Supportive, Protective and Caring Environment

Strengthening Family Care and Appropriate Alternative Care for Children

Tuesday, 22 October 2013

Panel of Speakers

Ambassador Guilherme Patriota
Deputy Permanent Representative of the Permanent Mission of Brazil to the United Nations

Mr. Gerhard Doujak
Head of the Department for Human Rights and Minority Issues, Austrian Federal Ministry for European and International Affairs

Cecilia Anicama
Programme Specialist to the Special Representative of the Secretary General on Violence against Children

Rosa María Ortiz
Commissioner and Rapporteur on the Rights of the Child, Inter-American Commission on Human Rights

Roberta Cecchetti
Senior Advocacy and Policy Advisor, Child Protection Initiative, Save the Children

Peter Gross
Child Protection Specialist at UNICEF
(moderator)

end the institutionalization of children under three in Central and Eastern European countries and in the Commonwealth of Independent States.

Ambassador Guilherme Patriota opened the program and highlighted Brazil's experience in identifying the areas of policy and implementation that required the most attention, and how the *guidelines* had given direction and inspired youth participation within its reforms, as well as enhancing [Brazil's efforts in promoting child rights in the Post 2015 process](#).

In 2004 it was discovered that an average of a quarter of children living in Brazil's shelters were there because of poverty limiting their families' ability to provide care, and that half had been living in institutions for more than two years. In response Brazil established an Inter-Agency Commission to develop a National Plan for the Rights of Children and Adolescents to Family and Communitarian Living and Technical Guidelines for Children and Adolescents Hospitality Services. Also a national initiative to limit the time children spend in institutional care took shape in the 2009 National Adoption Act. Furthermore, Brazil has adopted a National Adoption Registrar to enable better procedures in finding new families for children without parental care.

At the international level, Brazil has led a number of initiatives to promote the subject of children deprived of parental care in preparation for the United Nations General Assembly consideration of the *guidelines* for the Alternative Care of Children for adoption. In 2006 the first intergovernmental meeting on children deprived of parental care was held in Brasília, with the participation of 47 countries.

Brazil has also been supportive of civil society organizations and the coordination of advocacy efforts; acting as Coordinator of the Group of Friends in Geneva. As well as the *guidelines*, Ambassador Patriota also cited the *handbook* as a new valuable tool in supporting these international processes.

Rosa María Ortiz from the Inter-American Commission on Human Rights drew upon further evidence of the

Participants in the discussion

Representatives from Permanent Missions to the United Nations

Austria

Brazil

Finland

Greece (former advisor)

Israel

Italy

Norway

Uruguay

United States

Representatives from United Nations institutions and agencies

Inter-American Commission on Human Rights

Office of the Special Representative of the Secretary General on Violence against Children

UNICEF

Representatives from civil society

Arigatou International

Better Care Network

Consortium for Street Children

Day of Prayer and Action for Children

Family for Every Child

Save the Children

SOS Children's Villages Austria

SOS Children's Villages International

impact of the *guidelines* from the Americas and the upcoming report of the Inter American Commission on Human Rights on children's rights to family care and alternative care and the deinstitutionalisation of the care system in the Americas.



Mrs Ortiz explained how the new report demonstrates the integration of the *guidelines* within the Human Rights frameworks of the Americas; such as the right to an identity in observing a child's right to preserve their family relations. The report emphasizes that special protection measures are required to respond to the separation of children from their family through transparent, legal and due process mechanisms in line with the protection of their rights.

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The urgency of adopting appropriate legislation to regulate residential institutions was a central finding in the report. It also found evidence of children in care belonging to marginalized and minority groups who require services and support programs much more responsive to their particular needs and contexts. The report concludes that the core priorities for Member States must be the protection of children in temporary alternative care and legislative and reform agendas which both address the factors that lead to family separation and that promote the reintegration children in their families or, if necessary, within another alternative care solution.

Cecilia Anicama, Programme Specialist to the Special Representative of the Secretary General on Violence against Children, provided an insightful overview of the remaining challenges to the international community in strengthening family care and ensuring appropriate alternative care for children. Children in alternative care remain significantly disadvantaged and vulnerable, yet there is also strong evidence showing that targeting efforts for their protection has worked in preventing violence against children as well as producing a number of social and economic benefits. This evidence has been a powerful tool in building the political consensus on investing in the capacity of families to look after children and in other mechanisms which prevent family separation. Building this consensus is the target of a call to action for Latin American and Caribbean states which was recently launched in Panama by UNICEF. The campaign involves [a series of films](#), aimed at ending the placement of children under three years of age in institutions, and includes [a message from the Special Representative of the Secretary General on Violence against Children](#).

Save the Children is undertaking [innovative participative research in West and Central Africa on informal alternative care mechanisms](#), with a particular focus on kinship care. An estimated that 15.8% of children under the age of 15 years in West and Central Africa do not live with their biological parents, the vast majority living in extended family care and only a negligible number lives in institutional care in that region.

The research had the objective of increasing knowledge about kinship care and providing recommendations for programming to increase the care and protection of children. Roberta Cecchetti presented the research findings from 17 rural and urban communities across Sierra Leone, Nigeria and the Democratic Republic of the Congo.

Evidence suggests that children are placed in kinship care for a variety of reasons, including traditional customs, poverty, increasing value for education and lack of access to secondary schools, and within broader trends in urbanisation, including migration, conflict, insecurity, and displacement.



Kinship Care Research Voices of Children

[‘Tomorrow You Will Go to Live with Your Aunt’ YouTube](#)

[‘Children Belong to Everyone’ YouTube](#)

[Kinship Care Album PDF](#)

[Regional Kinship Care Research PDF](#)

But there are mixed outcomes for children. Some children have increased access to education, health care and other resources. For many children however, kinship care is characterised by discrimination: including their access to quality education, nutrition, protection and stigma in the wider community. Kinship care is a traditional coping mechanism which needs to be better supported to contribute to resilient communities who are more able to care for and protect children in the face of adversity. The research also produced a series of films (see links above) drawing on the findings and voices of children in kinship care in West and Central Africa.

Other participants who attended the event drew on issues of migration and conflict, and the pressures these placed on existing mechanisms that ensure children’s care within their families. The centrality of children’s rights, as both an indicator and a development target, to the Post 2015 Agenda and the proposed Sustainable Development Goals was widely supported, and the members of the NGO Committee on UNICEF’s Working Group on Children without Parental Care restated their commitments to partnering on this effort.

The discussion was concluded by Gerhard Doujak of Austria’s Ministry for European and International Affairs, who offered an overview of the road ahead in solidifying international and national legal frameworks and ensuring that families are equipped with the resources, tools, understanding and skills to provide strong and stable support and protection for children. Mr Doujak highlighted the global nature of the challenge, spanning developed and developing nations, and the importance of promoting the *guidelines* and *handbook* as a truly global framework for meeting this challenge.

Looking forward, the Working Group will continue to engage Member States and civil society on the implementation of the *guidelines*, to enable new legal and policy frameworks that effectively prevent family separation, promote reunification and provide appropriate family-based alternatives in a supportive, protective and caring environment.