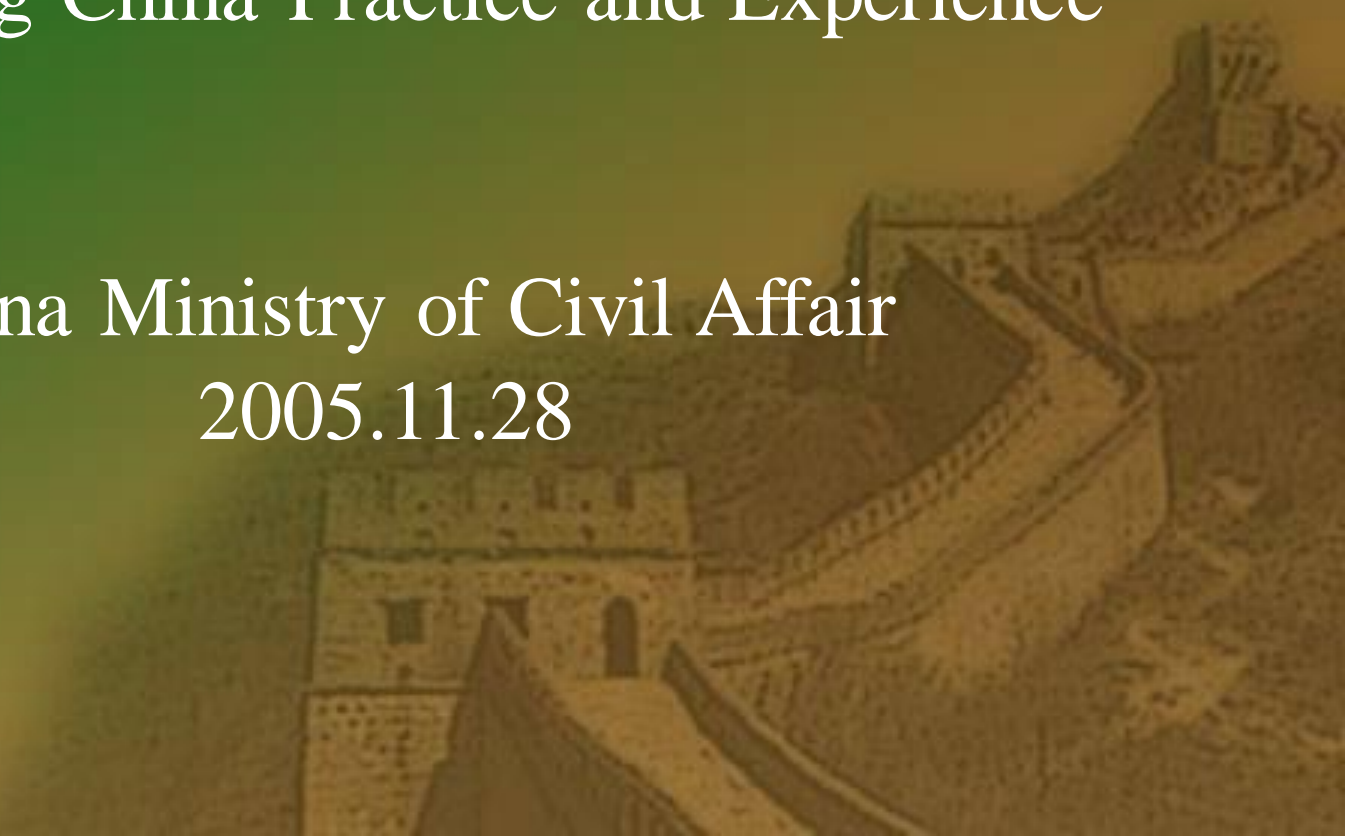


Establishing a Model of Family-Based Alternative Care

-- Sharing China Practice and Experience

China Ministry of Civil Affair

2005.11.28



1. China general situation on protection of children's rights

China is a big country with a large population:
367 million children, 28.2% of the total population

The Chinese Government cares about its children and is strongly committed to promoting :

- the welfare of its children based on principle of the best interest of the child;
- the protection of children's rights to survival, development, participation and protection;
- the moral development of its children

2. A LEGAL FRAMEWORK to protect the rights of orphans and children without care givers

Currently in China there are
573,000 orphans and children without care givers, plus
150,000 street children

The Government of China:

- has developed and adopted family and child protection policies and legislations to secure the legal rights of orphans and children without care givers
- has provided different mechanisms to secure the legal rights of orphans and children without care givers
- is strongly committed to supporting children affected by HIV/AIDS

Family and child protection policies and legislations

- Constitution of the People's Republic of China
- General Principles of the Civil Law
- Marriage Law
- Law on the Protection of Minors
- Law on the Protection of Disabled Persons
- Adoption Law
- Compulsory Education Law

Regular SCHEMES to support orphans and children without care givers

The Government of China grants:

1. In urban areas THE MINIMUM LIVING STANDARD
2. In rural areas the 5 GUARANTEE SYSTEM:
covering food, clothing, housing, educational and medical expenses
3. SUBSIDIES to rural households in absolute poverty
4. EDUCATIONAL SUPPORT to poor people
5. MEDICAL SUPPORT to poor people

INSTITUTIONS for orphans and children without care givers

- 208 big Child Welfare Institutions in urban area
- Many Social Welfare Institutions in rural areas
- 130 Street Children Protection Centres scattered around China



Government of China's support to children affected by HIV/AIDS

- The Ministry of Civil Affairs alone has invested about 2,5 millions \$ in 2004 and about 3 millions in 2005 to support children orphaned by HIV/AIDS
- Henan and Hubei Provinces have developed specific policies to promote subsidy schemes addressing all children affected by HIV/AIDS



Premier Wen Jiabao visiting children orphaned by HIV/AIDS
during the Spring Festival 2004

3. SOCIAL WELFARE INSTITUTIONS are still an important option for children without care givers

- There are 66,288 orphans and children without care givers in institutions in China
- 27,752 in Child Welfare Institutions
- 38,536 in Social Welfare Institutions
- Most are disabled children



- China has developed **national guidelines** on the management of Child Welfare Institutions in 2000
- Child and Social Welfare Institutions ensure children's **fulfillment of their basic needs**: daily subsistence, education, medical treatment and rehabilitation
- Through Child and Social Welfare Institutions the Government of China is launching a scheme for providing disabled children with **surgical operations** able to fundamentally improve their lives
9,100 surgical operation have taken place in 2004 alone



The Minister of Civil Affairs making a donation for supporting the surgical operation scheme



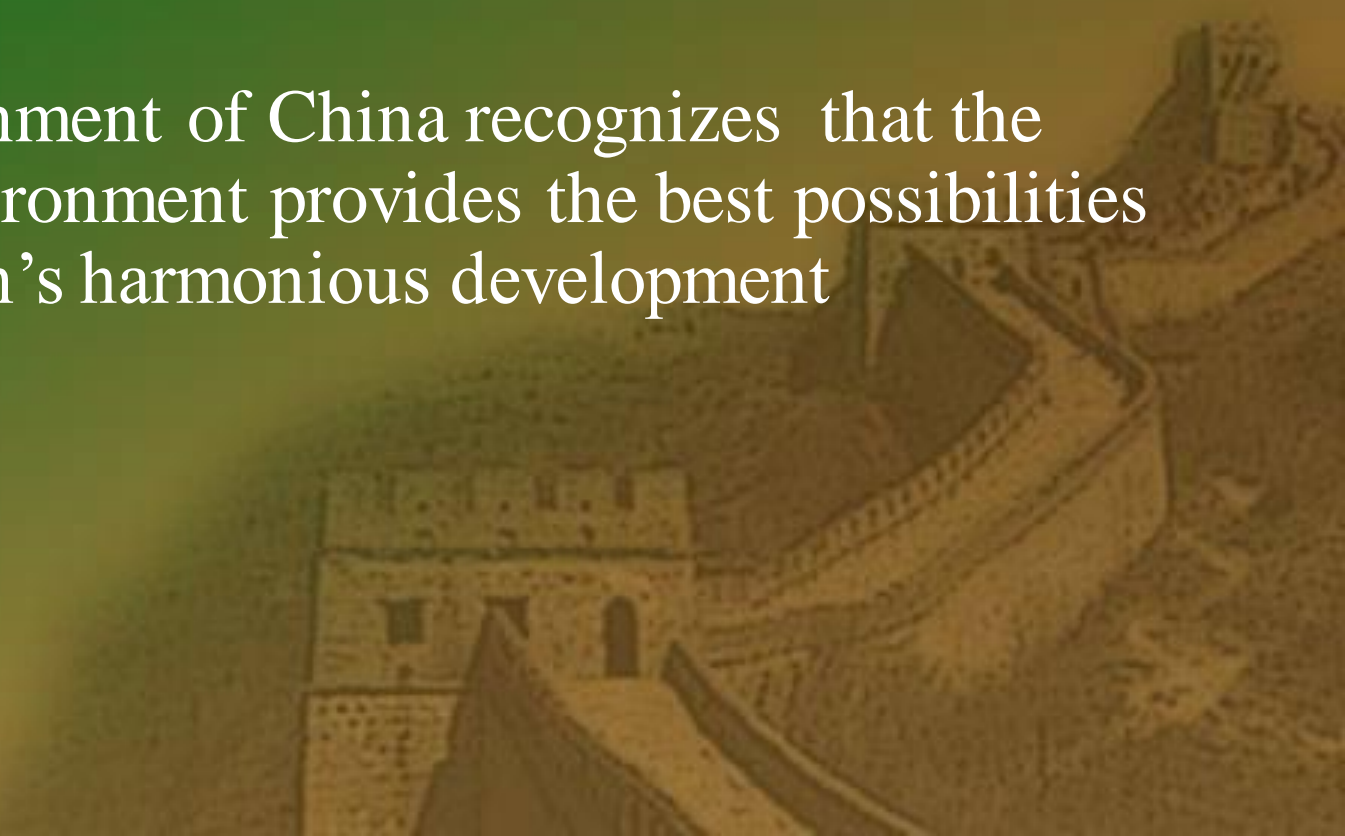
A child without care givers who has received a surgical operation for his heart disease

Supporting orphans and children without care givers

- Social welfare institutions are still an important option for orphans and children without care givers in China
- However, a new approach is being promoted that encourages alternative types of care
- And further steps are taken leading to de-institutionalization.

4. A family type of alternative care: the priority

- The Government of China recognizes that the family environment provides the best possibilities for children's harmonious development



In taking care of orphans and children without care givers the Government of China promotes the following approaches:

1. LEGAL GUARDIANSHIP:

the legal guardianship first rests with the child's close relatives (grandparents or elderly siblings). Whenever the close relatives are unable to take care of the child, the Civil Affairs Department takes on such responsibility.

2. ADOPTION:

- is considered an effective approach to integrate orphans and children without care givers into mainstream society
- both domestic and international adoption schemes are in place, but domestic adoption is preferred and encouraged
- adoption laws have been developed and enacted
- Chinese Government in the adoption process follows the principle of the best interest of the child

3. FOSTER CARE:

- can successfully integrate the child in a family environment and provides the child with a sense of family
- positively affects the physical and psychological development of the child
- effectively facilitate the social integration of orphans and children without care givers
- China has developed guidelines for the management of the foster care scheme in 2003

4. The Government of China encourages members of the community to support individual orphans and children without care givers placed in Child Welfare Institutions

People are invited

- to donate, in order to cover a child living, education and medical expenses
- to visit the child regularly and to have the child visiting their homes, promoting the development of closer contacts and relationships between these children and the community

5. FAMILY-LIKE CENTRES ESTABLISHED IN THE COMMUNITY

The Government support the establishment of family-like centers in the community. Well selected couples are hired for the management of the centers. They are in charge of raising children of Social Welfare Institutions in a family-like environment.

6. FAMILY-LIKE UNITS ESTABLISHED WITHIN CHILD WELFARE INSTITUTIONS

These constitute family-type units within Welfare Institutions. Couples running these centers have the task of raising children in a family-like environment.

5. LESSON LEARNED and CONSTRAINTS

LESSON LEARNED

- WE SHOULD KEEP PROMOTING A FAMILY BASED APPROACH IN ALTERNATIVE CARE
 - children need this kind of environment for healthy growth
 - it is part of Chinese tradition that relatives take the responsibility of the child when his or her parents die
 - China is a developing country and cannot afford having too many institutions

- WE NEED TO DEVELOP GOOD LEGISLATIONS, POLICIES AND SYSTEMS FOR PROTECTING THE RIGHTS OF ORPHANS AND CHILDREN WITHOUT CARE GIVERS.
 - these are fundamental guarantees for children's rights
 - in this respect China is improving its legislations to better respond to children's needs (e.g. amending the Law on the Protection of Minors)
- WE SHOULD WIDELY MOBILISE SOCIAL RESOURCES TO SUPPORT THE SURVIVAL AND DEVELOPMENT OF ORPHANS AND CHILDREN WITHOUT CARE GIVERS
 - from the year 2000 China has started mobilising social workers, NGOs, charity organisations, mass media, to support the development of social welfare

- WE SHOULD STRENGTHEN THE COOPERATION WITH THE INTERNATIONAL COMMUNITY

- to learn from the successful experiences of other countries

- MCA has benefited from the cooperation with international organizations such as UNICEF, e.g., after a 5 year programme, 2001-2005, 70% of all children in Social Welfare Institutions have been family fostered in 3 big cities and 50% have been family fostered in rural areas in 8 pilot project sites



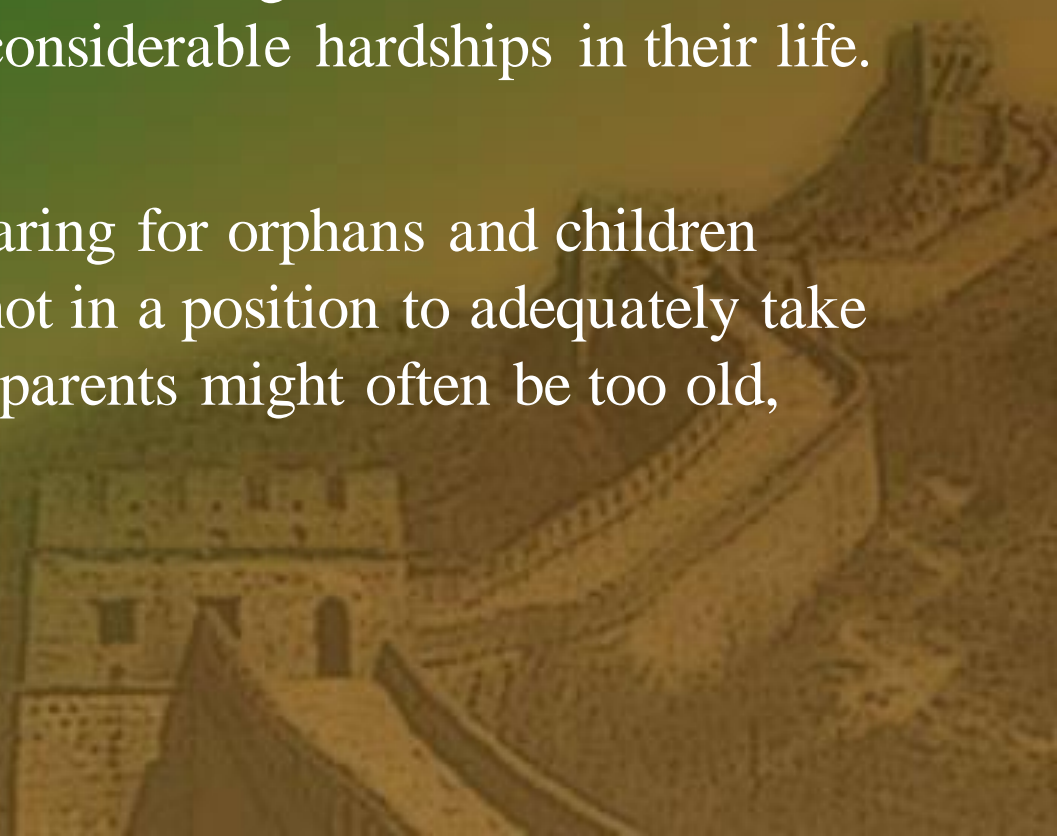
A fostered child with his new family, in rural China



A mother with her three fostered children in Tianjing

CONSTRAINTS

- orphans and children without care givers in rural areas of West China still suffer considerable hardships in their life.
- some people presently caring for orphans and children without care givers are not in a position to adequately take care of them (e.g. grand parents might often be too old, etc.)



6. SUGGESTIONS

1. STRENGTHEN REGIONAL COOPERATION:

- countries in this regions have cultural, social and economic similarities. We should closely cooperate and learn from each other.
- UNICEF has a key role to play in establishing this cooperation mechanisms in the region: regular regional meetings should be organized for learning and experience exchange.

2. SYSTEMATICALLY COMPILE AND SHARE INFORMATION ON INTERNATIONAL CONCEPTS, FRAMEWORKS AND GOOD PRACTICE ON ALTERNATIVE CARE IN THE REGION

- again UNICEF has an important role to play

3. CAPACITY BUILDING

- the UNICEF Regional Office could conduct regular training in specific areas, and China would be happy to send its professionals to attend the training and learn from them.

- UNICEF could also coordinate study tours around the region and conduct on-the-spot experience sharing



Fostered Children in a community rehabilitation centre



A fostered child in a community rehabilitation centre

Thank you!

