

# Leave No Child Out Campaign

## The NGO/UNICEF Regional Network for Children (RNC)

Central and Eastern Europe/The Commonwealth of Independent States/The Baltics

*"Every girl and boy is born free and equal in dignity and rights: all forms of discrimination and exclusion against children must end."*

**From A World Fit for Children**

### 4. CHILDREN IN INSTITUTIONS

#### Institutions

Children belong in families and communities. Placing any child in an institution should be the very last resort. And in no case should institutions for children be the large, impersonal 'warehouses' that are still to be found in the CEE/CIS and Baltics region. Institutionalisation – no matter how well intentioned – hinders intellectual, physical, emotional and social development. The younger the child and the longer the time spent in institutions, the greater the damage. At the very best, children in institutions are deprived of the opportunities to develop their potential. At the very worst, they are deprived of their most fundamental rights.

#### Children in institutions in CEE/CIS and Baltics

Increasing numbers of children in the region are being deprived of parental care.

- An estimated 1.5 million children in the region are in public care – 150,000 more than in 1989.
- Almost one million of them live in institutions.

There are significant variations across the region:

- In 1999, 1-2% of the total child population were living in out-of home care in Central Europe, the CIS, Romania and Bulgaria, in contrast to 0.5% in the Balkans, Caucasus and Baltics.<sup>1</sup>
- While the sharpest increase during the 1990s was in the Baltics, the highest rates are still found in Central Europe – in countries that have led the transition process.<sup>2</sup>
- Romania, the Balkans and the Caucasus record falling numbers and rates. In Romania, this stems from major reforms. In the Caucasus and Central Asia, strong family networks help to prevent institutionalisation.<sup>3</sup>
- Urbanized societies have higher rates than those with traditional rural lifestyles.<sup>4</sup>

There is a decades-long history of over-reliance on institutional care for children in our regional child-care systems. However, there is a growing recognition of the need for massive reform and the creation of alternatives. At the

The RNC was founded in Sarajevo in June, 2002. It is a network of non-governmental organizations dedicated to promoting and protecting the rights of children in the CEE/CIS/Baltics region.

RNC is part of **The Global Movement for Children**, an international alliance of individuals and organizations committed to a "world fit for children" based on 10 priorities:

- Leave no child out
- Put children first
- Care for every child
- Fight HIV/AIDS
- Stop harming children
- Listen to children
- Educate every child
- Protect children from war
- Protect the Earth
- Fight poverty

**The Say Yes Campaign** has gathered 95 million pledges on these priorities worldwide – including 26 million from the CEE/CIS/Baltics region, where the top priority identified was:

**Leave No Child Out.** From June 2003 to June 2004, RNC is running a **Leave No Child Out** public awareness campaign, backed by Fact Sheets on the factors that exclude many children from progress in the region.

- Overview
- Children of Ethnic Minorities
- Children Living in Poverty
- Children with Disabilities
- Children Living in Institutions
- Displaced or Refugee Children
- Gender and Discrimination
- Children and HIV/AIDS

For more information:

Diana Nistorescu (Secretary-General)

Tel: (40 21) 320 80 65

email: rnc@dia.kappa.ro

same time, there are more children whose families are in crisis and lack adequate support. Lacking alternatives, many countries still rely on institutionalization.

The changes of recent years have ravaged many families and communities. The rising number of children in public care is a sign of families in crisis, with poverty, unemployment, rising divorce rates, alcoholism and substance abuse weakening family ties. Meanwhile, deteriorating health, education and social service systems have excluded more families from economic and social progress.

### The impact on children

The rising number of children in public care rings alarm bells about the severe pressures that their families are experiencing today, and about the future prospects of the children concerned. It seems that institutionalisation – in itself – is still widely seen as *the* solution to a child's problems, with little focus on the individual circumstances of the child or family. And once children are institutionalised, they are liable to be permanently deprived of the family care that is every child's right.<sup>5</sup>

While separation is sometimes the only option, international research has consistently shown how difficult it is for the state to meet the standards of the good parent. Care leavers are over-represented in the statistics on poor education, homelessness, crime, prostitution, teenage pregnancies, unemployment and poverty.

**Source: Social Monitor 2002.**

*Infants in institutions:* The institutionalisation of infants is perhaps the strongest indicator of the willingness of authorities to use institutional responses to deal with vulnerable children. The proportion of infants aged 0-3 placed in institutions increased in most countries in the region during the first half of the 1990s – with big increases in Belarus, Bulgaria, Kazakhstan, Latvia, Moldova, Romania, Russia and Ukraine – and (with the exception of Romania) has shown little sign of reversal. Institutionalization of infants is especially damaging for child development. Replacing this drastic approach with family-based care would be a major step forward in child protection. It would also close a major route to long-term institutionalisation of children.

*Children with disabilities:* Since the mid-1990s, the number of children in institutions for the disabled has increased in many countries.<sup>6</sup> A rights-based approach to children with disabilities requires that they be included in society, reaching the full potential of their abilities rather than the limits of their disability. Keeping children with disabilities shut away in institutions limits their potential and enjoyment of their rights.

*Children of minorities:* Belonging to a minority group can increase a child's likelihood of being placed in an institution, particularly when combined with the other factors that so often face minorities, such as poverty. Roma children, for example, are disproportionately represented among children in residential care in some countries. In Czech Republic, Roma

### Lost children

The most compelling argument against placing children in institutions is made by children themselves in the UNICEF *Voices of Youth* discussion groups and interviews carried out for the 2000 UNICEF report "Young People in Changing Societies". Of those interviewed in institutions in Romania, few wanted children of their own.

*"I don't want children. Should I bring them here to the institution as well?"* (Paul, 18)

*"No, because I'm afraid the baby will become exactly what I am now."* (Constantin, 19)

Family ties are lost, and children are abandoned to their fate, as children and their carers know only too well ...

*"I have never seen my mother. I'd like to see her once at least but I don't know where to find her."* (Sebastian, 18)

*"You have to start from scratch: home, family... You have to get rid of the habits of 'flock' life."* (Razvan, 19, on leaving a state institution)

*"The trouble is the lack of legislation to protect them and, as a consequence, the lack of a coherent programme to assist those who leave institutional care."* (Elena, government institutional care provider, 27)

From *Voices of Youth* discussion groups and interviews, "Young People in Changing Societies", UNICEF, 2000.

children made up 28% of children entering public care in 1998; in *Bulgaria*, 40% of infants newly received into care; and, in *Hungary*, 37% of all babies taken into care.<sup>7</sup>

*Children in conflict with the law:* The number of young people convicted and sentenced has increased and many thousands of children are being deprived of their liberty after conviction, facing lengthy sentences for crimes such as property theft and 'hooliganism'. International standards on juvenile justice call for the use of detention only as a last resort and for the shortest possible time. Yet there is evidence of harsh juvenile sentencing. One quarter of Ukrainian juveniles aged 14-17 convicted of crimes in 2000 received custodial sentences. Of these, 75% were sentenced to more than two years in custody, and 14% were imprisoned for five years or more. The problem is not simply that too many juveniles go to prison. The region lacks non-custodial alternatives such as probation, community service, reparation, curfews and drug treatment. As a result, custody is often seen as the first, rather than last resort for juvenile offenders.

*Intercountry adoption:* Permanent adoption is more frequent now than it was in 1989, with 42,000 adoptions across 22 of the region's countries in 1999 alone. While the growth in adoption is a positive trend, it is likely that at least one quarter of all adoptions in 1999 were intercountry – breaking ties between children and their families and culture. The number of intercountry adoptions has soared, from a handful in 1989, to as many as 14,000 in 2000. The fear is that intercountry adoptions are replacing, rather than augmenting, national adoptions in some countries, opening the door to the dangers of the sale and trafficking of children.

*HIV/AIDS:* an emerging issue is the institutionalisation of children born to HIV-positive mothers. In Russia and Ukraine, in particular, increasing numbers of such children are being abandoned and are, in the absence of alternatives, being kept in long-term hospital care, regardless of their own HIV status.

### **The way forward**

The balance must shift from institutions to support for families and family-style alternatives. Reform of child protection in the region is no longer seen as the sole responsibility of governments. Communities, NGOs, public and private agents, and national and international actors increasingly recognize that they have a role to play. This participation is vital, and what is needed is a "triage" of child protection.

- Primary prevention – the public policies and programmes that contribute to economic well-being, social justice and an inclusive society for children and families.
- Secondary prevention – the "safety net" that targets and supports children and families at risk, including support and counselling. This middle path is largely absent in the region.
- Tertiary – reactive, responding after the fact, including institutionalization.

### **A society of gatekeepers**

"Gatekeeping" is the idea that it should be hard rather than easy for children to end up in institutional or public care. The premise is that most children can and should be cared for in their families or in the community.

Without gatekeepers, the gates of institutions are basically left open.

Two gates should be passed before a child at risk enters institutional care.

1. Clear, tough criteria to warrant child separation from parents, and use of outreach and family-support services to solve problems.

2. Raise thresholds for institutional placements and broaden eligibility criteria for alternative options, such as guardianship and foster care, as well as national adoption.

At a broader level, we can all be gatekeepers – acting in ways that support the right of children with disabilities to live with their families and be active members of their communities. The state is only one avenue for public action in a democracy.

### **Supporting Families**

The state has typically usurped the role of "parent" through its institutionalization of children in the region. But it is time to return the family to primacy in the life of children. The Convention on the Rights of the Child recognizes the family as the basic unit of society and as the natural environment for the growth and well-being of children. Supporting the families of children with disabilities is critical to respecting the rights of these children.

**What can we do to promote this triage of protection? We can campaign for:**

- reform of child-care systems;
- social services and allowances to prevent family breakdown and support families in trouble;
- strategies to keep out-of-home placements as short as possible;
- more emphasis on the goal of regular contact with families to sustain family bonds;
- family reunification whenever feasible and, if not, family alternatives, such as fostering, guardianship, national adoption and small, family-style homes.

## **TAKING ACTION**

### **Changing Minds, Policies and Lives**

The joint UNICEF/World Bank multi-year project Changing Minds, Policies and Lives promotes the right of children to grow up in a family environment. A bottom-up process supported by networks and technical back-up groups, the project aims to promote systemic change in the region – from State care to strengthened family and community-based services for vulnerable children, building links between those who can change the social process from within the region and beyond. The Project provides up-to-date assessments and highlights "positive initiatives" on behalf of children at risk or deprived of parental care. As well as providing a knowledge base, the project provides specific tools designed to support policy makers and others involved in the reform process. It aims high in order to:

- Ensure family-centred outcomes, such as family support services and family-based care for children, rather than institutionalisation;
- Redirect resources away from institutions to community-based alternatives;
- Reshape the 'gate-keeping' process to ensure tough criteria for institutionalisation, making it a last, rather than a first, resort.

### **Romania: changing course**

The strenuous efforts being made in the region to address the whole issue of child institutionalisation are meeting with success in some countries. Romania, for example, is in the forefront of the drive to get children out of institutions. Once front-page news because of the plight of children in its orphanages, Romania is going through a painstaking overhaul of its child protection system. The reforms, which began in earnest in 1997, have included the creation of a network of Maternal Assistants – professional full-time foster carers – as well as additional support for foster care itself. In 1998, just under 450 children were cared for by Maternal Assistants, rising to well over 5,000 in 2000. Over the same period, the number of children in fully-fledged foster care rose from just over 16,500 to well over 23,300. And between 1998 and 1999, the number of children in residential care fell by around 7,000 – a downward trend that looks set to continue.<sup>8</sup> In the last two years, at least 60 large institutions, which once housed social orphans or abandoned children, have been closed down, reducing the number of institutionalised children by about 40%. Today, the number of children in residential institutions is, for the first time, smaller than the number of children who benefit from alternative, family-style, services.<sup>9</sup>

## **RESEARCH**

What is the impact of child institutionalisation on children in your country?

- How many children are affected?
- Who are these children?
- How much is already known about their situation?

- What is NOT known about these children?
- What is being done to address their situation? By whom?
- What legislation exists to promote and protect their rights?
- How is this legislation implemented?
- Is legislation backed by the necessary resources and capacity at local level?
- Who are the main players? How can we link players together to maximise our efforts?

**KEY MESSAGE: One million children in institutions is one million too many.**

*Every child has the right to a family. Families must have the support they need to nurture and raise their children. In the few cases where children cannot be cared for by their family, alternatives that are family- and community-based must be found. Placement in residential institutions and the use of intercountry adoption are measures of last resort.*

## USEFUL RESOURCES

The following websites, web-pages and contacts provide useful information on the theme of this fact sheet. This is not a comprehensive listing, nor does it prioritize the organizations listed.

Clearinghouse on International Developments in Child, Youth and Family Policies:  
<http://www.childpolicyintl.org/>

Committee on the Rights of the Child: <http://193.194.138.190/html/menu2/6/crc/>

Convention on Protection of Children and Cooperation in respect of Intercountry Adoption:  
<http://www.hcch.net>

Council of Europe: Directorate of Youth and Sport:  
[http://www.coe.int/T/E/Cultural\\_Co-operation/Youth/](http://www.coe.int/T/E/Cultural_Co-operation/Youth/)

Council of Europe: Roma web-page: [http://www.coe.int/T/E/Social\\_Cohesion/Roma\\_Gypsies/](http://www.coe.int/T/E/Social_Cohesion/Roma_Gypsies/)

Defence for Children International: <http://www.defence-for-children.org/>

"Every Child": <http://www.everychild.org.uk/>

Euronet, The European Children's Network: <http://www.europeanchildrensnetwork.org/>

European Commission web-page on youth: <http://europa.eu.int/comm/education/youth.html>

European Forum for Child Welfare: <http://www.efcw.org/>

European Network of Ombudsmen for Children: <http://www.ombudsnet.org>

European Roma Rights Center: <http://www.errc.org>

Handicap International: <http://www.handicap-international.org/index.html>

Home Start International: <http://www.home-start-int.org/>

Human Rights Internet: <http://www.hri.ca/children/ThematicIndex.shtml>

International Center for the Advancement of Community-Based Rehabilitation:  
<http://meds.queensu.ca/icacbr/>

International Disability and Development Consortium: <http://www.iddc.org.uk>

International Foster Care Organisation: <http://www.ifco.info/>

International Network on Juvenile Justice: <http://www.defence-for-children.org/>

International Save the Children Alliance: <http://www.savethechildren.net/homepage/>

NGO Group for the Convention on the Rights of the Child: <http://www.crin.org/NGOGroupforCRC>

Office of the High Commissioner for Human Rights: <http://www.unhchr.ch>

Open Society Institute: <http://www.osi.hu/>

SOS-Kinderdorf International: <http://www.sos-childrensvillages.org/>

Special Co-ordinator of the Stability Pact for South Eastern Europe: <http://www.stabilitypact.org/>

Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography: <http://www.unhchr.ch/children/rapporteur.htm>

UNDP Regional Bureau for Europe and the CIS: <http://www.undp.org/rbec/>

UNICEF CEE/CIS and Baltics Regional Website: <http://www.unicef.org/programme/highlights/cee>

UNICEF Innocenti Research Centre: <http://www.unicef-icdc.org>

UNICEF: Voices of Youth: <http://www.unicef.org/voy/>

United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities  
<http://www.independentliving.org/standardrules/IntroductionStandardRules.html>

World Bank: Europe and Central Asia: <http://lnweb18.worldbank.org/eca/eca.nsf>

World Vision International: <http://www.wvi.org/home.shtml>

## KEY TEXTS

### **The UN Convention on the Rights of the Child (1989)**

#### **Article 20**

- A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
- States Parties shall in accordance with their national laws ensure alternative care for such a child.

**See also Articles 2, 3, 5, 7, 8, 9, 21, 23, 25**

**Full document:** [www.unicef.org/crc/fulltext.htm](http://www.unicef.org/crc/fulltext.htm)

### **A World Fit For Children (outcome document, UN Special Session on Children, May, 2002)**

15. The family is the basic unit of society and as such should be strengthened. It is entitled to receive comprehensive protection and support. The primary responsibility for the protection, upbringing and development of children rests with the family. All institutions of society should respect children's rights and secure their well-being and render appropriate assistance to parents, families, legal guardians and other caregivers so that children can grow and develop in a safe and stable environment and in an atmosphere of happiness, love and understanding,

44.7 Promote the establishment of prevention, support and caring services as well as justice systems specifically applicable to children, taking into account the principles of restorative justice and fully safeguard children's rights and provide specially trained staff that promote children's reintegration in society.

- Establish mechanisms to provide special protection and assistance to children without primary caregivers.
- Adopt and implement policies for the prevention, protection, rehabilitation and reintegration, as appropriate, of children living in disadvantaged social situations and who are at risk, including orphans, abandoned children, children of migrant workers, children working and/or living on the street and children living in extreme poverty, and ensure their access to education, health, and social services as appropriate.
- Protect children from adoption and foster care practices that are illegal, exploitative or that are not in their best interest.

**Full document:** [www.unicef.org/specialsession/](http://www.unicef.org/specialsession/)

### **A Region Fit for Children (Regional Consultation of Civil Society Organisations, April 2001)**

#### **III Systems Interventions (ii. Child Care, Child Protection and Family Services)**

21. It is vital that appropriate and well-funded childcare and protection, and family support, services are in place, to allow families to nurture and raise their children.

22. Specifically, the report calls for:

- De-institutionalisation and the development of a continuum of child care services, in which the best interests of the child are paramount, and where existing institutional mandates are made more child- and family-centred;
- The ending of institutional care for young children, for those in care because of poverty, and the mislabelling of children, especially from minorities, as disabled;
- National norms and standards of child care services, promoting diverse provision towards universal, quality outcomes.

**Full document:** [www.unicef.org/programme/highlights/cee/assets/Children.PDF](http://www.unicef.org/programme/highlights/cee/assets/Children.PDF)

## References:

Please note: the information for this fact sheet was drawn from "Social Monitor 2002" from the MONEE Project, UNICEF Innocenti Research Centre, with the exception of the following:

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<sup>1</sup> A Decade of Transition (Regional Monitoring Report No. 8), the MONEE Project, UNICEF Innocenti Research Centre, 2001

<sup>2</sup> *ibid.*

<sup>3</sup> *ibid.*

<sup>4</sup> *ibid.*

<sup>5</sup> *ibid.*

<sup>6</sup> *ibid.*

<sup>7</sup> *ibid.*

<sup>8</sup> *ibid.*

<sup>9</sup> Address to the UN Committee on the Rights of the Child by Mrs Gabriela Coman, Secretary of State, National Authority for Child Protection and Adoption (Head of Romania delegation) 20 January, 2003