



**Launch of Moving Forward:
Implementing the 'Guidelines for the Alternative Care of Children'**

11 April 2013, 3:00pm, Labouisse Hall

Statement presented by Cecilia Anicama, on behalf of the Special Representative of the Secretary-General on Violence against Children

Distinguished participants,

I would like to convey the sincere regret of the Special Representative of the Secretary General on Violence against Children who could not be here today due to present health problems.

On behalf of the Special Representative of the Secretary General on Violence against Children, I also would like to warmly congratulate the organizers for setting in motion a collective and participatory process that led to the development of this strategic Handbook on Implementing the Guidelines for the Alternative Care of Children.

This new Handbook provides critical guidance to better understand the Guidelines and its provisions and most importantly to help us close the gap between the Guidelines and reality for millions of children across the globe.

Writer and psychotherapist Alice Miller once said that *childhood is not the shortest period in our lives, but the longest because we carry it with us for the rest of our lives*. Certainly, the protection of the rights of children in all circumstances, particularly when they are deprived of parental care or at risk of being so deprived is everybody's responsibility. This is a critical foundation of the UN Guidelines and emphasizes that every actor must be included to prevent and ensure appropriate alternative care for children.

The protection of children without parental care is a key priority of the mandate of the Special Representative of the Secretary General on Violence against Children. To achieve this goal, we work in close collaboration with a wide range of actors, including regional organizations such the Council of Europe, MERCOSUR, CARICOM among others. Core dimensions of the follow up process to the UN Study recommendations include support for good parenting, preventing child abandonment before 3 years of age and protecting children from placement in institutions.

1. Children without parental care are at heightened risk of violence

Numerous studies and reports confirm the negative impact of institutionalization of children. At the same time, international human rights mechanisms continue to indicate that large numbers of children are placed in institutions. The UN Study on Violence

against Children observed that millions of children across regions spend substantial periods of their lives under the control and supervision of care authorities, and in institutions such as orphanages, children's homes, care homes, facilities for asylum seekers and refugee children and reform schools. The Study also indicated a trend to re-institutionalize children without parental care, children who are consecutively placed in different institutions until they reach the majority of age.

Most of us are quite aware of the challenges facing children without appropriate parental care. The lives of children deprived of parental care are surrounded by patterns of discrimination, risks of violence, neglect and exploitation. The UN Study on Violence against Children showed that violence in institutions is six times higher than violence in foster care, and that children in group care are almost four times more likely to experience sexual abuse than children in family based care.¹ When children are placed in care institutions, conditions can be so poor that they put the health and lives of children at risk. Risks increase in situations where staff and officials responsible for the well-being of children are poorly-trained, ill-paid and frustrated.

Children in institutional care are, likewise, vulnerable to bullying, abuse and other forms of violence at the hands of other children in the facility. Very young children are more vulnerable to suffer severe negative impact of institutional care and at the same time, children with disabilities are also at particularly risk of violence in institutional care, and may even be subjected to abuse in the guise of treatment.

While we are aware of the risks, we also have a good awareness of what works for children. We know, for example, that the removal of children from their families must be a measure of last resort, and when it becomes absolutely necessary, this should be temporary and for the shortest time as possible.

2. Protection of Children without parental care: from commitment to implementation

The patterns of institutionalization include situations of natural disasters, epidemics such HIV/AIDS, emergencies, discrimination on the grounds of age, sex, disability and ethnicity, poverty and socio economic conditions. In 2011, our Office participated in a regional consultation organized by the Inter-American Commission on Human Rights (IACHR) on the question of children deprived of parental care, participants at that meeting strongly indicated that the main reasons for the placement of children in alternative care are poverty, socio economic conditions and domestic violence. Some analysis conducted in developed countries affected by recent financial crisis also indicates the same trend.

These patterns indicate that prevention of violence against children and protection of children from being without parental care are strongly interconnected with poverty, gender equality, health and other core dimensions of the development agenda. It is fundamental to recognize that the protection of children from violence and their protection from being without parental care are not only human rights imperatives, and essential dimensions of the rule of law and good governance; but they are also questions of smart economics and sustainable inclusive social development.

¹ World Report on Violence against Children, page 183.

The Convention on the Rights of the Child, the UN Study on Violence against Children and the UN Guidelines for the Alternative Care of Children are mutually reinforcing and constitute a normative framework for the realization of the rights of children, including the prevention of the need to place children in alternative care and the protection of those deprived of parental care.

Our experience implementing the Convention on the Rights of the Child and recommendations of the UN Study on Violence against Children demonstrates that the family plays a key role in promoting the rights of the child, and the child's development is closely linked to the family environment where they grow up. The situation of all children is most effectively addressed using strategies that go beyond the institutional setting to ensure that families and caregivers receive adequate support to care for each child in his or her home environment wherever possible, to help schools adopt inclusive teaching techniques and provide appropriate support for all children, and to create a protective community environment for these children. In all these actions, the role of the family is essential to protect and support the child's development and growth. And the action by the State, in collaboration with a broad spectrum of the society, remains imperative to support parents in their responsibilities.

The UN Guidelines for the Alternative Care of Children set out very clear and detailed orientations for policy and practice regarding the prevention of placing children in care institutions and the protection and well-being of children deprived of parental care or who are at risk of being so deprived. The Guidelines are grounded on the Convention on the Rights of the Child and therefore, are intended to strengthen efforts to keep children in the care of their family or, failing this, to find another appropriate and permanent solution. The Guidelines indicate that States must ensure that when alternative care is necessary, as a measure of last resort, accommodation provided to children in alternative care must meet the highest quality standards, and ensure that continuous supervision in such placements effectively protect children against all forms of violence and enable them to have equal opportunities to enjoy their human rights.

Progress to prevent the placement of children in alternative care and to end violence against children in care institutions has been too slow; however some achievements have been made, as the Handbook shows us promising practices from over 70 countries, including both developed and developing countries.

Informed by the principles and provisions of these international standards, many countries have promoted law reform to prohibit all forms of violence against children, and many others have laid the foundation for alternative care systems anchored in child centered national protection systems. Our Office is pleased to announce that UNICEF TACRO with our support and in close collaboration with regional organizations, will launch a Call for Action to end the institutionalization of children under the age of three in the Caribbean and Latin American regions.

Despite these important developments, it is necessary to strengthen our efforts to make these instruments better known and more widely used across borders, and to ensure their integration and implementation in the context of national policies for the

safeguarding of the rights of children. This Handbook is an essential tool that will help to design, assess and evaluate national policies and practices to achieve these goals.

3. Looking ahead

The experience gained in the implementation of the Guidelines indicates that some steps are particularly relevant to achieve its effective implementation:

First, it is imperative to develop a comprehensive, well-coordinated and well-resourced national agenda that streamlines the Guidelines and addresses all forms of violence against children, coordinated by a high level authority and supported by effective implementation, monitoring and evaluation mechanisms.

Second, in the light of international human rights standards, it is urgent that national legislation reflects the key dimensions of the Guidelines, and it is necessary that all countries adopt a clear legal prohibition of all forms of violence against children at all times and in all contexts, supported by child-sensitive counselling, reporting and complaint mechanisms.

Third, to end the invisibility and fight against discrimination and violence affecting the lives of children deprived of parental care, it is crucial to prioritize education and setting of reliable data collection systems and research.

Fourth, it is imperative to invest in preventing the risks to children of being without parental care. In doing so, States must focus on developing child centered policies and programmes that address poverty, malnutrition, health, gender and other forms of discrimination, social exclusion and inequality, access to guns and other weapons, drugs and alcohol and to support families capacity to raise children with care and in safe environments. A core dimension to ensure effective violence prevention, that protect children from being without parental care, is combining economic development programmes (like savings, micro-finance, cash transfers, job training) with efforts to transform social attitudes about gender, child rearing and violence.

Fifth, we must support families, promote positive parenting and ensure access to basic social services. Services must be accessible, respect the rights of the child and help to effectively combat violence and any other rights violations affecting children and protecting them from being deprived of parental care.

Finally, to be effective in our efforts, it is essential to join hands with the children themselves, including vulnerable children and very young children. We must systematically listen and work together to promote their rights and to search for solutions to prevent any risk of neglect, abandonment or improper placement.

I would like to conclude by recalling a child who told us that vision without action is a dream, but action without a vision is a nightmare. The Guidelines give us a clear vision and the handbook *Moving Forward: Implementing the 'Guidelines for the alternative Care of Children'*, provides critical insight and direction for the effective implementation of the Guidelines. Let's make sure that vision guides collaborative action on the protection of children without parental care. Thank you.