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Alternative forms of care for children without parental care: prospects, challenges  
and opportunities in developing community based care strategies in India

A Cordaid and Kinderpostzegels initiative

Overview of the debate  
on children without parental care and possible models of care



*20<sup>th</sup> May 2006*

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## I Introduction

In a recent publication<sup>1</sup> UNICEF estimated that in 2003 more than 143 million children under the age of eighteen in 93 developing countries have lost one or both parents. But there are also children all over the world, who are separated from their parents due to lack of basic economic and/or social security within their families.

Nothing can take away the pain of the children who have lost one or both parents due to illness, accident or conflict or of children whose parents due to circumstances are not able to care for them. But we can, through concerted action, help alleviate the suffering that many of them face and can provide brighter prospects for their future.

The United Nations Convention of the Right of the Child affirms that it is in the overriding interest of children that they be brought up in their own families. But there are growing numbers of children who do not enjoy this most basic right and suffer from neglect and extreme vulnerability. The emotional, educational, spiritual and physical needs of children who live without parental care are often neglected and they may resort to dangerous activities to survive.

Cordaid and Stichting Kinderpostzegels Nederland are of the opinion that all children have to be cared for and not just looked after and that the ideal environment for a child is a family, not an institution. We believe that separation from his/her family should be as temporary as possible, unless the child experiences any form of exploitation, abuse or neglect in the family. In that case it is still preferential for a child to grow up in a family or family-like environment - though not its own family - because of the support and affection, necessary for the healthy development of a child, it can offer. We would like to stress that it is the primary responsibility of states to establish and implement policies, laws and services for the protection of children in accordance with CRC. However, these laws, policies and services should protect the children, safeguard the parent-child relationship and ensure that all measures are taken to keep families together.

For many decades children without parental care, were cared for in institutions or in foster-homes. Recent studies stress the importance of a family environment for the development of a child. Experience in different countries has shown that through specific measures the child can remain with their parent(s) or a close relative. A number of alternative forms of care have been developed in which the extended family and the community play a central role. Some experts in the field of childcare are still sceptical of these developments, stressing the risk of abuse of the child. Other experts underline that institutional- and foster care are also not without risk for the child. Many of the organisations working with and caring for children without parental care are not fully aware of these new insights.

Cordaid and Kinderpostzegels have taken the initiative to further the discussion on the advantages and disadvantages of different forms of care and to stimulate partner organisations and other interested nongovernmental organisations in Asia to take up alternatives of care for children without parental care within their regular activities by:

- providing them with sufficient information to make a well-informed decision on the way forward

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<sup>1</sup> State of the World Children 2006, Excluded and Invisible, UNICEF 2005, p.49

- 
- allow them to link up and network with
    - institutions with a expertise in this field
    - similar organisations with practical experience and/or struggling with similar issues.

As a first step in this process an overview of the main trends in the current debate on care for children without parental care was deemed important.

## II Children without parental care

In the past five years the issue of care for orphaned and vulnerable children has been actively taken up by a number of international organisations. The results of their experiences have been presented in different handbooks and web-sites. In annex 4 relevant sources of information are presented.

In this paper the following terminology will be used

*Child*: person under the age of 18

*Orphans and vulnerable children (OVC)*: children who, in a given local setting, are most likely to fall through the cracks of regular programs, policies and traditional safety nets and therefore need to be given special attention when programs and policy are designed and implemented.

*Orphans*: children of whom one or both parents have died.

*Children without parental care*: all children not living with their parents, for whatever reason and in whatever circumstances.

*Right to family life*: The United Nations Convention of the Right of the Child affirms that it is in the overriding interest of children that they be brought up in their own families. It envisages separation as the last possible step after doing everything that can be done to support parents in their responsibilities.

The *family* is crucial<sup>2</sup> for:

- the child's physical well-being through adequate care and a safe physical environment
- the child's up-bringing through an affectionate surrounding, a stimulating learning environment, appropriate role models and a keen interest in the child and his/her perception of the world.
- the child's future through an environment which fosters a sense of belonging and trust and through the availability of the parent(s) for advice and support in the present and in the future.

The main focus of this paper will be on children without parental care.

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. Children may be deprived, temporarily or permanently of parental care for a wide-range of reasons including the illness, death or imprisonment of parents, separation due to migration or armed conflict, the removal by child welfare authorities and/or the courts based on the child's best interests, detention of the child, or following the child's own initiative to leave home. In many cases children are abandoned or relinquished voluntarily by their parents, who believe they are unable to offer their children adequate care<sup>3</sup>.

## III International Conventions and the responsibility of the State

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<sup>2</sup> Summary and translation of definitions in *Het belang van het kind en voorwaarden voor ontwikkeling*, Margrite Kalverboer, Elianne Zijlstra, Ministerie van Justitie en Stichting Kinderpostzegels Nederland, 2006, p.29 en 30.

<sup>3</sup> UNICEF submission to the Committee on the Rights of the Child, Geneva, 16 September 2005, p.2.

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The United Nations Convention on the Rights of the Child (CRC) was signed in 1990 and has been ratified by 192 member countries of the United Nations. The CRC guides all actions in support of children without parental care. In the CRC is reconfirmed that development is the realization of a set of universally applicable, inalienable rights. It recognizes that children are both right holders and participants. They are not merely recipients of services or the beneficiaries of protective measures. The CRC affirms that the family has primary responsibility to protect and care for the child, and that governments have the responsibility to protect, preserve and support the child-family relationship. It also specifies the responsibility of the State to provide special protection for his or her family environment.

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### *Guiding principles*

The underlying values – or guiding principles - of the CRC serve as a constant reference for the implementation and monitoring of all efforts to fulfil and protect children's rights:

*Best interest of the child:* The CRC states that in each and every decision affecting the child, the various solutions must be considered and due weight given to the child's best interest. This principle is relevant to children without parental care where decisions are made regarding their caretakers, property and futures. But the principle is also relevant to all matters that concern children, including development policies and programmes and allocation of public resources.

*Non-discrimination:* All children should be given the opportunity to enjoy the rights recognized by the CRC. States must identify the most vulnerable and disadvantaged children and take affirmative action to ensure that the rights of these children are realized and protected. This principle is essential for children without parental care as they are at risk of discrimination in all aspects of their lives.

*Right to survival, well-being and development:* Basic to the CRC is the child's right to survival, well-being and development. This principle further emphasizes the need to ensure the full and harmonious development of the child, including the physical, spiritual, moral, psychological and social perspectives. States are obliged to undertake strategies to assist the most disadvantaged children including children without parental care.

*Respect for the view of the child:* This principle affirms that children are entitled to express their views in all matters affecting them and requires that those views are given due weight in accordance with the child's age and maturity. It recognizes the potentials of children to enrich decision-making processes and to participate as citizens and actors of change. This principle underscores the importance of ensuring that children without parental care participate in decisions that affect them, such as those concerning their care and inheritance, and that they have an important contribution to make in the fight against poverty and injustice.

### *Responsibility of national governments*

Children are entitled to standards of care and protection that guarantee their rights. It is the primary responsibility of states to establish policies, laws and services for the protection of children in accordance with CRC. These should address standards of childcare and regulate practice and agencies providing the services. States should also monitor and take action regarding all agencies and other groups within their borders that support the provision of childcare in foreign countries that is contrary to the spirit and intention of the CRC.

Low standards of care are common to many countries and many states are failing to monitor the quality of care for children without parental care.

Donors and other international agencies increasingly see respect for human rights as part of the enabling legal and institutional framework necessary for development, but children and child law reform have not, to date benefited significantly from good governance and other initiatives. International standards could assist governments and donors to ensure the necessary provisions are made for children without parental care. UN Guidelines for States, complementing the provisions of the CRC, are under preparation and will be discussed at the UN in 2006.

These guidelines<sup>4</sup> should assist States to

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<sup>4</sup> UNICEF submission to the Committee on the Rights of the Child, Geneva, 16 September 2005, p. 9

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- restructure social welfare and child protection systems in order to diminish the use of institutions, develop alternative care approaches, and strengthen effective community-based preventive and protective social services;
  - strengthen the legislative framework, in line with the CRC, to ensure that the rights of all children without parental care are fulfilled;
  - fight discrimination that brings children into public care, including gender, disability, ethnicity and HIV status of children or their family members;
  - adopt standards and develop good monitoring procedures for all services providing out of home care;
  - reallocate funds to prioritise preventive and alternative care services.

#### IV Different models of care

There are many reasons why children are without parental care and therefore there are diverse care situations. It is important to acknowledge that in certain situations care may not be provided at all. Some countries may not fully recognise or act upon their obligation to provide care, nor have non-state bodies stepped in to fill the gap. Countries with high prevalence of HIV/AIDS can be overwhelmed by the sheer numbers and are not able to provide for all. Children may be living on the streets, often with other non-related children or in unsupported child-headed households. In other cases, children in need of care, may not be reachable by either governments or other non-state actors (e.g. children associated with fighting forces).

*Out-of-home care* is the term used to describe the whole range of responses to children without parental care, excluding adoption (which is fully equivalent to parental care).

The main forms<sup>5</sup> are:

*Child-headed households:* There are many examples of situations where children have spontaneously created their own "households" on the death of their parents (though the children can still live in the ancestral home it is technically grouped under out-of-home care because no parental care is available). Such households tend to be composed of children from one family, where the eldest takes on responsibility for the welfare of his or her siblings. But there are other forms: a mix of family and non-family children, or even a group of unrelated children. Often these households are formed in response to a specific emergency situation, such as armed conflict or the HIV/AIDS pandemic. But they can also be created by residential facilities.

*Informal care by family members or others:* The informal placement of children by their parents or other family members is by far the most prevalent form of alternative care within societies. The caregiver may be a grandparent or other relative (*informal kinship care*) or a friend or acquaintance (*informal foster care* or 'private fostering').

*Formal foster care by family members or others:* The formalised version of family-based care may concern relatives (*formal kinship care*) as well as non-related carers (*formal foster care*). This form of care is far less widespread than its informal counterpart. It involves shorter- or longer-term placements resulting from decisions of the courts or an administrative authority (such as a child welfare or social

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<sup>5</sup> Improving protection for children without parental care: A call for international standards, International Social Service and UNICEF, August 2004 p. 3 en 4

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service agency). It has been mainly developed in the industrialised countries and promoted by the latter elsewhere.

*Residential facilities:* These are living facilities for groups of children staffed by remunerated care givers. They range from small, community based group homes housing ten or fewer children to much larger facilities. They may be designed to provide anything from general care to specialised support, treatment and therapy, such as for children with disabilities or who are recovering from trauma or exploitation. Also included under this heading are facilities for separated immigrant children and residential establishments with an educational focus, such as boarding schools.

*Safe houses and other "protective" environments:* These facilities are designed to provide a secure – often "closed" - environment for children deemed more specifically to require protection from outsiders such as victims of trafficking or separated children who risk being drawn into exploitation or criminal activity.

*Transit centres:* These facilities provide residential care to children in emergency situations when they have been separated from their parents or customary caregivers. Such centres are usually intended to be temporary in nature, to be used while a child's family is being traced and pending unification.

*Placements abroad:* Children may be placed abroad on a short- or long-term basis in many of the care situations described above: in all types of informal care (incl. relatives), in the form of formal foster care and in various residential facilities. In addition children who have moved outside their country of origin of habitual residence may be placed in informal or formal care including various kinds of residential facilities such as group homes, safe houses and closed "protective" facilities in the countries they find themselves

The *legal responsibility* of the care provider may vary considerably, not only among, but also within, each of these forms of care. In some cases parents will retain full responsibility. In others parental responsibility will be shared or delegated e.g. to a court-appointed or approved guardian. In countries with a legal system based on Islamic law, the practice of *kafala*, where a child is taken in by family members or others under a care arrangement that is generally permanent, responsibilities are similar to adoption.

The degree of reliance on the different options will vary according to the situation of the country or community concerned and may change - sometimes radically - over time in response to factors such as: externally induced needs (epidemics, wars, natural disasters), socio-demographic factors (urban migration, cross-border movement, family breakdown rates), economic conditions, prevailing ideologies, politically-motivated decisions and research-based policies.

## V Specific issues

While some countries will have strong laws, police, social services and courts to protect children and young people, in many developing countries these systems will be weak or non-existent, and organisations will need to take extra care that children are not open to abuse. These laws, policies and services should also safeguard the parent-child relationship and ensure that all measures are taken to keep families together. Creative alternatives to orphanages and foster care should be explored and preventive services should get the highest priority. New forms of educational intervention and child protection should be developed which will benefit the child and the whole family.



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The following issues are essential:

*A mother or a father is a parent forever:* Entrusting their children to others is often done as a last resort. These parents pay a high price: losing the children they love. In addition, these parents are disgraced and feel ashamed in front of their neighbours. It is important to include the child's family, even if they have already been separated for several years, when elaborating solutions to the child's problems.

*Children's voices matter:* As soon as they are old enough, children should be encouraged to voice their feelings and opinions. Children understand their own needs and children will often observe things that adults might have overlooked or not considered important.

*Active involvement of children, parents and community:* All members (and especially the children concerned) of a family should have the opportunity to express themselves and play an active role in shaping their destiny. They depend on one another and on their communities for their well-being. The rights of one member of the family cannot be protected effectively without protecting the rights of the others.

*Understand the different needs of girls and boys:* The challenges and risks faced by boys and by girls differ. Girls are less likely to complete their education and are more at risk of exploitation and sexual abuse (and therefore of HIV-infection) than boys in many countries in the developing world. Boys are often expected to work at an early age in physically demanding jobs and are more likely to come into contact with the judicial system or to go to jail than girls.

*Consider the needs of all age groups:* While there are many projects that care for young children and babies that are orphaned or otherwise vulnerable, the needs of vulnerable adolescents are often overlooked. Providing healthcare, educational and nutritional support for young children can be relatively straightforward. But giving adolescents the kind of emotional support, education and training in life-skills and reproductive health they need can be much more challenging.

## VI Specific groups of vulnerable children

The situations of children without parental care around the world are diverse and no single solution will work for all children and their families. It is important to envision many different paths to a successful outcome. However, policies can be made more effective if they take into account the specific needs of different groups of vulnerable children.

*Children living in extreme poverty:* Too often, the stresses of extreme poverty act to break up families, robbing both parents and children of their dignity, their basic rights and their hopes for a decent future. As long as extreme poverty persists, there will be parents who will feel they must entrust their children to others, children who end up in the streets, and child welfare systems that distrust parents' ability to raise their children.

Traditional approaches tend to remove children from destitute situations 'for their own good'. In most cases, children, including those living on their own in the streets, can be supported most effectively by empowering their parents and their families and by providing the parents and the children with the tools they need to stay together. However, the poorest families are fragile. Their time is consumed by their survival efforts. They lack education and face stigma. A family in crisis may need to ask for support from Non Governmental Organisations or from Government Child Welfare Services. These institutions should be aware of the fear of people living in extreme poverty of losing

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custody of their children which can deter them from seeking preventive support that could avert a crisis altogether.

*Children living on the city streets:* In many countries groups of children live on the streets of the main cities. Many children leave home to earn money for their families, but others run away from home because of a situation they could not accept or because of a traumatic event in the village or in the family. Life in the streets has certain attractions, but the children's health, survival and well-being are constantly endangered. Even those children who do manage to get by, are missing their families love and solidarity, as well as cultural and economic traditions, they did not have time to learn before leaving. Institutions designed for their benefit have helped to protect some, but have also left many of these children disoriented, not knowing how they can grow up to participate in their community. Special attention should be given to their health, (vocational) education and future employment possibilities, but especially to reintegrate these children into the lives of their families and local communities

*Children in conflict with the law:* Children in conflict with the law are persons under the age of 18 who come in contact with the justice system as a result of being suspected or accused of committing an offence. Most children in detention are not serious criminals but are deprived of their liberty for vagrancy, begging, smoking, dropping out of school or alcohol use. Girls can even come in conflict with the law as a consequence of criminal acts against them, such as rape or sexual exploitation. Children in detention often suffer serious violations of their basic rights. Frequently, the conditions under which they have to survive are deplorable and inhumane. Physical abuse is common. Arrest, detention and sentencing are often arbitrary.

A child in conflict with the law has the right to treatment that promotes the child's sense of dignity and worth, that takes the child's age into account, and that aims at his or her reintegration into society. The placement of a juvenile in a closed facility (a prison, detention centre, arrest cell, rehabilitation centre or any other closed institution) should be avoided whenever possible. Quality alternatives to the deprivation of liberty are preferable. These include counselling, probation, community service and diversion. In many countries revision of laws related to children in conflict with the law is needed.

*Child victims of trafficking:* Many children across the globe are victims of exploitation, abuse and violence each year. They are abducted from their homes and schools or even sold by their own families. They end up in armies or are trafficked into prostitution rings, They are forced into debt bondage or other forms of slavery. Many work in hazardous environments under poor conditions. The use of children as a commodity for labour or sex is also a lucrative international trade. Like other criminal activities trafficking is an underground activity and difficult to address. Moreover, families are often unaware of its dangers, believing that their children might have the chance for a better life. Child labour laws should be strengthened and strictly enforced by governments all over the world. The root causes of trafficking should be tackled in the communities of origin through poverty reduction, but also in the receiving communities where it is still socially acceptable that children are used as labourers, domestic workers or sex workers. Besides prevention, recovery of the trafficked children and specific support (e.g. through youth centres) to help exploited children to re-enter society is essential. Whenever possible, the children should be reunited with their families and reintegration in their community of origin. Community based approaches can be very effective.

*Children with disabilities:* Children with disabilities are among the most stigmatized and marginalized of all the world's children. Whether they have a visual, auditive, physical or mental disability, these children are likely to be denied the right to grow up in a family environment. Children with

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disabilities are nearly always overrepresented among children confined to state-run institutions and privately funded orphanages. In these centres they do not receive the stimulation and attention needed to grow to their full potential, and they often are at greater risk of abuse and neglect. In many countries, parents of children with disabilities are left to cope alone. Often among the poorest of the poor, they lack financial support, services, training and opportunities to meet the needs of their children and to keep the family afloat. As a result, they often see little option but to surrender their child to institutional care. Special measures are needed to support parents to care for these children.

Community-based responses have been developed and should have a central place in government policies. For those children (with severe mental and/or physical limitations) who do need institutional care, adequate services and protection should be available.

*Vulnerability due to HIV and AIDS:* HIV and AIDS are accelerating the breakdown of families, particularly in Africa, but increasingly in Latin America, Asia and Eastern Europe. Parental illness and death damage or destroy the family environments and affect children in many ways. Children who have lost one or both parents to AIDS-related illnesses may not be HIV-positive, but they can be greatly affected. In addition to the trauma of losing a parent, they are often stigmatised at school and in the community, and they may receive fewer of the material resources and educational opportunities that children in an extended- or foster-family setting receive. There is a need to strengthen capacity of families to protect and care for their children by prolonging the lives of the parents and providing economic and psychosocial support for the children and their caregivers. Access of these children to education and health care is needed. Succession planning should be organised to safeguard the inheritance of these children. Communities should be involved to create a supportive environment for these children, to counteract stigmatisation and to enable community members to talk more openly about this disease.

*Children in emergency situations:* In emergency situations (armed conflicts and natural catastrophes), parents themselves may be unable to take on their protective role effectively. Communities affected by emergencies are materially and psychologically in a much diminished position to look after children who have – permanently or temporarily – lost their parents. The recourse to informal care will be limited, in the first instance at least. Family tracing and reunification are of the utmost importance. However in a number of cases out-of-home care is unavoidable. The risk of violation of rights of children in out-of-home care in emergencies is massively heightened because of the likely context of overall insecurity, the breakdown of social control and societal values, and the absence of rule of law. Particular attention should be paid to preventing abuse and exploitation of children by third parties while they are in care. Such violations can include revenge killings or mutilation, abduction, forced recruitment in armed groups, trafficking (for adoption and other purposes) and sexual abuse and exploitation. Special attention should be given to recovery and reintegration (of child soldiers, exploited children, children who have suffered injury and displaced children).

## VII Framework for collective action

UNICEF and UNAIDS<sup>6</sup> have developed a framework for the protection, care and support of orphans and vulnerable children living in a world with HIV and AIDS, in collaboration with development

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<sup>6</sup> The framework for the protection, care and support of orphans and vulnerable children living in a world with HIV and AIDS, UNAIDS and UNICEF, July 2004

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practitioners and representatives from a broad array of government agencies, faith-based and non-governmental organizations, academic institutions, private sector and civil society. This framework is based on lessons learned over many years. It considers families and communities as the foundation of an effective, scaled-up response to the increase in the number of orphans and vulnerable children all over the world. The framework has been developed in view of the HIV/AIDS pandemic, but with some adaptations it can also be relevant to the situation of children without parental care.

*Provide parents and children with the tools to stay together*

In many cases the break up of families could be avoided if preventive support is given to avert a crisis. Traditional approaches to remove children from destitute situations 'for their own good' should be avoided whenever possible. In most cases, children, can be supported most effectively by empowering their parents and their families and by providing the parents and the children with the tools they need to stay together. The following key areas of response have been identified to strengthen the coping capacity of families:

- Improve household economic capacity.
- Strengthen and support child-care capacities
- Provide basic health and nutrition services
- Increase school enrolment and attendance
- Strengthen young peoples' life-skills
- Adapt laws, policies and services to safeguard the parent-child relationship and to ensure that all measures are taken to keep families together.
- Develop new forms of educational intervention and child protection which will benefit the child and the whole family

*Strengthen the capacity of families to protect and care for children without parental care*

The vast majority of children without parental care are living with their extended family. Even the majority of the children who live on the streets maintain ties with their families. Recognizing this reality, the core of a strategy to respond to children without parental care must be to strengthen the capacity of families to care for and protect their children.

Families are the best hope for these children, but they require support from outside sources for both immediate survival needs and the longer term. The following key areas of response have been identified to strengthen the coping capacity of (extended) families:

- Improve household economic capacity.
- Strengthen and support child-care capacities
- Strengthen young peoples' life-skills
- Support succession planning
- In case of HIV/AIDS prolong the lives of parents and provide for psychosocial support to affected children and their caregivers

*Mobilise and support community-based responses*

When families cannot adequately meet the basic needs of their children, the community is a safety net in providing essential support. In practice, care of children without parental care comes from extended families able to cater for increased numbers with community assistance, and, in extreme cases, communities caring for children in child-headed households or with no family involvement. Reinforcing the capacity of communities to provide support, protection and care is the foundation for a response to the increase in children without parental care. Four key areas of intervention nurture and strengthen the community initiative:

- Engage local leaders in responding to the needs of vulnerable community members
- Organize cooperative support activities

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- Promote and support community care for children without family support
  - In case of HIV/AIDS, organize and support activities that enable community members to talk more openly about this disease

*Ensure access for children without parental care to essential services, including education, health care, birth registration and others*

Children without parental care are at a disadvantage in obtaining essential services necessary to their welfare. In many countries they have lower school attendance rates and are at risk of poor nutrition and health. They are also at greater risk of abuse and exploitation because of their status in society. Governments have an obligation to provide services to all children and communities. At the local level, non-governmental organizations, faith-based organizations, the private sector and other indigenous community groups often play a critical role in extending the reach of these services. The following key areas of intervention have been identified:

- Increase school enrolment and attendance
- Ensure birth registration of all children
- Provide basic health and nutrition services
- Improve access to safe water and sanitation
- Ensure that judicial systems protect vulnerable children and their right to a family life
- Ensure placement of children without family care
- Strengthen local planning and action

*Ensure that governments protect the most vulnerable children through improved policy and legislation and by channelling resources to families and communities*

While the family has primary responsibility for the care and protection of children, national governments have the ultimate responsibility to protect children and their well-being. Most countries have ratified the UN Convention on the Rights of the Child. In order to meet these obligations, countries must undertake and be supported in a broad range of multi-sectoral actions. No ministry has sole jurisdiction over the issues surrounding children without parental care. Governments must find ways to bring together ministries of education, finance, health, social welfare and others to respond in a coordinated and effective way to the many needs of these children, to safeguard the parent-child relationship and to ensure that all measures are taken to keep families together.

The following key areas of response have been identified to ensure that governments protect the most vulnerable children:

- Restructure social welfare and child protection systems in order to diminish the use of institutions, develop alternative care approaches, and strengthen effective community-based preventive and protective social services;
- Strengthen the legislative framework, in line with the CRC, to ensure that the rights of all children without parental care are fulfilled;
- Fight discrimination that brings children into public care, including gender, disability, ethnicity and HIV status of children or their family members;
- Adopt standards and develop good monitoring procedures for all services providing out of home care;
- Reallocate funds to prioritise preventive and alternative care services.

*Raise awareness at all levels through advocacy and social mobilization to create a support for children without parental care*

The situation of children without parental care around the world are diverse and no single solution will work for all children and their families. It is important to envision many different paths to a

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successful outcome. However, policies can be made more effective if they take into account the specificities of different groups of vulnerable children. Families break up due to extreme poverty and children live on the streets. Children with disabilities are likely to be denied the right to grow up in a family environment. HIV/AIDS is accelerating the breakdown of families, particularly in Africa and stigma gives rise to rejection, hostility, isolation and human rights violations. In emergency situations (armed conflicts and natural catastrophes), parents themselves may be unable to take on their protective role effectively. The risk of violation of rights of children in out-of-home care in emergencies is greatly heightened because of the likely context of overall insecurity, the breakdown of social control and societal values, and the absence of rule of law.

Changing policies in favour of the different groups of children without parental care can only be achieved through advocacy and social mobilization in the countries concerned and at the international level. All stakeholders have a role to play in building a more supportive environment of the general public, the government, donors and international agencies. The following key areas of response have been identified to raise awareness to create a supportive environment:

- Conduct a collaborative situation analysis
- Mobilize influential leaders
- Inform the media
- Strengthen and support social mobilization activities at all levels.

## Conclusion

Our initiative aims to contribute to further exchange of ideas and information about alternative forms of care for children without parental care. We hope that this overview document has provided you with some input for further debate and eventually of course with ideas for more appropriate care for children in need in India and Asia.

Cordaid and Kinderpostzegels

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## Annex 1 List of abbreviations

CORDAID	Catholic Organisation for Relief and Development Aid
CRC	United Nations Convention on the Rights of the Child
HIV/AIDS	Human Immune Deficiency Virus/Acquired Immune Deficiency Syndrome
IFCO	International Foster Care Organisation
ISS	International Social Service
IRC	International Reference Centre for the Rights of Children Deprived of their Family
NGO	Non- Governmental Organisation
OVC	Orphans and Vulnerable Children
UN	United Nations
UNAIDS	United Nations Programme on HIV/AIDS
UNICEF	United Nations Children's Fund

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## Annex 2 Specific problems encountered by children without parental care

Orphaned and vulnerable children/ children without parental care often have a long trail of painful experiences characterized by<sup>7</sup>:

*Economic hardship:* With the family's sources of economic support threatened and savings spent on care, household capacity to provide for children's basic needs declines. An increasing number of children are being forced to take up the daunting responsibility of supporting the family.

*Lack of love, attention and affection:* The loss of a parent often means that young children are left without consistent responsive care. They can also be deprived of interpersonal and environmental stimulation and individualized affection and comfort.

*Withdrawal from school:* economic pressure and the responsibilities of caring for parents and siblings can lead children to withdraw from school, even while their parents are still living.

*Psychological distress:* the illness and death of their parents can cause extreme psychological distress in children, along with increased fatalism that is worsened by the stigma of being an orphan and in specific cases the stigma of disability, HIV/AIDS and/or child soldier.

*Loss of inheritance:* Orphans (and widows) are often deprived of money or property which is rightfully theirs.

*Increased risk of abuse:* Impoverished and without parents to educate and protect them, children face an increased risk of abuse. Many are forced into harmful child labour and/or sexual exploited for cash or to obtain 'protection', shelter and/or food.

*Malnutrition and illness:* Children without parental care are at increased risk of malnutrition and illness and are less likely to get the medical care they need. Infection with sexually transmitted infections, including HIV and unwanted pregnancies is as serious threat.

*Stigma, discrimination and isolation:* Dispossessed children are often obliged to leave their homes and to live in unfamiliar and sometimes unwelcoming places. Children orphaned by AIDS are more likely to be rejected by extended family than those orphaned by other causes. The stigma of disability is often felt within the family and within the community.

*Drug use and crime:* As children without parental care often have to fend for themselves the risk of using drugs and/or to become involved in crime is high.

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<sup>7</sup> Improving protection for children without parental care: A call for international standards, International Social Service and UNICEF, August 2004, p.9



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### Annex 3 Orphanages should be a last resort<sup>8</sup>

A strong, healthy, supportive family can be the most important source of moral guidance, emotional support and material sustenance in a child's life.

The family is the place where children gain their sense of identity and self-esteem. Families take responsibility for feeding, clothing and educating their children. Families make the child feel safe. Families and communities also play a vital role in helping children to acquire the cultural understanding, practical knowledge and skills they need to live full and healthy adult lives.

The extended family and community are also crucial to the development of children. Children learn from working side-by-side with their mothers, fathers, aunts and uncles and older brothers and sisters. Children might learn farming skills from families and neighbours in a rural community, or computing skills from families and schools in urban areas.

Belonging to a community gives a child opportunities to learn culturally appropriate behaviour and skills and to observe and learn from the lives and work of the adults around them.

Separation from their family members tends to rob the now isolated members of the family (parents and children) of their support network, their self-esteem and their courage to struggle against poverty

Many orphanages were set up in response to a perceived need, and they are often perpetuated because they can provide an immediate solution for children who have lost parents and caregivers. Many non-governmental organisations see orphanages as serving poor and destitute communities, and they can produce highly visible and compelling results.

Most institutions offer shelter, clothing, food, medical care and provide for the basic educational needs of children.

In some cases, where children have been separated from their families in times of conflict, natural disaster, or in cases of physical and sexual abuse, temporary shelters can extend a critical lifeline to children in urgent need of care.

Yet, orphanages and other forms of long-term residential care, such as 'children's villages', deprive children of a family setting. The very nature of institutions makes it difficult for them to adequately support children's many different needs, which extend beyond food, medical care and schooling. Children, especially long-term residents, may not get the kind of love, individual attention and sense of belonging that only a family can provide. They may also become stigmatised because of their association with illness, poverty or disability.

In the worst cases, children are subjected to regimens that hinder their development and fail to protect them from harsh treatment or conditions resembling child labour. Sexual abuse has been reported in some institutions – many of which do not have the systems or structures to monitor and prevent it. There are no international standards to govern institutional care, and few developing countries have up-to-date laws to regulate orphanages or certify staff.

Reintegration into society is another challenge. Children from a rural area who have lived in an institution in a town or city for a long time may lose the ability to speak their family's traditional language and will not learn important aspects of their community's culture and traditions. When any child leaves an institution, he or she may lack the communication skills and cultural identity to successfully reintegrate back into their community, or the community in which the institution is located.

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<sup>8</sup> A matter of belonging: How faith-based organizations can strengthen families and communities to support orphans and vulnerable children, Christian Aid and UNICEF, 2006, p.p.5,6 and 7

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## Annex 4 Relevant sources of Information

### Literature

1. A matter of belonging: How faith-based organizations can strengthen families and communities to support orphans and vulnerable children, Christian Aid and UNICEF, May 2006
2. Stakeholders in foster care: an international comparative study, Shanti George, Nico van Oudenhoven, IFCO, 2002
3. Elaborating a lifelong plan: Kinship care, International Social Services, International Reference Centre for the Rights of Children Deprived of their Family (ISS/IRC), Geneva, March 2006
4. Providing support to children affected by HIV/AIDS and their families in the low prevalence countries of India and Cambodia: Programming issues, draft discussion document, USAID, March 2006
5. State of the World Children 2006: Excluded and invisible, UNICEF, 2005
6. UNICEF submission to the Committee on the Rights of the Child for the Day of General Discussion on "Children without parental care", Geneva, 16 September 2005
7. Facing the crisis: supporting children through positive care options, David Tolfree, Save the Children UK, 2005.
8. The framework for the protection, care and support of orphans and vulnerable children living in a world with HIV and AIDS, UNAIDS and UNICEF, July 2004
9. Children on the Brink, A joint report of new orphans estimates and a framework for action, UNAIDS, UNICEF, USAID, July 2004
10. Improving protection for children without parental care: A call for international standards, International Social Service and UNICEF, August 2004
11. Improving protection for children without parental care: Kinship care: an issue for international standards, ISS and UNICEF, August 2004
12. Improving protection for children without parental care: Care for children in emergency situations: implications for international standards, ISS and UNICEF, November 2004
13. How poverty separates parents and children: a challenge to human rights, a study by ATD Fourth World, 2004
14. India Country Report, College of Social Work, Mumbai, India, 2004
15. The right to live in a family and community: Homes for children and adolescents in Brazil, IPEA/National Council of Rights of Children and Adolescents, Brazil, 2004
16. Forgotten families: Older people as carers for orphans and vulnerable children, HelpAge International and International HIV/AIDS Alliance, 2003
17. A last resort: the growing concern about children in residential care: Save the Children's position on residential care, International Save the Children Alliance, July 2003
18. Community based care for separated children, David Tolfree, Save the Children Sweden, 2003

### Relevant web-sites

1. [www.bettercarenetwork.org](http://www.bettercarenetwork.org)
2. [www.ifco.info](http://www.ifco.info)
3. [www.atd-fourthworld.org](http://www.atd-fourthworld.org)
4. [www.iss-ssi.org](http://www.iss-ssi.org)
5. [www.ovcsupport.net](http://www.ovcsupport.net)
6. [www.savethechildren.org.uk](http://www.savethechildren.org.uk)
7. [www.unaids.org](http://www.unaids.org)
8. [www.unicef.org](http://www.unicef.org)
9. [www.viva.org](http://www.viva.org)