Alternative Care Briefing

African Committee of Experts on the Rights and Welfare of the Child

12 April 2014, Ethiopia

Objectives

* **Objectives of the day**
  * Increase visibility, understanding and support for child protection systems strengthening and child care reform within this process

* **Alternative Care Briefing Objectives**
  * Increase understanding of and recommendations on the implementation of the Guidelines for the Alternative Care of Children when reviewing State Party Reports and drafting general recommendations
  * Opportunities to promote the Guidelines for the Alternative Care of Children **(5th Anniversary & 20th Anniversary IYF)**

* **Three priorities to focus on:**
  * Family strengthening and preventing separation
  * Provision of different forms of quality care
  * Special circumstances: alternative care in emergencies

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* Introduction
* Focus themes
    * Family strengthening and preventing separation
    * Provision of different forms of quality care
    * Special circumstances leading to separation
* Questions
* Group work
* Concluding Remarks

Introduction

* Further guidance to UN Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC)

* Welcomed by the UN General Assembly in 2009

  * Support efforts to preserve or re-establish family unit

  * When needed, identify and provide alternative care that promotes the child's well-being and development

  * Encourage Governments to assume their responsibilities towards the rights of children without parental care

  * Encourage all concerned to fully take into account the Guidelines in their policies and activities

* Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children' launched in 2013

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Promotion of the Guidelines in Africa

* Family Based Care Conference, Nairobi 2009

* Francophone Conference on Family Strengthening and Alternative Care, Dakar, 2012

* AU Family Systems meeting, 2012

* ICA Conference, Dakar & Addis Ababa 2012

* Launch of Moving Forward at ACERWC 21st session, Addis Ababa 2013

* Regional Conference on domestic adoption, Nairobi, 2013

Two Core Principles

- **Principle of necessity: is care genuinely needed?**
- **Principle of suitability: is the care appropriate for the child?**

Key elements to take into account to ensure that alternative care is used only when necessary and is appropriate for the child concerned.

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

Reduce the perceived need for formal alternative care

- Implement poverty alleviation programmes
- Address societal factors that can provoke family breakdown (e.g. discrimination, stigmatisation, marginalisation…)
- Improve family support and strengthening services
- Provide day-care and respite care opportunities
- Promote informal/customary coping strategies
- Consult with the child, parents and wider family to identify options
- Tackle avoidable relinquishment in a pro-active manner
- Stop unwarranted decisions to remove a child from parental care

Discourage recourse to alternative care

- Ensure a robust gate-keeping system with decision-making authority
- Make available a range of effective advisory and practical resources to which parents in difficulty can be referred
- Prohibit the 'recruitment' of children for placement in care
- Eliminate systems for funding care settings that encourage unnecessary placements and/or retention of children in alternative care
- Regularly review whether or not each placement is still appropriate and needed

THE NECESSITY PRINCIPLE

Ensure formal alternative care settings meet minimum standards

- Commit to compliance with human rights obligations
- Provide full access to basic services, especially health-care and education
- Ensure adequate human resources (assessment, qualifications and motivation of carers)
- Promote and facilitate appropriate contact with parents/other family members
- Protect children from violence and exploitation
- Set in place mandatory registration and authorisation of all care providers, based on strict criteria to be fulfilled
- Prohibit care providers with primary goals of a political, religious or economic nature
- Establish an independent inspection mechanism carrying out regular and unannounced visits

Ensure that the care setting meets the needs of the child

- Foresee a full range of care options
- Assign gatekeeping tasks to qualified professionals who systematically assess which care setting is likely to cater best to a child's characteristics and situation
- Make certain that residential care is used only when it will provide the most constructive response
- Require the care provider's cooperation in finding an appropriate long-term solution for each child

THE SUITABILITY PRINCIPLE

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Family Strengthening & Preventing Separation

Laws, Policies and Practices

Rwanda

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* Family strengthening can:
  * Reduce the risk of children being separated: abandoned, placed in institutions, etc.
  * Support the reintegration of children separated from their families.
  * Reduce risks of abuse, exploitation and neglect.
* Why support to families In Rwanda?:
  * Over 70% of children in institutions have at least one parent or living relative
  * Over 30 % are in contact with their parent or relative
  * 14% have been placed in the Institutions due to poverty

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Family Strengthening and Preventing Separation Rwanda Legal Framework

Constitution (2003)

- Art 27: The State shall put in place appropriate legislation and institutions for the protection of the family, and the mother and child, in particular, in order to ensure that the family flourishes
- Article 28: 'Every child has the right to special protection that his conditions might require from his family, the society and the State'

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Family Strengthening and Preventing Separation Rwanda Legal Framework

Law 54/2011 on the Rights and Protection of the Child

- Provides an enabling legal framework which recognizes the family and family-based care as not only necessary but in the best interest of children with a particular focus to vulnerable children.

Example: Article 26: Prevention of separation and support to parents
" The Government shall, depending on its means, establish a mechanism to assist indigent persons who insure parental responsibility to the child, in order to allow them to meet their obligations of providing him or her with what he or she needs in terms of his or her nutrition, health care, education, clothing and housing."

Family Strengthening and Preventing Separation
Rwanda Policies

Integrated Child Rights Policy and its Strategic Plan (2011-2016)

- **Specific Objective 2: Family & Alternative Care**

  To strengthen families and ensure care for children without parental care through social support and establishment of systems for quality alternative family based care.

  Expected Result: A community based programme for promoting child-care is operationalized and a comprehensive system for alternative care is established.

- **Specific Objective 5: Protection**

  To improve prevention and response mechanisms to abuse, exploitation and violence against children through a strengthened and comprehensive national child protection systems.

  Expected Result: A comprehensive national child protection system is established.

Family Strengthening and Preventing Separation Rwanda Policies

Strategy for National Child Care Reform (2012)

General Objective: Restoring and promoting positive Rwandan social values that encourage all Rwandans and the community to take responsibility and caring for their own children and to treat every child as theirs

Specific Objectives:

- Addressing root causes of institutionalization
- Ensuring the reform of existing institutions into relevant child centered community based services
- Promoting sustainable family based alternative care systems for children

Key elements of the strategy include:

- Prevention of unnecessary separation of other children from their families
- Community-based family services and social protection support
- Recruitment and training of professional social workers in child care and protection

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Family Strengthening and Preventing Separation
Rwanda Practices

- Provision of **basic services**
  Education, health and shelter for vulnerable families: FARG and GF
- Pilot- testing of alternative **social protection support** & establishment of **linkages to complementary social welfare services**: VuP, Girinka, ECD, Education support to Vulnerable children, Health Insurance scheme
- Provision of tailored **reintegration packages for children and families**
- Formalization of roles and responsibilities of **professional and community social workers** in the provision of psychosocial support and other types of family support

Family Strengthening and Preventing Separation
Rwanda Practices

- **Establishment of community based family resilience building efforts** (Family performance contract, Internal Savings and Lending Groups ,…)
- Identification and training of **community social workers**
- Establishment of **prevention mechanisms** for family separation and child protection **at community level**
  => **Community-based Child Care Network:** local authority, church leaders, police, community child care workers
- **Public awareness campaigns** on importance of raising children in family with the involvement of the communities, faith based actors and the media

What do the Guidelines for the Alternative Care of Children say about family strengthening & preventing separation?

* ## The Guidelines emphasise that States should:
  * prevent the separation of children from their parents and families where whenever possible.
  * have national polices in place to support families and prevent children being placed unnecessarily in alternative care.

* ## National policies should:
  * Provide a national framework for supporting families in their caregiving role.
  * Provide services to support families: health, social welfare, shelter, education, parenting skills.
  * Provide targeted services for families in specific circumstances such as disabilities, young parents, child-headed households.
  * Strengthen work with families: anti-discriminatory policies, family involvement to develop services, public awareness, training for professionals,…

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Provision of different forms of quality care

South Africa & Algeria

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If one decides on the most suitable care option for the child, one needs to have a range of care options to choose from

* Essential to meeting the needs of the individual child
* Essential to upholding the **best interests of the child**
* **Priority given to family-based/family-like** and community-based solutions
* Essential to **child care reforms**

* **Kinship care**

* **Foster care**

* Other forms of **family-based and family-like care placements** (e.g. Kafalah)

* **Community-based care**

* **Residential care** (e.g. small group homes, emergency shelters)

* **Supervised independent living arrangements for children** (e.g. child-headed households)

The South African Children's Act identifies three forms of formal alternative care (Section 167 of the South African Children's Act):

* **Foster care** (kin or non kin, cluster foster care)

* **Child and Youth Care Centers**

* **Temporary 'safe' shelters**

Additionally, the Children's Act recognizes CHH:

* **Child-headed households** (Section 137 of the Act): households in which a child over the age of 16 has assumed the role of caregiver. E.g. Isibindi model

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* **Kafalah** : form of care recognised by islamic law and concept varies according to countries

* Article 116 of Family code : right to in inheritance and to name of the kalfil (guardian of the child) in certain circumstances (closer to adoption)

* Validated through court order

* Done on a voluntary basis (no remuneration)

National policy should among others:

❖ Guarantee **quality care standards** in all forms of care

❖ Promote the **development of family-based care options**

❖ Require that placements are made on **case-by-case** basis in order to meet their needs

❖ Ensure that placements options take into account the **cultural and religious needs of children**

❖ Ensure the needs of all children are met including children with disabilities

❖ Require that decisions on children's care are made by an authorised **gatekeeping** agency

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ALTERNATIVE CARE IN EMERGENCIES TOOLKIT

Global Protection Cluster — Child Protection · International Rescue Committee · World Vision · Save the Children

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Alternative Care in Emergencies

Dadaab Refugee Camp, Kenya

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Alternative Care in Emergencies – why it matters

* Protecting and preventing family separation is especially crucial in emergencies

* Protecting family separation and determining appropriate alternative family-based care should be a key aspect of **disaster / emergency preparedness**

* Immediately following an emergency, messaging to communities should give examples of what to do if a child is separated from his/her family and how to prevent separation

* Family tracing and reunification programs should begin immediately following a disaster if there are many separated and unaccompanied children

* Adoption should never be considered in the first phase of an emergency

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Alternative Care in Emergencies

Case Study – Dadaab Refugee Camp

* Need to address child protection issues in refugee setting and promote good family based-care within the community.

* Currently there are approximately 450 children in Dadaab cared for by foster families.

* Foster care system supported through UNHCR BiD process.

* Foster parents formally selected and approved and receive standard training.

* Foster parents participate in Foster Parent Association.

* Appropriate motivation for fostering is an essential consideration.

* Foster parents receive additional material support – IGA etc.

* Positive motivations should be promoted and used to improve community understanding of fostering and the need to care for and protect children requiring alternative care.

Alternative Care in Emergencies

Case Study – Dadaab Refugee Camp

* Whilst the foster care system in Dadaab has been operating for several years, checks are being made to ensure it complies with and is in support of national legislation and national and international guidance. The programme has also contributed to the drafting of National Kenya Alternative Care Guidelines (2013).

    * Need to focus on building capacity of authorities and foster carers to protect and promote health, safety, education, well being, cultural heritage and dignity of children placed in foster care.

    * Need to ensure that all foster care decisions are grounded in principles of best interest of the child and child is in safe and stable home with permanency as key end goal

* Foster care system in Dadaab demonstrates good practice as advocated in international Guidelines and ACE toolkit

Alternative Care in Emergencies – how do we do it?

Alternative Care in Emergencies (ACE) Toolkit

Why do we need the ACE Toolkit?

* The way in which care is provided in an emergency can have significant long-term positive or negative consequences for children, families and communities.

* In emergencies we take far too long to determine care placements for unaccompanied and separated children

* There was an identified interagency need for practical tools and standards for setting up and evaluating alternative care.

* Need for consistent messages for parents, communities, donors, and the general public.

* Started field testing 2010: Kenya (Dadaab), Haiti, Cote d'Ivoire, Liberia

* Several tools in the ACE toolkit have come from learning in Dadaab refugee camp.

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Alternative Care in Emergencies (ACE) Toolkit

Key Principles:

* Planning for and delivering an alternative care program begins with focusing on **preventing** the need for alternative care

* Poor planning of care can put children at risk of unnecessary or permanent separation; abuse, neglect or exploitation; rejection by their families; or the inability to reintegrate into society.

* Each child has individual needs, concerns and preferences - care plans must consider this and carefully assess what is appropriate and feasible given the particular context, prevailing community norms and practices to make sure that the care provided meets a minimum quality.

* The provision of family-based care is particularly important for young children and those in need of longer-term placement

* Adoption should not be considered in the first phase of an emergency.

Alternative Care in Emergencies (ACE) Toolkit

How to use the ACE Toolkit?

* The toolkit provides guidance on how to prevent separation, support families to care for children, facilitate reunification, train case workers and foster carers, and minimum guidelines for evaluating existing care facilities.

* Composed of: 3 Sections, 10 Chapters, 60 Tools. In the PDF version, the tools are all hyperlinked

* The majority of the tools are word documents that can be adapted and changed. These are tools that have been used in other emergencies.

* Created by the Global Child Protection Cluster – Interagency Working Group on Unaccompanied and Separated Children including: UNICEF, UNHCR, ICRC, IRC, Save the Children, World Vision

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What do the Guidelines for the Alternative Care of Children say about emergencies?

* The Guidelines continue to apply in emergency situations.
  * In emergency situations the State or authorities in the region, together with agencies providing services to children, should ensure that:
    * All staff are appropriately trained to respond to the needs of unaccompanied and separated children including mechanism for IDTR
    * A range of quality of alternative care options is in place
    * Residential care is only used as a temporary measure until family-based care can be developed
    * The establishment of new residential care facilities is prohibited
    * Unnecessary cross-border placement is prevented
    * Cooperation of all agencies in facilitating family tracing and reintegration is mandated.
  * Focus on assistance to <u>families</u> to prevent separation and ensure that emergency response does not inadvertently encourage family separation:
    * Ensuring that services and benefits are provided to families rather than to children alone
    * Ensuring all households have basic food and medical supplies and other services, including access to education
    * Limiting the development of residential care options and restricting their use <u>only</u> to temporary situations where it is absolutely necessary.
* In addition, ensure no adoption as first phase emergency response

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GROUP WORK

* 3 Teams
* Six questions (30 mins to discuss)
* Discuss potential answers (30 mins)
  * Highest overall points – team that wins

Questions

1. **What are the reasons for a child being separated from his or her parents?**

2. **What is being implemented to prevent the unnecessary separation of children and how are parents being supported in their caregiving role?**

3. **How can informal care be supported and potential risks for children be addressed?**

4. **What is being done to promote/support foster families?**

5. **What can be done to ensure that residential care is compliant with international standards?**

6. **What measures can ensure children separated in emergency situations are protected?**

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CONCLUDING REMARKS & NEXT STEPS

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Recommendations

Use the 'systems lens' framework when analysing State Party reports to develop recommendations for national care reform as part of strengthening national child protection systems

* **Mapping and/or systems assessment include care components** (family strengthening and alternative care).

* National CP system strengthening **strategy/ vision / policy** as well as key actions and priorities underway **include care component** in line with the Alternative Care Guidelines.

* Harmonization of policies, legislation and regulations **in line with the Alternative Care Guidelines**.

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Recommendations

* **CP systems, structures, functions and capacities support family strengthening and alternative care** in line with the Alternative Care Guidelines:

    * Lead Ministry, coordinating body and clear responsibilities of allied sectors related to care;

    * Community based structures strengthened to support families and appropriate alternative care;

    * Strengthening of social workforce includes a focus on prevention of family separation and alternative care.

* Measures to **address harmful and strengthen supportive social norms and practices related to family preservation and appropriate alternative care.**

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Recommendations

* Measures to strengthen the **spectrum of care and protection** and the extension of services to **prevent and respond** to violence, exploitation, abuse and neglect.

* Measures to improve the evidence and information base to support the case for child protection system strengthening include **information on prevention of family separation and appropriate alternative care** (disaggregated by gender).

* Efficient fiscal management and sufficient resource allocation mention **allocations related to family strengthening and alternative care**.

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Recommendations

Look for systematic reference to **implementation & monitoring** of Alternative Care Guidelines in State Party reports, **inclusion** in ACERWC **recommendations** and **promotion** of Guidelines

This can include:

* reasons for separation are identified and tackled and family support and prevention of separation is promoted
* family and community based care is promoted
* residential care is limited, especially 0-3 year olds, international standards met
* measures to prevent separation and alternative care are planned for and provided in emergencies
* children's right to participate in care decisions and care settings is respected
* the rights and needs of children with disabilities and other special needs are supported

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Suggested Next Steps

* Support country reporting (State & civil society) to include implementation & monitoring of Guidelines/**tools** for ACERWC

* Support campaign for ratification & reporting of ACRWC

* **Day of General Discussion on Family Strengthening & Alternative Care 2014 (5th Anniversary & 20th Anniversary IYF)**

* Development underway of a tracking tool to monitor implementation of Guidelines

* **Regional expert consultations** on alternative care, SRSG VAC

* Other