Every child deserves a family

EveryChild's approach to children without parental care

November 2009

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Front cover: Claire looks after five children on her own as she gets very little support from her husband. He is an alcoholic and is often violent towards his wife and children. EveryChild is supporting the family with parenting skills classes and child counselling sessions, as well as material support which allows her to send her children to school and gives her the security to keep her family together. Georgetown, Guyana.

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EveryChild's approach to children without parental care

1 **Summary**

Introduction

EveryChild is an international development charity working in 17 countries with a strategic focus on children without parental care. This document outlines EveryChild's approach to this growing problem by defining key concepts, analysing the nature and extent of the problem, exploring factors which place children at risk of losing parental care, and examining the impact of a loss of parental care on children's rights. It also provides principles for good practice in trying to reduce the number of children without parental care, and protect girls and boys who are already without their mothers and fathers. The document is primarily intended for internal use, though it is hoped that it will also be of relevance to others working in this field. The document was developed from consultations with over 400 children, a literature review, interviews with experts, and knowledge gained from EveryChild's country programmes.

Who are children without parental care?

For the purpose of its work, EveryChild considers children without parental care to be boys and girls living apart from both their mothers and fathers. This is based on the UN Guidelines for the Alternative Care of Children which defines children without parental care as:

"All children not in the overnight care of at least one of their parents, for whatever reason and under whatever circumstances."

Whilst EveryChild recognises, as outlined in this definition, that any time apart from parents leaves children vulnerable, EveryChild tends to focus on children who spend longer than a night away from their parents. Children have to live apart from both parents to be considered outside of parental care and those that live in single parent households with just a mother or a father would be considered 'in parental care.' Children who have been adopted are also defined as 'in parental care.'

Children without parental care include girls and boys aged under 18 living in residential care, with extended or foster families, in child only households, in juvenile detention, on the streets or with employers. Overall, children without parental care are most likely to be found in extended family care. Both boys and girls suffer from a loss of parental care, though they often face very different challenges once separated from parents. Very young children and adolescents are most vulnerable to a loss of parental care.

Who is at risk of losing parental care?

In addition to interventions with children without parental care, EveryChild also works with those at risk of losing parental care in an effort to prevent separation from mothers and fathers. Who these girls and boys are varies from setting to setting and includes: children from poorer households, children exposed to violence, abuse or neglect in homes and/ or communities, out of school children and those engaged in harmful forms of work, children with disabilities, the children of migrant parents and children affected by HIV or AIDS. EveryChild believes that in attempting to

address a loss of parental care, it is not enough to simply work with these groups; it is also important to demonstrate that interventions are effective in leading to reductions in the number of children without parental care.

How many children are without parental care?

There are at least 24 million children in the world who are recorded as being without parental care, representing around 1% of the child population. In some parts of the world, the proportion of children without parental care is much higher than this. For example, estimates from Southern Africa suggest that 12-34% of children live with neither parent. Globally, the figure of 24 million is likely to be a gross underestimation of actual numbers, as many children without parental care are not included in statistics. Such children may be hidden from view (e.g. child domestic workers); highly mobile (e.g. street children) or illegally exploited (e.g. trafficked children).

Worryingly, evidence suggests that the number of children without parental care is on the increase, with factors such as HIV and AIDS, global recession and climate change, and an increasing reliance on institutional care all leading to more children being separated from their mothers and fathers.

What is the impact of losing parental care on children's rights?

Losing the protection that loving parents can provide has a devastating impact on children's rights:

■ **Survival and health:** Children living on the streets lack proper accommodation, have nowhere to wash, and do not have enough to eat or have to eat poor quality food, such as that found in rubbish bins. Children living with employers and in detention are commonly given poor quality food or denied food altogether as a form of punishment. Children in kinship care are often found in already

vulnerable households, such as those headed by women or elderly grandparents who may struggle to provide enough food for the children in their care. Poor living conditions, such as those experienced on the streets, or in over-crowded institutions can expose children without parental care to infectious diseases and other health problems. Without parents to protect and guide them, children without parental care are more likely to engage in early sexual activity or drug and alcohol abuse, exposing children to HIV infection and other health problems. Children without parental care often experience mental health problems, owing to the trauma of separation from parents, stigma and/ or the poor quality care and protection received.

■ **Right to be free from exploitation, violence and abuse:** Violence and abuse is common in institutions and prisons. Children, especially girls, on the streets are highly at risk of sexual violence from others on the streets. Children in kinship care are commonly punished more than biological children in the household, and may be vulnerable to sexual abuse from relatives. Children who live with employers are highly vulnerable. For example, domestic workers may be beaten or sexually abused by employers or others in the household.

■ **Rights relating to family life:** The UN Convention on the Rights of the Child (UNCRC) states that all children should grow up 'in a family environment in an atmosphere of happiness, love and understanding' and that no child should be separated from parents against their will unless it is deemed to be in their best interests. Evidence from around the world suggests that children are frequently denied these rights as children often do not choose to be separated from their parents, and such decisions are commonly not in their best interest. For example, as is shown later, children are often separated from parents because of poverty rather than because parents are incapable of caring for them. In extreme cases, such as child trafficking or child soldiers, a loss of parental care may involve children being abducted from their families.

■ **Right to develop and learn:** Separation from parents can threaten child development, especially if children are not able to feel secure in the love of at least one carer, with this attachment having an impact on self-esteem, confidence, and ability to form relationships. Evidence of a loss of parental care damaging children's ability to form attachments is especially strong amongst girls and boys in institutional care. A loss of parental care also threatens rights to an education, with children living with employers or on the streets, and in detention all often denied the opportunity to attend school. Children in kinship are commonly discriminated against and receive less schooling than other children in the household.

■ **Right to participate:** Carers and employers may resist children's participation, particularly if they fear that evidence of abuse will emerge. Some children without parental care, such as those on the streets, in domestic service, or engaged in illegal forms of work, lead transient lifestyles and/or may be hard to access for engagement in decision making processes.

A loss of parental care does not always harm children, and can give girls and boys an opportunity to escape abusive relationships, receive love and support from extended family members, attend school or earn incomes needed to survive. However, the evidence on the causes of a loss of parental care suggest that in the developing world, separation from parents is often a necessity for survival or means of accessing services, rather than a well thought out strategy to protect children from harmful relationships. This, and the rights abuses outlined above, highlight the need for more concerted efforts to reduce the number of children without parental care and protect those who are already apart from their mothers and fathers.

What factors place children more at risk of losing parental care?

A loss of parental care is caused by a complex range of inter-related factors including:

■ **Poverty:** Poverty is commonly linked to decisions to place children in residential care or with kin. Poverty pushes many children into work which involves separation from parents, or into criminal activities which may lead to them being placed in detention. Adult migration for work is often a response to poverty and frequently leads to a loss of parental care. However, the relationship between poverty and a loss of parental care is not straightforward as many children from poor backgrounds remain with parents, and wealth does not make children immune to a loss of parental care. Poverty may be best described as a backdrop to separation, which interacts with other factors, such as poor child protection policies and domestic violence which lead to children living apart from parents and other carers.

■ **Conflict, violence, abuse and neglect in the family:** After poverty, violence, abuse, neglect and conflict in the home are the most common reasons for children losing parental care. Such problems can take many forms, including parents failing to care for their children properly, violence and abuse directed at children, domestic violence or conflict between parents, and disputes between children and their mothers and fathers. Children may be taken into the care of the state for their own protection, or may chose to leave home themselves to escape violence, abuse or family conflict.

■ **Inadequate or inappropriate child protection policies:** Many government policies either fail to prevent separation from parents occurring, or actually lead to an increase in the number of boys and girls without parental care. Although long-term residential care of children is widely acknowledged in international standards, and by many national governments, as being harmful for children, its use continues

to be sanctioned or actively promoted by many policy makers. Many governments continue to see detention as the only way to respond to juvenile delinquency and policies in other areas such as trafficking and street children also fail to offer the forms of protection that could lead to reductions in the numbers of children without parental care.

■ **HIV and AIDS:** HIV and AIDS is leading to a rapid rise in the numbers of children without parental care, particularly in Sub-Saharan Africa. Currently, most children affected by HIV or AIDS who are without parental care are looked after by kin. However, as the number of orphans grows, and as more children's homes are built in the region, it seems likely that HIV and AIDS will lead to a growth in the number of children placed in residential care. Children who are HIV positive themselves, or who are suspected of being so, may also be at greater risk of separation. In some regions, HIV positive mothers are routinely encouraged to give up babies to institutions where these children are often kept in isolation for long periods of time.

■ **A lack of access to good quality education:** Children in many parts of the world often have to leave home to access education unavailable in their home communities. Children may enter institutional care where schooling is commonly available. Children may be sent to boarding schools, and this schooling is of concern if it involves long periods of isolation from families and communities and exposes children to abuse or exploitation. Girls and boys may also leave rural areas to go and live with extended families in cities where there are more schools, with such arrangements often involving a degree of exploitation as children are expected to do housework chores in return for their education. When good quality, relevant education is available close to home it can protect children from separation from parents by providing children with a productive alternative to work or crime, and enhancing life skills which may help children to protect themselves from exploitation.

■ **Conflict and climate change:** The rise in instability, conflict and natural disasters as a result of climate change will result in more children living apart from their parents. Emergency situations lead to an immediate increase in the numbers of children without parental care as parents are killed, or become separated from their sons and daughters in the chaos. Conflict and natural disasters can also lead to 'secondary separation' which occurs as a result of the impact of the disaster on factors such as household poverty rather than a loss of a carer. Longer term instability as a result of climate change will exacerbate factors such as poverty and migration which are linked to a loss of parental care.

As argued below, this complex array of causes of a loss of parental care suggests the need for a holistic approach involving a range of development actors.

What are the principles for good practice in responding to a loss of parental care?

Applying a child rights approach to children without parental care

1 **Promote children's rights related to family life:** Children have the right to grow up in a family environment in an atmosphere of love and understanding, and not to be separated from their parents unless it is in their best interests, and these rights are central for achieving other rights. Children also have a right for their parents to be supported in fulfilling their responsibilities as parents.

2 **Fulfil duties to respond to children without parental care:** As with all child rights, states have the primary responsibility for ensuring efforts are made to support parents and keep families together, and to protect children without parental care. However, all adults have a duty to fulfil these rights, and indeed families and communities play a pivotal role. Children can also contribute to the fulfilment of their own rights and to those of other

children without parental care or at risk of losing parental care.

3 Always act in the best interest of the child: Efforts to help children without parental care should be guided by rights which relate to family life, and by the hierarchies of care outlined below. However, all decisions about which forms of care to offer a child without parental care should be made on a case by case basis, with the best interest of the child always at the forefront of decision making. It is essential to ensure that children's opinions are taken into consideration when determining their best interests.

4 Ensure child participation: Children without parental care face many challenges in fulfilling their rights to express their views, influence decision making and achieve change on matters that concern them. These barriers should not be used as an excuse to deny children without parental care their right to participate. Rather they suggest that children without parental care are especially in need of the protection, confidence and capacity building that properly managed participatory processes can offer them.

5 Fulfil survival and development rights: Efforts must be made to ensure that children are able to fulfil rights to survival and development without them having to leave their families unless it is a choice and in their best interest.

6 Acknowledge diversity, challenge discrimination: Children without parental care are not a homogenous group and encompass a wide range of different living situations. Rights abuses suffered will also vary by factors such as age, gender, HIV status and level of disability. Strategies to deal with a loss of parental care need to be tailored to reflect this diversity and to address issues of stigma and discrimination which are both a cause and effect of separation from parents.

7 Take a holistic approach: Whilst children without parental care are a diverse group, they do share many common challenges created by being denied their rights to a family. It is essential that these common problems are highlighted to ensure that efforts to place or keep all children in loving and stable families are stepped up. The complexity of these issues also means that it is essential to engage a wide range of actors, and to mainstream issues relevant to children without parental care into policies relating to poverty alleviation and social protection, child protection, health, education, and the judiciary. Proper coordination between responsible agencies is essential.

Hierarchies of care for children

8 Family is usually best: It is usually in children's best interest for them to remain with their biological parents. Where this is not possible or advisable, it is essential for children to be cared for in a family-like environment. Kinship care, adoption/ Kafala, and fostering are options to be considered, with considerations of best interests (see above), permanency and keeping children close to home (see below) central. Kinship care often provides a good home for children which fulfils this criteria.

9 Long-term residential care should generally be used only as a last resort: Long-term residential care is widely acknowledged as often being extremely damaging to children without parental care. In some instances, this care can be beneficial in the short-term, for example when it is a used to help rehabilitate extremely exploited and traumatised children, or as a safe place for children to stay whilst parents are located or problems at home resolved.

10 **Planning for permanency:** Frequent change is bad for children, and it is essential for development that girls and boys have the stability to form loving attachments with their carers. All efforts to look after children without parental care should work towards achieving a permanent solution. It is acknowledged that balancing the need for permanency with a desire to return children to their biological families can be challenging and it is generally best to exhaust all reasonable possibilities of reunification before establishing permanent alternatives such as adoption.

11 **Keeping children as close to home as possible:** Children temporarily separated from their parents, including children in residential care, fostering or detention, or separated by emergencies, need to be kept as close to home as possible to enable contact with families and communities. Children who are being adopted should also be kept as close to their ethnic, cultural and linguistic backgrounds as possible, and international adoption should be used only when it is the best interests of the child and all other options for children's care have been exhausted.

Strategies for responding to children without parental care

12 **Balancing prevention, protection and reintegration:** As families are usually best for children, strategies must, in the long-term strive to reduce the numbers of children without parental care through prevention and reintegration efforts, and protective efforts should not take place at the detriment of a long-term vision to reduce the number of children without parental care. However, in the short-term at least, there are some children without parental care who cannot be reintegrated or placed with a new family. These girls and boys need to be protected.

13 **Key elements of prevention:** Preventative efforts should be based on the premise that, whilst protecting children from abuse, neglect and violence in the home is paramount, globally, most parents of children without parental care are not intrinsically 'bad', but instead lack the support they need to bring up their children. This assistance should consider the causes of a loss of parental care, and encompass a range of interventions including material and non-material support to families, quality service provision for at risk groups, and improved assessment and case management of children in state care or at risk of entering state care.

14 **Key elements of protection:** Though some children without parental care are more vulnerable than others, all children separated from parents need protecting, even if they are in a family-like environment such as kinship care. Such protection should build on children's resilience and existing coping strategies. It should seek to address the range of rights abuses suffered by children without parental care and may, for example, include: providing tailored basic services to children without parental care of the same standard as that offered to other children in the community; efforts to protect children from abuse, exploitation and violence; psycho-social support to help children deal with the trauma they have experienced through losing parental care and support to children in contact with the law.

15 **Key elements of reintegration:** The ultimate aim of reintegration is generally to return children to biological parents, and where this is not possible to other forms of family-based care, and to ensure that children are cared for and loved. Reintegration should include addressing the factors that initially led to children being without parental care. It involves family tracing, effectors to determine if reintegration is appropriate, work to prepare children, families and communities for children's return, and follow-up support once children are back at home.

Tabita, an EveryChild Street Educator, works in Bangalore train station rescuing children living and working on the platform. She is talking to 12 year old Samendra, encouraging him to accompany her to the safety of our nearby shelters – the first step in getting Samendra back to his family. © Matt Writtle/EveryChild

2 Every child deserves a family – **Introduction**

In 2006, EveryChild made a strategic decision to focus its activities on children who are either lacking parental care as they have been separated from their mothers and fathers, or who are at risk of losing parental care. Girls and boys without parental care are amongst the most vulnerable of children as in addition to being denied their rights related to family life, a loss of parental care also threatens many other rights, such as those to development, education and health. This document outlines EveryChild's understanding of children without parental care by describing:

- Definitions of key concepts

- The different living situations of children without parental care

- The extent of the problem and regional trends

- The impact of a loss of parental care on children's rights

- The major factors that put children at risk of losing parental care

- Principles for good practice in responding to a loss of parental care

It builds on an earlier conceptual framework developed by EveryChild in 2006.[1] It is primarily intended as an internal document to be used as a basis for programme strategic planning and other elements of EveryChild's work, such as advocacy and communications. However, it is hoped that the framework may also be useful for other agencies working on this important issue.

The information presented in this document was collected from four main sources:

- Consultations with over 400 children in ten of the countries in which EveryChild works, including countries in Southern Africa, South and South East Asia, Central and Eastern Europe and the Commonwealth of Independent States (CEE and CIS) (for further details of this process, see Appendix 1).

- Discussions with staff from London head office and all of EveryChild's country programmes.

- Interviews with experts working with children without parental care.[2]

- A review of the global literature on children without parental care.

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1 In the 2006 conceptual framework, EveryChild focused on the issue of 'separated children.' This framework re-defines this target group as 'children without parental care' as it is felt that this term more clearly articulates the group of children EveryChild focuses on.

2 Interviews with staff and external experts were conducted as part of a scoping study on children's separation which forms the basis for much of this conceptual framework. Staff have also had the opportunity to comment on drafts of the conceptual framework. For a list of staff and experts interviewed, see Appendix 2.

3 Who are children without parental care?

Children without parental care

A child is defined, according to the UN Convention on the Rights of the Child, as boys or girls aged under 18 years old. For the purpose of its work, EveryChild considers children without parental care as boys and girls living apart from both their mothers and fathers. This is based on the UN Guidelines for the Alternative Care of Children which defines children without parental care as:

"All children not in the overnight care of at least one of their parents, for whatever reason and under whatever circumstances." [3]

Whilst EveryChild recognises, as outlined in this definition, that any time apart from parents leaves children vulnerable, EveryChild tends to focus on children who spend longer than a night away from their parents. No cut off periods have been provided for how long a child has to be apart from parents to be considered as 'living' apart from them as this is felt to vary by context and factors such as age and developmental stage of the child.

Children have to live apart from both parents to be considered outside of parental care, and those that live in single parent households with just a mother or a father would be considered 'in parental care.' However, it is acknowledged that children in single parent households are often more vulnerable to rights abuses and to losing parental care.

Parents include biological and adoptive mothers and fathers[4], but do not include extended family members, such as grandparents, aunts or uncles who have taken on the care of children. These children are defined as outside of parental care (see below).

It should be noted that under the above definition, children who are living with their parents but not receiving proper care and protection cannot be considered as 'without parental care.' It is recognised that children frequently face abuse and neglect within the family, and that remaining with parents is not always in the best interest of the child. Children who are still living with their parents, but not receiving proper care remain a concern of EveryChild's as a group particularly at risk of losing parental care (see later for a definition of at risk groups).

Categories of children without parental care

The vulnerabilities that children without parental care face vary according to their living situations. EveryChild's experiences around the world, and the global literature, suggest that children without parental care can usefully be divided up into six categories.

- Children living in residential care
- Children living in alternative, family-based care

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3 This is the definition provided by the UN Guidelines for the Alternative Care of Children (2009).

4 EveryChild acknowledge that children in the early stages of an adoptive placement are often vulnerable as these placements frequently breakdown. This group can be identified as a group 'at risk' of losing parental care. EveryChild also acknowledge that as with children in the care of biological parents, children in adoptive placements can be abused or neglected and need to be protected. This is especially likely to be the case if inadequate procedures are followed in determining and supporting adoptive placements.

- Children living in child only households

- Children placed in juvenile detention

- Children living on the streets without their parents

- Children living with their employers/exploiters (and without their parents)

These categories do not include the term 'orphan' although this term is commonly used to describe children made vulnerable by a lack of proper parental care, particularly in the context of HIV and AIDS. Children who are orphans are of course more likely to be without parental care. However, the term orphan is not synonymous with a lack of parental care as:

- Under definitions of orphans commonly used by policy makers, some orphans, referred to as 'single orphans', include children who have only lost one parent, and may therefore often still be in parental care. Only 'double orphans' are fully without parental care, and even this group may find new families through adoption.

- Many children without parental care are not orphans. For example, children placed in residential care very often have at least one parent still living, and are placed in residential care due to other reasons such as poverty.

It should be noted that children without parental care often do not slot neatly into these six categories. Divisions between categories may also be blurred, for example, children living in child only households in poor quality accommodation may be effectively living on the streets. These categories aim to serve as a reminder of the range of different situations in which children without parental care find themselves in, rather than as neat boxes to place children into.

Children living in residential care

Residential care may be defined as:

"Care provided in any non-family-based group setting."[5]

This care can be provided by the state, private sector or NGOs, and includes:

- Long-term residential care

- Short-term residential care such as that used to care for children separated by emergencies, for asylum seeking children, or in the process of being rehabilitated and reunited with families having been trafficked or lived on the streets.

A girl in a Soviet-era residential institution in Kyrgyzstan. There are at least 8 million children in institutional care worldwide. © Chloe Hall/EveryChild

5 This is the definition provided by the UN Guidelines for the Alternative Care of Children (2009).

As explained in more detail below, EveryChild believes that long-term residential care has many harmful implications for children and should generally be used only as a last resort.[6] This includes long-term residential care in small group homes, or in larger homes where care is organised in small groups; whilst this care may be less harmful than dormitory-style facilities it still threatens children's rights through, for example, isolation from families and communities. Some forms of boarding or residential schools may also fit into the category of harmful residential care (see below for further discussion).

Children living in alternative, family-based care

Alternative family-based care involves formal and informal arrangements whereby a child is looked after outside of the parental home in a family environment.[7] It includes:

- **Kinship care:** 'Family-based care within the child's extended family or with close friends of the family known to the child, whether formal or informal in nature.'[8] Consultations with children suggest that, as is also shown by the global literature (see Appendix 3), care by grandparents is the most common form of kinship care.

- **Foster care:** 'Situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children's own family, which is selected, qualified, approved and supervised for providing such care.'[9]

EveryChild believes that this family-based care offers a good alternative form of care for children who cannot live with their parents.

However, as is discussed below, children in kinship and foster care are vulnerable to rights abuses and are in need of protection. This category highlights the difference between fostering and adoption, with those in stable adoptive placements considered to be with parental care and those in foster care considered to be without parental care. This is as adoption is a permanent relationship which is not based on payment. Fostering, on the other hand may be long-term, but is not permanent and foster carers frequently receive payment for their services. As shown below, the permanency of placements has important ramifications for children's developmental rights.

Children living in child only households

Child-only households may include:

- Children living without parents or other carers, often in groups of siblings, following the death of parents.

- Children temporarily separated from parents, for example, as a consequence of adult migration.

- Children living with partners or spouses in instances where the partner or spouse is also under 18. These children may have children themselves.

- Children living in a household with other, unrelated children, such as in gangs or in groups of drug users. This group was emphasised by children from Peru and Guyana during the children's consultations.[10]

- Children living in guest houses or cheap hotels and not under adult supervision. This group was highlighted by children from Malawi.

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6   In a small minority of cases, long-term residential care may also be appropriate when, following proper consultations and review, it is deemed to be in the best interests of the child (see for example House of Commons – Children, School and Families Committee report on looked after children 2009).

7   This is the definition provided by the UN Guidelines for the Alternative Care of Children (2009).

8   Ibid. In some parts of the world, including the CEE/ CIS region, kinship care includes formal guardianship arrangements whereby individuals, usually relatives, act as unpaid legal guardians for the child.

9   Ibid

10   Some of these children may also be defined as living on the streets with other gang member or living with employers or exploiters.

EveryChild believes that whilst it is not ideal for children to live without the protection of adults, in some instances, particularly with older children or with groups of siblings who cannot be kept together otherwise, independent living may be in the best interests of the child, at least in the short-term. EveryChild acknowledges that although children in child-headed households, where parents are incapacitated due to, for example, ill-health, cannot technically be described as 'without parental care', these girls and boys are extremely vulnerable and may be included as a group at risk of losing parental care.

Children placed in detention

This group can be defined as:

'Persons under the age of 18 who are deprived of their liberty by decision of a judicial or administrative authority as a result of being alleged as, accused of or recognised as having infringed the law.'[11]

EveryChild believes that there are an unnecessarily large number of children in detention, and that more needs to be done to reduce offending and to find alternative ways to punish and rehabilitate children who have committed crimes. It is also the case that some

Minors in a provincial prison in Cambodia where they serve their sentences alongside adult prisoners.

11 This is the definition provided by the UN Guidelines for the Alternative Care of Children (2009).

children in juvenile or adult detention facilities are not there because they are deemed or suspected of having committed a crime. Some children are placed in so called 'safe custody' for their own 'protection.' This may include victims of rape in controversial cases. Others may be placed in detention for behaviour viewed as anti-social, such as begging. Child victims of trafficking, and child asylum seekers who are separated from parents, may be wrongly criminalised and placed in prisons awaiting deportation.

Children living on the streets without their parents

In our work on children without parental care, EveryChild focuses on children who live on the street (including un-occupied dwellings and wasteland) without their parents.[12] These boys and girls are a small minority of children visible on the streets, many of whom either work under parental supervision, or work alone during the day, returning to their parents at night. EveryChild believe that no child should have to live on the streets.

Children involved in the consultations described a range of places where children living on streets sleep, including the basements of buildings, petrol stations, and markets. Boys who live in the streets in Kyrgyzstan spoke of trying to find refuge next to heating ducts or in bakeries during the cold winters. In Russia, during the winter months, it is common for children to find shelter in tunnels and heating ducts around underground stations.

Children living with their employers or exploiters

Although some forms of child work do not harm, and may even benefit children, many types of work can damage children's health, education and development.[13] Work which leaves children without parental care makes girls and boys especially vulnerable. Of particular concern are:

■ **Children who have been trafficked:** Child trafficking is generally referred to as children being transported for the purposes of exploitation within or across borders. Trafficking also includes the recruitment of children before they are transported, and receipt of children after they have been transported.[14] Child victims of trafficking may be exploited in a range of ways including sexual exploitation, agricultural work and domestic service. Girl victims in India are dedicated to temples where they are forced into sexual exploitation.

■ **Children in bonded labour who are working away from home:** These children work to repay debts incurred by their families and are highly exploited.

■ **Children migrating without parents in search of work:** In addition to children who are trafficked, other girls and boys often migrate in search of work, with or without the assistance and knowledge of their parents or others, and may end up living with their employers or those that exploit them. This group includes children living in accommodation linked to plantations, mining sites, or factories, and girls who are engaged with commercial sexual exploitation who live with their exploiters. Girl child migrants are particularly likely to work as domestic

12 This definition is derived from one that commonly used by agencies such as UNICEF – see Black 1993 cited in Thomas-de Benitez 2007.

13 International Labour Organisation Conventions 138 and 182, and Article 32 of the UN Convention on the Rights of the Child provide guidance on which forms of work are acceptable and unacceptable.

14 This definition derives from the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), commonly known as the Palmero Protocol, and from the optional protocol to the UN CRC on the Sale of Children, Child Prostitution, and Child Pornography (2000). Unlike adult trafficking, child trafficking does not have to involve coercion or deception; any situations involving children being moved for the purposes of exploitation are considered to be trafficking whether or not a child agrees to it. What this 'exploitation' constitutes in this context remains a matter of considerable debate, with many keen to ensure that children, especially older children, are not prevented from migrating in search of a better life because of over-strict definitions of trafficking. There is general agreement that exploitation in the context of trafficking should include harmful forms of work, sexual exploitation, early marriage, adoption, and organ transplants.

workers, where they live isolated lives, and are especially vulnerable to abuse and exploitation.

■ Children associated with the armed forces:
This group may be defined as girls and boys who are part of any kind of armed forces or group in any capacity. As well as children carrying arms, this includes cooks, porters, messengers and girls recruited for sexual purposes and forced marriage.[15]

Children, especially girls, may also live with older spouses who exploit and abuse them as a result of early marriage.

Children at risk of losing parental care

As is discussed in more detail below, the causes of a loss of parental care are complex and vary from setting to setting. Evidence on the factors that lead to a loss of parental care suggest that particularly at risk groups are likely to include girls or boys who fit into one or more of the following categories:

■ From poorer households

■ Exposed to violence, abuse or neglect within the home and/ or community

■ In emergency situations – as a result of conflict or natural disasters

■ Out of school

■ Engaged in harmful forms of work

■ Children with disabilities

■ The children of migrant parents

■ Affected by HIV or AIDS

■ From some ethnic minority groups or castes

■ Children affected by harmful traditional practices – such as the devadasi system in India

■ In single parent or 'reconstituted

households' where parents have re-married

■ In the early stages of adoptive placement

■ Whose parents abuse alcohol or drugs

As is discussed below, girls and boys are both at risk of losing parental care, though they face quite different vulnerabilities once separated from parents. Vulnerability to a loss of parental care also varies by age, with evidence suggesting that very young and adolescent children are especially at risk. For example, very young children may be particularly at risk of being placed in residential care (Tolfree 2003). Owing to the nature of the HIV and AIDS pandemic, adolescents are more likely to be orphaned in some settings (UNICEF et al 2006). They are also more likely to be placed in detention, and to engage in harmful forms of work which may lead to separation from parents.

EveryChild acknowledges that children from poor backgrounds are more likely to be at risk of a loss of parental care. However, as many poor children do not become separated from their parents, and as wealth does not fully protect children from a loss of parental care, generally poverty has to interact with other factors in order to place children at risk (see below).

As an agency focusing on children without parental care, EveryChild's interest in this extensive list of at-risk groups stems from a desire to reduce the number of children without parental care, rather than as a general interest in protecting such groups. Ultimately, the success of our actions will be measured by the extent to which we reduce the number of children without parental care, and increase the number of children in loving families.

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15 This is in line with the definition of child soldiers agreed at the Cape Town Conference in 1997.

4 How many children are without parental care?

There are at least 24 million children in the world who are recorded as being without parental care, representing around 1% of the child population.[16] In some parts of the world, the proportion of children without parental care is much higher than this. For example, estimates from Southern Africa suggest that 12-34% of children live with neither parent (UNICEF 2008b). Globally, the figure of 24 million is likely to be a gross underestimation of actual numbers, as many children without parental care are not included in statistics.

Such children may be hidden from view (e.g. child domestic workers); highly mobile (e.g. street children) or illegally exploited (e.g. trafficked children).

Of the categories of separated children outlined above, the evidence suggests that the different types of children without parental care can be categorised as follows (see Appendix 3 for more details):

High incidence:	■ Children living in alternative, family-based care – kinship care.	■ No global estimates.
		■ 90% of orphaned children in many African countries are in kinship care.
		■ 30-50% of children without parental care in CEE and CIS states are in alternative family based care, with the vast majority in kinship care.
Medium incidence:	■ Children living in residential care	■ 8 million children globally in residential care.
	■ Children living with their employers/ exploiters (and without their parents)	■ No global estimates on the numbers of children living with employers.
		■ 1.2 million children trafficked each year, millions more independent child migrants.
		■ Millions of child domestic workers living apart from parents globally e.g. 175,000 in Central America and 53,000 in South Africa.
Low incidence:	■ Children living in alternative, family-based care – foster care	■ No global estimates. Only 3% of Russian children without parental care are placed in foster care.
	■ Children living on the streets without their parents	■ No reliable global estimates on children living on the streets.
	■ Children placed in juvenile detention	■ Over 1 million children in detention globally.
	■ Children living in child only households	■ No global estimates on child only households.
		■ 1% of households in Sub-Saharan Africa are child headed.

16 This is calculated by adding global estimates on: the number of children in institutions; the number of trafficked children; the number of children who have lost both parents and the number of children in detention. It is recognised that some children may fit into more than one of these categories and therefore be 'double-counted.' However, as many more children without parental care are excluded from the figures, this is still felt to be a reliable indication of the size of the problem.

Of course, these global figures simplify complex regional trends. In reflection of the lack of priority given to children without parental care, information is extremely patchy often making it hard to draw firm conclusions about regional variations. Based on the available literature, and on the consultations with children and the experiences of EveryChild staff around the world, the following regional trends may be identified. Further facts and figures on children without parental care, can be found in Appendix 3.

CEE and CIS:	**The highest proportion of children without parental care is found in institutional care, though this is closely followed by kinship care in many countries. Child labour is less common than in many other parts of the world, though there is some child trafficking and a relatively small number of children living on the streets.**
Africa:	**The vast majority of children without parental care are found in kinship care, though there are a growing number of children's homes being established in response to the HIV and AIDS crisis. There is also some trafficking and high levels of child migration for work, and some children living alone on the streets.**
Asia:	**Most children without parental care are either cared for by kin or live with employers. Child migration and/ or trafficking is common in some parts of this region, and there are some children living on the streets. There are a growing number of children's homes being established in the region.**
Latin America and the Caribbean:	**Children without parental care are most commonly found in kinship care, or living with employers. There are some forms of residential care in the region.**
Western Europe, the USA and Japan:	**Institutional care is rare in many places and family-based alternatives are widely used for children in the care of the state. However, institutional care is still often used in some industrialised countries such as Japan. Kinship care is common.**

Alarmingly, research suggests that the number of children without parental care is on the rise. This is indicated by:

- The impact of the global recession which is reducing funding to child protection services and enhancing factors such as poverty and lack of access to education which place children at greater risk of losing parental care (see below).

- A rise or failure to reduce the number of children in institutional care in many regions despite widespread recognition of the harm caused by this form of care (see Appendix 3 for evidence). The reliance on institutional care is being enhanced by the current recession (see below).

- The impact of globalisation on child and adult trafficking and migration, both important causes of children losing parental care (see Dotteridge 2006; Reale 2008).

- The growing number of children being placed in the care of the state in many CEE and CIS countries (see Appendix 3).

- The nature of the global HIV pandemic which means that the number of orphans in Sub-Saharan Africa is set to rise in coming years (UNICEF et al 2006).

5 Why work on children without parental care?

EveryChild has made a strategic decision to work on children without parental care because:

- Whilst all children, including those living with parents, face risks and need protection, those without parental care are generally more at risk than those with parental care. Some groups of children without parental care, such as those in foster or extended family care, face less risks than others. However, many of these children face problems and rights abuses as a result of a loss of parental care.

- Children without parental care face particular problems and rights abuses which are different from other groups of children. These either stem from not having the protection and love that good parenting can provide, or from the abuse, neglect and exploitation of other carers (see below).

- The number of children without parental care is substantial and growing (see above).

- This area is neglected by many other policy makers.[17]

- Responding to children without parental care requires particular set of skills, knowledge and understanding, which EveryChild is able to develop through a strategic focus on this issue.

17 See 'Missing: children without parental care in international development policy' (EveryChild 2009).

6 What is the impact of losing parental care on children's rights?

Rights relating to family life and children's best interest

According to the UN Convention on the Rights of the Child (CRC), all children:

…"should grow up in a family environment in an atmosphere of happiness, love and understanding." (Preamble to the CRC)

Children should also not be separated from their parents against their will unless it is deemed to be in their best interests (see Article 9 and Article 3). Evidence from around the world suggests that children are frequently denied this right as children often do not choose to be separated from their parents, and such decisions are commonly not in their best interest. For example, as shown below, children are often separated from parents because of poverty rather than because parents are incapable of caring for them. In extreme cases, such as child trafficking or child soldiers, a loss of parental care may involve children being abducted from their families.

The CRC recognises that parents have a key role in children's upbringing, and that they need support to fulfil their duties. Article 18 states that parents have the prime responsibility to care for their children, and calls on governments to:

…'render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities.'

The preamble states that the family:

'…should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.'

Not all parents fulfil their responsibility to care for their children, and may neglect, abuse or abandon them, leading to a loss of parental care. Some of this failure may be due to poor parenting, though EveryChild's experiences around the world suggest that many parents are not provided with the necessary assistance to enable them to care for their sons and daughters properly.

The girls and boys who took part in the consultations felt the abuse of rights relating to family life keenly, and, when asked about the negative impact of losing parental care, spent more time talking about a loss of love and emotional support than any other right. Children without parental care spoke of missing their parents terribly, and other children empathised with the lack of support, guidance and love often experienced by such children.

❝ The most important thing that children miss is love. Where children are loved, they receive all that they need. ❞
A boy from Malawi

❝ It is very sad to be separated from parents. You feel very bad when other children hug their parents….on Mother's Day, children give their mothers a present prepared by themselves and it's very sad, and here is when you grumble about it and by saying "why was I born?". ❞
A girl from Peru

> **We miss home. All the children miss home; their mothers, the love of their parents.**
> A girl in residential care in Moldova

Of course, not all children without parental care are denied rights relating to family life. A loss of parental care may act in children's best interests, and therefore not contravene Article 9 of the CRC. As explained by many of the children involved in the consultations, and as shown below in the discussion on the reasons behind the loss of parental care, many children without parental care leave home to escape violent, abusive or neglectful family relationships. A loss of parental care may also give children the opportunity to find a new 'family environment' through adoption, kinship care, or in the short-term, fostering, which may offer an atmosphere of 'happiness, love and understanding' similar, or better than they received at home:

> **Sometimes your grandma will treat you good if you are staying with her.**
> A girl in kinship care in Guyana

Development rights

A loss of parental care has a devastating impact on children's right to physical, mental, spiritual, moral and social development. For many children without parental care, being unable to form loving attachments has particularly harmful implications for their development. Attachment theory, initially posed by Bowlby in the 1960s, states that children need to feel secure in the love of at least one carer, with this attachment having an impact on self-esteem, confidence, and ability to form relationships (see Oates et al 2005). In institutions, a lack attachment and of adequate stimulation has been shown to hinder the development of social skills, motor-skills and intellectual capacity (EveryChild 2005; Tolfree 2003). Research suggests that very young children are particularly vulnerable, with infants suffering unless they are moved to family-based care by the age of six months (Johnson et al 2006). Emotional deprivation in under-threes can lead to actual physical damage to brain development (Rutter 1996).

Some children without parental care, particularly those in long-term kinship care, are able to form attachments, though even this group may face challenges if they are frequently moved around and discriminated against (Save the Children 2007). Other groups, particularly those living on the streets, or in institutions or detention, may be denied the opportunity of this all important bonding process (Thomas de-Benetiz 2007; Save the Children 2004; Tolfree 2003). In many institutions, children's ability to form an attachment is particularly hindered by limited contact with families, high staff to child ratios, and high staff turn-over. EveryChild research in the Former Soviet Union and Eastern Europe suggests that children in institutions are often denied contact with their families (EveryChild 2005). Research in Sri Lanka shows that three in ten children in institutional care see their relatives only a few times each year, and that two in ten have no contact with them at all (Roccella 2007). Research suggests that staff to child ratios vary enormously around the world, but in some instances can be as high as 1:100 (Pinherio 2006). In Sub-Saharan Africa, the rapid rise in children's homes run by faith-based organisations in response to the HIV and AIDS crisis means that children are often cared for by volunteers. Not only are such individuals often not properly trained, but they also come into institutions for relatively short periods of time, making it particularly hard for children to form a long lasting bond (Firelight Foundation 2008).

The negative impact of separation on children's development is further exacerbated if children are abused or exploited as a result of their separation (Tolfree 2003). The links between abuse and exploitation and a loss of parental care are outlined opposite.

Right to be free from exploitation, violence and abuse

As highlighted by the recent UN study on violence against children, children without parental care are amongst the most vulnerable in the world to violence and abuse (Pinheiro 2006). All of the six categories of children without parental care highlighted above experience violence, abuse and/ or exploitation. Violence in residential care is often sanctioned by the state; in 145 countries, corporal punishment and other forms of degrading treatment are not explicitly prohibited in institutions (Pinheiro 2006). Children in institutional care reported violence and mistreatment by carers (see also Tolfree 2003):

Sometimes the teacher [in the institution] can beat them up and yell at them.
A girl in residential care in Georgia

Children in kinship care are commonly punished more than biological children in the household, and may be vulnerable to sexual abuse from uncles, step-fathers and cousins (Pinheiro 2006). As highlighted by children from Malawi who took part in the consultations, such violence and abuse varies depending on the sex of the child and the nature of the relationship with their carer.[18] Both boys and girls argue that grandparents treat them better than other relatives. Girls spoke of a risk of sexual abuse if children are sent to live with sisters or aunts:

Usually her [sister's] husband will want to sleep with you as his second wife.

In our culture, you can marry your cousin, so if you happen to stay with him, he will start making advances at you to have sex with him. You could become pregnant and drop out of school. Girls from Malawi

Girls also said that some relatives, including sisters-in-law, resented the drain on resources they caused and sought husbands for them, leaving them vulnerable to early marriage. Boys complained of having to work long hours and of uncles being particularly harsh, sometimes in repayment for bad treatment they had received as children from the boy's fathers:

They say "your father used to give us a lot of work, now we're going to do the same to you". A boy from Malawi

Both boys and girls reported cousins, and other child relatives in the household mistreating them as they resented them using up the limited resources of the household.

Children in detention are often kept with other adults and beaten or sexually abused (Save the Children 2004). In 78 countries, corporal punishment remains a legal disciplinary measure in juvenile detention, and in 31 states corporal punishment is still permitted as a sentence against children (Pinheiro 2006). The police also commonly use violence to extract confessions from children (Pinheiro 2006; Save the Children 2004).

Children, especially girls, on the streets are highly at risk of sexual violence from others on the streets. Boys are more at risk of physical violence. Both boys and girls on the streets are subject to public hostility which can result in violence against them (Thomas de Benitez 2007). As reported by children from Cambodia, street children may fight against one another. As highlighted by children from Peru and Guyana, in some cases this may involve gang violence. Street children may also be harassed by the police. One of the boys from India involved in the consultations spoke of being beaten by the police for begging on railway platforms.

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18 Research from UNICEF et al (2006) supports this. It suggests that the more distant the relative that a child lives with, the more likely they are to be discriminated against and abused.

Many children without parental care who work are subjected to violence, abuse and exploitation by employers. Domestic workers may be beaten or sexually abused by employers or others in the household (Blaghrough 2008). Child soldiers, including girls employed in a supportive capacity, and trafficked children often experience violence as part of their recruitment and daily lives (Delap 2005; Reale 2008). Children who migrate for work suffer violence and abuse on route as well as at their destination. Girls have been found to suffer sexual abuse from drivers, border guards and the police whilst migrating (Delap 2009a; Reale 2008). Many working children have to work long hours with little payment in return.

A loss of parental care does not always increase children's chances of being exposed to violence, abuse or exploitation. As shown below, children may become separated from parents as part of a strategy to avoid mistreatment at home. It is also the case that not all children in alternative forms of care are abused or neglected, with children involved in these consultations placing particular emphasis on the good care they receive when living with grandparents.

❝❝ Some grandparents are even more caring than our own parents. ❞❞ A girl from Malawi

Survival rights

A loss of parental care often threatens children's right to survival, with some groups of children without parental care being particularly vulnerable. As argued by girls and boys from all of the regions involved in the consultations, children living on the streets lack proper accommodation, have nowhere to wash, and do not have enough to eat or have to eat poor quality food, such as that found in rubbish bins. Children living with employers are often engaged in exploitative and harmful forms of work, and domestic servants are frequently denied the food given to other children in the household (Blaghbrough 2008). Children in some forms of kinship care may

also face problems. In Sub-Saharan Africa, children without parental care often go to live in already vulnerable households, such as those headed by women or elderly grandparents who may struggle to provide enough food for the children in their care (UNICEF et al 2006; UNICEF 2007; UNECA 2008). As argued by boys in Malawi, grandparents in particular may struggle to provide for their grandchildren as they are too weak to work. As children living with other relatives are often discriminated against, these children may also not get enough food (UNICEF et al 2006). Children in detention commonly receive inadequate food and shelter (Save the Children 2004) and some children in residential care may also receive poor quality food (EveryChild 2005; Parwon 2006; Rocella 2007). Children's ability to survive varies by factors such as age, with very young children particularly vulnerable in some settings. For example in Russia official statistics suggest that the mortality rate for children under four years old in institutional care is ten times higher than that of the general population (Ministry of Health and Social Development 2007).

A loss of parental care does not always damage children's right to survival, and indeed separation from families is often used as part of a survival strategy (see below). As argued by children from the CEE/ CIS region, many children in residential care receive better food and shelter than they would do at home (see also Rocella 2007 and UNICEF 2006a):

❝❝ At home, we do not have everything that we have here. The living conditions are better here…At home it isn't warm, here it is. ❞❞ A boy in residential care in Moldova

❝❝ We have food and clothes here. We are OK. ❞❞ A boy in residential care in Georgia

Children who live with employers may also help achieve their own survival rights and that of other family members through the contributions made through their work.

Rights to health

A loss of parental care has many negative ramifications for children's right to good physical and mental health. As outlined above, children without parental care may be malnourished with consequent health ramifications. Poor living conditions, such as those experienced on the streets, or in over-crowded institutions can expose children without parental care to infectious diseases and other health problems. Without parents there to protect and guide them, children without parental care are more likely to engage in early sexual activity or drug and alcohol abuse, exposing children to HIV infection and other health problems (UNICEF 2007; Jackson and McParlin 2006). Children may be forced into these activities, such as girls and boys who are trafficked into commercial sexual exploitation or children who are raped or abused by employers, or there may be an element of choice. As argued by the children who took part in the consultations, street children are particularly vulnerable to such high risk behaviours (see also Thomas de Beneitez 2007), though other children, including those in residential or other forms of state care are also more at risk (see for example Jackson and McParlin 2006).

◀◀ What else can they [street children] do? They have no choice but to get drunk. Get a drink, go to sleep and the time passes faster. ▶▶ A boy from Ukraine

Children without parental care often experience mental health problems, owing to the trauma of separation from parents and/ or the poor quality care and protection received. Orphans report higher levels of anxiety and depression than non-orphans with 12% of orphans in Uganda stating that they sometimes wished they were dead (UNICEF et al 2006). In Russia, an astounding one in ten care leavers go on to commit suicide (Pinheiro 2006), and children in the UK who grow up in local authority care are four times more likely to

require mental health services than other children (Jackson and McParlin 2006). High rates of suicide and self-harm have also been noted amongst street children (Thomas de Benitez 2007). These mental health problems are exacerbated by the discrimination faced by many separated children. Losing parents to AIDS, being placed in detention, living in an institution and working on the streets can all lead to stigma and a sense of isolation from wider society (see Tolfree 2003; Save the Children 2004; Thomas de Benitez 2007; UNICEF 2007). Discrimination faced by children without parental care, and a lack of investment in health care for some groups, such as those in detention, means that, in addition to suffering more health problems, children without parental care may also struggle to access health care services (see UNICEF 2007; Thomas de Benitez 2007; Save the Children 2004).

Of course, some of the health problems experienced by children without parental care may be similar to those experienced by other children from poor households. A loss of parental care may also benefit children's mental and physical health if they are escaping from abusive relationships at home, or if their separation from parents is part of a strategy to get better living conditions or health care. In the CEE/ CIS region, children born with health problems or disabilities are sometimes placed in institutional care to gain access to free medical treatment that they would not receive at home. As argued above, living conditions in some institutions are also superior to those children experience at home. It should also be remembered that children are highly resilient and resourceful. Some research suggests that, overall, street children face fewer mental health problems than other groups as they have developed effective coping strategies (Tomas de Benitez 2007).

Right to participate

Child participation involves encouraging and enabling children of all ages, capacities and abilities to express their views, influence decision making and achieve change on matters and issues that affect or concern them. The rights abuses faced by children without parental care mean that many children separated from their parents face challenges in achieving their right to participate. Carers and employers may resist children's participation, particularly if they fear that evidence of abuse will emerge. Some children without parental care, such as those on the streets, in domestic service, or engaged in illegal forms of work, lead transient lifestyles and/or may be hard to access for engagement in decision making processes. Children in some settings, including some forms of residential care and detention are bound by clearly defined adult rules, making it hard for children to even develop the capacity to express their views, let alone have these views taken into consideration. For example, research by EveryChild in Russia shows that children in residential care have little or no say about their lives, with the needs of adults and of institutions given priority. There is no systematic review of children's needs, contravening Article 25 of the CRC, and no complaints procedures, making it almost impossible for children to express their views (Rogers and Smyikalo 2007).

Of course, it is also true that children in parental care are often denied their right to participate in decision making by overly strict rules in the family. Indeed, as shown below, such discipline and inter-generational conflict is one reason why children leave home.

Rights to education

A loss of parental care often has a devastating impact on children's right to an education. In common with many working children, street children and those living with employers have little time to attend school, and are discriminated against by inflexible school systems (Delap and Seel 2004; Youth and the United Nation 2008). These problems are likely to be exacerbated by the absence of parents to protect and provide for children, and keep working hours to a minimum. For example, although education often forms part of the rationale for children being sent to cities to work as domestic workers, in reality, once parents are no longer around to negotiate, these children, usually girls, have little time left in their busy day for studying (Blaghbrough 2008). Children in detention often have no access to formal schooling during or after their sentences (Save the Children 2004). Children in kinship care may be discriminated against and receive less schooling than other children in the household (Save the Children 2007).

However, a loss of parental care does not always deny children their right to an education. As shown below, education can be a cause of separation and, within current systems, some children may struggle to get the schooling they need without leaving their parents behind.

Every child deserves a family: EveryChild's approach to children without parental care
EveryChild November 2009

7 What factors make children more at risk of losing parental care?

Poverty and economic instability

The link between poverty and a loss of parental care is widely acknowledged by girls and boys from all of the regions where the consultations took place. Research also shows that poverty is closely associated with all of the six categories of children without parental care. Research from Russia (UNICEF and the Institute for Urban Economics 2009), Brazil (TdH and Exola 2003), Sri Lanka (Roccella 2007), Liberia (Parwon 2006)and South-East Europe (UNICEF et al 2008) suggests that, as also noted by Tolfree, poverty is often behind decisions to place children in residential care:

"...the vast majority of children in institutional care do have families and the reasons for admission are more to do with family poverty and the availability of residential care than separation." (Tolfree 2003, p.10)

❝❝ Parents are poor. They leave the child in an orphanage because they can't afford it.
❝❝ A girl from Guyana

Poverty may be particularly closely linked to decisions to place children in institutional care when children are disabled, as having to care for a child with disabilities can prevent adults from working and act as a drain on households resources (UNICEF 2005).

Poverty pushes many children into forms of work which involve separation from parents, or onto a life on the streets (Dottridge 2006; Reale 2008; Thomas de Benitez 2007). Children may be placed with kin as parents on limited incomes struggle to take care of them. Much juvenile crime is committed as a means of getting an income, and the majority of children in the criminal justice system are from deprived communities (Save the Children 2004).

Some strategies which cope with poverty may be particularly likely to lead to children becoming separated from their parents. Children from eight of the ten countries involved in the consultations said that adult migration is a key reason why children lose parental care. Boys in Georgia spoke of parents going abroad for a 'better future' and leaving children with relatives initially, though they argue that when relatives are unable to cope, children may be placed in residential care. Children in Cambodia talked of parents going to work in Thailand and only returning home occasionally. Children in Malawi said that parents often travel to South Africa for long periods of time, and may even start up new lives and families there without their children. Such evidence is backed up by research which suggests adult migration as a cause of kinship care and institutionalisation. For example, in Central Asia, children are commonly left behind whilst parents migrate for work. Remittances sent home can support lone parents and kin to care for these girls and boys. However, this is counteracted by the risk that families will struggle to cope and place children in residential care (UNICEF 2009 see also Save the Children 2007). In India, EveryChild have found that many families are forced to rely on bonded labour for their survival. This involves children being sent away from home to repay debts incurred by their families. Interest rates for such loans are often high and terms of repayment unspecified, leaving children working for long periods, with little or no pay and minimal contact with families.

Children also provided valuable insights into the causes of the poverty that places children at risk of losing parental care. Children from several CEE/ CIS countries and from Malawi talked of alcohol abuse leading to poverty:

❮❮ They always think of beer and nothing else. ❯❯ A boy from Malawi

Children also spoke of large family sizes, gambling, drug abuse, laziness, family conflict, polygamy and illiteracy as being related to poverty. In India, EveryChild have found that caste and discrimination are closely related to poverty.

As well as directly leading to a loss of parental care, poverty may also have an in-direct impact by causing or exacerbating many other risk factors. For example, poverty and powerlessness have been shown to make individuals more vulnerable to HIV infection and less able to access treatment, placing more children at risk of losing parents to AIDS (UNICEF et al 2006). There is also a proven link between poverty, unemployment and child abuse, with high levels of inequality being especially likely to lead to high levels of abuse (see Thomas de Benitez 2007).

Research on some of the categories of children without parental care suggest that it is not just poverty, but economic instability that place children at risk of becoming separated from their parents (see for example Dottridge 2006). This is especially pertinent in the current economic climate. Although evidence is patchy owing to the recent onset of the global recession, there are many indications to suggest that the downturn will lead to an increase in the numbers of children without parental care:

- EveryChild staff in CEE/CIS have observed indications of an increased reliance on institutional care as families struggle to care for children. In Ukraine, some directors of institutions have played on the heightened vulnerability of some families by directly encouraging those struggling to cope to leave their children in institutions through TV advertisements.

- Problems caused by the recession are leading to a rise in demand for child protection and welfare services, at the same time as governments are faced with diminishing budgets (IMF 2009). As child protection services are often already low down on government agendas, this is leading to a fall in provisions for vulnerable families. For example, EveryChild programmes in Georgia have noted a reversal or slow down of reform of child protection services. In Ukraine, the government has reneged on commitments to take over funding of social services posts established by EveryChild.

- During past economic crises, many children stopped school and started work, including work which involves separation from parents (ODI 2009). Similar trends have been observed by EveryChild in Cambodia and Kyrgyzstan.

- Stress caused by factors such as mass unemployment during recessions has been proven to lead to an increase in violence in the home, a key cause of children becoming separated from their parents (ODI 2009).

It should be noted that the relationship between poverty and a loss of parental care is by no means straightforward. Firstly, as argued above, a loss of parental care may be part of a survival strategy, with children's work, and the assistance received from kin or residential care reducing household and child poverty. Secondly, poverty alone cannot be used to explain a loss of parental care. As noted by several authors, there are many poor children in the world, and not all of them are separated from their parents (see for example Dottridge 2006; Meintjes et al 2007; and EveryChild 2005). As described in EveryChild research on institutionalisation, poverty may perhaps more helpfully be seen as a backdrop to separation which interacts with other factors, such as poor child protection

policies and domestic violence to lead to children living apart from parents and other carers (EveryChild 2005). Thirdly, it should not be assumed that a reduction in poverty will automatically prevent children from losing parental care. Research on child migration and trafficking suggests that families may need some money to pay for travel or 'help' from intermediaries and that child migrants are not always from the poorest families (Dottridge 2006; Reale 2008). As noted above, wealth does not make children immune from several of the factors that place them at risk of losing parental care, including, disability, HIV and AIDS and violence, abuse and neglect in the home.

Violence, abuse and neglect

After poverty, the consultations with children and the global literature review suggest that violence, abuse and neglect in the home is the most common reason why children lose parental care. Research from South Africa (Meintjes et al 2007), Venezuela (Pinherio 2006) and Brazil (TdH and Exola 2003) suggests that a substantial proportion of children in institutional care have experienced violence, abuse or neglect prior to their entry into institutions. Children in the juvenile justice system have often faced violence in homes or schools and a lack of proper parental care and guidance can lead to delinquency amongst children (UNICEF 2006b). Many street children have experienced violence in homes and communities. Research in Bangladesh suggests that family violence often prompts decisions to move onto the streets, and research in the UK shows that violence in the home is the most common factor in young people's decision to run away (Thomas de Benitez 2007). Domestic violence also increases vulnerability to trafficking (Dottridge 2006).

The consultations with children suggest that the violence, abuse and neglect in the home which leads to separation from parents can take on many different forms. Neglect may be defined as:

'Deliberately, or through carelessness or negligence, failing to provide for, or secure for a child, their rights to physical safety or development'. [19]

This includes parents abandoning children, a failure to properly supervise children or protect them from harm, and a deliberate failure to carry out important aspects of their care. Many of the children involved in the consultations identified neglect as a key cause of children being without parental care. Children from several CEE/ CIS countries, and from Peru, talked of parents abandoning babies:

Children are abandoned in rubbish dumps. They are left by parents who have not planned to have a baby or are simply teenagers. Many of them have been abused by step fathers. A girl from Peru

Boys and girls from many countries spoke of children leaving home because of parents failing to love their children or to take proper care of them:

Children do not live with their parents because parents do not care for them well. A girl in residential care in Kyrgyzstan

Abuse may be defined as:

'A deliberate act of ill treatment that can harm, or is likely to cause harm to child's safety, well-being, dignity and development.' [20]

This includes physical violence, but also emotional or psychological abuse and sexual abuse. Abuse towards children was described as a key cause of children losing parental care by children from each of the ten countries who took part in the consultations. Most children spoke of physical abuse, though others also mentioned sexual and emotional abuse.

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19 This is a definition used by Save the Children, as referenced on the Save the Children Sweden website for the South and Central Asia programme:
http://sca.savethechildren.se/PageFiles/3189/child%20protection%20definition%20SC.pdf

20 This is the definition provided by the UN Guidelines for the Alternative Care of Children (2009).

" You can explain everything with words. When I lived at home, no one explained anything to me, they just beat me up. "
A boy from Ukraine in residential care

The violence that causes a loss of parental care does not just involve violence towards children; violence between adults can also be deeply distressing for children and lead to separation from parents. This issue was highlighted by children from Georgia, Cambodia, Kyrgyzstan, Peru and Guyana:

" Girls leave home because they are scared of their parents' arguments. "
A girl from Peru

In some cases, conflict and violence between parents can lead to the breakdown of families, with divorce, separation and re-marriage. Children from all of the regions engaged in the consultations highlighted such family breakdown and re-marriage as increasing children's risk of losing parental care:

" When couples have a lot of problems, they get separated [from parents], or when parents fight, they get separated. "
A girl from Peru

Although many children living with step parents receive love and care, others are discriminated against and treated differently from step-fathers' or mothers' own biological children. As the story of one boy involved in the consultations in India illustrates, such discrimination can cause children to run away, be placed with relatives or in institutional care. This boy felt rejected by his family as his step mother didn't like him and wanted to send him to boarding school. He chose to run away from home by catching a train to Delhi where he was offered help by an agency supported by EveryChild.

EveryChild's experiences in Malawi suggest that it is not just abuse or neglect in the home that leads to separation from parents, with

some girls leaving home to escape sexual abuse in schools. In India, EveryChild has found separation from families is caused by the harmful devadasi system, whereby girls are dedicated to temples and then sexually abused, with many effectively trafficked into commercial exploitation with the sanction of parents and community members.

Violence, abuse and neglect are caused by a range of factors. As noted above, poverty is significant, but other factors such as attitudes towards violence, levels of family and community stability and the stresses caused by HIV and AIDS are also relevant (Thomas de Benitez 2007). Domestic violence is often directed against women and gender inequality is a major cause. As highlighted by children from almost all of the countries engaged in the consultations, drug and alcohol abuse is closely associated with violence, abuse and neglect in the home. As argued by boys from Moldova, adults who don't know how to parent themselves, either because they have been abused, or placed in long-term residential care, are more likely to neglect or abuse their children. Children become more vulnerable to violence and abuse in emergency situations when usual mechanisms for protecting children are diminished and stress levels in the family are enhanced. Violence, abuse and neglect in the home can also exacerbate other factors which cause a loss of parental care, such as HIV infection rates.

Conflict in the family, and child participation and choice

In addition to violence, abuse and neglect in the home, many of the children who took part in the consultations spoke of inter-generational conflict as a key cause of children leaving home. Children from almost all of the countries involved said that children chose to leave home themselves because they don't get on well with their parents or have fought with them:

❝ ...any child can be in a situation where he can be without his parents; especially those who have communication problems at home. ❞ A boy from Peru

Such conflict is closely associated with children breaking rules set by parents. Some children saw this rule-breaking as reasonable, and the fault of adults as parents are overly strict:

❝ A kid wants to have freedom, she is restricted and thinks that she will be better off outside the family....Parents are too strict and do not allow her to do something for entertainment, they punish her often. ❞ Girls and boys from Georgia in kinship care

Others felt that children had behaved badly, were disobedient and often left home to give them the freedom to engage in illegal or dangerous actives.

❝ Sometime they [children without parental care] have people that love and care for them and they just want their own way. ❞ A girl from Guyana

❝ She wants to be free.. to smell glue. ❞ A girl from Georgia in residential care

Inadequate or inappropriate child protection policies

Research on several different categories of children without parental care suggests that many government policies either fail to prevent separation from parents occurring, or actually lead to an increase in the number of boys and girls without parental care. This risk factor is perhaps most apparent in relation to the institutionalisation and detention of children. Although long-term residential care of children is widely acknowledged in international standards, and by many national governments, as being harmful for children, its use continues to be sanctioned or actively promoted by many policy makers. In CEE and CIS states, much has been done to challenge the legacy of the communist era, when the state was widely viewed as offering the best care for children, often through large scale residential institutions. However, research throughout the region suggests that this mentality persists amongst some policy makers, and that change across the region is piecemeal (Rogers and Smiyikalo 2007; UNICEF et al 2008; UNICEF 2009; UNICEF and the Institute for Urban Economics 2008). EveryChild's programmes in countries such as Russia have found that many children continue to be institutionalised and without a regular review of care plans, remain stuck in institutional care for long periods (Rogers and Smiyikalo 2007). Policy and practice change is particularly slow with groups of children who are widely discriminated against. Children with disabilities, those affected by HIV or AIDS, and children from ethnic minority groups such as the Roma continue to be routinely institutionalised in many parts of the region (HRW 2005; UNICEF 2005; Pinheiro 2006). As noted by Tolfree (2003), whilst institutions continue to exist, they act as pull factor, encouraging families to hand over the care of their children to the state.

Elsewhere in the world, there is also evidence of continued, and in some cases growing, support for residential care. For example, in South Asia, UNICEF reports growing government and civil society support for residential care in many locations (UNICEF 2008a). In South Africa, Meintjes et al (2007) note that government inability or unwillingness to develop systems to monitor family-based care meant that children's homes are seen as a preferable alternative. In a review of the response of Faith Based Organisations to the HIV and AIDS crisis, the Firelight Foundation note that the widespread use of children's homes diverts resources away from developing family based care in Sub-Saharan Africa:

"Orphanages become a way to access food, clothing and education when what is really needed is to make these necessities available in the community."
(Firelight Foundation 2008 p.3).

The continued use of institutions is expensive, much more so than other forms of care, and therefore uses up a great deal of resources that could be better spent on prevention or developing family based alternatives. Institutional care is six to 100 times more expensive than family or community based alternatives (Pinheiro 2006).

Research from around the world suggests that many governments continue to see detention as the only way to respond to juvenile delinquency, leading to large numbers of children becoming separated from their parents whilst they serve sentences in prison. There are examples of successful strategies to divert children from the justice system, or to find alternative ways to punish them. However, these strategies are not widely promoted by governments who either lack resources or fear political backlash. Research also suggests that children are often denied access to legal services and given inadequate information about the allegations made against them. In some settings, coercion is used to elicit confessions from children. All of these factors

make custodial sentences more likely (Save the Children 2004).

Research suggests that government policies in other areas such as trafficking and street children also fail to offer the forms of protection that could lead to reductions in the numbers of children without parental care. Overly-heavy responses to trafficking in some countries have led to attempts to restrict the movement of women and children, leading to an increase in clandestine movement, and actually increasing children's vulnerability to exploitation (Dottridge 2006). The very existence of large numbers of children on the streets reflects a failure on the part of governments and others to protect children:

"Dependency of young people on urban streets reflects failures at levels of family, community and government to protect them from harm and prepare them for adult life within society." (Youth and United Nations 2008).

HIV and AIDS and other causes of ill-health and death

In Sub-Saharan Africa, parental death, largely caused by HIV and AIDS is a major cause of a loss of parental care, with the number of children who have lost both parents continuing to rise rapidly (UNICEF et al 2006). Elsewhere in the world, parental death is responsible for a loss of parental care in a surprisingly small proportion of cases. For example, research in CEE and CIS states suggests that only 2-5% of children in residential care have no living parents (Pinherio 2006). In Sri Lanka, this figure is less than 2% (Roccella 2007).

In addition to parental death leading to a loss of parental care, the ill-health of parents can also prevent mothers and fathers from taking care of their children. This is particularly pertinent in relation to the large numbers of parents suffering from HIV or AIDS in many parts of the world. As illustrated by these quotes from boys in Malawi, long-term health problems, such as that related to HIV or AIDS

can place numerous strains on parents' ability to care for their children:

Some parents have a long sickness and do not have anything to give to their children….[they] suffer for a long time and are too weak to work in their gardens. Then the family does not have food….Some parents with the long sickness become violent and children run away from them…[These parents] are in great pain and feel not liked by many people. Boys from Malawi

Evidence from emergency situations suggests that it is not just health problems, but the way that health care is provided, that can lead to children becoming separated from parents. For example, if parents have to travel long distances to receive health care, or if there is no accommodation provided for family members close to hospitals (ARC 2004).

Research suggests that most children affected by HIV and AIDS and without parental care in Sub-Saharan Africa are currently generally cared for by kin (JLICA 2009). However, as the number of orphans grows, and as more children's homes are built in the region (see Appendix 3), it seems likely that HIV and AIDS will lead to a growth in the number of children placed in residential care. Children who are HIV positive themselves, or who are suspected of being so, may also be at greater risk of separation. In Russia, research shows that HIV positive mothers are routinely encouraged to give up babies for placement in institutions where these children are often kept in isolation for long periods of time (HRW 2005).

Vulnerability to HIV and AIDS is exacerbated by a number of factors including gender inequality, armed conflict and levels of violence and abuse in homes and communities. HIV and AIDS may also be linked to a number of other factors that make children more vulnerable to a loss of parental care. For example, the HIV and AIDS pandemic has led to many schools in Africa becoming dysfunctional as they lose teachers to illness and death. HIV and AIDS is also closely associated with household poverty (JLICA 2009).

A lack of access to good quality education

A lack of access to good quality education can lead to girls and boys losing parental care in two main ways. Firstly, children may leave home to access education unavailable in their home communities. Research in Sri Lanka suggests that children are sometimes sent to institutions to enable them to attend school (Roccella 2007). Children from Malawi, Peru and Guyana involved in the consultations said that children from their communities are sent to live with relatives to get help with school fees or to gain access to school facilities that are not available in their villages. Such arrangements may involve a degree of exploitation as children are expected to do housework chores in return for their education, with some children having to work long hours with little time for schooling (Blaghbrough 2008).

Children in many parts of the world are sent to boarding schools to receive an education. These arrangements are of concern when children are kept isolated from families and/ or communities for long periods of time, and/ or where there is evidence of abuse or exploitation. For example, boys receiving Koranic schooling in Senegal spend many years away from their families, often with extremely limited contact with home, and have to spend several hours each day begging to earn their keep and as part of their religious education (Delap 2009). In CEE and CIS states, disabled children are routinely sent to specialised boarding schools, with very little provision offered to these girls and boys in their home communities. In some CEE/CIS countries, particularly the larger countries, children live a long way away from their parents, allowing only minimal contact with home, and making children more vulnerable to abuse (UNICEF 2005b).

Secondly, education can help protect children against many of the factors which lead to their separation from parents. Education can reduce children's vulnerability to trafficking and to the child labour that causes many children to migrate (Dottridge 2006). Education provides children with a productive alternative to work, and enhances life skills which may help them protect themselves from exploitation. A lack of access to appropriate education or training facilities has also been linked to the disaffection associated with children coming into conflict with the law and becoming vulnerable to detention and consequent loss of parental care (Save the Children UK 2004).

Conflict and climate change

There is predicted to be an alarming rise in both conflict and natural disasters in coming years due to the impact of climate change. Climate change is also likely to lead to longer-term instability due to factors such as water shortages, land degradation and consequent migration. Emergency situations lead to an immediate increase in the numbers of children without parental care as parents are killed, or become separated from their children in the chaos. In one province in Indonesia alone, the Tsunami caused nearly 3000 children to become separated from their parents (DEPOS and Save the Children 2006). Conflict and natural disasters can also lead to 'secondary separation' which occurs as a result of the impact of the disaster rather than a loss of a carer. This may be due to increased poverty owing to war, or to a breakdown of support networks and an increase in violence. Such factors have been associated with more children living on the streets (Thomas de Benitez 2007), being sent away to live with relatives (Save the Children 2007), and being trafficked (Dottridge 2006) during and after conflict situations. Longer term instability as a result of climate change will exacerbate factors such as poverty and migration which are linked to a loss of parental care.

Emergency situations may also be associated with a growth in the numbers of children's homes, which can act to pull children away from their families. For example, in Post-Tsunami Indonesia, there has been a rise in the number of children's homes being built by well meaning donors wanting to provide assistance to those orphaned by the disaster. 47% of the children in these homes were placed following the disaster, and most have living parents. This suggests that such institutionalisation is not about short-term crisis management, but instead part of a longer term strategy. This rapid growth in children's home has infected government policy leading to increases in government money spent on residential care which could have been better allocated to developing family based alternatives (DEPOS and Save the Children 2006).

One of the most worrying elements of the predicted rise in conflict in coming years is the likely increase in child soldiers. Recent research suggests that:

'When armed conflict breaks out, reignites or intensifies, children will almost inevitably become involved as soldiers.' (Coalition to Stop the Use of Child Soldiers 2008)

This global report concludes that attempts to disarm, demobilise and reintegrate girls and boys associated with the armed forces during conflict situations have only limited success, and that peace remains the main hope for child soldiers.

8 Principles for good practice

The principles provided in this section are derived from the information provided above, from suggestions put forward by children during the consultations, and from several international standards relating to children without parental care. Of particular value were:

- UN Guidelines on the Alternative Care for Children (UN 2009)
- Inter-Agency Guiding Principles on Unaccompanied and Separated Children (Red Cross 2004)
- Guidelines on the Protection of Child Victims of Trafficking (UNICEF 2006d)
- Separated Children in Europe Programme Statement of Good Practice (Save the Children and UNHCR 2004)
- The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (or Hague Adoption Convention)

As with all of the work that EveryChild does, these principles are guided by the UNCRC and the child rights programming approach. The continuum of care model widely used in child welfare services has also been used to guide these principles (see UNICEF 2006a). The principles are aimed at informing our country programmes and our advocacy work with other agencies. Whilst EveryChild will strive to avoid contradicting any of these principles in all of our work, different parts of the organisation may choose to strategically focus on actively promoting different principles.

Child rights principles and children without parental care

1 Promote children's rights related to family life: Children have the right to grow up in a family environment in an atmosphere of love and understanding, and not to be separated from their parents unless it is in their best interests. Children feel the abuse of these rights keenly and when separated from parents miss the love and support that good parenting provides. These rights are also central for achieving other rights, such as those to development, education, health and freedom from abuse and exploitation. Children also have the right for their parents to be supported in fulfilling their responsibilities as parents.

2 Fulfil duties to respond to children without parental care: As with all child rights, states have the primary responsibility for ensuring efforts are made to support parents and keep families together, and to protect children without parental care. However, all adults have a duty to fulfil these rights, and indeed families and communities play a pivotal role, with, for example, community based child protection mechanisms often offering important support. Children can also contribute to the fulfilment of their own rights and to those of other children without parental care or at risk of losing parental care. For example, as highlighted by children involved in the consultations, children can avoid discriminating against other children without parental care.

3 **Always act in the best interests of the child:** Efforts to help children without parental care should be guided by the principle of the child's right to a family, and by the hierarchies of care outlined opposite. However, all decisions about which forms of care to offer a child without parental care should be made on a case by case basis, with the best interests of the child always at the forefront of decision-making. In determining best interests, it is important to consider a range of factors including the child's immediate safety and long-term care, family relationships and the need to try and keep siblings together, and impacts of different forms of care on developmental rights. It is always essential to ensure that children's opinions are taken into consideration when determining best interest, and that decisions are made by a competent authority[21] willing and able to listen to children's views. In some instances, such as care proceedings and cases involving trafficking, immigration or asylum claims, a guardian should be appointed to ensure that children's views are fully taken into consideration and that their best interests are represented.

4 **Ensure child participation:** Children without parental care face many challenges in fulfilling their rights to express their views, influence decision making and achieve change on matters that concern them. These barriers should not be used as an excuse to deny children without parental care their right to participate. Rather they suggest that children without parental care are especially in need of the protection, confidence and capacity building that properly managed participatory processes can offer them. It is also important to ensure that children at risk of losing parental care are able to fulfil their right to participate, as a frustration at not being able to take part in family decision-making is one factor that can lead to children running away from home.

5 **Fulfil survival and development rights:** All children have the right not only to life, but to grow and learn. A loss of parental care can threaten these rights to survival and development, and threats to survival and development can also lead to a loss of parental care. However, a loss of parental care can also help children fulfil these rights by allowing girls and boys to escape from harmful situations at home, to work for survival, and to get an education. Efforts must be made to ensure that children are able to fulfil rights to survival and development without having to leave their families unless it is a choice and in their best interest.

6 **Acknowledge diversity, challenge discrimination:** Although children without parental care share much in common, children who have been separated from their parents are not a homogenous group and encompass a wide range of different living situations. The rights abuses suffered by children without parental care also vary by factors such as age, gender, HIV status and level of disability. Stigma and discrimination can lead to a loss of parental care, and children without parental care are widely stigmatised and discriminated against. Strategies to deal with a loss of parental care need to be tailored to reflect this diversity and address issues of discrimination. Whilst prioritising particularly vulnerable groups, such as very young children, the over-arching aim should be to fulfil the rights of all children without parental care and all of those at risk of losing parental care.

7 **Take a holistic approach:** Whilst children without parental care are a diverse group, they do share many common challenges created by being denied their rights to a family. It is essential that these common problems are highlighted to ensure that efforts to place or keep all children in loving and stable families are stepped up. The complexity of these issues also means that it is essential to engage a wide

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21 We recognise that not all settings have such 'competent authorities' and that more work is needed to try and build capacity.

range of actors, and to mainstream issues relevant to children without parental care into policies relating to poverty alleviation and social protection, child protection, health, education, and the judiciary. Proper coordination between responsible agencies is also essential.

Hierarchies of care for children

8 Family is usually best: It is usually in children's best interests for them to remain with their biological parents. In some cases, this is not possible or advisable, for example if the parents are dead or if children are suffering from violence, abuse or neglect in the home. In these instances, it is essential for children to be cared for in a family-like environment. Kinship care, adoption/ Kafala, and fostering are options to be considered, with considerations of best interests (see above) permanency and keeping children close to home (see below) central. Kinship care often provides a good home for children which fulfils these criteria.[22]

9 Long-term residential care should generally be used only as a last resort: Long-term residential care is widely acknowledged as often being extremely damaging to children without parental care. Whilst smaller children's homes, and residential facilities where care is organised in small groups, care is less harmful than larger or dormitory style homes, it still exposes children to many of the damaging impacts of institutionalisation, such as a lack or attachment and isolation from families and communities. In some instances, this type of care can be beneficial in the short-term, for example when it is used to help rehabilitate extremely exploited and traumatised children, or as a safe place for children to stay whilst parents are located or problems at home resolved. The aim of such short-term care should always be to find a long-term solution that does not involve the institutionalisation of children. Short-term residential care should not

be provided in a way that provides incentives for families to abandon their children to gain benefits for themselves or for their children.

10 Planning for permanency: Frequent change is bad for children, and it is essential for development that girls and boys have the stability to form loving attachments with their carers. All efforts to provide care for children without parental care should work towards achieving a permanent solution. This means, for example, that as a temporary solution, fostering does not offer the same benefits as longer term family-based care. It is acknowledged that balancing the need for permanency with a desire to return children to their biological families can be challenging. This is particularly true when the status of the family is uncertain, such as in emergency contexts, or when more time is needed to improve a temporary problem in the home, such as parents serving prison sentences or suffering from mental health problems, or drug and alcohol addiction. It is generally best to exhaust all reasonable possibilities of reunification before establishing permanent alternatives such as adoption.

11 Keeping children as close to home as possible: Children temporarily separated from their parents, including children in residential care, fostering or detention, or separated by emergencies, need to be kept as close to home as possible to enable contact with families and communities. This contact is important for protecting children and enabling their eventual reintegration, though decisions about degrees of contact should be made with full consideration of principles of best interest and participation. Children who are being adopted should also be kept as close to their ethnic, cultural and linguistic backgrounds as possible, and international adoption should only be used when it is in the best interests of the child and all other options for children's care have been exhausted.

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22 It should remembered that there are some older girls and boys who may seek independence before they reach eighteen, and for whom living outside of a family environment may be in their best interest.

Strategies for responding to children without parental care

12 Balancing prevention, protection and reintegration: As families are usually best for children, strategies must in the long-term strive to reduce the numbers of children without parental care through prevention and reintegration efforts, and protective efforts should not take place at the detriment of a long-term vision to reduce the number of children without parental care. However, in the short-term at least, there are some children without parental care who cannot be reintegrated or found a new family and these girls and boys need to be protected.

13 Key elements of prevention: Preventative efforts should be based on the premise that, whilst protecting children from abuse, neglect and violence in the home is paramount, globally, most parents of children without parental care are not intrinsically 'bad', but instead lack the support they need to bring up their children. This assistance should consider the causes of a loss of parental care, and include:

■ **Family strengthening efforts** to help parents fulfil their duty to care for their children. These will vary depending on the setting, but may include:

　▪ **Poverty reduction strategies**, such as livelihoods support and social protection mechanisms which are specifically designed to keep families together

　▪ **Other family strengthening efforts** to deal with alcohol or drug abuse, disability, mental health problems, poor parenting skills, domestic violence, the abuse and neglect of children and inter-generational conflict.

■ **Quality, affordable service provision for at risk groups,** in areas such as health and education, which are provided close to the homes where possible so that children don't have to leave home or enter institutional care to access these services.

■ **Improved assessment and case management of children in state care or at risk of entering state care** to ensure that individual needs are properly and frequently assessed to reduce the numbers of children inappropriately entering the care system and/ or residential care.

■ **Changing attitudes and reducing stigma towards at risk groups,** including HIV positive parents, and children with disabilities.

■ **Community mobilisation** to provide support to vulnerable families.

■ **Diversionary tactics to prevent children from coming into conflict with the law and being placed in detention,** such as strategies to prevent them from committing crimes and to find alternative, non-custodial forms of punishment when they do commit crimes.

Of course, it is not enough to simply engage in these preventative activities with at risk groups; it is also important to demonstrate that these efforts are successful and lead to a reduction in the numbers of children without parental care.

14 Key elements of protection: Though some children without parental care are more vulnerable than others, all children separated from parents need protecting, even if they are in a family-like environment such as kinship care. Such protection should build on children's resilience and existing coping strategies and may include:

■ **Indentifying children without parental care** as some are hidden from view, or illegally exploited. Once children are identified, it is important to fully understand the circumstances of separation and respond appropriately.

■ **Addressing children's immediate survival needs**, through help with the provision of accommodation, food and drinking water. This may include providing children with emergency fostering or short-term residential care whilst needs are assessed and children can be reunited with families or found

alternative family based care.

- **Providing appropriate basic services of the same standard as that offered to other children in the community**. These services should be tailored to meet the needs of children without parental care, but not involve isolation from the rest of the community.

- **Protecting children from abuse, exploitation and violence**, through, for example, work with employers or providing help through child protection units.

- **Helping children maintain contact with their families and communities** to enable them to receive support and help and to report instances of violence, abuse and exploitation.

- **Psycho-social support** to help children deal with the trauma they have experienced through losing parental care and subsequently.

- **Supporting children in conflict with the law** through, for example, legal representation, psycho-social programmes, or prison reform to ensure that children are kept separately from adults.

- **Challenging negative attitudes towards children without parental care**, such as street children and those in residential care.

- **Help for care leavers** as they either return to their families (see reintegration below) or enter a new phase of their lives.

15 Key elements of reintegration: The ultimate aim of reintegration is generally to return children to biological parents, and where this is not possible to other forms of family-based care, and to ensure that children are cared for and loved. Reintegration should include addressing the factors that initially led to children being placed without parental care, and involve:

- **Tracing the family** unless this is deemed not to be in the best interests of the child or to threaten the rights of those being traced.

- **Determining if reintegration is in the best interests of the child, or if alternative family-like care is more appropriate**. This should take children's views into account, and consider factors such as risk of abuse, stigma and discrimination on return, the likelihood of re-separation from parents, how long the child has already been separated for and the age of the child.

- **Preparing the child** to help them overcome both the negative effects of separation and the prospect of return or entering a new family. This may include psycho-social support and more practical assistance.

- **Preparing families and communities to accept and support returning children**. Families and communities may need practical support to ensure that the factors which led to separation begin to be addressed before children return. Efforts may also be needed to be made to overcome stigma associated with some groups, such as child soldiers or children from institutional care and to help families, teachers, peers and others understand and respond to the challenges that children have faced whilst without parental care.

- **Providing follow-up support to prevent re-separation**, to ensure that children continue to be cared for and loved in the long-term. This may involve, for example, on-going family strengthening strategies (see above), efforts to enhance service provision (see above), or strategies to prevent children who have been in detention from re-offending.

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Appendix 1:
Further information on the consultations with children for this conceptual framework

What we did

In each of the ten countries where EveryChild has an office, staff or partners were asked to facilitate focus groups with children that EveryChild works with. Staff and partners were asked to conduct a minimum of two focus groups per country, though many responded with such enthusiasm that a greater number of group discussions were completed. Staff and partners were asked to talk to girls and boys separately, and to consider issues such as age, and whether or not the child lives with parents, in the composition of the groups. The group discussions were guided by a common check list of questions which were field tested in Peru and Guyana before being used in the remaining eight countries. In some countries, staff and partners used innovative techniques, such as drawing and games to help facilitate the discussions. In some countries, where staff or partners had limited prior experience of child participation, a short training course was completed before the consultations. All of those involved in the consultation received guidance on the ethical concerns associated with consulting with children. The discussions took place between April and July 2009.

Table 1: **The number of participations by sex and country and the total number of group discussions by country**

	Girls	Boys	Number of group discussions
CIS/ CEE			
Georgia	9	12	3
Kyrgyzstan	16	16	4
Moldova	20	21	4
Russia	5	12	4
Ukraine	11	10	2
Asia			
Cambodia	19	18	4
India	8	11	2
Africa			
Malawi	34	32	6
Latin America and the Caribbean			
Peru	37	34	8
Guyana	48	43	10
Total	**207**	**209**	**51**

Every child deserves a family: EveryChild's approach to children without parental care
EveryChild November 2009

Who we spoke to

Table 1 opposite shows the number of participants by sex and country and the total number of group discussions. Of the 416 children we spoke to, just over half were aged 13 years or over, with only a very few children aged under eight years old involved in the process. Just under half of the boys and girls included in the consultations were without parental care. Most of the children we spoke to without parental care were in residential care, though some were in kinship care or living on the streets.

What difference did it make?

The consultations with children have made an enormous difference to the content of this paper. In particular, the consultations led to direct changes in the content of the document in the following areas:

- The nature of the different categories of children without parental care. For example, children told us about the different types of child only households, and about the places where children on the streets live.

- The importance of love and care to children, this was often emphasised more than material concerns, such as having shelter or food.

- The high levels of abuse, neglect and violence that many children experience at home.

- The central role that children play in achieving their own rights, both in a positive way in terms of their participation, but also in terms of behaving in a way detrimental to their own well being or that of other children.

- The dire situation faced by street children, which many children in residential care saw as being a far worse option.

- The importance of drug and alcohol abuse as both a cause and effect of a loss of parental care.

- The role that inter-generational conflict and a lack of participation by children in the family can play in children losing parental care

- The differing impacts of different forms of kinship care.

The consultations also provided us with many powerful quotes and stories, giving us far greater impetus in our efforts to promote children's rights to a family.

What next?

Once this paper has been finalised, a child friendly version will be produced and shared with the children who took part in the consultations. We will also explain what difference their consultations made to the paper, and what difference we hope the paper will make to children without parental care.

Appendix 2:
List of Individuals interviewed

These individuals were interviewed in early 2009 as part of a scoping study on children without parental care. This study was used to develop this paper.

External

Mike Dottridge freelance consultant, specialises in trafficking/ migration

Sarah Thomas de Benitez Associate researcher LSE, and does freelance consultancy work – specialises in street children

Nikhil Roy Head of Rights and Economic Justice at Save the Children UK – specialist in juvenile justice

Andres Gomez de la Torre South America Regional Programme Manager (also with responsibility for South Africa and Sierra Leone), ChildHope

Cathy James consultant working with Comic Relief, with a background in street children issues

Helen Rahman Head of Street and Working Children, Comic Relief

Anna Nordenmark Severinsson Project Officer, Child Protection, UNICEF Regional office for CEE/CIS

Eylah Kadjar-Hamouda Coordinator Terre des Homme International

Bill Bell Head of Child protection, Save the Children UK

Daniela Reale Exploited Children Adviser, Save the Children UK

Kate Iorpenda Senior Adviser, Children and Impact Mitigation, International HIV/AIDS Alliance

David Tolfree EveryChild Trustee and expert on institutionalisation/ separated children

Internal

London office
Chris Rayment
Corinne Davey
Anna Feuchtwang
James Georgalakis
Amanda Griffith

Country programmes
Omattie Seaforth Guyana Country Director

Marianne Øhlers Ethiopia, SC Denmark

Andro Dadiani Georgia, Country Director

Mr G Sriramappa India Country Director

Jenny Larrea & **Lionel Vigil** Peru Country Director and Programme Manager

Jo Rogers Russia Country Director

Stela Grigoras Moldova Country Director

Zhyldyz Omusheva Social Work Consultant, Kyrgyzstan

Volodymyr Kuzminskyy Ukraine Country Director

Members of the Cambodia team

Smart Namagonya & **Brussels Mughogho** Malawi Country Director and Programmes Manager

Appendix 3:
Facts and figures on children without parental care

Children living in residential care

- There are an estimated 8 million children in institutional care globally (Pinheiro 2006).

- In South Eastern Europe and Russia, the rate of children placed in institutions is falling in some settings owing to an extensive de-institutionalisation programme, but remaining stable or rising elsewhere (UNICEF et al 2008; UNICEF and the Institute for Urban Economics 2008).

- In Central Asia, the rate of institutionalisation has remained stable in recent years. However, in common with other countries in CEE/ CIS, there has been an increase in the number of children placed in the care of the state, meaning that there are actually more children in residential care than ever (UNICEF 2009).

- In Southern Africa, there has been a proliferation of the number of children's homes in recent decades owing in part to responses to the HIV and AIDS crisis. UNICEF research in 5 countries suggests that around 30, 000 children are currently in registered homes with many more in unregistered homes (UNICEF 2008a; Powell et al 2004).

- Elsewhere in Africa, there are substantial numbers of children, usually boys, living in Koranic boarding schools. In one city in Senegal alone there are an estimated 6,000 of these talibe (Delap 2009b). In Nigeria, there are a reported 8 million almajari (North 2008).

- There are no reliable estimates of the number of children's homes in South Asia, but the available evidence suggests that they are large and growing. UNICEF estimates that there are more than 49,000 children in institutional care in Bangladesh alone and the government has recently supported the building of 500 private institutions (UNICEF 2008a). In Sri Lanka there are at least 19,000 children in residential care (Roccella 2007) and in Nepal there has been a reported rise in the number of care homes (Bhawan 2005).

- In Colombia there are 24,300 in residential care and in Brazil there are 24,000 (Pinheiro 2006). In Guatemala there are 5,600 children in residential care (Holt International and UNICEF 2008)

- There are high levels of institutionalisation in some industrialised countries. For example, in Japan there are 30,000 children in institutions (Pinheiro 2006).

- Many of the reports reviewed for this paper either do not disaggregate by gender, or suggest that there are roughly equal numbers of boys and girls in institutional care.

- In some settings, very young children are particularly vulnerable to institutionalisation (Tolfree 2003).

Children living in alternative family based care

- No global estimates, but evidence suggests that kinship care is the most common form of care for children without parental care throughout the world, with the majority of such care being provided by grandparents (Save the Children UK 2007). Foster care remains relatively uncommon in many regions.

- In Africa, there are long traditions of kinship care, with evidence suggesting that, despite the pressures caused by the spread of HIV and AIDS, the extended family is still largely managing to care for children (Mathambo and Gibbs 2008).

- In many African countries, 90% of orphaned children live with their extended family. In Namibia, South Africa and Zimbabwe 60% of orphans and vulnerable children are in grandparent headed-households (Save the children 2007).

- In Swaziland 34% of children live in households with neither parent, with most of these children in some form of kinship care. In South Africa this figure is 22%, in Malawi 19% and in Zambia 12% (UNICEF 2008b).

- In South East Europe, 41% of children without parental care are in either foster care or guardianship (UNICEF et al 2008), in Central Asia, this figure is 31% (UNICEF 2009), and in Russia it is 52% (Pomazkin 2008). Foster care is relatively undeveloped throughout the CIS/ CEE region, with, for example, only around 3% of Russian children without parental care placed in foster care (Pomazkin 2008).

- Throughout the CEE and CIS region, the number of children separated from their parents and placed in the formal care of the state is either rising or failing to fall with a corresponding rise in children placed in alternative family based care (UNICEF et al. 2006; UNICEF and the Institute for Urban Economics 2008; UNICEF 2009).

- 70-80% children in Indonesia separated as a result of the tsunami, and not reunited with parents, live with extended family.

- In the USA, 1.3 million children from black communities are in the care of relatives, as opposed to 300,000 in group care facilities and 290,000 in non-kinship foster care (Save the Children UK 2007).

Child only households

- No global estimates, but evidence suggests that this is a relatively rare phenomenon.

- Only 1% households in Sub-Saharan Africa are headed by children as currently the extended family is absorbing most children without parental care (UNICEF et al 2006).

Children in detention

- UNICEF estimates indicate that more that 1 million children worldwide are living in detention (cited in Save the Children 2004).

- This figure is likely to be an underestimate. In the USA alone 600,000 teenagers spend some time in detention every year. In the UK the number of children sentenced to penal custody increased by 90% in England and Wales from 1994-2004 (Pinheiro 2006).

- In general, fewer girls go into the criminal justice system than boys and the types of crimes they commit are less grave (Save the Children UK 2004).

Children living on the streets without their parents

- No one really knows how many street children there are. Some estimates place the number of children on the streets as high as 100 million (UNICEF 2006c).

- However, it is believed that only 10% of visible children on the streets have actually adopted the streets as their habitat (Pinheiro 2006) and many of these children will live with parent or other kin.

- Some research suggests that are more boys living on the streets than girls (Save the Children 2004).

Children living with their employers or exploiters

- In 2003, the ILO estimated that 1.2 million children are trafficked each year (cited in Dottridge 2006).

- Many more children migrate alone, or with their families each year. Many of these 'children on the move' are statistically invisible because data is either not collected or disaggregated by age. Existing information does suggest that this is a substantial and growing issue. For example, an ILO study argues that 42% of the migrants across the Cambodia-Thailand border are children. A study in Bihar and Uttar Pradesh in India suggests that around 3% of children under 15 have migrated alone, equivalent to one million children. For children aged 17 and 18 the proportion rises to 25% (cited in Reale 2008).

- There are no global estimates of the number of child domestic workers, though country estimates suggest that a substantial proportion of working children fit into this category. There are an estimated 175,000 child domestic workers in Central America, 688,000 in Indonesia and over 53,000 in South Africa(ILO-IPEC website)

- Between 2004 and 2007, there were 21 countries or territories where children were deployed in armed conflict or domestic violence, involving tens of thousands of children (Coalition to Stop the Use of Child Soldiers 2008).

- Both boys and girls are affected by these forms of exploitation. Girls are more likely to work as domestic servants than boys, to be trafficked for commercial sexual exploitation, and to be recruited into armed groups for purposes other than carrying arms, such as working as cooks, forced marriage, or sexual

exploitation. Boys are more likely than girls to be trafficked or migrate for manual labour, and to carry arms in armed forces or groups. Adolescents are more vulnerable than younger children to most of the forms of exploitation included in this category.

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