

# Quality4Children Standards

for Out-of-Home Child Care in Europe



With the support of 

  
International Foster  
Care Organisation

  
SOS-KINDERDORF  
International

 **FICE**  
Fédération Internationale de  
Communautés Educatives

## Preface

### from Benita Ferrero-Waldner, European Commissioner for External Relations and European Neighbourhood Policy

Today, the EU is experiencing significant economic, political, environmental and social changes that affect children. Children living with poor parents or children who cannot live with their parents are the most exposed to poverty, exclusion and discrimination which in turn can cause them to become even more vulnerable to abuse, neglect and exploitation. The nature and circumstances of a child's upbringing influence greatly that child's situation in life. It is a sad fact that the percentage of EU children who live in poverty within the EU is greater than the percentage of the adult population living in poverty. Therefore, we have to ensure adequate living conditions and care for all children.

As Commissioner for External Relations and European Neighborhood Policy, I particularly focus on an effective protection of the rights of children, taking into account their individual needs and evolving capabilities, with the Union acting as a beacon to the rest of the world. The promotion, protection and fulfillment of children's rights have become an important political priority in the internal and external policies of the EU. Children's rights form part of the human rights that the EU and the Member States are bound to respect under international and European treaties, including the UN Convention on the Rights of the Child and its Optional Protocols, the Millennium Development Goals, the European Convention on Human Rights and the European Charter of Fundamental Rights.

In this context the Quality4Children Standards complement our efforts in policy making, especially in cases where children cannot live with their parents. On the basis of real life stories they outline common standards aimed at ensuring and improving children's and young adults' development opportunities in out-of-home childcare all over Europe. I am convinced that these standards form a valuable contribution and an important further step towards the harmonization of our childcare systems in Europe.



**Benita Ferrero-Waldner**  
Commissioner for External Relations  
and European Neighbourhood Policy



## Acknowledgement

These standards could never have been developed without the valuable participation of 163 children and young adults, 36 biological parents, 106 caregivers and 24 extended family members, lawyers and government representatives from across Europe.

*"The other turning point was the way the foster mother approached me the first time we met. The first thing I noticed was the way she behaved. It made me relax. And she said to me, "I'm only human myself. Today, I can help you, tomorrow you can help me."*

*(Mother from Norway, code 22.04.02)*

## Foreword

Working in the best interest of children without parental care is the common driving force of our three organisations, FICE (Fédération Internationale des Communautés Educatives), IFCO (International Foster Care Organisation) and SOS Children's Villages. Through Quality4Children (Q4C), we seek to improve the situation of children without parental care and support their development by means of out-of-home care quality standards.

This publication presents the Q4C project and the resulting quality standards for out-of-home childcare in Europe.

### Background

With the adoption of the United Nations Convention on the Rights of the Child (UN CRC) in 1989, the objectives of our three organisations were given an international legal framework.

This global commitment to respect, protect and fulfil the rights of the child reinforced our action. Due to increasing in violations of the rights of children all around the world, we agreed that it was not enough simply to have political commitments enshrined in international treaties, nor was it enough to multiply actions aimed at protecting children.

With this in mind, Q4C was built on the strong conviction that effective and sustainable improvement of the situation of children in-out-of-home care would only be possible through strong partnerships. This led to the cooperation of our three organisations in creating the project and ensuring a participatory approach in its development.

After three years of research and consolidated efforts leading to the present Q4C Standards, we are committed to strengthening our cooperation and to developing new partnerships at all levels to promote the standards and protect the rights of children without parental care, both in Europe and worldwide.

### Implementation framework

To strengthen the attention the UN CRC directed to the situation of children without parental care, the Committee of the Rights of the Child called in 2004 for the development of "United Nations Guidelines for the Protection of Children without Parental Care". Similarly, in 2005, the Council of Europe's Committee of Ministers adopted a recommendation on the rights of children living in residential institutions in the member states. Q4C complements this framework with its quality standards which can be directly applied by practitioners.

The challenges ahead are to ensure that these standards are respected at a national level, and to carry out our common duty to ensure equal rights for all children.

We extend our deepest thanks to all those who contributed to the development of these quality standards, including the children and young adults themselves.

We give an enthusiastic welcome and encouragement to all those who commit to supporting the standard implementation at all levels!



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## Framework

For a number of reasons, hundreds of thousands of children in Europe are unable to grow up with their biological families, leading, after official intervention, to them being placed into out-of-home care. A number of different care systems are offered to these children to ensure and improve their chances of development. An inadequate care environment can hinder this development and leave children vulnerable and at risk of numerous violations of their fundamental rights.

Against this background and despite the thorough attention given by the UN CRC to this topic, in 2004 the UN Committee on the Rights of the Child called for the development of UN guidelines for the protection of children without parental care.

On a European level, the recommendations of the Council of Europe on the rights of children living in residential institutions also provide a framework for working with children without parental care.

In the European context, the international childcare organisations, FICE, IFCO and SOS Children's Villages, using their own experiences, also identified a considerable need for developing quality standards in the field of out-of-home child care. In a Europe mainly focusing on economic growth, pan-European initiatives are also strongly required to cope with social challenges.

Against this background, the three international child care organisations, FICE, IFCO and SOS Children's Villages launched a project in March 2004, aimed at ensuring and improving children's and young adults' development chances in out-of-home child care in Europe.

## Mission Statement

### Vision

The vision statement of Qualiy4Children states that:

Children without parental care have to be given the chance to shape their future in order to become self-reliant, self-sufficient and participating members of society, through living in a supportive, protective and caring environment, which promotes their full potential.

### Mission

The mission of Qualiy4Children is to improve the situation and development chances of children in out-of-home care, by means of the following objectives:

- Creating a European network of stakeholders advocating children's rights in out-of-home care.
- Developing European quality standards based on the experiences and good practices of the people directly concerned.
- Promoting the adoption, implementation and monitoring of quality standards for children in out-of-home care at national and European level.

### Values

Qualiy4Children has five main equal values which were considered during the project. These are:

**Participation:** People directly concerned by out-of-home child care have been actively involved in the project since 2004; these include children and young adults who have experiences in out-of-home care, families of origin, caregivers and social workers.

**Gender Mainstreaming and Diversity:** Gender mainstreaming and the diversity of all those involved in out-of-home care are reflected in the processes.

**Partnership:** People and organisations directly concerned by out-of-home child care have the opportunity to join the project at national and international level.

**Commitment:** Q4C commits to the UN CRC.

**Accountability and Sustainability:** Q4C is accountable to the 3 organisations that created the project. Its sustainability will be ensured through a European network steered by the 3 organisations, which will ensure the promotion of the standards and the development of partnerships to advocate the improvement of the situation and development chances of children in out-of-home care.

## Core concepts

### Principles

The basis for the Q4C Standards is the information gathered from the narrations (stories) of people who have experiences in out-of-home care (storytellers). After analysing the stories, Q4C identified a number of common statements contained within them. These were classified into the following areas:

#### Communication and participation

The storytellers expressed the importance of appropriate and transparent communication during the out-of-home care process. The importance of being listened to and one's opinions being taken into consideration was also underlined in the narrations.

#### Intervention from Child Protection Services

Prompt and appropriate individual solutions for the child including joint placement of siblings, the involvement of the family of origin and process monitoring were common issues mentioned by the storytellers.

#### Care

Common topics identified concerning care were: a smooth transition from one form of care to another, the contact between the children, the biological and extended families, and the caregivers.

Structure, rules, rituals, setting limits, recognising and accepting boundaries - these are subjects young adults often mentioned as important in daily life when living in out-of-home care.

The importance of stable relationships and affection between child and caregiver, emotional bonding and support of the child's potential were also stressed as important for caregivers of children/young adults.

#### Leaving care

For the storytellers, the main aspects a caregiver must take into account when preparing a child/young adult for leaving out-of-home care are: to support the child/young adult in making his/her own decisions and establishing a personal social life, to prepare him/her for independent living, and to offer support and counselling during the after-care process.

### Reference frame

The Q4C Standards have been developed in the framework of the UN CRC; each of the Q4C Standards reflects one or more of the core principles of the UN CRC: non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and the respect for the child's views.

## Standard development and implementation

### Scope

The Q4C Standards have been developed to inform, guide and influence parties involved in out-of-home childcare, meaning: children and young adults who are about to live or are living in out-of-home care, biological families whose child/children is/are about to live or is/are living in out-of-home care, caregivers, care organisation managers, social workers, Child Protection Services' staff, childhood/youth researchers, non-governmental organisations working in the areas of childhood and youth development, representatives of public authorities at all levels, etc.

#### Target countries

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom.

### Research

The research objective of Q4C was to collect stories of good practice in the 32 participating countries, analyse them and subsequently develop this information into quality standards.

The data collection method chosen by Q4C was Storytelling; this method ensures the direct participation of the interviewees in creating the basis for the Q4C Standards.

The research items were stories of good practices from parties who have experienced out-of-home childcare.

In the framework of Q4C a total of 332 stories from 26 countries were collected and analysed. The average number of collected stories per country was 10.5. A total of 49% of the stories were from children and young adults who have experienced out-of-home care (the most important demographic group for the project); 11.5 % from biological parents; 32% from caregivers (foster and SOS families, youth leaders and other personnel from care organisations) and 7.5% were from others (social workers, lawyers, etc.).

#### Data analysis and results

The basic idea of this approach was to carry out a qualitative content analysis which was realised by reading the textual information (stories) in order to identify label variables: categories, concepts, properties and their interrelations in the stories.

The group analysing the stories merged the results into an information matrix and on this basis produced a report using the data. This report provided information on the experiences, expectations and needs of the interviewees. The categories identified in the stories are mentioned above (see above: core concepts).

### Standard development

Q4C's project team (PT) initiated national consultations in 32 European countries in which at least one of the three organisations is active. One basic outcome of these consultations was the nomination of national coordinators (NCs), who, together with national teams (NTs), were expected to carry out research and to develop standards at national level. The first task of the NTs was to collect and analyse good practice stories from persons directly involved in out-of-home childcare. The results of this analysis were used as a basis for the development of the quality standards.

The first draft of the Q4C Standards was developed by the NTs with support from the PT. This draft document was further developed during three cross-national team meetings with the participation of young people from Q4C. After completion of the draft version the interviewees (storytellers) and the NT members had the opportunity to send their feedback to the PT. Their recommendations were included in the standards at the last cross-national team meeting.

A team consisting of one young adult and members of the national teams and the project team revised, edited and finalised the standards.

### Implementation of the Quality4Children Standards

To achieve the mission of Q4C on the basis of the interlinked key principles of equality, inclusiveness and participation, the two following objectives were identified:

- to advocate for the adoption of quality standards for children in out-of-home care at national and European level;
- to promote the Q4C Standards and their approach and philosophy at national, European and global level.

## Structure and summary of the Quality4Children Standards

The Q4C Standards were developed to ensure and improve the situation and the development chances of children and young adults in out-of-home childcare in Europe. The standards aim to support the stakeholders of out-of-home care for children and young adults; these are children and young adults, biological families, caregivers, care organisations, Child Protection Services as well as national and international governmental institutions.

### Structure

The Q4C Standards consist of a set of 18 standards, which are organised according to the care phases as identified during the research stage (a). Each Q4C Standard comprises four elements (b).

#### a) Standard areas

In this document, the out-of-home care process is divided into three areas:

##### Decision-making and admission process:

This process has two phases: the assessment of the child's situation in order to decide on the best possible solution and the steps leading to the integration of the child into his/her future living situation.

##### Care-taking process:

The care-taking process is the period between the admission process and the leaving-care process. It embraces the actual care and support from the caregiver.

##### Leaving-care process:

This is the process through which the child/young adult becomes independent, returns to his/her family of origin or moves to another placement. It includes the further support he/she gets from the (by then) former caregiver.

#### b) Standard elements

##### Standard title and description

Clear statements regarding the required level of quality. The standard provides the structure and direction for the out-of-home childcare work.

##### Quotations

Selected quotes from the storyteller's narrations; they are coded according to a Q4C database.

##### Responsibilities

A set of tasks, duties and defined areas of authority for all stakeholders involved in the implementations of the respective standard.

##### Guidelines

Requirements related to the implementation of the respective standard.

##### Warning signs

Description of what must not happen if the respective standard is implemented.



## Summary of the Quality4Children Standards

### Standard Area 1: Decision-making and admission process

- Standard 1:** The child and his/her family of origin receive support during the decision-making process  
The child and his/her family of origin have the right to an intervention if they express the wish to change their living situation or when the situation demands it. The child's safety and best interests are the highest priority. The child and his/her family of origin are always listened to and respected.
- Standard 2:** The child is empowered to participate in the decision-making process  
All parties involved listen to and respect the child. The child is adequately informed about his/her situation, encouraged to express his/her views and to participate in this process according to his/her level of understanding.
- Standard 3:** A professional decision-making process ensures the best possible care for the child  
The decision-making process involves two questions: Which solution meets the best interests of the child? Should the need for out-of-home care be identified, what is the best possible placement for the child?  
All parties directly involved in the child's development cooperate using their respective expertise. They receive and share the relevant information about the decision-making process. When children with special needs are to be admitted, their specific requirements are taken into consideration.
- Standard 4:** Siblings are cared for together  
During the out-of-home care process, siblings are cared for together. Siblings are only placed separately if it serves their well-being. In this case, contact between them is ensured, unless this affects them negatively.
- Standard 5:** The transition to the new home is well prepared and sensitively implemented  
After the form of care has been agreed upon, the future care organisation prepares the child's admission thoroughly. The welcome must be gradual and cause as little disruption as possible. Transition to the new placement is arranged as a process the main purpose of which is to ensure the child's best interests and the well-being of all relevant parties involved.

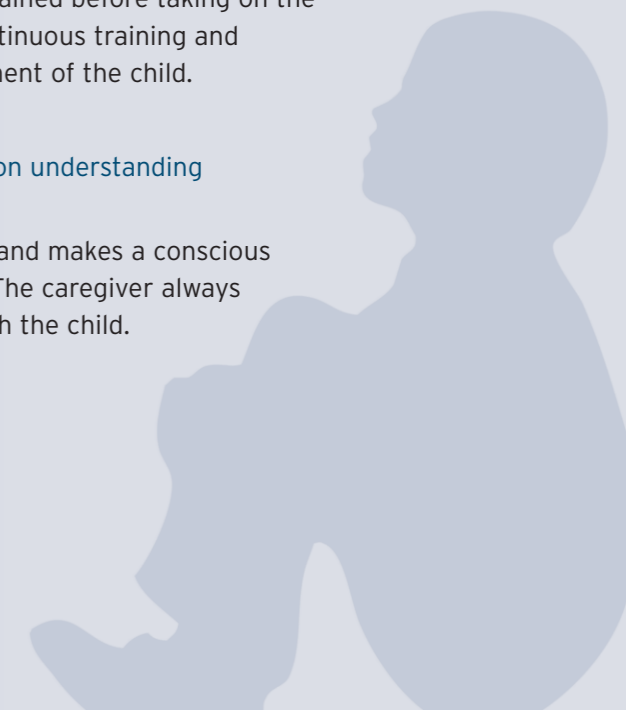
### Standard 6: The out-of-home care process is guided by an individual care plan

An individual care plan is created during the decision-making process to be further developed and implemented during the entire out-of-home care process. This plan is intended to guide the overall development of the child.

Generally, the care plan defines the developmental status of the child, sets objectives and measures and clarifies the resources needed to support the overall development of the child. Every relevant decision during the out-of-home care process is guided by this plan.

### Standard Area 2: Care-taking process

- Standard 7:** The child's placement matches his/her needs, life situation and original social environment  
The child grows up in an inclusive, supportive, protective and caring environment. Enabling the child to grow up in a caring family environment fulfils these environment criteria.  
In the new placement the child has the chance to build a stable relationship with the caregiver and to maintain contact with his/her social environment.
- Standard 8:** The child maintains contact with his/her family of origin  
The child's relationship with his/her family of origin is encouraged, maintained and supported if this is in the best interests of the child.
- Standard 9:** Caregivers are qualified and have adequate working conditions  
Caregivers are thoroughly assessed, selected and trained before taking on the responsibility of caring for a child. They receive continuous training and professional support to ensure the overall development of the child.
- Standard 10:** The caregiver's relationship with the child is based on understanding and respect  
The caregiver pays individual attention to the child and makes a conscious effort to build up trust and to understand him/her. The caregiver always communicates openly, honestly and respectfully with the child.





- Standard 11:** **The child is empowered to actively participate in making decisions that directly affect his/her life**  
The child is recognised as the expert of his/her own life. The child is informed, listened to and taken seriously, and his/her resilience is recognised as a strong potential. The child is encouraged to express his/her feelings and experiences.
- Standard 12:** **The child is cared for in appropriate living conditions**  
The living standards and infrastructure of the care organisation satisfy the child's needs in respect to comfort, security, healthy living conditions as well as uninhibited access to education and to the community.
- Standard 13:** **Children with special needs receive appropriate care**  
Caregivers are continuously and specifically trained and supported to meet the special needs of the children in their care.
- Standard 14:** **The child/young adult is continuously prepared for independent living**  
The child/young adult is supported in shaping his/her future towards becoming a self-reliant, self-sufficient and participating member of society. He/she has access to education and is given the opportunity to acquire life skills and adopt values.  
The child/young adult is supported in developing self-esteem. This allows him/her to feel strong and secure and to cope with difficulties.

**Standard Area 3: Leaving-care process**

- Standard 15:** **The leaving-care process is thoroughly planned and implemented**  
The leaving-care process is a crucial stage in out-of-home child care and is thoroughly planned and implemented. It is primarily based on the child's/young adult's individual care plan.  
The child/young adult is recognised as an expert regarding the quality of his/her care. His/her feedback is essential for further developing the quality of the care system and the respective care model.
- Standard 16:** **Communication in the leaving-care process is conducted in a useful and appropriate manner**  
All parties involved in the leaving-care process are provided with all relevant information in accordance with their role in the process. At the same time, the child/young adult and his/her family of origin have the right to privacy and security.  
All information is communicated in a way that is understandable to and appropriate for the child/young adult and his/her family of origin.
- Standard 17:** **The child/young adult is empowered to participate in the leaving-care process.**  
The leaving-care process is based on the individual care plan. The child/young adult is empowered to express opinions and preferences about his/her current situation and future life. He/she participates in the planning and implementation of the leaving-care process.
- Standard 18:** **Follow-up, continuous support and opportunity for contact are ensured**  
After the child/young adult has left out-of-home care, he/she has the opportunity to receive assistance and support. The care organisation strives to ensure that he/she does not perceive the leaving-care process as a major new disruption.  
If the young adult has reached the age of majority, the care organisation should continue offering support and opportunity to maintain contact.

# Standard Area 1

## Decision-making and admission process

The decision-making process has two phases:

The first phase of the decision-making process primarily includes the assessment of the child's needs and his/her family situation, and a decision on the best possible solution for the child. If it is the case that out-of-home care is the best option to meet the best interests of the child, the next phase of the decision-making process starts by identifying the best possible placement. The decision-making process is finished when the placement has been determined and mutually agreed upon by all parties involved.

The admission process includes all activities regarding the integration of the child into his/her future living situation. All parties directly involved in the child's development receive and share the relevant information about the decision-making process.

When children with special needs are to be admitted, their specific requirements are considered.

This standard area includes the following standards:

- Standard 1:** The child and his/her family of origin receive support during the decision-making process
- Standard 2:** The child is empowered to participate in the decision-making process
- Standard 3:** A professional decision-making process ensures the best possible care for the child
- Standard 4:** Siblings are cared for together
- Standard 5:** The transition to the new home is well prepared and sensitively implemented
- Standard 6:** The out-of-home care process is guided by an individual care plan

## Standard 1 The child and his/her family of origin receive support during the decision-making process

The child and his/her family of origin have the right to an intervention if they express the wish to change their living situation or when the situation demands it. The child's safety and best interests are the highest priority. The child and his/her family of origin are always listened to and respected.

*„I was terribly afraid of losing my children [...]. But I immediately felt that I was still an important person in their lives. I was involved in everything that happened with the children. I felt as a part of the whole [...], I could always show my children that I was interested in them and this especially because I was allowed to be there at big events for the children.“*

*(Mother from Luxemburg, code 18.04.01)*

*“The girl is 14 years old and she doesn't want to go home. They meet with Children's Services to talk about the situation. She has a specific request: She wants a new family. We map out the girl's network, who she knows, etc, to get an overview. It turns out that there are significant communication problems between mother and daughter. I tell the girl that it would be a good idea to gather everyone for a meeting to talk about what she finds to be difficult in her present situation.“*

*(Co-worker of Child Protection Services from Norway, code 22.07.01)*

### A) Responsibilities

**Child Protection Services** • Immediately appoints a person responsible for supporting the child and his/her family throughout the decision-making process and, if possible, the entire out-of-home care process.

### B) Guidelines

#### 1. The person responsible for the child is always available

The responsible person is available throughout the entire decision-making process to clarify the child's situation and to support the child and his/her family of origin. If possible, the responsible person monitors and supports the entire out-of-home care process.

**2. All relevant parties are involved in a sensitive manner**

The responsible person shows an active interest in the different perspectives of the child's situation and informs all people involved about their rights. He/she involves all relevant parties who can contribute to clarifying the child's situation and help find a solution.

This responsible person listens to all parties involved, treats them with equal respect and presents the child's options honestly.

**C) Warning Signs**

- The child and/or his/her family of origin receive no support when they require or request assistance.
- The child's story is ignored or not believed.
- Only one side of the story is heard.
- The parties involved are not treated or respected equally.
- Information about children's rights is not provided in an appropriate way.

**Standard 2 The child is empowered to participate in the decision-making process**

All parties involved listen to and respect the child. The child is adequately informed about his/her situation, encouraged to express his/her views and to participate in this process according to his/her level of understanding.

*"I contacted Children's Services and they took charge of the situation. They responded right away. That day, I realized that Children's Services really did have my best interests at heart. I was even involved in the decision about where I would move to."*

*(Girl from Norway, code 22.02.03)*

*"The girl herself wanted to be taken into care. This happened following her second request. At first she lived with her mother, but when her mother fell ill, she went to live with her father. The girl visited a support family at weekends and later another support family, which became her foster family."*

*(Story of a girl from Finland, code 8.02.02)*

**A) Responsibilities**

- 
- Child Protection Services**
- Empowers the child to participate in the entire decision-making process.
  - Provides the child with all relevant information and ensures his/her participation.
- 

**B) Guidelines****1. The child is thoroughly informed in a child-friendly manner**

The responsible person provides the child with all relevant information concerning the current situation and future options and ensures that he/she understands this information.

**2. The child's opinion is sought in a sensitive manner**

Professionally trained staff from Child Protection Services interviews the child in a child-friendly manner.

**3. The child's opinion is respected and carefully considered**

The responsible person carefully evaluates the child's situation and looks for ways to ensure that his/her opinions are taken into account.

**C) Warning Signs**

- The child does not have sufficient information about his/her situation or does not understand the information given.
- The child's opinion is ignored.
- The child does not agree with the decision.

### Standard 3 A professional decision-making process ensures the best possible care for the child

The decision-making process involves two questions: Which solution meets the best interests of the child? Should the need for out-of-home care be identified, what is the best possible placement for the child?

All parties directly involved in the child's development cooperate using their respective expertise. They receive and share the relevant information about the decision-making process.

When children with special needs are to be admitted, their specific requirements are taken into consideration.

*"The counsellor for foster families presents the needs of the child to the potential foster families, and if they agree, the centre notifies the child. The child also receives a detailed presentation of his/her potential foster families. The centre introduces the child and the family of origin to the foster family before the child is placed in their care. This is followed by an agreement between all involved."*

*(Co-worker of Child Protection Services from Slovenia, code 27.08.03)*

#### A) Responsibilities

**Child Protection Services**

- Ensures a professional decision-making process.
- Ensures a participatory and transparent process.

**Care organisation**

- Provides Child Protection Services with all relevant information about the form of care it offers.

#### B) Guidelines

##### 1. The process is participatory and transparent

The responsible person ensures that all parties involved participate in the process. He/she gathers all information and documents it in a clear way. The responsible person informs the involved parties in a sensitive way, ensuring that everyone involved understands and has access to the relevant information.

##### 2. Cooperation with external bodies is ensured

The responsible person ensures that professionals from different organisations assess the child's situation and give advice.

##### 3. Information about the potential consequences of the placement is provided

The responsible person thoroughly evaluates the possible courses of action and ensures that all parties involved are aware of the potential consequences of the placement.

##### 4. Alternative placement is considered should the original placement be inadequate

The responsible person ensures that during the decision-making process an alternative placement is considered in case it becomes apparent that the first option is not adequate.

##### 5. The decision is based on relevant facts

The responsible person ensures that research is conducted thoroughly and that the documentation obtained is analysed. An appropriate decision to ensure the child's best interests is made on the basis of this data.

##### 6. The best possible placement is selected for the child

Child Protection Services selects the best possible placement giving serious consideration to the child's ethnic, social, religious and medical background. Together with the care organisation, it ensures that the placement provides an inclusive, supportive, protective and caring environment.

The potential caregiver must be qualified and receive sufficient resources as well as continuous training and supervision to enable him/her to take care of a child (or siblings).

##### 7. Care organisations cooperate if the child moves from one form of care to another

If a child is to move one form of care to another, the current caregiver and care organisation support the process and provide the future caregiver with all necessary information about the child.

#### C) Warning Signs

- The decision is not made in the best interests of the child.
- The placement does not take account of the child's needs, life situation and/or original social environment.
- There is no alternative placement option in case it becomes apparent that the original placement is not adequate.
- The decision is not based on facts.
- There is no documentation of the process.
- There is no transparency of information.
- The child, the family of origin and other relevant parties are not involved or do not understand the process.
- The decision is sudden and unexpected for the child and his/her family of origin.
- There is no cooperation with external professionals.

## Standard 4 Siblings are cared for together

During the out-of-home care process, siblings are cared for together. Separate placement is only organised if it serves the well-being of the siblings. In this case, contact between them is ensured, unless this affects them negatively.

*“The boy was entrusted to the SOS Village with his two brothers and two sisters. The siblings were able to stay together in one house, in a new family with their SOS mom and two other children. He grew up in tranquillity in the Village and stayed in contact with his father who used to meet them frequently.”*  
(Story about a boy from Italy, code 15.01.01)

### A) Responsibilities

<b>Child Protection Services</b>	<ul style="list-style-type: none"> <li>• Undertakes all necessary activities to ensure the joint placement of siblings.</li> <li>• Selects a care organisation which allows the joint placement of siblings of different ages.</li> <li>• Arranges regular contact between the siblings if they are not placed together.</li> </ul>
<b>Care organisation</b>	<ul style="list-style-type: none"> <li>• Has a structure that allows the joint placement of siblings of different ages.</li> </ul>
<b>Caregiver</b>	<ul style="list-style-type: none"> <li>• Supports regular contact between siblings if they are not placed together.</li> </ul>

### B) Guidelines

#### 1. Siblings are placed together

Child Protection Services ensures the joint placement of siblings. Whenever possible, the wishes of the siblings are met. It provides support and practical guidance to care organisations that place siblings together.

The care organisation ensures an adequate structure for the care of siblings.

#### 2. Contact between siblings is maintained if they are not placed together

Child Protection Services and the care organisation provide the necessary resources (e.g. financial assistance) and support to allow siblings who are not placed together to maintain contact. The future caregiver is informed about the child's siblings who are not placed with him/her.

### C) Warning Signs

- Siblings are separated.
- The reasons for separating siblings are neither justified nor in the best interests of the children.
- The care organisation does not have an adequate structure to care for siblings.
- Separated siblings have little or no contact.
- Caregivers have no information about the child's siblings.

## Standard 5 The transition to the new home is well prepared and sensitively implemented

After the care-form has been agreed upon, the future care organisation prepares the child's admission thoroughly. The welcome must be gradual and cause as little disruption as possible. Transition to the new placement is organised as a process of which the main purpose is to ensure the child's best interests and the well-being of all relevant parties involved.

*“The future foster parents started meeting with the children but the transition process was not rushed. [...] They would meet for one or two hours; then they increased their contact. She recalls that her husband [...] used to collect the children from the residential home and take them to school. After finishing school, she would also stay with them to do their homework and then take them to the residential home. [...] During this process the children were also introduced to the extended family. The process took six months, until they finally moved completely to the fostering placement. Everyone felt ready for the move.”*

(Caregiver from Malta, code 19.06.01)

### A) Responsibilities

<b>Child Protection Services</b>	<ul style="list-style-type: none"> <li>• Ensures the professional preparation and implementation of the admission process in cooperation with the care organisation and the caregiver.</li> </ul>
<b>Care organisation</b>	<ul style="list-style-type: none"> <li>• Ensures that the caregiver has adequate resources and support to take in the child and care for him/her.</li> </ul>
<b>Caregiver</b>	<ul style="list-style-type: none"> <li>• Prepares an appropriate welcome for the child and ensures the professional implementation of the admission process.</li> </ul>

### B) Guidelines

#### 1. The admission process is professionally prepared and implemented

The admission process is prepared and implemented in close cooperation with all relevant parties involved. Sufficient time and resources are provided to prepare the child's admission.

The responsible person from Child Protection Services ensures that arrangements and agreements are discussed with all involved parties and that they are realistic, honest and binding for everybody.

The capability of the care organisation and the caregiver to provide the necessary care is reviewed. This analysis particularly focuses on whether the caregiver is adequately qualified, continuously trained and supervised and whether he/she is equipped with the necessary resources.

**2. The family of origin is fully involved in the admission process**

Child Protection Services and the future care organisation ensure that the child and his/her family of origin are involved, consulted and supported during the admission process.

**3. The child acquaints himself/herself with the future home**

The responsible person ensures that the child has the opportunity to acquaint himself/herself with the future home and caregiver.

**4. The placement causes as little disruption as possible**

The responsible person ensures that the placement causes as little disruption as possible to the child and his/her family of origin.

**C) Warning Signs**

- The admission process is not professionally prepared and/or implemented.
- The caregiver is not prepared for the taking in and/or caring for the child.
- The caregiver does not have sufficient resources available.
- The caregiver does not cooperate with Child Protection Services.
- The child and his/her family of origin have little or no information about the new home.
- The arrangements are not realistic, honest or binding.
- The relevant parties are not involved in the process.
- There is no contact between the child and the future caregiver prior to the admission.
- There is no welcoming event.
- The child feels that the admission causes considerable disruption to his/her family and/or social environment.

**Standard 6 The out-of-home care process is guided by an individual care plan**

An individual care plan is created during the decision-making process to be further developed and implemented during the entire out-of-home care process. This plan is intended to guide the overall development of the child.

Generally, the care plan defines the developmental status of the child, sets objectives and measures and clarifies the resources needed to support the overall development of the child. Every relevant decision during the out-of-home care process is guided by this plan.

*"The team of the institution [...] and a social worker [...] arranged a series of meetings with the personnel, the child and the brother in order to know the situation better. They identified the needs of the boy and made an action plan based on the use of possible resources and the limits of the professional intervention."*

*(Story about a boy from Bulgaria, code 3.01.03)*

**A) Responsibilities**

<b>Child Protection Services</b>	• Is responsible for a multi-disciplinary assessment of the child's potential and for the creation of an individual care plan guiding his/her overall development.
<b>Care organisation</b>	• Ensures that the out-of-home care process is based on an individual care plan. • Ensures that the care plan guides the care provided. • Supports the caregiver in developing the care plan.
<b>Caregiver</b>	• Is responsible for the implementation and further development of the individual care plan.

**B) Guidelines****1. An individual care plan is created**

In consultation with a multi-disciplinary team, Child Protection Services creates an individual care plan, taking into account the resources background and potential of the child.

**2. The child participates in the development of the individual care plan**

Participation of the child in the creation and further development of his/her individual care plan is ensured. The level of participation depends on his/her level of understanding.

**3. The individual care plan is periodically reviewed**

The caregiver is responsible for the implementation and further development of the care plan. The care plan is periodically updated in consultation with all relevant parties involved.

**C) Warning Signs**

- There is a lack of documented assessment and no individual plan for the child.
- The care plan does not meet the child's individual needs.
- Not all relevant parties are involved in the development of the individual care plan.
- The parties involved do not agree on the individual care plan.
- The plan is not periodically updated.



# Standard Area 2

## Care-taking process

The care-taking process is defined as the period between the admission process and the leaving-care process.

Children and young adults in out-of-home care are supported in shaping their future and becoming self-reliant, self-sufficient, participating members of society. This is nurtured through living in a supportive, protective and caring environment.

This standard area includes the following standards:

**Standard 7:** The child's placement matches his/her needs, life situation and original social environment

**Standard 8:** The child maintains contact with his/her family of origin

**Standard 9:** Caregivers are qualified and have adequate working conditions

**Standard 10:** The caregiver's relationship with the child is based on understanding and respect

**Standard 11:** The child is empowered to actively participate in making decisions that directly affect his/her life

**Standard 12:** The child is cared for in appropriate living conditions

**Standard 13:** Children with special needs receive appropriate care

**Standard 14:** The child/young adult is continuously prepared for independent living

## Standard 7 The child's placement matches his/her needs, life situation and original social environment

The child grows up in an inclusive, supportive, protective and caring environment. Enabling the child to grow up in a caring family environment fulfils these environment criteria.

In the new placement the child has the chance to build a stable relationship with the caregiver and to maintain contact with his/her original social environment.

*"My foster parents were led by whatever was good and useful for me. It is important to me that they accepted me as I am and that they respect my opinion and religion, privacy, and that I can use my mother tongue."*

*(Girl from Slovenia, code 27.02.01)*

### A) Responsibilities

**Child Protection Services** • Initiates, finds and arranges the best possible placement for the child in accordance with his/her needs, life situation and original social environment.

**Care organisation** • Provides care models which meet the child's needs and the requirements of Child Protection Services.  
• Assesses, in cooperation with Child Protection Services, whether or not the offered placement meets the child's needs, life situation and original social environment.

**Caregiver** • Ensures that the new home matches the needs of the child, his/her life situation and original social environment.  
• Cooperates with the child and his/her family of origin in this process.

### B) Guidelines

#### 1. The child and the family of origin are informed about family-based care options

If suitable family-based care options are available, the child and his/her family of origin are informed about these options.

Child Protection Services encourages care organisations to provide family-based care. If the child is admitted to a facility for treatment, the care organisation must find a way to combine this treatment with family-based care.



**2. The child receives the best possible placement**

Child Protection Services and the care organisation ensure that the future placement provides an inclusive, supportive, protective and caring environment.

**3. The placement matches the child's needs, life situation and original social environment**

The care organisation makes a conscious effort to ensure that the placement matches the child's needs, life situation and original social environment.

The physical distance between the child's community and the new placement is taken into account.

**4. The new placement supports the child in developing a sense of attachment and belonging**

The caregiver provides the child with personal space and creates an environment in which he/she can develop a sense of attachment and belonging.

**5. The quality of the care is periodically reviewed**

Child Protection Services and the care organisation periodically evaluate the quality of care provided.

**C) Warning Signs**

- The child is not given the chance to be cared for in family-based care.
- There is no contact between the child and his/her family of origin and/or original social environment.
- The physical distance between the child and his/her family of origin and/or original social environment hinders contact between them.
- The child is not allowed to practise his/her own language, religion and culture.
- Arrangements are not realistic, honest and/or binding.
- The child feels that his/her care is not inclusive, supportive, protective and caring.
- The child feels that he/she cannot rely on a stable and dependable relationship with the caregiver.
- The child has no privacy.
- The caregiver changes continuously.
- The caregiver is not sensitive towards the child's situation.

**Standard 8 The child maintains contact with his/her family of origin**

The child's relationship with his/her family of origin is encouraged, maintained and supported if this is in the best interests of the child.

*"Contact has been strongly encouraged by the social worker. [...] In fact, the foster mother, in addition to caring for the child and transporting him to see his biological mother, also takes the opportunity during these contact hours to teach the mother some child caring skills. The positive relationship fostered between them is crucial for the child. It has been of tremendous help to him to know that his mother and foster mother are on good terms."*

*(Social worker from Malta, code 19.08.04)*

*"... one has to support the connection and relationship between the child and his/her biological parents, and [...] let the child make the decision about what kind of relationship the child wants to have with his/her biological parent."*

*(Social worker from Estonia, code 7.08.01)*

**A) Responsibilities**


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**Child Protection Services** • Ensures that contact is maintained between the child and his/her family of origin.

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**Care organisation** • Ensures and encourages contact with the family of origin.  
• Supports the caregiver.

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**Caregiver** • Supports contact between the child and his/her family of origin.  
• Cooperates with the child's family of origin.

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**B) Guidelines****1. Child Protection Services promotes contact between the child and his/her family of origin**

Child Protection Services encourages, supports and monitors contact between the child, the caregiver and the family of origin. It also promotes cooperation between the three parties.

Child Protection Services provides counselling to the child, his/her family of origin and the caregiver.

## 2. The care organisation and the caregiver support the contact between the child and his/her family of origin

The care organisation trains and supports the caregiver in working together with the family of origin.

The caregiver helps the child to familiarise himself/herself with his/her life story and encourages him/her to maintain contact with his/her family of origin, and social, religious and cultural background.

The caregiver periodically informs the family of origin about the child's development.

## 3. The family of origin is involved in the child's life

The care organisation and the family of origin clearly define roles, rights and responsibilities regarding the child's development and in accordance with national laws.

The care organisation supports the family of origin in understanding the child's situation and encourages the family to help him/her.

## 4. The frequency and quality of contact is periodically evaluated

The frequency and quality of contact between the child and his/her family must be evaluated on a regular basis. Contact takes place in accordance with the individual care plan and/or any agreements made on this matter.

### C) Warning Signs

- There is no contact between the child and his/her family of origin, although it would be in the best interests of the child.
- There is contact between the child and his/her family of origin, although it is not in the best interests of the child.
- The family of origin acts in a manner contrary to the best interests of the child.
- Contact between the child and his/her family of origin is not supported.
- The reasons for not supporting contact between the child and his/her family of origin are not well-founded.

## Standard 9 Caregivers are qualified and have adequate working conditions

Caregivers are thoroughly assessed, selected and trained before taking on the responsibility of caring for a child. They receive continuous training and professional support to ensure the overall development of the child.

*"The foster parent training was great. My husband and I had taken children into foster care before, but we realised how little we knew. [...] It is my firm belief now that no one should be allowed to take a child into foster care unless they have completed the foster parent training."*

*(Caregiver from Iceland, code 13.06.01)*

### A) Responsibilities

<b>Child Protection Services</b>	<ul style="list-style-type: none"> <li>• Defines the caregiver's qualification profile.</li> <li>• Ensures that all caregivers at least meet the qualification profile.</li> </ul>
<b>Care organisation</b>	<ul style="list-style-type: none"> <li>• Ensures that all caregivers at least meet the qualification profile defined by Child Protection Services.</li> <li>• Ensures ongoing training and support.</li> </ul>
<b>Caregiver</b>	<ul style="list-style-type: none"> <li>• Participates in ongoing professional training.</li> </ul>

### B) Guidelines

#### 1. Caregivers are selected and trained in accordance with a recognised qualification profile

Child Protection Services ensures that the child is placed in a care organisation that professionally trains and supports caregivers in accordance with a qualification profile.

The caregiver's qualification profile must include the caregivers' ability to base their actions on the UNCRC, child protection requirements (code of conduct) and knowledge on child development. They are trained to use language appropriate to the child's/young adult's way of thinking. They establish a close relationship with the child/young adult, have good listening skills and are understanding, empathetic and patient.

The care organisation ensures that the caregiver is thoroughly assessed, selected, trained, supported and monitored.

**2. Caregivers have access to professional training and support**

The caregiver is provided with professional training and support according to his/her needs and requests. In general, the care organisation offers the caregiver opportunities to share experiences and practices, to participate in relevant meetings and conferences, as well as to receive training, counselling and supervision.

**3. Caregivers have adequate working conditions**

The caregiver is supported through adequate working conditions. He/she lives in a place that provides adequate infrastructure. The caregiver can rely on the financial and human resources needed to appropriately fulfil his/her responsibilities.

**4. The formation of exchange networks is encouraged**

Child Protection Services and/or the care organisation encourage the formation of formal and informal networks to give caregivers the opportunity to share experiences and good practices.

**C) Warning Signs**

- There are no defined minimum requirements with regard to the caregiver's qualification profile.
- Caregivers are not thoroughly assessed and selected.
- Caregivers do not have access to adequate professional training and/or support.
- Caregivers refuse professional training and/or support.
- Training and support are not encouraged.

**Standard 10 The caregiver's relationship with the child is based on understanding and respect**

The caregiver pays individual attention to the child and makes a conscious effort to build up trust and to understand him/her. The caregiver always communicates openly, honestly and respectfully with the child.

*"They (foster parents) took care of him in a natural way. They were patient and didn't give in. They were open and talked about things in a good way. They talked about everything, including things that have been difficult. They also showed that they liked him and hugged him a lot."*

*(Story of a boy from Sweden, code 29.01.01)*

*"I am very thankful to my foster parents. They took me into their family when I was 14 years old. They taught me what family is about: love, loyalty and respect towards people. They taught me how to cook. They taught me not to be afraid to express my feelings and to tell if something is weighing on my mind. They just loved me and I learned that from them. I was not used to tenderness and in the beginning it embarrassed me a lot. I was very shy. I appreciated the fact that my foster mother never beat me. It seemed quite a lot to me already. My childhood terrors were like a black shadow that followed me for a long time."*

*(Girl from Latvia, code 16.02.01)*

**A) Responsibilities**

<b>Child Protection Services</b>	<ul style="list-style-type: none"> <li>• Provides the care organisation and the caregiver with all information about the child's background.</li> <li>• Ensures cooperation between the family of origin and the caregiver.</li> </ul>
<b>Care organisation</b>	<ul style="list-style-type: none"> <li>• Supports the caregiver in establishing and maintaining a stable relationship with the child.</li> <li>• Ensures that the caregiver has the necessary people skills to build up a good relationship with the child.</li> </ul>
<b>Caregiver</b>	<ul style="list-style-type: none"> <li>• Offers the child the opportunity to build up trust.</li> </ul>

## Standard 11 The child is empowered to actively participate in making decisions that directly affect his/her life

The child is recognised as the expert of his/her own life. The child is informed, listened to and taken seriously, and his/her resilience is recognised as a strong potential. The child is encouraged to express his/her feelings and experiences.

*"The support I received from many caregivers was essential [...] it is important that the caregiver tells you that you are important, that you can be "someone in life" [...] I think the educators are the people that valued me the most and supported me the most [...] they always supported me (in choosing the university degree in social education). They never opposed"*

*(Girl from Spain, code 28.02.01)*

### A) Responsibilities

<b>Child Protection Services</b>	• Monitors the participation of the child in all decisions directly affecting his/her life.
<b>Care organisation</b>	• Ensures that participation is an integral part of the care-taking process.
<b>Caregiver</b>	• Empowers the child to make decisions that directly affect his/her life. • Actively supports the child's participation.

### B) Guidelines

#### 1. The care organisation supports the child's participation

The care organisation:

- provides resources to promote the child's participation;
- develops and applies different tools which ensure the active participation of the child;
- promotes a participatory attitude through employee involvement;
- ensures that all parties involved in the child's care are professionally trained in order to support the child's participation.

#### 2. The caregiver supports the child's active participation

The caregiver:

- informs the child about his/her rights and all relevant issues concerning his/her life
- listens to, encourages and supports the child in making decisions concerning his/her life.

### B) Guidelines

#### 1. The caregiver receives information, training and support

Child Protection Services informs the care organisation and the caregiver about the child's background to allow them to approach the child in a suitable way.

The care organisation trains and supports the caregiver to establish and maintain a stable relationship with the child.

#### 2. The caregiver offers the child the opportunity to build a stable relationship

The caregiver creates a supportive framework based on understanding and respect, allowing the development of a close, honest, confidential and stable relationship.

#### 3. The caregiver approaches each child individually

The caregiver always takes into consideration the child's background, individual needs, abilities and level of understanding.

### C) Warning Signs

- There is a lack of respect or understanding in the relationship between the caregiver and the child.
- There is leak of information about the child.
- The child distances himself/herself from the caregiver.
- There is a high turnover of caregivers.

**3. The caregiver believes in and supports the child's capability and full potential**

The caregiver:

- identifies the child's potential and encourages him/her to use and develop it;
- respects the child's individuality, takes into consideration his/her opinion and supports his/her aspirations for independent living;
- demonstrates the importance of the child by showing interest in his/her needs.

**C) Warning Signs**

- Participation tools are not developed and/or implemented.
- The child does not participate in making decisions concerning his/her life.
- The child feels that his/her potential is neither perceived nor supported.
- The child does not feel listened to and/or understood.
- The child does not feel sufficiently informed about relevant issues and his/her rights.

**Standard 12 The child is cared for in appropriate living conditions**

The living standards and infrastructure of the care organisation and/or caregiver satisfy the child's needs in respect to comfort, security, healthy living conditions as well as uninhibited access to education and to the community.

*"I cannot remember exactly when I first felt good at my foster home. Maybe it was when I took a bath. Cleanliness is very important to me. You know, being taken to bed at 7:30, maybe carried in a towel, having fruit in a bowl, meals always on the same time, all things structured. Even small things are so important."*

*(Girl from Ireland, code 13.02.06)*

*"I use [...] factsheets [...] to assess the development of children being cared for in all forms of public care. Completing the forms regularly facilitates the planning, decision-making, revision and monitoring regarding the child's development and care. [...] For example (once) a boy at the institution was diagnosed with milk allergy [...] this information was vital for the foster parents."*

*(Social worker from Hungary, code 12.08.01)*

**A) Responsibilities**


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**Child Protection Services** • Guarantees a placement that offers adequate living conditions and satisfies the child's material needs.

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**Care organisation** • Ensures a comfortable, secure, healthy and stable environment for the child.

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**Caregiver** • Provides a comfortable, secure, healthy and stable home for the child.

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**B) Guidelines****1. The child is cared for in appropriate living conditions**

Child Protection Services monitors the fulfilment of the minimum requirements regarding the child's living conditions; these include comfort, security, healthy living conditions, as well as uninhibited access to education and to the community. Furthermore, it ensures a placement which meets these minimum requirements.

**2. The care organisation meets the minimum requirements**

The care organisation guarantees the quality of its care in a written statement. This quality is ensured by providing a placement which meets the mandatory minimum requirements.

This written statement is available to everyone.

**3. The child's well-being and appropriate material living conditions are ensured**

The caregiver follows the mandatory minimum requirements in order to guarantee comfort, security and healthy living conditions, as well as open access to education and to the community.

**C) Warning Signs**

- There are no mandatory minimum requirements ensuring the child's living conditions.
- The child's placement does not meet the mandatory minimum requirements.
- The care organisation has no written statement and/or does not make it available.

**Standard 13 Children with special needs receive appropriate care**

Caregivers are continuously and specifically trained and supported to meet the special needs of the children in their care.

*"What helped were [...] the foster mother's education, skills and experience in work with children [...] The psychologist working in the children's home, [...] informed them about the boy's anamnesis and his present condition. [...] It was necessary to devote time to him every day, teach him basic habits and skills, train him in getting dressed, explain basic concepts to him, teach him to speak in sentences, recognise shapes and colours. It was even necessary to teach him how to play."*

*(Caregiver from the Czech Republic, code 5.06.05)*

*"Thanks to the collaboration with the speech therapist, the foster carer learned to help the boy to overcome the problems in their communication caused by his hearing defect."*

*(Caregiver from the Czech Republic, code 5.06.0)*

**A) Responsibilities**


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**Child Protection Services** • Ensures that the placement of a child with special needs is appropriate.

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**Care organisation** • Ensures that a child with special needs receives appropriate care.  
• Ensures that a child with special needs receives treatment if necessary.

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**Caregiver** • Provides a child with special needs with appropriate care.  
• Ensures that a child with special needs receives professional treatment if necessary.

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**B) Guidelines****1. The placement of a child with special needs is prepared thoroughly before the admission takes place**

Child Protection Services provides the care organisation and the caregiver with all the information needed to cope with a child's special needs.

**2. Children with special needs are provided with appropriate care**

The caregiver supports and encourages the overall development of the child in accordance with the child's individual potential. He/she ensures the inclusion and participation of the child.

**3. Caregivers caring for children with special needs receive additional specialised training and support**

Child Protection Services and/or the care organisation ensure ongoing training and support for the caregiver in order to qualify him/her to cope with children with special needs.

**4. The caregiver cooperates with specialists**

The caregiver asks for support and cooperates with competent institutions and specialists in order to meet the special needs of the child.

**C) Warning Signs**

- There are no appropriate forms of care for children with special needs.
- The placement does not take the child's special needs into account.
- A child with special needs does not receive appropriate care.
- The caregiver is not provided with adequate information, training and/or support to take care of a child with special needs.
- Cooperation between caregivers and specialists is inexistent or inadequate.
- Specialists treating the child do not have the necessary qualifications to cope with/treat children with special needs.

**Standard 14** The child/young adult is continuously prepared for independent living

The child/young adult is supported in shaping his/her future towards becoming a self-reliant, self-sufficient and participating member of society. He/she has access to education and is given the opportunity to acquire life skills and adopt values.

The child/young adult is supported in developing self-esteem. This allows him/her to feel strong and secure and to cope with difficulties.

*"The mother's duty is to raise the children in such a way that they see themselves as people who have values, dignity, abilities and strength to survive the pain in order to continue living their lives."*

*(Caregiver from Lithuania, code 17.08.02)*

*"One should stress the presence of the educator and ask him/her for help. [...] The maintenance man at the care organisation should be like an educator and it should be possible to learn carpentry from him; it would also be useful to learn how to repair a car and repair a flat. [...] If you manage to work somewhere while living in the youth home [...] you won't be lacking anything. [...] those who do more get more; those who do less get less."*

*(Boy from Estonia, code 7.01.02)*

**A) Responsibilities**

<b>Child Protection Services</b>	<ul style="list-style-type: none"> <li>• Monitors the child's/young adult's development with regard to preparation for independent living as agreed in the care plan.</li> <li>• Ensures that the child/young adult has access to optimal education.</li> </ul>
<b>Care organisation</b>	<ul style="list-style-type: none"> <li>• Provides appropriate framework conditions and programmes for supporting the child/young adult in becoming independent.</li> </ul>
<b>Caregiver</b>	<ul style="list-style-type: none"> <li>• Supports the child/young adult in becoming independent.</li> </ul>

**B) Guidelines****1. The caregiver provides individualised training and support**

The caregiver ensures that the child/young adult is trained and supported in developing self-sufficiency, in accordance with the needs identified in the care plan. The caregiver primarily focuses on the following points:

- The child/young adult is encouraged to take on daily responsibilities. According to his/her level of understanding, the child/young adult is supported in looking after himself/herself as well as in dealing with money, legal matters, insurances and other practical matters;
- The child/young adult is supported in integrating into a social network and maintaining contact with people in this network;
- The caregiver explores the child's/young adult's interests and plans activities which support the further development of his/her knowledge and life skills.

**2. Preparation for independent living is organised as an ongoing process**

The caregiver, supported by the care organisation, prepares the child/young adult for independent living. This process is based on the individual care plan.

The care plan considers the child's/young adult's preparation for independent living as an ongoing process. It takes into account the appropriate framework conditions and opportunities and/or programmes to support him/her in becoming independent.

**3. Self-development opportunities/programmes are offered to the child/young adult**

The care organisation and the caregiver create opportunities and/or programmes in which the child/young adult receives training to assume responsibilities, to integrate values and norms and to develop life skills.

The child/young adult participates in the development, implementation and evaluation of the self-development opportunities/programmes.

**4. The child/young adult has access to the best level of education**

The child/young adult has access to and is encouraged to benefit from the best possible forms of education in accordance with his/her potential and own interests.

The child/young adult is encouraged to share in both curricular and extra-curricular activities according to his/her individual interests.

**C) Warning Signs**

- Preparation for independent living is not considered in the care plan.
- There are no self-development opportunities/programmes available.
- The child/young adult is denied the chance to make use of self-development opportunities/programmes.
- The child/young adult feels that he/she is not well prepared and supported regarding independent living.
- The child/young adult is not integrated into a social network.
- The child's/young adult's education is not encouraged.
- The child/young adult does not spend his/her leisure time productively.
- The child/young adult is not listened to.





# Standard Area 3

## Leaving-care process

The term “leaving-care process” refers to the process in which the child/young adult becomes independent, returns to his/her family of origin or moves to another placement. This process includes the decision, the moving-out process and after-care support.

This standard area includes the following standards:

**Standard 15:** The leaving-care process is thoroughly planned and implemented.

**Standard 16:** Communication in the leaving-care process is conducted in a useful and appropriate manner

**Standard 17:** The child/young adult is empowered to participate in the leaving-care process

**Standard 18:** Follow-up, continuous support and contact possibilities are ensured

## Standard 15 The leaving-care process is thoroughly planned and implemented

The leaving-care process is a crucial stage in out-of-home child care and is thoroughly planned and implemented. It is primarily based on the child's/young adult's individual care plan.

The child/young adult is recognised as an expert regarding the quality of his/her care. His/her feedback is essential for further developing the quality of the care system and the respective care model.

*“The mentor initiated regular common planning meetings with all involved parties, in this case the family (grandparents and father), the children, and a representative of Child Protection Services. On one of the planning meetings they all decided the older sister should stay at the care organisation and that the two other children should spend more time with the family. All involved parties were content with this decision.”*

*(Social worker from Bulgaria, code 3.08.01)*

### A) Responsibilities

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**Child Protection Services**

- Monitors and supports the planning and implementation of the leaving-care process.
- Coordinates cooperation among all parties involved.

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**Care organisation**

- Ensures that the leaving-care process is planned and implemented in accordance with the care plan.
- Accompanies the child/young adult with professionalism and sensitivity throughout the process.
- Cooperates with the family of origin.

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**Caregiver**

- Plans the leaving-care process, together with the relevant parties involved.
- Implements the leaving-care process according to the care plan.
- Cooperates with the family of origin.

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### B) Guidelines

#### 1. The leaving-care process is thoroughly planned and implemented

Based on the care plan and together with the child/young adult, the caregiver plans and implements the leaving-care process. The implementation of this process takes place gradually so far as it is in the best interests of the child.

The child/young adult has a voice in determining to what extent his/her family of origin should participate in the planning and implementation of the leaving-care process.

If necessary, the caregiver consults a multi-professional team.

### 2. The child/young adult is recognised as an expert regarding the quality of his/her care

The caregiver asks the child/young adult to evaluate the care quality. The caregiver passes this feedback on to the care organisation in order that the organisation can consider it for further developing the quality of the care system and the respective care model.

### 3. The leaving-care process is based on the individual care plan

The care plan defines the developmental status of the child/young adult, sets objectives and measures and clarifies the resources needed to support the child/young adult during the leaving-care process. The care plan and its implementation are regularly evaluated.

The care plan also considers the future life of the child/young adult after leaving care, in terms of defining guidelines for after-care.

### 4. The return to the family of origin or movement to another placement is thoroughly prepared

Should the child/young adult return to his/her family of origin or move to another placement, Child Protection Services, the present and the future caregiver as well as the family of origin cooperate.

The child/young adult actively participates in the decision-making process and in the preparation according to his/her level of understanding.

### 5. A farewell is arranged for the child/young adult leaving care

An appropriate farewell get-together is organised for the child/young adult to mark the beginning of his/her next living phase. This is done according to the common traditions of the child's background and aiming to fulfil the child's/young adult's wishes.

### 6. The child/young adult has access to support and counselling after having left out-of-home care

Child Protection Services and the care organisation provide after-care support and counselling.

#### C) Warning Signs

- The leaving-care process is not thoroughly planned and/or implemented.
- The leaving-care process is not considered in the care plan.
- The parties involved do not agree on the leaving care plan.
- The child/young adult does not feel involved in the leaving-care process.
- The child/young adult and/or the family of origin do not participate in the planning and implementation of the leaving-care process.
- There is no interest in the child's/young adult's expertise regarding the quality of his/her care.
- There is no evaluation of the out-of-home care.
- The leaving-care process does not meet the individual needs of the child/young adult.
- No after-care support is provided or this support is inadequate.
- The child/young adult does not have the opportunity to say goodbye.

## Standard 16 Communication in the leaving-care process is conducted in a useful and appropriate manner

All parties involved in the leaving-care process are provided with all relevant information in accordance with their role in the process. At the same time, the child/young adult and his/her family of origin have the right to privacy and security.

All information is communicated in a way understandable to and appropriate for the child/young adult and his/her family of origin.

*"The fact that she will have to move to the youth home alone and leave her siblings behind worries, upsets and makes her a bit anxious. [...] One day the girl paid a visit to the youth home so as to familiarise herself with the new environment. There she met another girl from the institution [...] who told her that she was so comfortable there, she had her own privacy and free space. [...] The girl liked what she saw and heard at the youth home. All of a sudden, all her worries subsided. She is now much more optimistic and has new dreams about her future."*

*(Story of a girl from North Cyprus, code 21.02.05)*

#### A) Responsibilities

<b>Child Protection Services</b>	<ul style="list-style-type: none"> <li>• Ensures that all parties involved receive and understand the information needed to thoroughly plan and implement the leaving-care process.</li> <li>• Ensures that all information is treated confidentially.</li> </ul>
<b>Care organisation</b>	<ul style="list-style-type: none"> <li>• Ensures that the caregiver communicates with the child/young adult in an appropriate way.</li> </ul>
<b>Caregiver</b>	<ul style="list-style-type: none"> <li>• Ensures that the child/young adult receives and understands the relevant information regarding the leaving-care process.</li> <li>• Communicates with the child/young adult in a way that makes him/her feel at ease during the leaving-care process.</li> <li>• Cooperates with the family of origin</li> </ul>

#### B) Guidelines

##### 1. The relevant information is managed professionally

Child Protections Services, the care organisation and the caregiver recognise the importance of providing the child/young adult and his/her family of origin with all relevant information.

Child Protection Services professionally manages all relevant information. It ensures confidentiality, proper documentation and access for the involved parties.

**2. The child/young adult is properly informed about the leaving-care process**

The caregiver ensures that the child/young adult is informed and understands all relevant information regarding the leaving-care process. In particular, the child/young adult is informed about the different possibilities and aspects of a future life in which he/she either becomes independent, returns to the family of origin or moves to another placement.

**3. A set of requirements is considered in ensuring appropriate communication**

All relevant parties involved in supporting the child/young adult during the leaving-care process meet at least the following requirements:

- they are skilled to use language appropriate to the child's/young adult's way of thinking. They establish a close relationship with the child/young adult, have good listening skills and are understanding, empathetic and patient in order to make the child/young adult feel at ease;
- they create a friendly and comfortable communication environment;

**4. Child, family of origin, caregiver, care organisation and Child Protection Services work together**

Cooperation among the relevant parties involved in supporting the child/young adult during the leaving-care process is strengthened by an exchange of relevant information, appropriate communication and mutual trust. They:

- comply with legislation, regulations and Q4C standards;
- include this standard (16) in the instructions and working methods of Child Protection Services, care organisations and caregivers;
- are part of a child-care network.

**C) Warning Signs**

- The child/young adult feels misunderstood.
- The privacy of the child/young adult is violated.
- The child/young adult and/or other relevant parties involved have no access to or do not understand the information provided.
- There is no exchange of information.
- The child/young adult feels a lack of communication with his/her caregiver.
- The child/young adult feels a lack of communication with his/her family of origin and/or his/her social environment.

**Standard 17 The child/young adult is empowered to participate in the leaving-care process**

The leaving-care process is based on the individual care plan. The child/young adult is empowered to express opinions and preferences about his/her current situation and future life. He/she participates in the planning and implementation of the leaving-care process.

*"The girl's participation in the planning of the process gives her the opportunity to see for herself how a decision is made, to know how much longer she is staying in the institution and to anticipate the moment when she will go home."*

*(Social worker from Portugal, code 24.07.01)*

*"When my mom [...] found a place to live, my father told me I could go home, but I didn't want to because I liked both, the school and the activities [...] I went home after my 18<sup>th</sup> birthday [...] I am pleased with my choices."*

*(Boy from Greece, code 11.02.04)*

**A) Responsibilities**

**Child Protection Services** • Ensures the participation of the child/young adult.

**Care organisation** • Ensures that all requirements regarding the child's/young adult's participation in the leaving-care process are met.

**Caregiver** • Empowers the child/young adult to participate in the leaving-care process.  
• Involves the child/young adult in the planning and implementation of the leaving-care process in accordance with his/her level of understanding.  
• Cooperates with the family of origin.

**B) Guidelines****1. The following requirements are considered to ensure the child's/young adult's participation**

All relevant parties involved in the leaving-care process consider and meet at least the following requirements ensuring that:

- the child/young adult exercises his/her rights to participate in the planning and implementation of his/her leaving-care process;
- the child/young adult is listened to and encouraged to express his/her plans, doubts and expectations;
- the child/young adult is supported in taking decisions according to his/her level of understanding;
- the child/young adult is recognised as the expert of his/her life;
- the family of origin participates in the leaving-care process;
- the child/young adult is given the opportunity to determine to what extent the family of origin may be involved;
- the child/young adult is listened to and supported in bureaucratic and juridical procedures.

## 2. The child/young adult receives all relevant information

The caregiver ensures that the child/young adult is provided with all relevant information in order to support him/her in making decisions during the leaving-care process.

He/she ensures that the child/young adult understands the information provided.

## 3. The planning and implementation of the leaving-care process is based on the individual care plan

The child/young adult participates in the development of his/her care plan. The care plan takes into account his/her views as well as objectives and the resources needed to thoroughly plan and implement the leaving-care process.

### C) Warning Signs

- There is no set of minimum requirements regarding the child's/young adult's participation in the leaving-care process.
- The set of minimum requirements is not implemented.
- The child/young adult feels that he/she is not sufficiently participating in the leaving-care process.
- The child/young adult does not feel well-informed.
- The planning and implementation of the leaving-care process are not based on the individual care plan.
- The child/young adult feels that he/she is not taken seriously.
- Relevant decisions are made without the participation of the child/young adult.
- The child/young adult is given more responsibility than he/she is able to cope with.
- The child/young adult is not listened to, nor supported in bureaucratic and juridical procedures.

## Standard 18 Follow-up, continuous support and opportunity for contact are ensured

After the child/young adult has left out-of-home care, he/she has the opportunity to receive assistance and support. The care organisation strives to ensure that he/she does not perceive the leaving-care process as a major new disruption.

When the young adult is of age, the care organisation should continue offering support and opportunity to maintain contact.

*"The doorbell rings [...] I open the door and there's my social worker, arms full of food, and he asks: "Would you like to eat with me?" It was just what I needed. [...] He came by and stayed around for a while, just for me - it was a good evening and I slept well that night."*

*(Boy from Norway, code 22.01.01)*

*"However, there's always some comfort the SOS Children's Village can provide, because we don't abandon them once they have left, and in some cases the option of returning, even for a short period of time, gives them the stability they need."*

*(Care organisation director from Portugal, code 24.07.02)*

### A) Responsibilities

<b>Child Protection Services</b>	<ul style="list-style-type: none"> <li>• Ensures both follow-up and continuous support before and after the child reaches the age of majority.</li> <li>• Promotes contact between the child/young adult and his/her emotional network relevant during the time in care.</li> </ul>
<b>Care organisation</b>	<ul style="list-style-type: none"> <li>• Ensures the development and implementation of the after-care plan.</li> <li>• Ensures the necessary resources for follow-up and continuous support and assures that the child has the possibility to maintain contact with his/her former caregiver and the emotional network relevant during the time in care.</li> </ul>
<b>Caregiver</b>	<ul style="list-style-type: none"> <li>• Develops and implements the after-care plan together with the child/young adult.</li> <li>• Follows up, supports the child/young adult and facilitates contact between the child/young adult and his/her emotional network during the time in care.</li> </ul>

## B) Guidelines

### 1. Follow-up and support are based on an after-care plan

The care organisation and the caregiver together with the child/young adult develop and implement an after-care plan. This plan builds on the already existing individual care plan. The methods used in establishing an after-care plan are outlined in the written statement of the care organisation.

It is important that the after-care plan has an individual focus and integrates the child's/young adult's background. Generally, the after-care plan defines the developmental status of the child/young adult, sets objectives and measures and clarifies the resources needed to support the child/young adult after having left care.

### 2. Follow-up and support of the child/young adult is ensured

The caregiver follows up and, if requested, supports the child/young adult in accordance with the after-care plan. He/she has the necessary resources for this. The caregiver strives to maintain contact with the child/young adult.

### 3. The child/young adult has the opportunity to maintain contact with his/her emotional network

The former care organisation provides resources to maintain contact between the child/young adult and his/her emotional network relevant during his/her time in care. The former caregiver facilitates this contact.

## C) Warning Signs

- There is no after-care plan.
- There is no follow-up and/or support.
- The child/young adult is not/or not sufficiently involved in the development of the after-care plan.
- The child/young adult refuses follow-up and/or support.
- The young adult is no longer supported after reaching 18 years of age.
- The child/young adult does not have the possibility to maintain contact with his/her emotional network relevant during his/her time in care.



## Glossary of key terminology used

### Family of origin

Family members to whom a child is biologically related, such as birth parents, siblings and other relatives.

### Caregiver

Family member or a professional who provides care for a child/young adult. These can be both caregivers in family-based care or residential care.

### Care organisation

Organisation responsible for the daily out-of-home care of the child/young adult. This may be provided through foster families or other forms of family-based (such as SOS Children's Villages) or residential facilities.

### Individual care plan

Plan intended to guide the child's individual physical, cognitive, emotional and social development. It is created during the decision-making process and further developed and implemented during the entire out-of-home care process. Generally, the care plan defines the developmental status of the child, sets objectives and measures and clarifies the resources needed to support the overall development of the child. Every relevant decision during the out-of-home care process is guided by this plan.

### Child

Every human being under the age of 18.

### Child Protection Services

Organisations, institutions, services, and/or facilities responsible for providing care, support and/or protection to children and young adults whose biological family or caregiver is not fulfilling their needs. Child Protection Services offers information and arranges social, medical, legal and/or custodial care. Child Protection Services can be public or private (youth welfare services, non-governmental organisations, etc.).

### Children with special needs

Children whose psychological disorder, physical impairment or intellectual disability, cultural background, history of abuse, neglect or other factors demand special protection and care measures provided by specialised caregivers or therapists during their placement in out-of-home care.

### Multi-professional team

Team in charge of supporting the child's overall development during his/her placement in out-of-home child care. It is composed of caregivers, educators and supporting co-workers of the care organisation (psychologists, social workers, etc.)

### Young adult

A juvenile who is already 18 or older but due to his/her particular situation is still entitled to live in out-of-home care.

## Annex

### Reference frame to the Convention on the Rights of the Child (UN CRC)<sup>1</sup>

In 1989 the Convention on the Rights of the Child was adopted by the General Assembly of the United Nations and opened for ratification; all the European countries have ratified it. By ratification, a State confirms to do it utmost best to implement the provisions and to protect all children within their jurisdiction from violations of their rights. There are several ways to use the UN CRC, three of them are:

- As a legal tool: The UN CRC can play a part in jurisprudence or case law
- As an educational message
- As a social-political instrument

Children's rights are more than the legal position of children. It is not only about laws, decisions or rules. It is also about the obligation of the governments to realise children's rights and to implement them in every aspect of the society. The UN CRC can be used to point out to governments when they fail to fulfil their responsibilities.

The CRC contains an educational message. This is also important for Out-of-Home Child Care. The educational message in the convention can be found in the concepts which come from educationalist or child psychological theories. Examples of these concepts in the CRC are:

- the best interests of the child (article 3, paragraph 1);
- evolving capacities (article 5);
- maturity (article 12);
- dignity (at 7 different places through all the convention).

It is the task of educationalists, psychologists, but also of parents or caregivers to put these concepts into practice. At some points the convention directly addresses educators, including parents (article 3, 5, 18), educational workers/schools (article 28, 29) and Child Protection Services/welfare institutions (article 3, paragraphs 1 and 3).

This reference frame gives an overview of the articles of the United Nations Convention on the Rights of the Child which contain provisions related to the content of the Q4C standards. An overview of these provisions can be found on the Q4C CD.

<sup>1</sup>This reference frame was developed by Defence for Children International, The Netherlands

## Articles in the Convention on the Rights of the Child which contain provisions related to the Q4C Standards

### Standard 1: The child and his/her family of origin receive support during the decision-making process

**To the child:** Articles: 3 (paragraph 1), 6 (paragraph 2), 9 (paragraph 2), 12, 13 and 39

**To the parents:** Articles: 3 (paragraph 1), 5, 6 (paragraph 2), 9 (paragraph 2), 12, 13, and 18 (paragraph 2)

**To the child protection services or care organisations:** Articles: 2, 3 (paragraphs 1, 2 and 3), 5, 6 (paragraph 2), 9 (paragraph 2), 12, 13, 18 (paragraph 2), 19, 20 (paragraph 1), 39

**To the responsible person or caregiver:** Articles: 2, 3 (paragraphs 1 and 2) 5, 6 (paragraph 2), 9 (paragraph 2), 12, 13, 19, 20 (paragraph 1), 39

### Standard 2: The child is empowered to participate in the decision-making process

**To the child:** Articles: 9 (paragraph 2), 12, 13, 17

**To the parents:** Articles: 3 (paragraph 1), 5, 6 (paragraph 2), 9 (paragraph 2), 12, 13, 17, 18 (paragraph 1)

**To the child protection services or care organisations:** Articles: 2, 3 (paragraphs 1 and 3), 6 (paragraph 2), 9 (paragraph 2), 5, 12, 13, 17, 39

**To the responsible person or caregiver:** Articles: 2 (paragraph 1), 3 (paragraph 1), 5, 6 (paragraph 2), 9 (paragraph 2), 12, 13, 17

### Standard 3: A professional decision-making process ensures the best possible care for the child

**To the child:** Articles: 3 (paragraphs 1 and 2), 6 (paragraph 2), 19, 20 (paragraph 1), 23 (paragraphs 1, 2 and 3), 23 (paragraph 1), 39,

**To the parents:** Articles: 3 (paragraph 1), 5, 6 (paragraph 2), 18 (paragraph 1), 20 (paragraph 3), 23 (paragraphs 1, 2 and 3), 39

**To the child protection services or care organisations:** Articles 2, 3 (paragraphs 1 and 3), 5, 6 (paragraph 2), 23 (paragraphs 1, 2 and 3), 39

**To the responsible person or caregiver:** Articles: 2, 3 (paragraph 1), 5, 6 (paragraph 2), 20 (paragraph 3), 23 (paragraphs 1, 2 and 3), 39

### Standard 4: Siblings are cared for together

Article 16

### Standard 5: The transition to the new home is well prepared and sensitively implemented

**To the child:** Articles: 3 (paragraphs 1 and 2), 19, 20 (paragraphs 1 and 3), 39

**To the parents:** Articles: 3 (paragraph 1), 5, 6 (paragraph 2), 18 (paragraph 1), 20 (paragraph 3), 23 (paragraph 1), 39

**To the child protection services or care organisations:** Articles: 2, 3 (paragraphs 1 and 3), 5, 6 (paragraph 2), 20 (paragraph 3), 23 (paragraph 1), 39

**To the responsible person or caregiver:** Articles: 2, 3 (paragraph 1), 5, 6 (paragraph 2), 20 (paragraph 3), 23 (paragraph 1), 39

### Standard 6: The out-of-home care process is guided by an individual care plan

**To the child:** Articles: 3 (paragraphs 1 and 2), 6 (paragraph 2), 9 (paragraph 2), 12, 13, 17, 19, 20 (paragraphs 1 and 3), 23 (paragraph 1), 25, 39

**To the child protection services or care organisations:** Articles: 2, 3 (paragraphs 1 and 3), 6 (paragraph 2), 9 (paragraph 2), 12, 13, 17, 20 (paragraph 3), 23 (paragraph 1), 25, 39

**To the responsible person or caregiver:** Articles: 2, 3 (paragraphs 1 and 3), 6 (paragraph 2), 9 (paragraph 2), 12 and 13, 17, 20 (paragraph 3), 23 (paragraph 1), 25, 39

### Standard 7: The child's placement matches his/her needs, life situation and original social environment

**To the child:** Articles: 3 (paragraphs 1 and 2), 6 (paragraph 2), 8, 19, 20 (paragraphs 1 and 3), 23 (paragraph 1), 39

**To the child protection services or care organisations:** Articles: 3 (paragraph 1), 8, 20 (paragraph 3), 6 (paragraph 2), 20 (paragraph 3), 23 (paragraph 1), 39

**To the responsible person or caregiver:** 3 (paragraph 1), 6 (paragraph 2), 8, 20 (paragraph 3), 23 (paragraph 1), 39

### Standard 8: The child maintains contact with his/her family of origin

**To the child:** Articles: 9 (paragraph 3), 20 (paragraph 3),

**To the parents:** Articles: 3 (paragraph 1), 5, 6 (paragraph 2), 9 (paragraph 3), 18 (paragraph 1) und 2

**To the child protection services or care organisations:** Articles: 3 (paragraph 1), 5, 6 (paragraph 2), 9 (paragraph 3), 18 (paragraph 2), 20 (paragraph 3)

**To the responsible person or caregiver:** 3 (paragraph 1), 5, 6 (paragraph 2), 9 (paragraph 3), 18 (paragraph 2), 20 (paragraph 3)

### Standard 9: Caregivers are qualified and have adequate working conditions

**To the child:** Articles: 3 (paragraph 1), 2, 3 6 (paragraph 2), 19, 20 (paragraph 1), 23 (paragraph 1), 39

**To the child protection services or care organisations:** Articles: 3 (paragraphs 1 and 3), 6 (paragraph 2), 3 (paragraph 3), 23 (paragraph 1), 39,

**To the responsible person or caregiver:** Articles: 3 (paragraph 3), 39, 23 (paragraph 1)

**Standard 10: The caregiver's relationship with the child is based on understanding and respect**

**To the child:** Articles: 23 (paragraph 1), 39

**To the child protection services or care organisations:** Articles: 2, 3 (paragraph 1 and 3), 6 (paragraph 2), 23 (paragraph 1), 39

**To the responsible person or caregiver:** Articles: 2, 3 (paragraph 1), 6 (paragraph 2), 23 (paragraph 1), 39

**Standard 11: The child is empowered to actively participate in making decisions that directly affect his/her life**

**To the child:** Articles: 9 (paragraph 2), 12, 13, 17

**To the child protection services or care organisations:** Articles: 2, 3 (paragraphs 1 and 3), 6 (paragraph 2), 9 (paragraph 2), 12, 13, 17

**To the responsible person or caregiver:** 2, 3 (paragraph 1), 6 (paragraph 2), 9 (paragraph 2), 12, 13, 17

**Standard 12: The child is cared for in appropriate living conditions**

**To the child:** Articles: 3 (paragraphs 1 and 2), 6 (paragraph 2), 15, 20 (paragraph 1), 26, 27, 28, 31

**To the child protection services or care organisations:** Article: 3 (paragraphs 1 and 3), 6 (paragraph 2), 15, 23 (paragraph 1), 25, 26, 27, 28, 31, 39

**To the responsible person or caregiver:** Articles: 6 (paragraph 2), 3 (paragraph 1), 11 (paragraph 1), 15, 23 (paragraph 1), 25, 26, 27, 28, 31, 39

**Standard 13: Children with special needs receive appropriate care**

**To the child:** Articles: 3 (paragraph 1, 2 and 3), 6 (paragraph 2), 19, 20 (paragraph 1), 23 (paragraphs 1, 2 and 3), 39

**To the child protection services or care organisations:** Articles: 2, 3 (paragraphs 1 and 3), 6 (paragraph 2), 23 (paragraphs 1, 2 and 3), 39

**To the responsible person or caregiver:** Articles: 2, 3 (paragraphs 1 and 3), 6 (paragraph 2), 23 (paragraphs 1, 2 and 3), 39

**Standard 14: The child/young adult is continuously prepared for independent living**

**To the child:** Articles: 3 (paragraph 1 and 2), 6 (paragraph 2), 9 (paragraph 2), 12, 13, 17, 19, 20 (paragraph 1), 26, 28, 39,

**To the child protection services or care organisations:** Articles: 3 (paragraphs 1 and 3), 6 (paragraph 2), 9 (paragraph 2), 12, 13, 17, 26, 28, 39

**To the responsible person or caregiver:** Articles: 3 (paragraphs 1 and 3), 6 (paragraph 2), 9 (paragraph 2), 12, 13, 17, 26, 28, 39

**Standard 15: The leaving-care process is thoroughly planned and implemented**

**To the child:** Articles: 3 (paragraph 1), 3 (paragraphs 2 and 3), 6 (paragraph 2), 9 (paragraph 2), 12, 13, 17, 19, 20 (paragraph 1), 25, 39

**To the child protection services or care organisations:** Articles: 3 (paragraphs 1 and 3), 6 (paragraph 2), 9 (paragraph 2), 12, 13, 17, 26, 39

**To the responsible person or caregiver:** Article: 3 (paragraphs 1 and 3), 6 (paragraph 2), 9 (paragraph 2), 12, 13, 17, 26, 39

**Standard 16: Communication in the leaving-care process is conducted in a useful and appropriate manner**

**To the child:** Articles: 3 (paragraphs 1 and 2), 9 (paragraph 2), 12, 13, 16, 17, 19, 20 (paragraph 1), 23 (paragraph 1), 39

**To the parents:** Articles: 5, 17, 3 (paragraph 1), 6 (paragraph 2), 9 (paragraph 2), 12, 13, 16, 18 (paragraphs 1 and 2)

**To the child protection services or care organisations:** Articles: 3 (paragraphs 1 and 3), 5, 6 (paragraph 2), 9 (paragraph 2), 12, 13, 16, 17, 39

**To the responsible person or caregiver:** Articles: 3 (paragraphs 1 and 3), 5, 6 (paragraph 2), 9 (paragraph 2), 12, 13, 16, 17, 39

**Standard 17: The child/young adult is empowered to participate in the leaving-care process**

**To the child:** Articles: 3 (paragraphs 1 and 2), 5, 6 (paragraph 2), 18 (paragraph 2), 19, 20 (paragraph 1), 26, 39

**To the child protection services or care organisations:** 3 (paragraph 1), 5, 6 (paragraph 2), 18 (paragraph 2), 39, 23 (paragraph 1), 26

**To the responsible person or caregiver:** Articles: 3 (paragraph 1), 5, 6 (paragraph 2), 3 (paragraph 1), 39, 23 (paragraph 1), 26

**Standard 18: Follow-up, continuous support and contact possibilities are ensured**

**To the child:** Articles: 3 (paragraphs 1 and 2), 6 (paragraph 2), 19, 20 (paragraph 1), 26, 39

**To the parents:** Articles: 3 (paragraph 1), 5, 6, 18 (paragraphs 1 and 2), 26

**To the child protection services or care organisations:** Articles: 3 (paragraph 1), 5, 6 (paragraph 2), 18 (paragraph 2), 23 (paragraph 1), 26, 39

**To the responsible person or caregiver:** 3 (paragraph 1), 5, 6 paragraph, 23 (paragraph 1), 26, 39



## Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by General Assembly  
resolution 44/25 of 20 November 1989  
entry into force 2 September 1990, in accordance with article 49

### Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity, Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) ; and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

### PART I

#### Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

#### Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

#### Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

#### Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

#### Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

#### Article 6

1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

#### Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

#### Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference. 2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

#### Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

#### Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

#### Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

#### Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

#### Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others; or
- (b) For the protection of national security or of public order (ordre public), or of public health or morals.

#### Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

#### Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

#### Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

#### Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

#### Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

#### Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

#### Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

#### Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

#### Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or nongovernmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents

or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

#### Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

#### Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

- (a) To diminish infant and child mortality;
- (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

#### Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

#### Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

#### Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

#### Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

#### Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

#### Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

#### Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

#### Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

#### Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

#### Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

#### Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

#### Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

#### Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

#### Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

#### Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

#### Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

#### Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

## PART II

#### Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

#### Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

#### Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights

- (a) Within two years of the entry into force of the Convention for the State Party concerned;
- (b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

#### Article 45

In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

- (a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of



their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

### PART III

#### Article 46

The present Convention shall be open for signature by all States.

#### Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

#### Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

#### Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

#### Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

#### Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

#### Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

## The partner organisations of Quality4Children

### FICE (Fédération Internationale des Communautés Educatives)

FICE's main aim is to promote child and youth care throughout the world.

FICE:

- recognises the individuality of children, young adults and their parents, and does not force them to conform to pre-determined norms;
- supports the family as the basic social structure for the upbringing of children;
- advocates the highest quality of care and education for children and young adults unable to live at home;
- seeks to find individual solutions to match the needs of each child or young adult;
- encourages the ongoing development of services for children through research and theoretical innovation;
- bases its work on the United Nations Convention on the Rights of the Child;
- observes strict political and religious neutrality;
- values diversity and rejects all forms of discrimination on the basis of race, colour, sex, language, religion, political opinion or social origin.

In order to achieve its aims, FICE-International:

- works through national organisations whose members are engaged in providing services for children and young adults, or work in support services such as staff training or the management of services;
- supports national member organisations through the creation of contact networks;
- organises major international congresses, usually every two years;
- supports projects which involve international contacts between children, young adults and those who care for them, such as the Balkan Friendship Camps;
- encourages international exchanges of workers and/or children and young adults;
- provides the Professional Exchange Programme for experienced workers;
- organises international seminars, expert workshops and working parties on issues concerned with services for children and young adults;
- consults with UNESCO, the European Union, the Council of Europe, ECOSOC and other international bodies;
- provides information and the opportunity for networking through its website;
- disseminates new ideas and research findings through its publications.

### IFCO (International Foster Care Organisation)

The International Foster Care Organisation (IFCO) is the only international organisation devoted solely to the promotion and support of family-based care and foster care in the world. IFCO was established in 1981 in Oxford (UK) as a platform for the exchange of information, knowledge and experience between all foster care organisations and foster care parties worldwide. In the 25 years of its existence, IFCO has had a great impact on developing family-based care worldwide. IFCO organises regional networks, international conferences and training seminars, issues a magazine, an E-newsletter, and provides an informative website. IFCO has a strong youth component with youth present and involved at all levels and in all activities.

IFCO has members in over 60 countries. Besides being committed to providing quality services to its wide membership base, the organisation has in recent years developed a strong project component, coordinated from the central office based in The Hague, The Netherlands. Through its members and partner organisations and through project work, IFCO offers consultancy and assistance in the development of fostering services in many parts of the world. The consultancy is always provided in close co-operation with the country involved and with partners in the region. A pool of international experts is available to provide short term expertise in such projects.

More about IFCO can be found at the website [www.ifco.info](http://www.ifco.info) or via the coordinating office in The Hague, the Netherlands.

### SOS Children's Villages

The first SOS Children's Village was founded in 1949 in Imst, Austria. It was based on a commitment to help children in need - children who had lost their homes, their security and their families as a result of the Second World War.

Today, SOS-Kinderdorf International is the umbrella organisation for more than 130 affiliated national SOS Children's Village associations worldwide. It provides family-based care for children who have lost their parents or can no longer live with them. It also supports vulnerable children and their families through programmes aimed at strengthening their coping skills, ensuring their access to essential services, and providing health, educational, and psycho-social support.

SOS Children's Villages works in the spirit of the United Nations Convention on the Rights of the Child and promotes these rights around the world. It holds a consultative status with the United Nations Economic and Social Council and is member of the Child Rights Action Group supporting the European Union Child Rights Strategy.

## Imprint

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