

Day of General Discussion on "Children without parental care"
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UNICEF Statement

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Introduction

The CRC states that children have the right to know and be cared for by their parents; and that all have a right to grow up in a family environment. Experience has long shown that a safe and supportive family provides children with the best start in life for their healthy growth and development. Families are also the first line of defence in protecting children from abuse, violence and exploitation.

Keeping children in safety with their families is more than a specific objective of the Convention, it is an underlying principle of just about every article.

The reality for many children, though, is that this first line of defence is missing. Millions of children around the world live in formal or informal foster care, in institutions, or are otherwise separated from their parents; many more are at risk of separation, due to the impact of HIV on their families, armed conflict, natural disasters, disability and poverty. The full number of children at risk of separation or currently living apart from their parents is unknown. But the group includes:

- 1.5 million children in out-of-home care in Central and Eastern Europe and the CIS. 900,000 of them in residential facilities. The majority of these children are not orphans; and children with disability are very much overrepresented among this group.
- 13.4 million children in Asia, Africa and Latin America, who have lost one or both parents to AIDS
- On these same continents, over 60 million children who are 'single' orphans; and over 16 million have lost both parents. Of course, adding in Europe, North America and the Middle East would raise these numbers still further
- Children who are separated or orphaned during large scale emergencies and natural disasters as happened recently during both the Asian tsunami and in the U.S. Gulf coast.
- Child headed households, especially in conflict and AIDS affected communities. There are 227,000 such households in Rwanda alone.
- The countless – and effectively uncountable - children currently living outside all forms of care, on the street, in exploitative labour, or associated with armed forces.

What risks do these children face?

Children without any form of care are among those most at risk for abuse and exploitation. This includes some 1.2 million children are trafficked every year, and 2 million children work in the commercial sex industry. The risk of joining this group is also higher for children who grow up in residential care or poorly monitored and supported foster care.

Children who are cared for by relatives or unrelated foster families are often well loved and cared for, but their risk of discrimination, inadequate care, abuse and exploitation is greater than those who live with their parents, and their well-being is often not monitored in any way.

Children who are within the formal care system often end up or remain there unnecessarily. Growing up in residential care contributes to poor emotional development, and the risk of abuse in poorly resourced and monitored foster and residential care is well known. Children who have grown up in inappropriate care settings have difficulty in adjusting to adulthood, and may be more likely enter into conflict with the law, harm themselves, or become victims of trafficking. A study in Moldova, found that young people who had spent a part of their childhood in institutions were over-represented by a factor of 10 among returned trafficking victims.

Clearly, for children not in any form of care, a range of protection measures are needed, and these need to include support for reunification with family or appropriate alternative care options. But even then, these children will face the risks of those who are already in care, unless the systems are improved for all. Our experience in UNICEF suggests there are a number of key issues which need to be addressed to do this:

1. **Unwarranted recourse to out-of-home care:** Many placements could easily be avoided if greater emphasis were placed on providing support and services to enable parents to care for their children themselves. In some situations, parents place their children in residential care purely because of their financial circumstances or because, for example, of the mother's single or unwed status. When children can only receive basic services such as education, health and adequate nutrition in residential facilities but not at home with their family, parents will often make the logical decision to place their children in care.
2. **Over-burdened foster-care systems** - Over-reliance on foster care can similarly be "at the expense of other services that might keep families safely together, allow children to return safely home, or move children swiftly and safely from foster care to adoptive families or permanent legal guardians."¹ It is also hard to sustain. A government-backed recruiting drive in Britain in 2000 reportedly resulted in just 1,000 applications compared with a target of 7,000.² One result of such shortcomings can be the recruitment of insufficiently prepared and supported foster carers, another over-burdening of existing foster carers.
3. **Lack of protection in informal care** - While care in the extended family is most often the best option, it is still important to recognise that kinship or friendship is no guarantee of welfare, protection and ability to cope. The lack of formal recognition of their status as carers may prevent informal guardians with the best of intentions but little means from accessing the financial and other support available to registered foster parents; an issue of real concern in countries where the AIDS crisis has led many grandparents to take on this role. Children who end up with the wrong informal carers may experience unfavourable treatment or neglect in comparison to the caregivers' biological children, be exploited for their labour, often as

¹ Pew Commission on Children in Foster Care, Press Release, 18 May 2004.

² "Fostering in crisis as children are left at risk in unsafe homes", The Guardian, 2 June 2001.

domestic workers, or sexually or physically abused – and have no place to turn. The lack of regulation of cross-border informal care is also of great concern, as evinced by the tragic death of Victoria Climbié, an Ivoirian girl living with her aunt in the UK, and the subsequent UK investigation into the matter and resulting changes to legislation.

4. **Over-use of residential care** - Because other options have not been developed, unnecessary over-use of residential placements is a common feature of out-of-home care throughout the world. Thus, for example: Research in Zimbabwe found that, while institutions in the country are running at over 100% occupancy, the majority of children do not need to be there – only 25% have no known relatives; 45% have at least a mother alive. Most children could be reintegrated into their families with good social work.”³ Similar findings have been reported from other African as well as Eastern European and Central Asian countries.
5. **Costs of and conditions in residential care** - The relatively high cost of providing suitable residential care is well-known. Recent data from Save the Children UK’s work in several East African countries found that it cost approximately 10 times more to provide institutional care as compared to family fostering; despite much the fact children to carer ratios were at least 4 x higher in the institutions. Not surprisingly, resources for residential care often fall far short of the required mark. Indeed, the many investigations undertaken world-wide have variously documented poor (sometimes inhuman) physical conditions, inadequate (sometimes life-threatening) nutrition, hygiene and health care, insufficient, unqualified and poorly-remunerated staff, abuse and exploitation, harsh discipline, no review of the appropriateness of the placement, little or no contact with the family or others, and no preparation for life outside.
6. **Poorly managed care systems** – A lack of resources, effective systems and qualified staff, sometimes exacerbated by the lack of clear underlying policies and regulations, also puts children at risk. Residential care services run either by for profit organisations or voluntary groups are often not regulated in any way by Governments, or operate without their knowledge. When placements are not reviewed regularly, children may be retained in residential or foster care unnecessarily. Permanency planning, to achieve reunification or an alternative stable family-based care solution for each child, is a vital element in ensuring that, once out-of-home care measures have been decided, they do not continue to be used unnecessarily or inappropriately. In many countries, there is no system in place at all to ensure such planning. Children in out-of-home care of whatever kind are likely to remain there come what may. Inadequacy or absence of permanency planning can thus have major negative effects for individual children, but also impacts significantly on the use of the limited resources and facilities available.
7. **Children and parents with no voice** - Very often, no mechanisms or processes are in place to enable the child and the family to participate systematically and effectively in decision-making about appropriate care options and the longer-term goal of a placement. Ensuring that children and their parents are consulted prior to and at all stages during out-of-home

³ Meeting on African Children Without Family Care, Windhoek, 30 November 2002, Final Report.

placements is fundamental to the protection of their rights and to the potential success of these placements.

8. **Lack of support to child-headed households** - Child-headed households are especially vulnerable to marginalisation, insecurity and exploitation. At the same time, they are numerically a major and growing care option, especially in countries most affected by HIV and by conflict. Not unexpectedly, the acceptability of such arrangements from a children's rights standpoint – and in particular the rights of the “responsible” child and the protection of girls – is the subject of debate. At the same time, there are increasing instances of this solution being promoted and supported as a form of alternative care, and it can correspond to the “least undesirable” care option in the eyes of the children themselves. As an official South African consultation has concluded, there appears to be general agreement that child-headed households “have the advantage of keeping siblings together and allow for the continuity of their relationship with the community”⁴ in situations where, for whatever reason, more appropriate formal placement options are not available. In this case, however, there is surely a need for their legal recognition “as a placement option for orphaned children in need of care”⁵ and consequently for provision to be made to ensure adequate supervision and support.
9. **Care for separated children abroad** - Increasing numbers of “separated children” – without their parents or their legal or customary primary caregiver – are moving across frontiers as asylum seekers, migrants and victims of trafficking. Expressions of concern over the treatment and care they receive in the country of destination – as well as in their country of origin in those cases where they are subsequently repatriated – have also been growing. The “care” of these children too often involves unwarranted deprivation of liberty, or placement in open facilities where conditions are inappropriate. These children frequently lack the guarantees and legal representation available to other children in the country concerned.

Conclusion

These many and complex risks need to be addressed systematically, and in every country. Noting the frequency with which they've needed to raise the issue of children without parental care in their Concluding Observations, the CRC Committee recommended last year that U.N. Guidelines be developed. UNICEF welcomes and supports this call for standards, as well as the recommendation of many interested groups that these be adopted at the level of the General Assembly. We hope that today's deliberations result in a wide recognition of this need and strong call for these standards. We also recognise that our discussions can provide a first round of inputs to help shape the guidelines, and including beginning to identify good practices which can inform the many hard questions we will all face in our efforts to improve the protection and care of children without parental care.

Thank you.

⁴ *Ibid.*

⁵ *Ibid.*