ALTERNATIVE CHILDCARE

Issue
Ethiopia is estimated to have a population of nearly 84 million inhabitants (CSA 2011 census extrapolated to 2012) of which more than 52 per cent is under the age of 18. The population is primarily rural with 82 per cent of the country residing in rural areas. Ethiopia has extensive levels of poverty and ranks 174th out of 187 in the 2011 Human Development Index.

In 2010 the Addis Ababa BOWCYA worked with Street Invest London to conduct a head count of street children and counted 10,706 children living in Addis Ababa's streets. The majority of these street children (67 per cent) were boys above the age of six.

The protection of children is crucial to their survival, health, and wellbeing. Unfortunately, thousands of children are exploited, abused and are victims of violence. Every day, children are forced to work on farms, on the streets, as prostitutes, casual workers or domestic help. Sexual exploitation, abuse and child trafficking are thought to be increasing, but reliable statistics are lacking.

Where extended families are unable to absorb children without parental care and in the absence of a formal system of family-based alternative care, an estimated 11,000 1children find themselves in child-care institutions. Institutional care has not only shown to be detrimental to cognitive, emotional and physical development, but the incidences of abuse and neglect are also high. Over 3,450 children were placed in inter-country adoption in 2011, which reflects the lowest annual number since 2007. Ethiopia has not ratified the Optional Protocols to the UN CRC2 or Hague Convention on Inter country Adoption (1993) and there is a lack of safeguards in the unregulated system.

National Strategy
Ethiopia has ratified the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child. The country is also a signatory to the African Union Social Policy Framework which has informed the development of a draft National Social Protection Policy (currently draft and submitted to the Council of Ministers for endorsement). The new Social Protection Policy reflects a major transformation in the way Ethiopian society cares for its most vulnerable, including children. As stated under the Social Protection Policy's Focus Area Four, the aim is to protect and care for those that lack the capacity to protect their rights before the law, specifically children, women, the elderly, and the disabled.

1 This figure should be updated when data analysis is completed of the assessment of child care institutions which is currently being conducted in all regions. Updated data expected by May 2013.

The Revised Family Code (RFC) of Ethiopia (2005) provides the framework for governance of both domestic and inter-country adoptions. The RFC captures a number of important issues including but not limited to: rights and responsibilities of parties in adoption proceedings, role of the court and other government and non-government actors, and guideline principles on the placement of children into domestic or inter-country adoption. However, the Revised Family Code barely addresses forms of alternative child care other than adoption, and even the provisions applicable to adoption are not fully aligned to recognized international and regional standards.

The National Alternative Child Care Guideline (2009) is the sole instrument to set minimum standards on alternative child care services. At the heart of the National Guidelines is a call for government to prevent unnecessary separation of children from their families by strengthening social services and social welfare and alternative care responses within the country. The National Guidelines acknowledge that some residential care will be needed for some children. However, the emphasis and priority is on developing and supporting family-based care alternatives. The Guideline particularly addresses the management and operation of alternative child care options including community-based child care, reunification and reintegration programs, foster care, adoption and institutional care. It sets minimum standards pertaining to issues of eligibility, recruitment, placement, assessment, and training, matching, and monitoring and reporting. The Ministry of Women, Children and Youth Affairs (MoWCYA) is entrusted with the responsibility to oversee the enforcement of the Alternative Child Care Guideline at national level. However, the Guideline does not effectively respond to the growing demand for comprehensive guiding standards and tools to ensure quality and standards of alternative care services. As a ‘guideline’ it lacks the legal authority to serve as a regulation with force of law to ensure adherence to the guideline and accountability of care givers.

Major administrative roles in the alternative child care system are fulfilled by the MoWCYA, the Federal First Instance Court (FFIC), and the Charities and Societies Agency (CHSA); their corresponding regional government sector bodies; by civil society alternative child care service providers such as community groups and parents; and by child care institutions and adoption services providers of the private sector. The MoWCYA system is multi-tiered, from the kebele level, to district, zone and regional levels, and finally the federal (national) level. The FFIC is the final adjudicator of adoption cases and examines – based on expert options submitted by the MoWCYA - issues pertaining to a child’s adoptability as well as the suitability of the adoptive applicants. The CHSA is an independent entity that licenses and monitors non-governmental institutions (charities and societies) managing and/or implementing alternative child care programs including child care institutions and adoption service provides.

The MoWCYA is currently leading efforts to strengthen alternative care in Ethiopia. At the policy level these include reform measures that are geared towards addressing some of the systemic and institutional loopholes in the practice of ICA, the development of a National Alternative Care Strategy to increase the use of community-based alternative care services for children without adequate parental care, and the development of Alternative Care Regulations and Service Standards to improve accountability of service providers, as well as the quality and effectiveness of alternative child care service provision.

As stated above, Ethiopia has not signed and acceded to the Hague Convention on ICA yet. As an initial step towards building a ‘Hague friendly’ or Hague aligned system, the GOE is preparing to conduct a Country Assessment to review the situation of inter-country adoption, and map out major areas of reform. These will include: (1) revision and adoption of necessary laws, (2) development of service and accreditation standards, and (3) establishment of an independent central authority to oversee alternative child care programs and processes including those for inter-country adoption. A steering committee composed of the MOWCYA, FFIC and CHSA has been formed to coordinate and lead the implementation of activities as per an agreed upon plan of action.

The Alternative Care Regulations will be drafted in accordance with the domestic legal framework and the mandate bestowed to the MoWCYA as per the enabling statute of the Ministry. They will be designed in such a way that establishment and operation of alternative child care programs is managed in a transparent, accountable and standardized manner. The Service Standards will be comprehensive and detailed enough to address specific technical issues and processes involved in the continuum of child care. They will cover technical procedures to be adhered to, including but not limited to minimum standards relating to eligibility, recruitment, placement, assessment, training, matching, supporting, supervision, and monitoring and reporting of alternative care services.

The three above described reform efforts (1. Country Assessment and establishment of an independent central authority; 2. Alternative Care Strategy development; 3. Alternative Care Regulations development) are strongly inter-linked and must be developed in close coordination with each other. This coordination will be ensured by the MOWCYA. It is expected that the Country Assessment and the Alternative Care regulations development will commence soon – before June 2013, while the development of a National Alternative Care Strategy will start in the beginning of the new Ethiopian Fiscal Year in July 2013.

In the meantime other interventions are already underway to set up an alternative care data management system, to prevent family separation and child abandonment by strengthening community care structures, and ensure the deinstitutionalization, family tracing and reunification of children. The MoWCYA is assisting its regional bureaus to assess the quality of care in child care institutions, close institutions that do not meet minimum standards, de-institutionalize children in the institutions which are being closed, expand family-based alternative care options, and conduct communication activities such as radio programmes to inform the public of the alternative care continuum and the importance of family-based alternative care options. And in collaboration with other sectors, programme efforts are made to develop a child-focused social welfare system which includes strengthening of child-friendly justice systems and processes and establishment of a social welfare workforce to coordinate services for children without adequate parental care.

UNICEF's contribution

The UNICEF vision and approach is to create a protective environment, where girls and boys are free from violence and exploitation, where laws and practices minimize children’s vulnerability and address known risk factors, and where children themselves are equipped to build their own resilience.

UNICEF is a key partner of the Ethiopian Government in matters pertaining to child protection policy and intervention development. UNICEF works directly with the Ministry of Women, Children and Youth Affairs to facilitate the strengthening of alternative care systems and structures to protect and care for children without adequate parental care. UNICEF works the Ministry of Justice, the Federal First Instance Court and the police to develop a child-friendly justice system. As inter-country adoption (ICA) involves several sectors, UNICEF’s partnerships to help strengthen ICA procedures and establish an independent central authority involve the MoWCYA, the FFIC and the Charities and Societies Agency. And through their partnership with the Ministry of Labour and Social Affairs, UNICEF is directly supporting the development of the new Social Protection Policy, and its implementation strategy.
Partnership Analysis
UNICEF works closely with other key partners engaged for the development of a child-friendly social protection system in Ethiopia. These partners include USAID, PACT, the Hague Secretariat responsible for the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry adoption, International Social Services-Geneva, the Better Care Network, and partners on the National Social Protection Platform such as the World Bank and Save the Children.

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