Guidelines for the Alternative Care of Children
Why Do We Need Guidelines?

- Guidelines intended to enhance the implementation of CRC regarding the protection and well-being of children who are deprived of parental care or who are at risk of being so.

- Sets out desirable orientations for policy and practice, in particular for governments.

- Focus on supporting efforts to keep children in, or return them to the care of their family.

- Focus on having recourse to alternative care only when it is really needed and only in suitable forms that promote the child’s wellbeing.
Developing the Guidelines (1)

- UNICEF/ISS briefed the CRC Committee on the need for international standards (2004)
- CRC Committee ‘Decision’ calling for Guidelines to be developed (2004)
- CRC Committee’s Discussion Day recommended expert meeting to prepare draft (2005)
- NGO Working Group set up, keeping CRC Committee informed and seeking its inputs and prepared preliminary draft (2006)
- Brazilian Government hosted expert meeting (Brasilia, 2006)
- Series of expert consultations between 2006-2009
- Guidelines takes account of these and other suggestions
- Cooperative efforts to secure approval by UNGA spearheaded by Government of Brazil & Group of Friends
A resolution “welcoming” the Guidelines for the Alternative Care of Children was adopted by full consensus by the UN General Assembly on 20 November 2009, in connection with the 20th anniversary of the UNCRC.

Resolution encourages States to take the Guidelines into account and to bring them to the attention of relevant bodies.

Requests UN Secretary General to disseminate Guidelines.
The ‘necessity principle’ in the Guidelines

- Discouraging unwarranted recourse to alternative care by:
  - Consulting with family and child
  - Upgrading family support and family reintegration
  - Preventing avoidable relinquishment
  - Stopping unwarranted removal
  - Addressing negative societal factors
  - Ensuring effective gate-keeping
  - Regulating private care providers

Source: Guidelines for the Alternative Care of Children, Paras. 32-56
The ‘appropriateness principle’ in the Guidelines

- ‘Appropriate/Suitable conditions’ of alternative care
  - Does the care option meet certain general standards?
    - Human resources
    - Access to basic services
    - Contact with parents/family
    - Protection from violence/exploitation
  - Does the care option meet the specific needs of the child concerned?
    - Case-by-case basis
    - Catering to his/her characteristics and situation
    - Promoting appropriate long-term stable solution(s)

Source: Guidelines for the Alternative Care of Children
Forms of Alternative Care (formal and informal)

- **Kinship care**: family-based care within the child’s extended family or with close friends of the family known to the child, whether formal or informal in nature.

- **Foster care**: situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children’s own family, that has been selected, qualified, approved and supervised for providing such care.

- **Other forms of family-based or family-like care placements**.

- **Residential care**: care provided in any non-family based group setting, such as places of safety for emergency care, transit centres in emergency situations, and all other short and long-term residential care facilities including group homes.

- **Supervised independent living arrangements for children**.

Source: Guidelines for the Alternative Care of Children, Para. 6
“Use of residential care should be limited to cases where such a setting is specifically appropriate, necessary and constructive for the individual child concerned and in his/her best interests.”  (Para. 21)

“In accordance with the predominant opinion of experts, alternative care for young children, especially those under the age of 3 years, should be provided in family-based settings. Exceptions to this principle may be warranted in order to prevent the separation of siblings and in cases where the placement is of an emergency nature or is for the a predetermined and very limited duration, with planned family reintegration or other appropriate long-term care solution as its outcome.”  (Para. 22)

Emergency situation: “use residential care only as temporary measure until family-based care can be developed.”  (Para. 154c)

Source: Guidelines for the Alternative Care of Children
Implementation Examples

- **Namibia**: The Ministry of Gender Equality and Child Welfare, referenced the (draft) Guidelines during the drafting process of the 2009 “Minimum Standards for Residential Care Facilities in Namibia”

- **Chile**: The nationally implemented SENAMA programme, which is committed to deinstitutionalization and family-based care, is modeled after the (draft) Guidelines

- **UN Committee on the Rights of the Child**: Guidelines are being used for developing and industrialised countries in concluding observations

- **Translations and Regional Guidance**

- **Haiti Earthquake Response**: Guidelines used for advocacy and policy positions during the immediate aftermath of the Haiti earthquake (NGO WG & German Govt)

- Guidelines can serve as an advocacy tool and inspiration for developing policies. In some countries, the situation is so dire that we haven’t reached a point that the Guidelines are relevant…
Implementation Examples

- **Namibia**: The Ministry of Gender Equality and Child Welfare, referenced the (draft) Guidelines during the drafting process of the 2009 “Minimum Standards for Residential Care Facilities in Namibia”

- **Chile**: The nationally implemented SENAMA programme, which is committed to deinstitutionalization and family-based care, is modeled after the (draft) Guidelines

- **UN Committee on the Rights of the Child**: Guidelines are being used for developing and industrialised countries in concluding observations

- **Translations and Regional Guidance**

- **Haiti Earthquake Response**: Guidelines used for advocacy and policy positions during the immediate aftermath of the Haiti earthquake (NGO WG & German Govt)

- Guidelines can serve as an advocacy tool and inspiration for developing policies. In some countries, the situation is so dire that we haven’t reached a point that the Guidelines are relevant…
Next Steps…

- **Targeted and Ongoing Dissemination:**
  - Regional and country-level awareness raising events, trainings and workshops for government officials, child welfare practitioners, NGOs, FBOs and other key stakeholders
  - Media and radio messaging
  - Partner with children and parents

- **Coordination**
  - Harmonize and partner with key stakeholders to disseminate and implement Guidelines