

## Written submission from Hope and Homes for Children to the UN Convention on the Rights of the Child Day of General Discussion: "Children's Rights and Alternative Care"

### About us

Hope and Homes for Children's<sup>1</sup> mission is to be the catalyst for the elimination of institutionalisation of children across the world. We work together with governments, civil society organisations, funders and in partnership with children, their families and communities to develop institution-free child protection systems. We achieve this by strengthening child protection mechanisms, building the capacity of local professionals, developing services to support all families and providing family-based alternatives for children who cannot remain with their own parents. Hope and Homes for Children recognises that there is no limited concept of family, and understands that different types of family ties exist. We also work with governments and civil society to influence policy and legislation to protect and promote children's rights.

### Towards a global vision for care reform

Over the last decade, there has been significant progress internationally towards care reform as well as an evolving understanding of the concept and its importance in delivering the 'leave no one behind' commitments in the SDGs.

Key milestones include the Guidelines for the Alternative Care of Children in 2009 (A/RES/64/142), which brought the first in-depth explanation of the relevant articles of the CRC; the 2019 UN General Assembly resolution on the rights of the child (A/RES/74/133) which prioritised prevention and endorsed family and community based care over institutions; the 2019 Human Rights Council resolution on Empowering Children with Disabilities for the Enjoyment of their Human Rights, including through Inclusive Education (A/HRC/40/27), which spoke about the need to create inclusive education for all children to create inclusive societies; and the UN Global Study on Children Deprived of Liberty, which detailed the human rights violations in institutions for children, including deprivation of liberty and in certain cases torture.

At Hope and Homes for Children, we know from our work in 4 continents and the work of many other organisations and governments around the world that care reform is possible and achievable<sup>2</sup>.

---

<sup>1</sup> An NGO in special consultative status with ECOSOC United Nations since 2019, registered in the EU transparency register (N° 035163533684-92) and participatory status with the Council of Europe and the Conference of INGOs.

<sup>2</sup> <https://www.hopeandhomes.org/wp-content/uploads/2021/01/Beyond-Institutional-Care-A-roadmap-for-child-protection-and-care-system-reform-for-governments-in-Latin-America-and-the-Caribbean-Hope-and-Homes-for-Children-2020.pdf>

#### Head office:

Hope and Homes for Children  
East Clyffe, Salisbury, Wiltshire SP3 4LZ, UK

#### London office:

Hope and Homes for Children  
CAN Mezzanine, 32-36 Loman Street  
London SE1 0EH, UK

T +44 (0)1722 790111

E [info@hopeandhomes.org](mailto:info@hopeandhomes.org)  
[www.hopeandhomes.org](http://www.hopeandhomes.org)

*The Key Recommendations for the 2019 UNGA Resolution on the Rights of the Child,*<sup>3</sup> with a focus on children without parental care, detailed civil society's ambitious agenda for care reform. This document was endorsed by over 200 civil society organisations from around the world, and we commend it to the Committee.

Unfortunately, in many countries domestic implementation still lags behind while the COVID-19 pandemic risks putting the clock back on care reform and ultimately increasing the number of children in institutions or at risk of being institutionalised.

Furthermore, States party to UN Human Rights Treaties and child-focused agencies working on the ground experience confusion and a lack of orientation related to the rights of children in alternative care due to the competing and sometimes even conflicting guidance from the UN Treaty Body System (UNTBS), in the form of general comments and concluding observations. There is urgent need for enhanced coherence and collaboration to secure the progress made and effectively support marginalised children around the world. The Day of General Discussion represents an opportunity for the UNTBS to speak in one voice to States offering unified, contemporary, and compelling guidance for ministries, human rights institutes, donors and civil society on the ultimate goal of care reform and the best process to achieve it, with a renewed urgency given the challenges exposed by the pandemic.

Whilst it is increasingly clear that successful care reform also unlocks some of the hardest to reach SDGs, the issue remains side-lined in global initiatives which are intended to tackle poverty, grow economies and build community resilience including as a response to the pandemic. The DGD on Child Rights and Alternative Care, by asserting the importance of this issue can also be a stepping stone towards the proactive inclusion of the care reform agenda in future global initiatives.

Our submission focuses on these themes:

1. The impact of COVID-19
2. Build back better – support children, families and communities
3. Care reform and the 2030 Agenda
4. Our recommendations for the future

---

<sup>3</sup> <https://bettercarenetwork.org/sites/default/files/2019-12/17%20December%202019%20Key%20Recommendations%20for%20UNGA%20Final.pdf>

**Head office:**

Hope and Homes for Children  
East Clyffe, Salisbury, Wiltshire SP3 4LZ, UK

**London office:**

Hope and Homes for Children  
CAN Mezzanine, 32-36 Loman Street  
London SE1 0EH, UK

T +44 (0)1722 790111

E [info@hopeandhomes.org](mailto:info@hopeandhomes.org)  
[www.hopeandhomes.org](http://www.hopeandhomes.org)

## 1. The impact of COVID-19

The evidence from around the world is clear. The COVID-19 pandemic is having a dramatic impact on the most vulnerable children and families, exposing and compounding structural weaknesses of child protection and welfare systems. The pandemic sent child protection systems in many countries into either overly protective or rushed deinstitutionalisation modes. Trends that have been observed include: an increase in family separation (including due to orphanhood); family breakdown due to poverty (secondary impact of the pandemic); lockdown further isolating institutions from their communities; children being sent home from orphanages without preparation; and recourse to residential care as a blanket solution after the immediate crisis is over.

Many countries are still experiencing enormous challenges because of the pandemic. Despite progress in certain countries with vaccination, children and their families continue to witness stressful, traumatic situations and avoidable loss of life and livelihoods. In communities already coping with very weak social protection and welfare systems, vulnerable children and families at risk of separation have felt the full force of the crisis and now find it harder than ever to meet their basic needs.

Even before the pandemic, children living outside families and in institutions constituted one of the most vulnerable and left behind groups of society. Children with disabilities, children from ethnic minorities and indigenous children are particularly at risk of family separation and institutionalisation. When placed in institutions, they are exposed to a system that is utterly inadequate to meet their individual needs and systematically violates their rights – out of sight and segregated from the society. When they reach adulthood and exit care, without a family environment or support network to rely on, they experience further inequality and disadvantage.

The COVID-19 crisis has further aggravated this situation. Children living in large-scale residential facilities, children with disabilities or underlying health conditions and staff in institutions have been disproportionately affected<sup>4</sup>. In the early stages of the crisis governments did not recognise or list social workers, child protection officers, and care givers as essential service providers<sup>5</sup>. Generalised restrictions of movements to control the spread of the pandemic led to a reduction in the carer-child ratio and hence compromise quality of care and poor safeguarding and monitoring of institutionalised children. There have been reports of sudden closures of some institutions and the expedited removal of children

---

<sup>4</sup> <https://www.hopeandhomes.org/wp-content/uploads/2016/12/Final-Lockdown-diaries-Childrens-response-to-COVID19.pdf>

<sup>5</sup> COVID-19: Call to action to protect vulnerable families and children in alternative care across Europe, [https://www.hopeandhomes.org/wp-content/uploads/2020/07/Covid-19\\_European\\_CTA-v7.pdf](https://www.hopeandhomes.org/wp-content/uploads/2020/07/Covid-19_European_CTA-v7.pdf). See also COVID-19: Action for Children Without Parental Care in Africa, [https://www.hopeandhomes.org/wp-content/uploads/2021/02/TAA-Call-to-action-report\\_V2.pdf](https://www.hopeandhomes.org/wp-content/uploads/2021/02/TAA-Call-to-action-report_V2.pdf).

**Head office:**

Hope and Homes for Children  
East Clyffe, Salisbury, Wiltshire SP3 4LZ, UK

**London office:**

Hope and Homes for Children  
CAN Mezzanine, 32-36 Loman Street  
London SE1 0EH, UK

T +44 (0)1722 790111

E [info@hopeandhomes.org](mailto:info@hopeandhomes.org)  
[www.hopeandhomes.org](http://www.hopeandhomes.org)

within them in order to prevent the spread of COVID-19<sup>6</sup>. These closures were often taken without the necessary steps of assessment, preparation, support and monitoring.

The lack of available support to care leavers makes them even more vulnerable to homelessness, exploitation and falling into negative behaviours as coping mechanisms.

## 2. Build back better – support children, families and communities

The heart of any child protection system lies in the way in which every individual child is cared for, particularly those furthest behind. In recent years, countries around the world have been taking innovative steps to transform their own systems of care, reallocating existing resources and demonstrating how, with the right support, locally nurtured solutions and careful planning, the most vulnerable children can be cared for in families with better outcomes for children and society as a whole. Without dedicated action, COVID-19 puts this progress in jeopardy.

A harsh reality of this pandemic, the scale of which is just starting to become clear, is that many children will be orphaned. Previous pandemics such as HIV-AIDS or Ebola led to an increase in construction of orphanages and large waves of children being institutionalised. It is imperative that the same trend, which can take many years to rectify, is not allowed to take root again.

The world that can be built after COVID-19 does not have to make the same mistakes, now more than ever. Governments need guidance to fulfil their human rights obligations and protect children in, or at risk of entering, alternative care in the context of the pandemic.

Countries should pre-emptively scale up their capacity to collect data on their care systems and provide family-based care. No new cases of long-term institutionalisation should result from the pandemic. New institutions should not be built. Family strengthening and family-based alternatives care provision must be prioritised.

Placing care reform at the centre of current efforts to respond to and recover from the pandemic, recognises that strengthening the capabilities of families and communities to care for their children and young people in loving, nurturing, and protective environments builds resilience to current and future crises.

---

<sup>6</sup> Disability rights during the pandemic A global report on findings of the COVID-19 Disability Rights Monitor, <https://covid-drm.org/assets/documents/Disability-Rights-During-the-Pandemic-report-web.pdf>

**Head office:**

Hope and Homes for Children  
East Clyffe, Salisbury, Wiltshire SP3 4LZ, UK

**London office:**

Hope and Homes for Children  
CAN Mezzanine, 32-36 Loman Street  
London SE1 0EH, UK

T +44 (0)1722 790111

E [info@hopeandhomes.org](mailto:info@hopeandhomes.org)  
[www.hopeandhomes.org](http://www.hopeandhomes.org)

### 3. Care reform and the 2030 Agenda

Global care reform, via the transition from institutions to family and community-based care, is also intrinsically connected with the implementation of the 2030 Agenda. There are clear interlinkages between care reform and some of the key development priorities at the heart of the SDGs, including poverty, education, health, disability, violence against children, and gender.

Failure to achieve progress in these areas constitutes a key driver of family separation and institutionalisation, which in turn provides very poor outcomes for children across a wide range of child developmental indicators. Conversely by delivering successful care reform, children grow up as stronger individuals within supported and resilient families and communities – the very foundation of sustainable societies. Children are provided with a nurturing environment for the full realisation of their rights and capabilities, which in turn delivers better outcomes in education, health and wellbeing. In later life it leads to decent work, better income and economic growth, reducing the transmission of poverty from one generation to the next.

The elimination of institutionalisation of children is not only a human rights imperative: it is also a strategic lever to achieve wider system strengthening. Systematically targeting institutions provides a valuable entry point to understand the nature, location and mix of services needed in each context to best support children and their families, providing services specifically tailored to their individualised needs and wishes. It allows governments to reach a segment of the population that is experiencing some of the most extreme and compounded vulnerabilities, thus effectively implementing the principle of ‘leave no one behind’.

Ultimately, eradicating institutions and pursuing care reform eliminates the trade-off between children’s right to family life and their right to an adequate standard of living, health, education, protection from violence and abuse, etc., empowering the most left-behind communities and supporting full implementation of the SDGs.

Yet, children living outside families and in institutions risk missing out on the implementation of the 2030 Agenda. This is because current data collection methods, targets and indicators used to measure whether the SDGs have been reached mainly rely on households, and therefore are not inclusive of these children or their carers. Data disaggregation by care-giving setting/living arrangement is key to tracking progress for all children, particularly regarding Goals 1, 3, 4, 8, 10 and 16.

By allowing the global development system to continue to ignore the needs of children in care, many of them will continue to fall through the cracks and remain susceptible to violations of their human rights. Children in care must be considered as a critical vulnerable group in the current framework, as well as in the next development framework after 2030.

**Head office:**

Hope and Homes for Children  
East Clyffe, Salisbury, Wiltshire SP3 4LZ, UK

**London office:**

Hope and Homes for Children  
CAN Mezzanine, 32–36 Loman Street  
London SE1 0EH, UK

T +44 (0)1722 790111

E [info@hopeandhomes.org](mailto:info@hopeandhomes.org)  
[www.hopeandhomes.org](http://www.hopeandhomes.org)

#### 4. Our recommendations

The pandemic is leading many to think creatively about how we should rebuild our societies in a way which promotes equity and places higher value on care, protection and public service. No child should be left behind in the process. The planning for the recovery from COVID-19 should be a catalyst to build and fund stronger child protection and care systems.

These are our key recommendations for governments, stakeholders, donors and UN Treaty Bodies:

- a. Recognise institutionalisation as a harmful practice that incentivises the separation of children from their parents, caregivers and communities. Put in place implementation action plans for the 2019 UNGA Resolution on the Rights of the Child. Develop national action plans and regional or global initiatives for the transformation of care systems and issue appropriate legislation to bring about commitments in a planned, responsible and adequately resourced manner.
- b. Ensure that all children currently institutionalised are reunited with existing family or found safe and nurturing families.
- c. Tackle the root causes of child-family separation by investing in support to families in need or struggling economically, the development of community-based services, and promote national adoption, foster care and community support structures.
- d. Use recovery and reconstruction resources to build stronger, safer, sustainable child protection and care systems without institutional models of care. Support the development of a valued, trained, qualified, accredited, mandated and supported social service workforce to work directly with children and families and to oversee the quality of care provided. Strengthen and build community-based child protection systems that have the capacity to assess the unique needs of vulnerable children and families, determine the best interests of the child, and make referrals to local resources (formal or informal), programmes and services.
- e. Ensure meaningful participation of children without parental or family care and care-leavers in decisions or policies pertaining to their care.
- f. Ensure and pledge that no national or international funding mechanisms can be used to support institutionalisation.
- g. Allocate or refocus existing funds to promote a transformation of the child protection and care system to one that supports families, not institutions. Create and support initiatives that prevent the proliferation of institutions by tackling orphanage tourism, voluntourism and public donations - including through raising public awareness of alternatives. Make connections with modern slavery or anti-trafficking legislation where appropriate.

**Head office:**

Hope and Homes for Children  
East Clyffe, Salisbury, Wiltshire SP3 4LZ, UK

**London office:**

Hope and Homes for Children  
CAN Mezzanine, 32-36 Loman Street  
London SE1 0EH, UK

T +44 (0)1722 790111

E [info@hopeandhomes.org](mailto:info@hopeandhomes.org)  
[www.hopeandhomes.org](http://www.hopeandhomes.org)



hope and homes  
for children

- h. Recognise the importance of data collection, monitoring and reporting about children's care status, family environment and the proliferation of institutions for children. Understand the data and report how many children currently live in institutions in each country, including private and un-registered facilities. Co-operate to improve and share data collection methodologies. Provide technical and financial support to national statistical authorities to develop indicators and methodology to accurately capture this information in census processes. Ensure that children housed in institutions and all other forms of care are mainstreamed into the SDGs indicators and data collection systems.
- i. Ensure the UN Treaty Body System speaks with one voice to States offering unified, contemporary and compelling guidance for ministries, human rights institutes, donors and civil society, on what is care reform and what it should achieve. In addition to unified language in concluding observations, this should take the form of an appropriate guidance document, such as a General Comment.

Date of this submission: 29 June 2021

Contact: Michela Costa, Director of Global and EU Advocacy: [michela.costa@hopeandhomes.org](mailto:michela.costa@hopeandhomes.org)

**Head office:**

Hope and Homes for Children  
East Clyffe, Salisbury, Wiltshire SP3 4LZ, UK

**London office:**

Hope and Homes for Children  
CAN Mezzanine, 32-36 Loman Street  
London SE1 0EH, UK

T +44 (0)1722 790111

E [info@hopeandhomes.org](mailto:info@hopeandhomes.org)  
[www.hopeandhomes.org](http://www.hopeandhomes.org)