

Children's Rights and Alternative Care

Submission prepared by the

**International Movement
All Together in Dignity – ATD Fourth World**

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The International Movement All Together in Dignity - ATD Fourth World (ATDFW) is a network of 200 community groups in some 40 countries in all regions of the world, which work in partnership with people living in extreme poverty on a long-term basis.

Although children around the world end up in alternative care in very different contexts, this submission is focused on the alternative care measures experienced by children and their families – sometimes over generations – within the context of child protection policies in some European countries and Canada.¹

This quote from a mother in Belgium illustrates the experiences of many of the people in poverty with whom ATDFW is in direct contact:

“ When I was a child, I myself was placed in an institution. There, I had the impression that my father and mother had abandoned me. I started rebelling and running away and was not up to anything good, because my parents weren't there. It's horrible for a child to be separated from his parents.

Now it's my father and mother that keep me going. Because I have to fight a long battle to get my child back since in turn my son was placed in a foster home.

When I see my son in care, it's like me when I was a child; he's going through the same pain I went through. And I am experiencing the same suffering that my parents experienced when I was in care.

Every time my son tells me: ‘I want to come back. Mom, you're a nothing, you're doing nothing to take me back;’ it hurts.”²

1 ATD has projects in 12 European countries (Belgium, Bulgaria, France, Germany, Ireland, Italy, Luxembourg, Poland, Spain, Switzerland, the Netherlands, the United Kingdom) as well as in the USA and in Canada. In all 14 countries, the population involved - members and networks of friends - includes a large number of families, adults and children who have an experience with the child protection system in their country. They were in care in their childhood or have children in the care systems.

2 Statement by an ATDFW activist at the Geneva Open Forum for the 30th Anniversary of the CRC, 19 November 2019. For full statement, see <https://nextcloud.atd-quartmonde.org/index.php/s/x4jcBYxcgdzMGpY>

Some lessons learned

Many of the reforms that are needed in the delivery of child protection measures are well-known and well-documented.

Strengthening and improving the support to vulnerable families

There is increasing attention to the need to strengthen the support to families before alternative care is proposed, to parents when separation has taken place, and to care leavers in the long term in order to reach autonomy. For example, the three-year study “The challenges of child protection in Geneva”³ by the Geneva Council concluded in 2020 with a key commitment: *“the development of alternatives to placement and the strengthening of support for parents.”* Likewise, the recent report by the Special Commission on the Rights of the Child and the Protection of Young People in Quebec, Canada, puts forward 15 recommendations, one of which is to increase the support offered to vulnerable families through easily accessible services that work hand-in-hand with all local actors, including community organizations. The report further recognized that its recommendations needed to be implemented in coordination with broader anti-poverty programmes.⁴

Maintaining family ties

Particularly disturbing are alternative care measures which place children outside their own country, leading to a loss of contact with their families and even of their language. This practice was recently raised by parents in Luxembourg, whose children had been placed in Germany, in a dialogue with the United Nations Special Rapporteur on Extreme Poverty and Human Rights in April 2021.

Likewise, the separation of siblings continues to be a frequent practice due to a lack of national legal provisions, practical management policies, or a lack of awareness of the extent of the harm caused. With the support of civil society organisations, Keeping Siblings Together became the law in April 2021 in Belgium. And the Dutch Parliament passed a motion to keep siblings together in out-of-home care, which hopefully will become law in 2023. In the meantime, the University of Amsterdam is doing further research on how siblings are affected by separation to provide additional evidence-based recommendations⁵.

Gathering improved data and developing poverty-aware practices

In order to address the lack of appropriate data to inform improvements in alternative care services, the DataCare Project⁶ was launched by Eurochild and UNICEF in March 2020. The project aims to carry out a comprehensive mapping of child protection data systems across the 27 Member States of the EU and the UK. This project will inform EU efforts to agree on comparable benchmarks and indicators to monitor progress in child protection reforms across Europe.

In keeping with the recognition that more longitudinal research is needed on how well public institutions are working in the best interest of the child, a group of Canadian

3 <https://ge.ch/grandconseil/data/texte/RD01364.pdf>

4 Government of Quebec, *Instaurer une société bienveillante pour nos enfants et nos jeunes, Résumé du rapport de la Commission spéciale sur les droits des enfants et la protection de la jeunesse*, April 2021, p. 25. See <https://www.csdepi.gouv.qc.ca/accueil/>

5 www.sos-childrensvillages.org/news/new-laws-to-keep-siblings-together-advance

6 www.eurochild.org/initiative/datacare/

academics carried out a study entitled “Youth leaving care, residential stability and instability and homelessness, which revealed “the importance of assisting the most vulnerable youth as they prepare to leave care, along with supporting the transition of vulnerable youth to autonomy, to prevent the emergence of homelessness among youth who experience instability.”⁷

Because of the recognised over-representation of children from poverty backgrounds in alternative care, new steps towards “poverty proofing” and “poverty aware practices” need to be mainstreamed. UN Member States together with all stakeholders (including children and parents) should identify “poverty aware” practice guidelines to assist professionals working within the child protection system. Professionals and volunteers need to develop an informed understanding of the multidimensional nature of poverty and its impact on family life.⁸ This should allow experimentation on new ways to proactively support children and families in ways that are empowering.

Reclaiming a collective and personal care history

During the UK-led hubs in preparation for the Day of General Discussion, young people with a direct alternative care experience underlined the disempowerment they feel when they discover that considerable academic work and literature exists on alternative care and its impact on their future lives. They had an « All this about us without us » feeling. Members of the UK Reclaim Care network have launched a Reclaim Our History project to share the available knowledge with young people in alternative care or just leaving it.⁹

Children and parents should also have access to the personal records which are impacting directly their lives, if they wish to see them and the request is age-appropriate.

Learning from the impacts of the COVID-19 crisis

The responses to the pandemic have had profound impacts on the child protection systems and the management of alternative care measures by the professionals involved.¹⁰ At many levels, additional risks occurred (protection and Human Rights gaps – see ATDFW UK evidence¹¹ on virtual contact visits and remote family court proceedings, child -parents & social isolation, school dropouts...) and practices were challenged (children even more cut off from their families – See ATDFW records from Switzerland¹² or Luxembourg¹³).

Innovation and solidarity initiatives also took place between staff, foster parents, children and parents to maintain bonds when physical meetings were restricted. Some practices regarding remote contacts, that previously were impossible, were tested and improved for the benefit of children and parents. The responses to this crisis provide some useful lessons for all stakeholders when considering future practices in child protection.

7 <http://edjep.ca/wp-content/uploads/2019/11/Please-click-here-for-the-report.pdf>

8 See www.atd-fourthworld.org/unveiling-the-hidden-dimensions-of-poverty/ for the research on the Hidden Dimensions of Poverty carried out by ATDFW and Oxford University, which identified social and institutional maltreatment as two core dimensions.

9 <https://reclaimcare.wixsite.com/reclaimcare/>

10 Covid 19 civil society responses : At European level, see the [European Expert Group on the transition from institutional to community-based care](#); at global level, see the MOOC initiative: [Child Protection Case Management post COVID-19?](#)

11 <https://committees.parliament.uk/writtenevidence/9209/html/>

12 More testimonies in French are available here: www.atd-quartmonde.ch/chronique-v-leloignement-entre-enfants-et-parents/

13 www.atd-quartmonde.org/rater-un-temps-precieux-de-presence-avec-son-enfant/

Inspiring practices

Peer support and advocacy initiatives

In countries where child protection policies have been in place for decades, gradually peer support groups for children, care leavers and parents are starting to function with greater frequency. In Europe, national or European networks of young people in care or care leavers are developing, both independently of large state-funded organisations and charities as well as part of these bodies. Part of their work is directly focused on the provision and delivery of the rights put forth in the CRC.¹⁴

Some of these networks have been organising an annual Care Day for the last six years. A collective of nine global "voice of care" organisations¹⁵ worked together in 2021 to promote conversations about young people defying the odds and succeeding in their own right.¹⁶

The International Parent Advocacy Network is connecting national organisations empowering parents impacted by the child protection systems so that their voices are heard and their rights protected. An initial toolkit¹⁷ has been developed that includes information and resources for parent advocates and their allies around the world, so that parent groups can learn from each other's experiences. Supporting this Parent Advocacy approach is a long-term, sustainable investment that would help parents and their children better navigate the system. Peer support and networking help parents work more effectively and efficiently with professionals, reduces the need for children to be taken into the care system¹⁸ and creates better outcomes for children.

These children, youth or parent networks are paramount for improving national child protection systems, by influencing the significant power imbalance that exists in favor of the legal and social work institutions and state agencies, and moving from an approach that feels judging and confrontational to families to one built on cooperation and a recognition of their aspirations.

Long-lasting structured dialogues – Agora (Belgium)

In Belgium, ATDFW and the Mouvement Lutte solidarité travail support a project under the name of Agora, which is hosted by the Child Protection Authority of the French Community of Belgium. Initiated in 1998, Agora¹⁹ is an ongoing structured dialogue programme on issues surrounding alternative care and support interventions aimed at children, young people and their families. Group meetings are held regularly and involve administrative staff of the Child Protection Authority (Administration générale de l'aide à la jeunesse), field workers and service-users accompanied by anti-poverty organisations.²⁰

Some of the latest public results of this collaboration are a kit entitled Families in Poverty –

14 www.epiconline.ie in Ireland, www.careleavernetwork.eu at European level.

15 including EPIC in Ireland, VOYPIC in Northern Ireland, Who Cares? Scotland, Become in the UK, Voices from Care in Wales, FEPA in Spain, FICE in Croatia, Voyce in New Zealand and CREATE in Australia

16 www.awarenessdays.com/awareness-days-calendar/care-day-2021/

17 <https://toolkit.parentadvocacy.net/>

18 In New York (USA) it has contributed to a decrease from 50,000 children in care to 10,000. See International Parent Advocacy Network - www.parentadvocacy.net

19 The Belgium anti-poverty agency (Service de lutte contre la pauvreté, la précarité et l'exclusion sociale) emphasizes the value of the Agora group's work not only in terms of content, but also in terms of working method – "the most far-reaching experience of dialogue" of all those who participate. In the words of one member, "I don't think these things can be easily reproduced, but the scheme shows that new ways of approaching problems are possible."

20 Contact: agora@cfwb.be

Support the Ties in Cases of Separation²¹ and a report²² about the transparency and the accessibility of professional reports and note for service users, parents and children.

Maintaining family bonds and preparing the return home

On the basis of the knowledge gathered by the civil society stakeholders involved in the Agora project mentioned above, ATDFW Belgium began an experiment entitled "**A time for us.**" This pilot project aims to enable parents with children in alternative care to spend a weekend together every six weeks, without the control of child protection agencies. Parents involved in the design of the project were very insistent that these weekends remain a time for relaxation and freedom. The current phase of the project is gaining the agreement of all stakeholders – including the professionals from the local child protection agency. The project's charter clearly states that the weekends will be a moment enabling the creation of common memories, outside of any institutional framework, but accompanied and supported by ATDFW. (No publication so far.)

A second promising project is "**Recovering my child**"²³ in Poland. For the past 12 years, the Polish Foundation for support to families, "Necklace" (Fundacja Wspierania Rodzin Korale²⁴) has run a two-year reintegration programme with groups of parents. The "Recovering my child" programme supports the return of children from alternative care to the family environment or in certain circumstances works to prevent their removal from their families. It includes preparing parents for the programme, building individual plans with parents, offering peer group work and individual work (parenting skills, family meetings, therapy...), and supporting parents in legal procedures and court hearings.

Co-training of adults (professional/parents) and children (when appropriate)

"It's been an eye opener about how our position as social workers is viewed by service users. The power we possess can make or break them."

A social worker (UK)

ATDFW in France, Belgium, UK and Ireland have been involved in using "merging of knowledge approaches"²⁵ with social workers. The ATDFW UK project "**Our Right to Family Life**"²⁶ brings families living in poverty together with academics and social work practitioners through a series of platforms for dialogue that reflect the needs and concerns of families in poverty while exploring innovative new ideas and proposals for change coming from those working in the child protection system. Such processes can involve various stakeholders - children and young people, parents, practitioners, law makers, and academics – in order to help all stakeholders better identify the various dimensions of the best interest of the child in the context of child protection systems as well as to improve family support and alternative care measures, especially in situations where families are struggling against poverty.

The new EU Child Guarantee: a game changer in 27 CRC countries?

The adoption of the recommendation²⁷ on the European Child Guarantee²⁷ on the 14th of June 2021 by the 27 EU member states marks an historic step in the EU's efforts to ensure the rights of children are protected and promoted. Nevertheless, there are still

21 www.mouvement-1st.org/2016-01-25_video_familles_pauvres_soutenir_lien_separation.html

22 report in French www.luttepauvrete.be/publications/Agora_transparence_ecrits_2017.pdf – see also a video about this issue here www.youtube.com/watch?v=dIEk2F-YosU

23 www.atdireland.ie/wp/wp-content/uploads/2018/02/BOOKLET-best-practices-EN.pdf

24 <https://fundacijakorale.org/>

25 www.atd-quartmonde.fr/wp-content/uploads/2008/05/Booklet-The-merging-of-knowledge-english.pdf

26 <https://atd-uk.org/projects-campaigns/social-work-training-programme/>

27 <https://data.consilium.europa.eu/doc/document/ST-9106-2021-INIT/en/pdf>

concerns that the Child Guarantee framework will not prevent new developments in harmful institutional care provisions.²⁸

Over the next nine months (July 2021 – March 2022), EU member states are expected to develop national implementation plans, drawing on the knowledge and expertise of civil society organisations working with and for children and families at local and national levels. An important task of the coming years will be to monitor Child Guarantee measures aimed at preventing separation and reaching better outcomes for children and their families.

Summary of recommendations to the CRC

On the basis of the contents of this submission, we recommend that the Committee on the Rights of the Child review the way Member States:

- Support and promote the organisation and development of independent networks of children in care, care leavers and parents, focused on the realisation of child rights, peer support and the improvement of prevention, delivery and monitoring of alternative care measures.
- Support structured long-term dialogue, collaboration and partnership between these networks and the networks of stakeholders involved in delivery and assessment of alternative care (academics and researchers, professionals, children rights and family lawyers, civil servants of local authorities and state agencies).
- Introduce poverty aware/poverty informed practices in the full chain of child protection interventions (parenting skill sharing, family support, care measures and alternatives, support to parents separated from their children and to care-leavers).
- Develop and support poverty aware/poverty informed training for stakeholders involved in child protection interventions based on participatory approaches involving care leavers and parents with experience of poverty and child protection intervention. A better understanding of the key dimensions of the experience of poverty should become part of the training curriculum of all stakeholders involved in the prevention, implementation and management of alternative care measures.
- Assess the difficulties in limiting the length of alternative care measures and mitigate them with appropriate programmes (support to parents, innovations to maintain family bonds and contacts).
- Monitor the path of children in alternative care and create transparency and accessible information for children and parents²⁹ :
- Assess the impact of emergency responses to the Covid-19 crisis on the bonds between children and their parents and develop new practices to reinforce these paramount connections.
- For the EU countries, monitor the impact of the new EU Child Guarantee on innovation in the prevention of family separation.

28 <https://socialeurope.eu/child-guarantee-for-most-but-not-all>

29 **This monitoring could include scrutiny on :**

- the length of placement outside the family
- stability and numbers of changes in placement over the years
- the number and quality of contacts between children and their parents, and conditions of these contacts set by authorities
- the means and efforts made towards family reunification
- the roles and empowerment of the children and biological family along the road
- the path after care provisions and outcomes for adults on the long-term.