**Submission: Alternative Care and Children's Rights**

Family is the most fundamental component of any society. Article 23 of the International Covenant on Civil and Political Rights mentions that the family is the natural and basic unit of society. The state has to protect the family from any dangers that may disintegrate it, especially children because they are the most vulnerable. The state may intervene to protect the child from violence, abuse, neglect, or any other threats to his safety, and it does not conflict with the child's best interests. However, the state has no right to deprive a child of his family except for the aforementioned reasons. Children may be deprived of their families due to armed conflicts, wars, natural disasters, or family disintegration for any reasons that prevent children from being with their parents. In this case, the state must protect the child in a manner that preserves his best interests, by securing alternative care for him, whether this care is formal through government institutions; or informal by granting some individuals and private institutions the right to adopt these children[[1]](#footnote-1).

**Maat for Peace** praises the Committee on the Rights of the Child’s decision to dedicate 16 and17 September 2021 as a day of general discussion on "alternative care and children's rights". This topic was not previously addressed by the Committee in its general discussions, despite its importance to hundreds of thousands of children around the world[[2]](#footnote-2). Accordingly, this intervention focuses on child rights, alternative care and highlights the alternative care is a mechanism to combat the worst forms of child labor. Given that the year 2021 will be the International Year for the Elimination of Child Labor with about 160 million child laborers, most of them work in hazardous conditions. In the second part of the intervention, we discuss some of the innovative practices to promote family unity and prevent disintegration, enhance good alternative care, the transition from alternative care to independent living, and the processes of leaving institutions as its cons outweigh the pros for children at an early age[[3]](#footnote-3). The intervention does not deviate from the framework outlined by the Guidelines for the Alternative Care of Children approved by the United Nations General Assembly on December 18, 2009.

**Alternative care as a mechanism to combat child labor**

Whether alternative care is provided formally through government institutions, or informally through community adoption by private individuals, or individuals related to civil institutions, in both cases such care is necessary to prevent child labor at a young age. Alternative care system can prevent children from engaging in the worst forms of illegal work. Unaccompanied, separated children, street children, orphaned, and homeless children[[4]](#footnote-4) are the most likely to engage in hazardous labor, joining criminal networks to beg or be exploited by these networks to engage in prostitution and commercial sexual exploitation, which may arise to human trafficking[[5]](#footnote-5). These practices are inconsistent with the child's best interests provided for in Article 3 of the 1989 Convention on the Child Rights[[6]](#footnote-6).Over 90% of separated, unaccompanied, homeless, and street children are engaged in some form of the worst labor. Over 90% of separated, unaccompanied, homeless, and street children are engaged in some form of the worst labor. According to the classification of the International Labor Organization in Convention No. 182 of 1999 on the Prohibition and Immediate Elimination of the Worst Forms of Work, nine out of every ten children who do not have a family and not covered by family care, are involved in this dangerous work, which amounts to contemporary slavery and forced labor.[[7]](#footnote-7)

States parties to the Convention on the Child Rights may avoid children's engagement in such practices by developing an updated database. It includes unaccompanied, separated children, the homeless and street children, and their placement in alternative care institutions, whether formal or informal. It thus avoids the resorting of these children to the worst forms of work and the practice of work that may have an impact on these children. In Egypt, for example, smugglers facilitate the travel procedures for some children to European countries in partnership with criminal mafias in these countries to sexually exploit children. An example of this is the unaccompanied, separated Egyptian children, in 2018 about 930 children and traveled to Italy[[8]](#footnote-8). They worked for about 2 euros per day in prostitution through criminal networks that exploit these children once they arrive in Italy in agreement with smugglers in Egypt[[9]](#footnote-9). If there is a database of these children, tracing them back to their families, or leaving them in an alternative care home, they would not have fallen victim to exploitation by these smugglers.

That is what the Egyptian government is currently working on. It has resorted to some practices to track the impact of the displaced and separated from their families. It intends at the end of June 2021 to launch the platform of the missing[[10]](#footnote-10), which is an electronic application that enables the citizen to report cases of child kidnapping by criminal groups, or homeless children exploitation in a way that may offend the child and violates all the rights guaranteed to him under international and regional instruments and treaties[[11]](#footnote-11).

In this context, Maat believes that the phenomenon of child exploitation in the worst forms of work, including commercial sexual exploitation and human trafficking, is linked to the countries of destination and transit to which unaccompanied and separated children and children that have lost their way in their countries resort. They resort to other countries either in search of work and the money needed to survive, escape armed conflicts, or natural disasters in their country of origin. Therefore, it is recommended that these countries include immigrant and refugee children in their alternative care system, as they apply to children who hold the country's nationality. Maat considers the need to attach special importance to this issue of providing refugee-hosting countries with a similar system of alternative care for refugee and asylum-seeking children.

Another evidence of the importance of alternative care in combating child labor is the internal conflicts and civil wars that some countries in the Middle East are witnessing. These countries no longer have any specific systems or policies for adoption or alternative care because of the conflict. In these countries, there are hundreds of thousands of children working in dangerous conditions. Most of these children, who have lost their families, are exploited by armed groups, and are recruited to fight or help young fighters in those groups. On this basis, state parties to the Convention on the Rights of the Child are required to integrate children into the alternative care system, whether at the national or local level; under the Convention articles, the Guidelines for the Alternative Care of Children, and all relevant international and regional instruments and treaties.

Both those unaccompanied and separated children, street children, and homeless children, whether they are children who hold the state nationality, refugee and asylum-seeking children, or children who immigrate illegally and have not obtained legal residence in the country of destination. Children who do not have a state nationality and a child with a nationality should be treated equally in alternative care systems. That is according to the principle of non-discrimination contained in international human rights law.

**Innovative practices to promote family unity, transition from alternative care to independent living and formal institutionalization exit processes.**

As stated in the Guidelines of the Alternative Care of Children, separating a child from his family should be the last resort of the state, and it should be temporary and for a specific period. On this basis, the party entrusted with the care of the child whose family decided to abandon him must be aware of the main reasons for this abandonment[[12]](#footnote-12). Some families may be forced to abandon their children because of poverty, as they no longer bear the expenses of a child who needs a lot of care. In this case, it is possible to intervene with comprehensive protection programs that include monthly expenses for the child's family. The need for financial support is a reason for the child's loss of his family[[13]](#footnote-13).

The majority of educational experts believe that the basic assumption of strategies to prevent family disintegration is the possibility of intervention with appropriate support to overcome the obstacles that may disintegrate the family. These include alleviating poverty through some cash assistance, home visiting programs, and training programs in positive discipline and parenting skills. These factors can stabilize the family, make it safe for children, and prevent separation from his parents.

In a situation where conflicts between parents are exacerbated in the home, children are exposed to risks. Among them is the possibility of escaping from home or resorting to illegal means to not think about these differences. In these cases, the state must intervene to prevent the aggravation of these disputes. It may lead to the separation of the child from his parents permanently. In this context, some countries have implemented similar programs, such as the Kingdom of Morocco. It considered the family mediation program; as an alternative mechanism for resolving family disputes away from the judiciary; by adopting the principle of dialogue and negotiation; to build and restore family ties. That contributes to maintaining the cohesion of families and protecting them from disintegration and spreading the culture of dialogue within the family, as a protection for the child, before it is a protection for the spouses. The family mediation program aims to maintain family cohesion and social stability. In addition to the involvement of civil society, non-governmental organizations in an active role in this program reject differences and activate the values ​​of understanding and discussion between spouses[[14]](#footnote-14).

In Egypt, too, some initiatives have played a decisive role in ending family disputes and preventing family disintegration and the separation of children. Among these initiatives is the "Reunion" initiative, an initiative launched by the Egyptian Al-Azhar Foundation. It aims to settle family disputes and reduce parental separation. This initiative was present in all Egyptian governorates, with 27 headquarters. While its supervisors were 54, and 270 preachers deal with it, an average of 10 preachers in each governorate. It resulted in ending 23,000 family disputes out of 25,000. It is equivalent to 95% of the disputes[[15]](#footnote-15). The initiative is a practical application of the text of Paragraph 34 of the Guidelines for the Alternative Care of Children. That refers to the need to mobilize the complementary capacities of the state and civil society, including NGOs, community-based organizations, and religious leaders, to prevent family disintegration and ensure the care and protection of children.

**Transitioning from institutional care to alternative family care: policies and legislation**

Child rights experts report that institutional care can cause damage to a child's physical, intellectual and emotional development. With children under the age of three at particular risk, in line with the guidelines for the alternative care of children, it includes the need to give importance to the non-institutionalization of alternative care where possible[[16]](#footnote-16). In the same context, some countries have adopted policies and legislation to implement this principle. In Egypt, the National Strategy for the Alternative Care of Children and Youth (2021-2030) was launched on April 21, 2021, in partnership with the United Nations Children's Fund (UNICEF). This strategy included seven main goals. These goals include developing the legislative system in line with the guidelines for the alternative care of children, developing an informational knowledge structure for the alternative care system for children and youth, and creating a general societal climate for the principle of integrating children and youth; in addition to promoting the principles of participation and governance in the development, implementation, and follow-up of the national strategy and its implementation plan. And include supporting the ability of families to provide better care for children and youth, strengthening the capacity of the alternative care system for children and young people to provide better care and protection. Finally, providing sufficient certified human cadres willing to work in family support and alternative care for children and youth[[17]](#footnote-17). In the same context, Egypt launched the "A family for every child" campaign; in cooperation with Save the Children. It is a campaign that aims to ensure that there are no children in health offices or alternative care homes affiliated with the Ministry of Solidarity and that these children are reintegrated into alternative families[[18]](#footnote-18).

In June 2020, Egypt introduced new amendments to the executive regulations of Child Law No. 12 of 1996 as amended by Law No. 126 of 2008. The amendments aim to facilitate the process of adopting and fostering children. The most important of these articles is Article 90, which stipulates the method of sponsoring children. That by applying for sponsorship by the family who wants to adopts a child. The family applied on the website of the Egyptian Ministry of Social Solidarity. These requests are recorded in a special register. Then the Ministry entrusts it to the directorate in which the foster family, association, or civil institution resides[[19]](#footnote-19).

Article 99 reduced the amount that the foster family deposited in the bank for the child's account. Its value before the amendments was 5,000 pounds, but according to the amendments, the amount was 3,000 pounds. It was placed in the child's account in one of the state's government banks (Nasser Social Bank). It is not permissible to spend from this amount except after the approval of the Higher Committee for alternative foster families. The amendments also included changing the age of spouses in foster families to 21 years instead of 25 years. They are obtaining educational guardianship and the full guardianship of the child after passing an assessment from the Ministry of Social Solidarity. According to NGO reports, the amendments resulted in a growing demand for child sponsorship. From June 2020 to August, the Ministry of Social Solidarity received 1,000 sponsorship requests from alternative families. That means the success of these legal amendments in facilitating the sponsorship process, to put an end to the institutionalization of alternative care for the realization of children's rights[[20]](#footnote-20).

**Recommendations:**

* The member states of the Convention on the Rights of the Child must include separated, unaccompanied refugee and asylum-seeking children in an alternative care system similar to the one applied to children of nationalities.
* Particular importance should be given to the need for regular and ongoing review of any child moving to alternative family care. A child's transfer to alternative family care does not mean that his or her best interests have been achieved.
* Expanding innovative practices aimed at tracing homeless, street children, and missing persons from their families in a way that may expedite their return to their families again.
1. تشمل "مصالح الطفل الفضلى" سلامة الطفل الجسدية والعاطفية "رفاهية الطفل" بالإضافة إلى حقه في النمو السليم. ويرتبط النمو السليم للطفل بما يقدمه لـه الوالدان وغيرهما من الكبار من توجيـه وإرشاد لازمين. [↑](#footnote-ref-1)
2. 2021 Day of General Discussion Children’s Rights and Alternative Care Guidelines on participation and submissions: Available at the following link: <https://bit.ly/2STw4eC> [↑](#footnote-ref-2)
3. Ibid, page 3 [↑](#footnote-ref-3)
4. الأطفال غير المصحوبين والمنفصلين عن ذويهم الأطفال غير المصحوبين هم أشخاص دون سن الرشد القانوني وليسوا بصحبة شخص بالغ، بموجب القانون أو العرف، مسؤول عن القيام بذلك، مثل الآباء أو الأوصياء أو مقدمي الرعاية الأساسيين. [↑](#footnote-ref-4)
5. تقرير مفوض الأمم المتحدة السامي لشئون اللاجئين، والمسائل المتصلة باللاجئين والعائدين والمشردين داخليا والمسائل الإنسانية، ص3، على الرابط التالي: <https://bit.ly/3zQvv5K> [↑](#footnote-ref-5)
6. اتفاقية حقوق الطفل، المادة 3، على الرابط التالي: <https://bit.ly/3qmHXpv> [↑](#footnote-ref-6)
7. اتفاقية منظمة العمل الدولية رقم 182 لعام 1999، المادة 3، على الرابط التالي: <https://bit.ly/3wWSvhC> [↑](#footnote-ref-7)
8. 2018 Findings on the Worst Forms of Child Labor: Egypt, Page 2, Available at the following link: <https://bit.ly/3qajNi2> [↑](#footnote-ref-8)
9. «المصريين في أوروبا»: أطفال مصريون في إيطاليا يمارسون «الدعارة» بـ2 يورو، المصري اليوم، 13 مايو 2017، علي الرابط التالي: <https://bit.ly/3qaA6LN> [↑](#footnote-ref-9)
10. وزيرة التضامن لـ"البوابة نيوز": إطلاق منصة المفقودين نهاية يونيو الجاري، البوابة نيوز، 12 يونيو 2021، علي الرابط التالي: <https://bit.ly/3d7vjWd> [↑](#footnote-ref-10)
11. مدير أطفال بلا مأوى: تعاملنا مع 18 ألف وضعية في الشارع.. والكبار أصعب، الوطن، 3 يونيو 2021، علي الرابط التالي: <https://bit.ly/3gW7C49> [↑](#footnote-ref-11)
12. Guidelines for the Alternative Care of Children, page 4, Available at the following link: <https://undocs.org/en/A/RES/64/142> [↑](#footnote-ref-12)
13. Ibid [↑](#footnote-ref-13)
14. برنامج الوساطة الأسرية، وزارة التضامن الاجتماعي المملكة المغربية، للمزيد على الرابط التالي: <https://bit.ly/3gQM4FS> [↑](#footnote-ref-14)
15. "لم الشمل".. مبادرة الأزهر تنهي 23 ألف خلاف أسري في مصر، سكاي نيوز عربية، 12 فبراير 2021، على الرابط التالي: <https://bit.ly/3zUIovQ> [↑](#footnote-ref-15)
16. The Risk of Harm to Young Children in Institutional Care, Save The Children, Page 15, Available at the following link: <https://bit.ly/3gSE5JX> [↑](#footnote-ref-16)
17. وزيرة التضامن الاجتماعي تطلق الاستراتيجية الوطنية للرعاية البديلة للأطفال والشباب في مصر، الهيئة العامة للاستعلامات، 11 أبريل 2021، على الرابط التالي: <https://bit.ly/2UmYa1Y> [↑](#footnote-ref-17)
18. احتفالية إطلاق حملة أسرة لكل طفل، وزارة التضامن الاجتماعي، 22 أكتوبر 2019، على الرابط التالي: <https://bit.ly/3gWRpvp> [↑](#footnote-ref-18)
19. تعديل بعض أحكام اللائحة التنفيذية لقانون الطفل بالقرار 1143 لسنة 2020، الجريدة الرسمية (العدد23 مكرر) 9 يونيو 2020، على الرابط التالي: <https://bit.ly/2SnonwX> [↑](#footnote-ref-19)
20. “التضامن”: تلقينا أكبر عدد لطلبات كفالة الأطفال في تاريخ مصر خلال 4 أشهر فقط (تفاصيل)، القاهرة 24، 14 أكتوبر 2020، على الرابط التالي: <https://bit.ly/35LHjs7> [↑](#footnote-ref-20)