

Child and family

NEWSLETTER

2011

Promote and protect all human rights, civil, political, economic, social and cultural rights, including the right to development

Mobilization of the community and the entire family of the child



USAID
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EveryChild.

We communicate because we work in a team, for a common objective

The residential system reform in the Republic of Moldova comes to answer an essential need of the child – that of growing up in a family, near the child's parents, siblings, grandparents. A joint effort in this sense is the currently running project providing technical assistance to the Government of the Republic of Moldova – "Ensuring the right of the child to a family, and his protection against violence, abuse, and neglect", financially supported by USAID and implemented by EveryChild Moldova in partnership with the Ministry of Labour, Social Protection, and Family, and the Ministry of Education.

The change involves several levels – from national policies to community actions, and you will be able to follow the

radiography of change via this newsletter.

We will speak about figures and facts, old and new attitudes, results and problems, to make sure that all actors involved in the change have something to say and show. We communicate, because we work in a team and we follow the same objective – a better life for every child in the Republic of Moldova, including children who are today separated from their families, who live separated from the community, stuck in residential institutions.

Any reform is a complex process that arises not just enthusiasm about attaining the proposed objective, but also reactions of resisting the change. Creating new attitudes, in the spirit of new approaches to childcare, of new social policies, is a sure way for any actor involved in

the Change to come out of the Reform process as a winner.

This newsletter is a support rendering new attitudes, new vision, new professional mentality.

The newsletter contains an important international document for the system of child care and protection – **UN Guidelines for the Alternative Care of Children**, adopted recently by the UN General Assembly. This document brings new standards in the system of childcare – standards that any specialist in the area should know and refer to. Publishing the UN guidelines in this newsletter is our contribution to the promotion of this document of major importance, to get the Republic of Moldova one step closer to the European standards.

Anatol MĂMĂLIĞĂ,
PR Manager "EveryChild Moldova"



Copilul și familia

Newsletter edited by EveryChild Moldova

Editor: Anatol Mamaliga

Contribution: Natalia Porubin

Design and Production: „Realitatea Media”

Address: 75 M. Kogălniceanu St., of.3 and 7. Chisinau, MD-2009;

Phone: +373 22 238669

Email: office@everychild.md

www.everychild.md

Ensuring the right of the child to a family, and his protection against violence, abuse, and neglect

THE REFORM'S SUCCESS CAN BE ENSURED
BY SUSTAINABLE PARTNERSHIPS AT VARIOUS LEVELS

Since September 2010, EveryChild Moldova implements in the Republic of Moldova a vast technical assistance USAID-funded project "Ensuring the right of the child to a family, and his protection against violence, abuse, and neglect". The main partners of the Project are the Ministry of Labour, Social Protection and Family, the Ministry of Education, and Local Councils in three pilot regions: Ungheni, Falesti, and Calarasi. The Project will last till 2013.



Stela GRIGORAȘ,
EveryChild Moldova Country Director

The Project comes to provide technical assistance to central and local authorities of the Republic of Moldova, in the consolidation of the childcare system, so as to comprehensively address the needs of vulnerable children and their families. It will also assist the Government in applying duties and responsibilities of adequate care and protection of vulnerable children, in line with the UN Guidelines for the Alternative Care of Children (GACC).

Thus, the main project objective is that by July 2013, the social protection system in three pilot areas – Ungheni, Falesti, and Calarasi – apply a complex approach of meeting the needs of vulnerable children and their families, through qualitative social services at community level, and through systems preventing child separation from family and ensuring the protection of children lacking parental care, from violence, abuse, neglect, and exploitation.

Obviously, such an objective can be reached in tight partnership with the Ministry of Education, Ministry of Labour, Social Protection, and Family, and with raion councils of Ungheni, Falesti, and Calarasi.

While selecting the three pilot-regions, the geographic factor was considered – the regions are situated close to each other. This allows an efficient transfer of knowledge and exchange of experience between the regions. In a long-term perspective, the geographic factor could favour the development of joint projects of regional services development, like, for example, a rehabilitation centre for victims of human trafficking or a centre for the prevention of child abandonment at birth, or other specialized social services.

Since the very beginning, we set out to include into the reform process all 7 residential institutions existing in the pilot regions. Only in this way can we ensure that there is no flux of children migrating from one residential institution to another. To ensure the success of this reform, it is absolutely important that we cover the whole range of social services at raion level, and pilot a system of integrated social services that will further be taken over and implemented in other raions.

The partnership that has been created at central level with the branch ministries is encouraging. The ministries showed their openness to collaborate with the civil society in the area of social protection of the child and the family. It is important that these joint efforts materialize in the development and implementation of child-friendly state policies.

We greet the initiative of local public authorities involved into the reform process, as they are aware of its importance. Now it is very important that a partnership between local LPAs and NGOs is created – these NGOs have extraordinary capacity to make important achievements with limited resources.

Sustainable partnerships at various levels can ensure the success of the reform of a system that needs to protect every child in our country.

EveryChild.

As a result of the Project implementation, about 100000 vulnerable children in the Republic of Moldova will benefit of increased access to qualitative social assistance services.

In the same time, in the communities of Calarasi, Falesti, and Ungheni raions, systems for the prevention and protection of children against separation from family, violence, abuse, neglect, and exploitation will be created, ensuring the support and protection of about 5000 children.



Mihail ŞLEAHIŢCHI,
Minister of Education

Priority: prevention of child separation from family

The residential system reform in the Republic of Moldova is among highest priority actions in the system of education.

The Ministry of Education gives priority to the contribution of various actors in the prevention of child's separation and development of alternatives to residential care. A special role here belongs to the promotion of partnerships and international and national good practices in the childcare system reform.

Thus, the activity of the Ministry of Education has been targeted at the improvement of legislation in child and family protection, in line with the European policies; ensuring the child's and family's access to community social services; increasing the professionalism of the practitioners; retargeting of financial resources from the residential system to community based social services; monitoring the child and family protection system, etc.

To ensure the protection of the rights of children and to improve the quality of their lives, the Ministry of Education implements the National Strategy and Actions Plan of the residential childcare system reform for years 2007-2012, that has the objectives:

- **By 2012, reduce by 50% the number of children separated from family environment;**
- **Reorganize all residential institutions, in line with the general plan of transformation.**

Due to the policies and the legal framework in deinstitutionalization, promoted by the Ministry, due to the development of social services by the Ministry of Labour, Social Protection, and Family, with the support of UNICEF and in collaboration with the Local Public Authorities and NGOs active in the area, the **number of children placed in residential institutions subordinated to the Ministry of Education, has reduced by 40%.**

The Ministry of Education will continue taking action for the implementation of the national plans in the residential care reform, transforming the institutions. At the same time, it will develop a more diversified set of community social assistance services for children in difficulty.



Valentina BULIGA,
Minister of Labour,
Social Protection and Family:

It's our duty to provide these children with new community-based services

A modern practice in Social Assistance is to be preventive, not reactive, coming to support the family and the child in difficulty.

The institution of the family has been badly affected within recent years by poverty, unemployment, migration, etc. The family values have disappeared in some places, and this caused the placement of a big number of children into residential care. Once the reform process started, with the reorganization of the residential system, the state has taken responsibility to provide these children with new services, replacing the old system and promoting social inclusion and the children's reintegration into the society.

Social policies promoted in this area are based on the assessment of the child's individual needs, seeking individual solution for the child in difficulty. Social carers work for the timely identification of vulnerable children and families, so that the interventions are rather preventive, than reactive. These changes will facilitate the approach to child protection at an early stage – that is, preventively. This can be achieved both, supporting the parents to find employment, and giving them possibility to access short-term social benefits, helping the family to overcome the situation of difficulty and preventing the children's institutionalization.

An important role in the application of modern practices of social assistance in Moldova belongs to the community social workers, who, collaborating with local authorities, the family doctors, district police, school administrations, can and should interfere to help vulnerable families overcome critical situations in their lives. In the context, very important is the role of community social services that provide support to the elderly, to children, and to persons with disabilities.





The Steering Committee created at national level coordinates the activities and supervises the implementation of the Project “Ensuring the right of the child to a family, and his protection against violence, abuse, neglect, and exploitation”. The Committee meets at least once in every quarter.

The Project Steering Committee had its first meeting

Representatives of the Ministry of Labour, Social Protection, and Family, the Ministry of Education, the Ministry of Finance, Ministry of health, Ministry of the Interior, General Prosecution Office, and local public authorities of the three pilot raions of the Project, as well as representatives of the civil society, the academic environment, and the Project’s experts participated in the Steering Committee meeting.

At the first meeting of the Committee, **Viorica Dumbraveanu, Head of the Department of Family and Child’s Rights Protection of the Ministry of Labour, Social Protection, and Family**, said that the the Committee was instituted at the republican level, in order to ensure efficient coordination of the activities and to supervise the process of project implementation, but also to coordinate the cooperation between the stakeholders, approve quarterly and annual work plans of the Project, identify and recommend solutions regarding existing and potential sensitive issues of the Project implementation, including challenges at local level. Another goal of the Committee is to provide all necessary support to achieve successful implementation of the Project.

The Project aims to reorganize 7 residential institutions in 3 raions, build capacities of circa 1100 specialists, in the development of an integrated social services system for children and their families, focusing on the prevention of

the child’s separation from family and on the protection of the children lacking parental care. These activities will include child participation, as platform in the process of policy development, monitoring and evaluation. It is also expected that about 5000 vulnerable children and their families from the mentioned three raions gain access to quality family support and substitute social services.

“At the national level, the project will mainly work to consolidate the national child protection system, to ensure the development and improvement of social and educational policies aimed at the prevention of the child separation from family, and schools and community inclusion of the children who are still in residential care. **Policies and practices of the protection of children lacking parental care will be adjusted to the standards outlined in the UN Guidelines for Alternative Care of Children, recently approved by the UN General Assembly**”, said Stela Grigoras, EveryChild Moldova country director.

The local partners of the Project, namely, depute presidents of Ungheni, Falesti, and Calarasi raions, in charge with social care issues, presented the existing situation of the child protection family, and expressed the willingness of local public authorities to continue supporting the residential system reform.



Ludmila GUZUN,
Depute president of Ungheni
Raion Council

Two residential institutions are included into the reorganization process in Ungheni: the auxiliary school for children with special educational needs of Sculeni village, that is due to be reorganized by December 2012, and the Residential school for orphans and children left without parental care of Ungheni town, planned to be reorganized by June 2011.

”About 85% of children from Sculeni, and 70% from Ungheni residential schools do not need special training in a residential facility. Great injustice has been made to these children, as they were forced to live in an environment that is hostile to their harmonious development”.

Ludmila GUZUN,
Depute president
of Ungheni Raion Council

The evaluation has demonstrated: 85% si 75% of children from two residential schools do not need specialized residential education

The process of evaluation of children from the mentioned two residential institutions revealed the fact that a big number of children were enrolled into both institutions without following due procedures. Thus, about 85% of children from Sculeni and 70% of those from Ungheni residential school do not need specialized education! The vast majority of the children from these institutions had necessary skills and abilities to attend mainstream school. Great injustice was committed against these children, as they were forced to live in an environment that is hostile to their harmonious development. In the same time, the annual expenses of the state, necessary for maintaining these residential institutions, amounted to over 7 million lei.

INDIVIDUAL SOLUTIONS FOR EVERY CHILD

It is very important that the reform project initiated by EveryChild Moldova in partnership with the Government of the Republic of Moldova results in these children's coming back to family environment that suits them best. In cases when a child's integration into biological or extended family was not possible, alternative services were considered – placement into a foster care family, family-type home, guardianship, etc.

SOCIAL SERVICES STRATEGY DEVELOPED

Further development of an integrated child-and-family-in-difficulty oriented social services system is one of the priorities of local public authorities. In this sense, the Raion Council recently approved the “Social Services Strategy”, a document developed with the support of EveryChild Moldova.

CLOSING UNGHENI RESIDENTIAL SCHOOL IN SUMMER 2011

The experts of the project concluded the evaluation of the children from Ungheni residential school. There are currently 112 institutionalized children, of whom 17 will leave school this year. Since

June 01, 22 children will be reintegrated into the biological family, 2 – into the biological family, 4 children will be placed into foster care, and alternative solutions will be identified for the remaining cases. As preventive measure, 7 children will be provided alternative care solutions, as their family reintegration is impossible. We plan to close the residential institution on July 01, 2011.

THE STAFF OF THE RESIDENTIAL INSTITUTIONS ARE INVOLVED INTO SOCIAL SERVICES PROVISION

An important aspect of this reform is the involvement of the residential schools staff. Whereas in the beginning, the teaching staff and educators were resisting change, after a number of trainings, they accepted the idea that they should become partners in meeting the child's best interest – the right to a family. The staff of the two residential institutions will be involved in the delivery of certain social services.

Ungheni local authorities became convinced that the residential system reform brings benefit not only to children, but to the entire society. Children's long-term institutionalization and their isolation from the rest of the society breeds only dependent persons who rely their whole lives on social benefits.

To make sure that the residential care system reform brings results, we intend to perform the following steps: in immediate perspective, create and extend social services for the child and the family in difficulty: family-type homes, foster care, family support. Besides, the local public authorities of Ungheni district intend to create a temporary placement centre, offer social apartments to risk categories, organize psychological counseling centre for parents. The building of the residential school will be included in the process of educational system optimization, to ensure its efficient use.



Iraida BÂNZARI,
Depute president
of Falesti raion Council

„We will do everything possible, to make sure that every child lives in best conditions”

FALESTI RAION COUNCIL SUPPORTS THE REFORM OF RESIDENTIAL INSTITUTIONS AND TENDS TO ENSURE EVERY CHILD’S RIGHT TO A FAMILY.

A child who for a long time has lived outside the family environment, away from the social reality, will feel the consequences of it all his life. He isn’t able to cope independently, and, in the end, becomes burden for the society. Being aware of this reality, the raion Council of Falesti supports the residential institutions reform and tends to ensure every child’s right to a family.

POVERTY IN THE FAMILY – THE MAIN REASON OF INSTITUTIONALIZATION

The main reason why the children are placed into residential care is financial problems faced by the family. We found that in many cases the parents did not know the specifics of these institutions, that is, they did not know that they, in fact, are for children with mental disabilities. Thus, it turned in many cases that absolutely sound children were placed in these institutions.

THE AUXILIARY SCHOOL OF ALBINET WAS CLOSED

In February 2010, Falesti raion Council approved the decision of closing Albinetul Vechi residential auxiliary school. It was only the beginning, and at that moment we were not aware yet of all risks and problems that the institution closure may cause. We are very glad that this decision coincided with the launch of EveryChild Moldova’s project, and our pledge was supported by experts in the area, while the reform started to go more smoothly and efficiently.

RIGHT TO A FAMILY

Of 82 children placed in residential auxiliary institutions, 41 were successfully reintegrated into biological families, extended families, or placed in alternative care – family-type home or foster care.

THE REFORM IS IN FULL PROCESS IN SOCII NOI

Another residential institution involved into the reform process is Socii Noi auxiliary school, where there are 27 children at the moment. Specialists work with these children, preparing them for reintegration or other forms of care.

In January 2011, the assessment of Falesti residential school started, aimed at deinstitutionalizing the children.

We intend to assess all children in residential institutions and their families in the coming period, to identify the best solutions for each separate case. It should be mentioned that there is no way that reintegration is operated for the sake of reintegration. We will insist and do everything possible that every child had is provided the best conditions.

50% OF THE SOCIAL SERVICES BUDGET IN FALESTI RAION USED TO BE ALLOCATED TO MAINTAIN JUST 3 RESIDENTIAL INSTITUTIONS

Before 2010, three residential institutions worked in Falesti. These are: two auxiliary schools, supported by raion budget, and one residential school that is on the balance of the Ministry of Education.

To maintain these residential facilities, the raion used to spend about 6 mln lei annually. To compare, the whole social services system in the raion used to be allocated 12 mln lei! As it can be seen, the auxiliary schools, where children used to grow up in an environment hostile to their normal development, gulped enormous amounts from the raion budget.

TRAININGS FOR MANAGERS IN CHILDREN’S SOCIAL INCLUSION

Since 2010, all managers of secondary educational institutions in Falesti raion were trained in the matter of school inclusion of children with special needs, focusing on children from residential auxiliary schools.

NEW: SUPPORT TEACHING STAFF RESPONSIBLE FOR THE CHILDREN’S INCLUSION

Besides, the positions of support teaching staff and key-persons in charge with child inclusion were instituted.

Another achievement of the project is the training of decision-makers, practitioners, and community social workers, in the development and delivery of social services for children.

The Children’s Counselling Board was created in Falesti raion, and its members were trained in the issue of child’s rights protection. The Board includes children living in various areas of the raion, and coming from various social environments.



UNITED NATIONS ORGANIZATION,
General Assembly of 15th June 2009
Council for the Rights of the Child. Session XI

Promote and protect all human rights, civil, political, economic, social and cultural rights, including the right to development

Angola, Argentina, Austria *, Belarus *, Bolivia (multi State), Brazil, Chad *, Chile, Colombia * Costa Rica * Dominican Republic * Ecuador * Egypt, Guatemala *, Honduras *, Italy, Lebanon * Mexico, Monaco *, Morocco *, Netherlands, New Zealand *, Nicaragua, Palestine * Panama * Peru *, Philippines, Portugal * Russian Federation, Slovakia, Somalia *, Switzerland, Ukraine, Uruguay.

The General Assembly,

Reaffirming the Universal Declaration of Human Rights and the Convention on the Rights of the Child, and celebrating the twentieth anniversary of the Convention in 2009,

Reaffirming also all previous resolutions on the rights of the child of the Human Rights Council, the Commission on Human Rights and the General Assembly, the most recent being Council resolutions 7/29 of 28 March 2008, 9/13 of 24 September 2008 and 10/8 of 26 March 2009 and Assembly resolution 63/241 of 24 December 2008,

Considering that the Guidelines for the Alternative Care of Children, the text of which is annexed to the present resolution, set out desirable orientations for policy and practice with the intention of enhancing the implementation of the Convention on the Rights of the Child and of relevant provisions of other

international instruments regarding the protection and well-being of children deprived of parental care or who are at risk of being so,

1. Welcomes the Guidelines for the Alternative Care of Children, as contained in the annex to the present resolution, as a set of orientations to help to inform policy and practice;

2. Encourages States to take the Guidelines into account and to bring them to the attention of the relevant executive, legislative and judiciary bodies of government, human rights defenders and lawyers, the media and the public in general;

3. Requests the Secretary-General, within existing resources, to take steps to disseminate the Guidelines in all the official languages of the United Nations, including by transmitting them to all Member States, regional commissions and relevant intergovernmental and non-governmental organizations.

GUIDELINES FOR THE ALTERNATIVE CARE OF CHILDREN

I. PURPOSE

1. The present Guidelines are intended to enhance the implementation of the Convention on the Rights of the Child² and of relevant provisions of other international instruments regarding the protection and well-being of children who are deprived of parental care or who are at risk of being so.

2. Against the background of these international instruments and taking account of the developing body of knowledge and experience in this sphere, the Guidelines set out desirable orientations for policy and practice. They are designed for wide dissemination among all sectors directly or indirectly concerned with issues relating to alternative care, and seek in particular:

(a) To support efforts to keep children in, or return them to, the care of their family or, failing this, to find another appropriate and permanent solution, including adoption and kafala of Islamic law;

(b) To ensure that, while such permanent solutions are being sought, or in cases where they are not possible or are not in the best interests of the child, the most suitable forms of alternative care are identified and provided, under conditions that promote the child's full and harmonious development;

(c) To assist and encourage Governments to better implement their responsibilities and obligations in these respects, bearing in mind the economic, social and cultural conditions prevailing in each State; and

(d) To guide policies, decisions and activities of all concerned with social protection and child welfare in both the public and the private sectors, including civil society.

II. GENERAL PRINCIPLES AND PERSPECTIVES

A. The child and the family

3. The family being the fundamental group of society and the natural environment for the growth, well-being and protection of children, efforts should primarily be directed to enabling the child to remain in or return to the care of

his/her parents, or when appropriate, other close family members. The State should ensure that families have access to forms of support in the caregiving role.

4. Every child and young person should live in a supportive, protective and caring environment that promotes his/her full potential. Children with inadequate or no parental care are at special risk of being denied such a nurturing environment.

5. Where the child's own family is unable, even with appropriate support, to provide adequate care for the child, or abandons or relinquishes the child, the State is responsible for protecting the rights of the child and ensuring appropriate alternative care, with or through competent local authorities and duly authorized civil society organizations. It is the role of the State, through its competent authorities, to ensure the supervision of the safety, well-being and development of any child placed in alternative care and the regular review of the appropriateness of the care arrangement provided.

6. All decisions, initiatives and approaches falling within the scope of the present Guidelines should be made on a case-by-case basis, with a view, notably, to ensuring the child's safety and security, and must be grounded in the best interests and rights of the child concerned, in conformity with the principle of non-discrimination and taking due account of the gender perspective. They should respect fully the child's right to be consulted and to have his/her views duly taken into account in accordance with his/her evolving capacities, and on the basis of his/her access to all necessary information. Every effort should be made to enable such consultation and information provision to be carried out in the child's preferred language.

7. In applying the present Guidelines, determination of the best interests of the child shall be designed to identify courses of action for children deprived of parental care, or at risk of being so, that are best suited to satisfying their needs and rights, taking into account the full and personal development of their rights in their family, social and cultural environment and their status as subjects of rights, both at the time of the determination and in the longer term. The determination process should

take account of, inter alia, the right of the child to be heard and to have his/her views taken into account in accordance with his/her age and maturity.

8. States should develop and implement comprehensive child welfare and protection policies within the framework of their overall social and human development policy, with attention to the improvement of existing alternative care provision, reflecting the principles contained in the present Guidelines.

9. As part of efforts to prevent the separation of children from their parents, States should seek to ensure appropriate and culturally sensitive measures:

(a) To support family caregiving environments whose capacities are limited by factors such as disability, drug and alcohol misuse, discrimination against families with indigenous or minority backgrounds, and living in armed conflict regions or under foreign occupation;

(b) To provide appropriate care and protection for vulnerable children, such as child victims of abuse and exploitation, abandoned children, children living on the street, children born out of wedlock, unaccompanied and separated children, internally displaced and refugee children, children of migrant workers, children of asylum-seekers, or children living with or affected by HIV/AIDS and other serious illnesses.

10. Special efforts should be made to tackle discrimination on the basis of any status of the child or parents, including poverty, ethnicity, religion, sex, mental and physical disability, HIV/AIDS or other serious illnesses, whether physical or mental, birth out of wedlock, and socio-economic stigma, and all other statuses and circumstances that can give rise to relinquishment, abandonment and/or removal of a child.

B. Alternative care

11. All decisions concerning alternative care should take full account of the desirability, in principle, of maintaining the child as close as possible to his/her habitual place of residence, in order to facilitate contact and potential reintegration with his/her family and to minimize disruption of his/her educational, cultural and social life.

12. Decisions regarding children in alternative care, including those in informal care, should have due regard for the importance of ensuring children a stable home and of meeting their basic need for safe and continuous attachment to their caregivers, with permanency generally being a key goal.

13. Children must be treated with dignity and respect at all times and must benefit from effective protection from abuse, neglect and all forms of exploitation, whether on the part of care providers, peers or third parties, in whatever care setting they may find themselves.

14. Removal of a child from the care of the family should be seen as a measure of last resort and should, whenever possible, be temporary and for the shortest possible duration. Removal decisions should be regularly reviewed and the child's return to parental care, once the original causes of removal have been resolved or have disappeared, should be in the best interests of the child, in keeping with the assessment foreseen in paragraph 49 below.

15. Financial and material poverty, or conditions directly and uniquely imputable to such poverty, should never be the only justification for the removal of a child from parental care, for receiving a child into alternative care, or for preventing his/her reintegration, but should be seen as a signal for the need to provide appropriate support to the family.

16. Attention must be paid to promoting and safeguarding all other rights of special pertinence to the situation of children without parental care, including, but not limited to, access to education, health and other basic services, the right to identity, freedom of religion or belief, language and protection of property and inheritance rights.

17. Siblings with existing bonds should in principle not be separated by placements in alternative care unless there is a clear risk of abuse or other justification in the best interests of the child. In any case, every effort should be made to enable siblings to maintain contact with each other, unless this is against their wishes or interests.

18. Recognizing that, in most countries, the majority of children without parental care are looked after informally by relatives or others, States should seek to devise appropriate means, consistent with the present Guidelines, to ensure their welfare and protection while in such informal care arrangements, with due respect for cultural, economic, gender and religious differences and practices that do not conflict with the rights and best interests of the child.

19. No child should be without the support and protection of a legal guardian or other recognized responsible adult or competent public body at any time.

20. The provision of alternative care should never be undertaken with a prime purpose of furthering the political, religious or economic goals of the providers.

21. The 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.

22. 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 a predetermined and very limited duration, with planned family reintegration or other appropriate long-term care solution as its outcome.

23. While recognizing that residential care facilities and family-based care complement each other in meeting the needs of children, where large residential care facilities (institutions) remain, alternatives should be developed in the context of an overall deinstitutionalization strategy, with precise goals and objectives, which will allow for their progressive elimination. To this end, States should establish care standards to ensure the quality and conditions that are conducive to the child's development, such as individualized and small-group care, and should evaluate existing facilities against these standards. Decisions regarding the establishment of, or permission to establish, new residential care facilities, whether public or private, should take full account of this deinstitutionalization objective and strategy.

Measures to promote application

24. States should, to the maximum extent of their available resources and, where appropriate, within the framework of development cooperation, allocate human and financial resources to ensure the optimal and progressive implementation of the present Guidelines throughout their respective territories in a timely manner. States should facilitate active cooperation among all relevant authorities and the mainstreaming of child and family welfare issues within all ministries directly or indirectly concerned.

25. States are responsible for determining any need for, and requesting, international cooperation in implementing the present Guidelines. Such requests should be given due consideration and should receive a favourable response wherever possible and appropriate. The enhanced implementation of the present Guidelines should figure in development cooperation programmes. When providing assistance to a State, foreign entities should abstain from any initiative inconsistent with the Guidelines.

26. Nothing in the present Guidelines should be interpreted as encouraging or condoning lower standards than those that may exist in given States, including in their legislation. Similarly, competent authorities, professional organizations and others are encouraged to develop national or professionally specific guidelines that build upon the letter and spirit of the present Guidelines.

III. SCOPE OF THE GUIDELINES

27. The present Guidelines apply to the appropriate use and conditions of alternative formal care for all persons under the age of 18 years, unless, under the law applicable to the child, majority is attained earlier. Only where indicated do the Guidelines also apply to informal care settings, having due regard for both the important role played by the extended family and the community and the obligations of States for all children not in the care of their parents or legal and customary caregivers, as set out in the Convention on the Rights of the Child.²

28. Principles in the present Guidelines are also applicable, as appropriate, to young persons already in alternative care and who need continuing care or support for a transitional period after reaching the age of majority under applicable law.

29. For the purposes of the present Guidelines, and subject, notably, to the exceptions listed in paragraph 30 below, the following definitions shall apply:

(a) Children without parental care: all children not in the overnight care of at least one of their parents, for whatever reason and under whatever circumstances. Children without parental care who are outside their country of habitual residence or victims of emergency situations may be designated as:

(i) „Unaccompanied“ if they are not cared for by another relative or an adult who by law or custom is responsible for doing so; or

(ii) „Separated“ if they are separated from a previous legal or customary primary caregiver, but who may nevertheless be accompanied by another relative;

(b) Alternative care may take the form of:

(i) Informal care: any private arrangement provided in a family environment,

whereby the child is looked after on an ongoing or indefinite basis by relatives or friends (informal kinship care) or by others in their individual capacity, at the initiative of the child, his/her parents or other person without this arrangement having been ordered by an administrative or judicial authority or a duly accredited body;

(ii) Formal care: all care provided in a family environment which has been ordered by a competent administrative body or judicial authority, and all care provided in a residential environment, including in private facilities, whether or not as a result of administrative or judicial measures;

(c) With respect to the environment where it is provided, alternative care may be:

(i) 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;

(ii) 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;

(iii) Other forms of family-based or family-like care placements;

(iv) 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;

(v) Supervised independent living arrangements for children;

(d) With respect to those responsible for alternative care:

(i) Agencies are the public or private bodies and services that organize alternative care for children;

(ii) Facilities are the individual public or private establishments that provide residential care for children.

30. The scope of alternative care as foreseen in the present Guidelines does not extend, however, to:

(a) Persons under the age of 18 years who are deprived of their liberty by decision of a judicial or administrative authority as a result of being alleged as, accused of or recognized as having infringed the law, and whose situation is covered by the United Nations Standard Minimum Rules for the Administration of Juvenile Justice⁶ and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty;⁷

(b) Care by adoptive parents from the moment the child concerned is effectively placed in their custody pursuant to a final adoption order, as of which moment, for the purposes of the present Guidelines, the child is considered to be in parental care. The Guidelines are, however, applicable to pre-adoption or probationary placement of a child with the prospective adoptive parents, as far as they are compatible with requirements governing such placements as stipulated in other relevant international instruments;

(c) Informal arrangements whereby a child voluntarily stays with relatives or friends for recreational purposes and reasons not connected with the parents' general inability or unwillingness to provide adequate care.

31. Competent authorities and others concerned are also encouraged to make use of the present Guidelines, as applicable, at boarding schools, hospitals, centres for children with mental and physical disabilities or other special needs, camps, the workplace and other places which may be responsible for the care of children.

IV. PREVENTING THE NEED FOR ALTERNATIVE CARE

A. Promoting parental care

32. States should pursue policies that ensure support for families in meeting their responsibilities towards the child and promote the right of the child to have a relationship with both parents. These policies should address the root causes of child abandonment, relinquishment and separation of the child from his/her family by ensuring, inter alia, the right to birth registration, and access to adequate housing and to basic health, education and social welfare services, as well as by promoting measures to combat poverty, discrimination, marginalization, stigmatization, violence, child maltreatment and sexual abuse, and substance abuse.

33. States should develop and implement consistent and mutually reinforcing family-oriented policies designed to promote and strengthen parents' ability to care for their children.

34. States should implement effective measures to prevent child abandonment, relinquishment and separation of the child from his/her family. Social policies and programmes should, inter alia, empower families with attitudes, skills, capacities

and tools to enable them to provide adequately for the protection, care and development of their children. The complementary capacities of the State and civil society, including non-governmental and community-based organizations, religious leaders and the media should be engaged to this end. These social protection measures should include:

(a) Family strengthening services, such as parenting courses and sessions, the promotion of positive parent-child relationships, conflict resolution skills, opportunities for employment and income generation and, where required, social assistance;

(b) Supportive social services, such as day care, mediation and conciliation services, substance abuse treatment, financial assistance, and services for parents and children with disabilities. Such services, preferably of an integrated and non-intrusive nature, should be directly accessible at the community level and should actively involve the participation of families as partners, combining their resources with those of the community and the carer;

(c) Youth policies aiming at empowering youth to face positively the challenges of everyday life, including when they decide to leave the parental home, and preparing future parents to make informed decisions regarding their sexual and reproductive health and to fulfil their responsibilities in this respect.

35. Various complementary methods and techniques should be used for family support, varying throughout the process of support, such as home visits, group meetings with other families, case conferences and securing commitments by the family concerned. They should be directed towards both facilitating intrafamilial relationships and promoting the family's integration within its community.

36. Special attention should be paid, in accordance with local laws, to the provision and promotion of support and care services for single and adolescent parents and their children, whether or not born out of wedlock. States should ensure that adolescent parents retain all rights inherent to their status both as parents and as children, including access to all appropriate services for their own development, allowances to which parents are entitled, and their inheritance rights. Measures should be adopted to ensure the protection of pregnant adolescents and to guarantee that they do not interrupt their studies. Efforts should also be made to reduce the stigma attached to single and adolescent parenthood.

37. Support and services should be available to siblings who have lost their parents or caregivers and choose to remain together in their household, to the extent that the eldest sibling is both willing and deemed capable of acting as the household head. States should ensure, including through the appointment of a legal guardian, a recognized responsible adult or, where appropriate, a public body legally mandated to act as guardian, as stipulated in paragraph 19 above, that such households benefit from mandatory protection from all forms of exploitation and abuse, and supervision and support on the part of the local community and its competent services, such as social workers, with particular concern for the children's health, housing, education and inheritance rights. Special attention should be given to ensuring that the head of such a household retains all rights inherent to his/her child status, including access to education and leisure, in addition to his/her rights as a household head.

38. States should ensure opportunities for day care, including all-day schooling, and respite care which would enable parents better to cope with their overall responsibilities towards the family, including additional responsibilities inherent in caring for children with special needs.

Preventing family separation

39. Proper criteria based on sound professional principles should be developed and consistently applied for assessing the child's and the family's situation, including the family's actual and potential capacity to care for the child, in cases where the competent authority or agency has reasonable grounds to believe that the well-being of the child is at risk.

40. Decisions regarding removal or reintegration should be based on this assessment and should be made by suitably qualified and trained professionals, on behalf of or authorized by a competent authority, in full consultation with all concerned and bearing in mind the need to plan for the child's future.

41. States are encouraged to adopt measures for the integral protection and guarantee of rights during pregnancy, birth and the breastfeeding period, in order to ensure conditions of dignity and equality for the adequate development of the pregnancy and the care of the child. Therefore, support programmes should be provided to future mothers and fathers, particularly adolescent parents, who have difficulty exercising their parental responsibilities. Such programmes should aim at empowering mothers and fathers to exercise their parental responsibilities

in conditions of dignity and at avoiding their being induced to surrender their child because of their vulnerability.

42. When a child is relinquished or abandoned, States should ensure that this may take place in conditions of confidentiality and safety for the child, respecting his/her right to access information on his/her origins where appropriate and possible under the law of the State.

43. States should formulate clear policies to address situations where a child has been abandoned anonymously, which indicate whether and how family tracing should be undertaken and reunification or placement within the extended family pursued. Policies should also allow for timely decision-making on the child's eligibility for permanent family placement and for arranging such placements expeditiously.

44. When a public or private agency or facility is approached by a parent or legal guardian wishing to relinquish a child permanently, the State should ensure that the family receives counselling and social support to encourage and enable them to continue to care for the child. If this fails, a social worker or other appropriate professional assessment should be undertaken to determine whether there are other family members who wish to take permanent responsibility for the child, and whether such arrangements would be in the best interests of the child. Where such arrangements are not possible or are not in the best interests of the child, efforts should be made to find a permanent family placement within a reasonable period.

45. When a public or private agency or facility is approached by a parent or caregiver wishing to place a child in care for a short or indefinite period, the State should ensure the availability of counselling and social support to encourage and enable him or her to continue to care for the child. A child should be admitted to alternative care only when such efforts have been exhausted and acceptable and justified reasons for entry into care exist.

46. Specific training should be provided to teachers and others working with children in order to help them to identify situations of abuse, neglect, exploitation or risk of abandonment and to refer such situations to competent bodies.

47. Any decision to remove a child against the will of his/her parents must be made by competent authorities, in accordance with applicable law and procedures and subject to judicial review, the parents being assured the right of appeal and access to appropriate legal representation.

48. When the child's sole or main carer may be the subject of deprivation of liberty as a result of preventive detention or sentencing decisions, non-custodial remand measures and sentences should be taken in appropriate cases wherever possible, the best interests of the child being given due consideration. States should take into account the best interests of the child when deciding whether to remove children born in prison and children living in prison with a parent. The removal of such children should be treated in the same way as other instances where separation is considered. Best efforts should be made to ensure that children remaining in custody with their parent benefit from adequate care and protection, while guaranteeing their own status as free individuals and access to activities in the community.

B. Promoting family reintegration

49. In order to prepare and support the child and the family for his/her possible return to the family, his/her situation should be assessed by a duly designated individual or team with access to multidisciplinary advice, in consultation with the different actors involved (the child, the family, the alternative caregiver), so as to decide whether the reintegration of the child in the family is possible and in the best interests of the child, which steps this would involve and under whose supervision.

50. The aims of the reintegration and the family's and alternative caregiver's principal tasks in this respect should be set out in writing and agreed on by all concerned.

51. Regular and appropriate contact between the child and his/her family specifically for the purpose of reintegration should be developed, supported and monitored by the competent body.

52. Once decided, the reintegration of the child in his/her family should be designed as a gradual and supervised process, accompanied by follow-up and support measures that take account of the child's age, needs and evolving capacities, as well as the cause of the separation.

V. FRAMEWORK OF CARE PROVISION

53. In order to meet the specific psychoemotional, social and other needs

of each child without parental care, States should take all necessary measures to ensure that the legislative, policy and financial conditions exist to provide for adequate alternative care options, with priority to family- and community-based solutions.

54. States should ensure the availability of a range of alternative care options, consistent with the general principles of the present Guidelines, for emergency, short-term and long-term care.

55. States should ensure that all entities and individuals engaged in the provision of alternative care for children receive due authorization to do so from a competent authority and are subject to regular monitoring and review by the latter in keeping with the present Guidelines. To this end, these authorities should develop appropriate criteria for assessing the professional and ethical fitness of care providers and for their accreditation, monitoring and supervision.

56. With regard to informal care arrangements for the child, whether within the extended family, with friends or with other parties, States should, where appropriate, encourage such carers to notify the competent authorities accordingly so that they and the child may receive any necessary financial and other support that would promote the child's welfare and protection. Where possible and appropriate, States should encourage and enable informal caregivers, with the consent of the child and parents concerned, to formalize the care arrangement after a suitable lapse of time, to the extent that the arrangement has proved to be in the best interests of the child to date and is expected to continue in the foreseeable future.

VI. DETERMINATION OF THE MOST APPROPRIATE FORM OF CARE

57. Decision-making on alternative care in the best interests of the child should take place through a judicial, administrative or other adequate and recognized procedure, with legal safeguards, including, where appropriate, legal representation on behalf of children in any legal proceedings. It should be based on rigorous assessment, planning and review, through established structures and mechanisms, and should be carried out on a case-by-case basis, by suitably qualified professionals in a multidisciplinary team, wherever possible. It should involve full consultation at all stages with the child, according to his/her evolving capacities, and with his/her parents or legal guardians. To this end, all concerned should be provided with the necessary information on which to base their opinion. States should make every effort to provide adequate resources and channels for the training and recognition of the professionals responsible for determining the best form of care so as to facilitate compliance with these provisions.

58. Assessment should be carried out expeditiously, thoroughly and carefully. It should take into account the child's immediate safety and well-being, as well as his/her longer-term care and development, and should cover the child's personal and developmental characteristics, ethnic, cultural, linguistic and religious background, family and social environment, medical history and any special needs.

59. The resulting initial and review reports should be used as essential tools for planning decisions from the time of their acceptance by the competent authorities onwards, with a view to, *inter alia*, avoiding undue disruption and contradictory decisions.

60. Frequent changes in care setting are detrimental to the child's development and ability to form attachments, and should be avoided. Short-term placements should aim at enabling an appropriate permanent solution to be arranged. Permanency for the child should be secured without undue delay through reintegration in his/her nuclear or extended family or, if this is not possible, in an alternative stable family setting or, where paragraph 21 above applies, in stable and appropriate residential care.

61. Planning for care provision and permanency should be carried out from the earliest possible time, ideally before the child enters care, taking into account the immediate and longer-term advantages and disadvantages of each option considered, and should comprise short- and long-term propositions.

62. Planning for care provision and permanency should be based on, notably, the nature and quality of the child's attachment to his/her family, the family's capacity to safeguard the child's well-being and harmonious development, the child's need or desire to feel part of a family, the desirability of the child remaining within his/her community and country, the child's cultural, linguistic and religious background, and the child's relationships with siblings, with a view to avoiding their separation.

63. The plan should clearly state, *inter alia*, the goals of the placement and

the measures to achieve them.

64. The child and his/her parents or legal guardians should be fully informed about the alternative care options available, the implications of each option and their rights and obligations in the matter.

65. The preparation, enforcement and evaluation of a protective measure for a child should be carried out, to the greatest extent possible, with the participation of his/her parents or legal guardians and potential foster carers and caregivers, with respect to his/her particular needs, convictions and special wishes. At the request of the child, parents or legal guardians, other important persons in the child's life may also be consulted in any decision-making process, at the discretion of the competent authority.

66. States should ensure that any child who has been placed in alternative care by a properly constituted court, tribunal or administrative or other competent body, as well as his/her parents or others with parental responsibility, are given the opportunity to make representations on the placement decision before a court, are informed of their rights to make such representations and are assisted in doing so.

67. States should ensure the right of any child who has been placed in temporary care to regular and thorough review - preferably at least every three months - of the appropriateness of his/her care and treatment, taking into account, notably, his/her personal development and any changing needs, developments in his/her family environment, and the adequacy and necessity of the current placement in these circumstances. The review should be carried out by duly qualified and authorized persons, and should fully involve the child and all relevant persons in the child's life.

68. The child should be prepared for all changes of care settings resulting from the planning and review processes.

VII. PROVISION OF ALTERNATIVE CARE

A. Policies

69. It is a responsibility of the State or appropriate level of government to ensure the development and implementation of coordinated policies regarding formal and informal care for all children who are without parental care. Such policies should be based on sound information and statistical data. They should define a process for determining who has responsibility for a child, taking into account the role of the child's parents or principal caregivers in his/her protection, care and development. Presumptive responsibility, unless shown to be otherwise, is with the child's parents or principal caregivers.

70. All State entities involved in the referral of, and assistance to, children without parental care, in cooperation with civil society, should adopt policies and procedures which favour information-sharing and networking between agencies and individuals in order to ensure effective care, aftercare and protection for these children. The location and/or design of the agency responsible for the oversight of alternative care should be established so as to maximize its accessibility to those who require the services provided.

71. Special attention should be paid to the quality of alternative care provision, both in residential and in family-based care, in particular with regard to the professional skills, selection, training and supervision of carers. Their role and functions should be clearly defined and clarified with respect to those of the child's parents or legal guardians.

72. In each country, the competent authorities should draw up a document setting out the rights of children in alternative care in keeping with the present Guidelines. Children in alternative care should be enabled to understand fully the rules, regulations and objectives of the care setting and their rights and obligations therein.

73. All alternative care provision should be based on a written statement of the provider's aims and objectives in providing the service and the nature of the provider's responsibilities to the child that reflects the standards set by the Convention on the Rights of the Child,² the present Guidelines and applicable law. All providers should be appropriately qualified or approved in accordance with legal requirements to provide alternative care services.

74. A regulatory framework should be established to ensure a standard process for the referral or admission of a child to an alternative care setting.

75. Cultural and religious practices regarding the provision of alternative care, including those related to gender perspectives, should be respected and promoted to the extent that they can be shown to be consistent with the rights and best interests of the children. The process of considering whether such practices should be promoted should be carried out in a broadly participatory way, involving

the cultural and religious leaders concerned, professionals and those caring for children without parental care, parents and other relevant stakeholders, as well as the children themselves.

1. Informal care

76. With a view to ensuring that appropriate conditions of care are met in informal care provided by individuals or families, States should recognize the role played by this type of care and take adequate measures to support its optimal provision on the basis of an assessment of which particular settings may require special assistance or oversight.

77. Competent authorities should, where appropriate, encourage informal carers to notify the care arrangement and should seek to ensure their access to all available services and benefits likely to assist them in discharging their duty to care for and protect the child.

78. The State should recognize the de facto responsibility of informal carers for the child.

79. States should devise special and appropriate measures designed to protect children in informal care from abuse, neglect, child labour and all other forms of exploitation, with particular attention to informal care provided by non-relatives, or by relatives previously unknown to the children or living far from the children's habitual place of residence.

2. General conditions applying to all forms of formal alternative care arrangements

80. The transfer of a child into alternative care should be carried out with the utmost sensitivity and in a child-friendly manner, in particular involving specially trained and, in principle, non-uniformed personnel.

81. When a child is placed in alternative care, contact with his/her family, as well as with other persons close to him or her, such as friends, neighbours and previous carers, should be encouraged and facilitated, in keeping with the child's protection and best interests. The child should have access to information on the situation of his/her family members in the absence of contact with them.

82. States should pay special attention to ensuring that children in alternative care because of parental imprisonment or prolonged hospitalization have the opportunity to maintain contact with their parents and receive any necessary counselling and support in that regard.

83. Carers should ensure that children receive adequate amounts of wholesome and nutritious food in accordance with local dietary habits and relevant dietary standards, as well as with the children's religious beliefs. Appropriate nutritional supplementation should also be provided when necessary.

84. Carers should promote the health of the children for whom they are responsible and make arrangements to ensure that medical care, counselling and support are made available as required.

85. Children should have access to formal, non-formal and vocational education in accordance with their rights, to the maximum extent possible in educational facilities in the local community.

86. Carers should ensure that the right of every child, including children with disabilities, living with or affected by HIV/AIDS or having any other special needs, to develop through play and leisure activities is respected and that opportunities for such activities are created within and outside the care setting. Contact with the children and others in the local community should be encouraged and facilitated.

87. The specific safety, health, nutritional, developmental and other needs of babies and young children, including those with special needs, should be catered for in all care settings, including ensuring their ongoing attachment to a specific carer.

88. Children should be allowed to satisfy the needs of their religious and spiritual life, including by receiving visits from a qualified representative of their religion, and to freely decide whether or not to participate in religious services, religious education or counselling. The child's own religious background should be respected, and no child should be encouraged or persuaded to change his/her religion or belief during a care placement.

89. All adults responsible for children should respect and promote the right to privacy, including appropriate facilities for hygiene and sanitary needs, respecting gender differences and interaction, and adequate, secure and accessible storage space for personal possessions.

90. Carers should understand the importance of their role in developing positive, safe and nurturing relationships with children, and should be able to do so.

91. Accommodation in all alternative care settings should meet the requi-

rements of health and safety.

92. States must ensure through their competent authorities that accommodation provided to children in alternative care, and their supervision in such placements, enable them to be effectively protected against abuse. Particular attention needs to be paid to the age, maturity and degree of vulnerability of each child in determining his/her living arrangements. Measures aimed at protecting children in care should be in conformity with the law and should not involve unreasonable constraints on their liberty and conduct in comparison with children of similar age in their community.

93. All alternative care settings should provide adequate protection to children from abduction, trafficking, sale and all other forms of exploitation. Any consequent constraints on their liberty and conduct should be no more than are strictly necessary to ensure their effective protection from such acts.

94. All carers should promote and encourage children and young people to develop and exercise informed choices, taking account of acceptable risks and the child's age, and according to his/her evolving capacities.

95. States, agencies and facilities, schools and other community services should take appropriate measures to ensure that children in alternative care are not stigmatized during or after their placement. This should include efforts to minimize the identification of children as being looked after in an alternative care setting.

96. All disciplinary measures and behaviour management constituting torture, cruel, inhuman or degrading treatment, including closed or solitary confinement or any other forms of physical or psychological violence that are likely to compromise the physical or mental health of the child, must be strictly prohibited in conformity with international human rights law. States must take all necessary measures to prevent such practices and ensure that they are punishable by law. Restriction of contact with members of the child's family and other persons of special importance to the child should never be used as a sanction.

97. Use of force and restraints of whatever nature should not be authorized unless strictly necessary for safeguarding the child's or others' physical or psychological integrity, in conformity with the law and in a reasonable and proportionate manner and with respect for the fundamental rights of the child. Restraint by means of drugs and medication should be based on therapeutic needs and should never be employed without evaluation and prescription by a specialist.

98. Children in care should be offered access to a person of trust in whom they may confide in total confidentiality. This person should be designated by the competent authority with the agreement of the child concerned. The child should be informed that legal or ethical standards may require breaching confidentiality under certain circumstances.

99. Children in care should have access to a known, effective and impartial mechanism whereby they can notify complaints or concerns regarding their treatment or conditions of placement. Such mechanisms should include initial consultation, feedback, implementation and further consultation. Young people with previous care experience should be involved in this process, due weight being given to their opinions. This process should be conducted by competent persons trained to work with children and young people.

100. To promote the child's sense of self-identity, a life story book comprising appropriate information, pictures, personal objects and mementoes regarding each step of the child's life should be maintained with the child's participation and made available to the child throughout his/her life.

B. Legal responsibility for the child

101. In situations where the child's parents are absent or are incapable of making day-to-day decisions in the best interests of the child, and the child's placement in alternative care has been ordered or authorized by a competent administrative body or judicial authority, a designated individual or competent entity should be vested with the legal right and responsibility to make such decisions in the place of parents, in full consultation with the child. States should ensure that a mechanism is in place for designating such an individual or entity.

102. Such legal responsibility should be attributed by the competent authorities and be supervised directly by them or through formally accredited entities, including non-governmental organizations. Accountability for the actions of the individual or entity concerned should lie with the designating body.

103. Persons exercising such legal responsibility should be reputable individuals with relevant knowledge of children's issues, an ability to work directly with children and an understanding of any special and cultural needs of the children to be entrusted to them. They should receive appropriate training and professional

support in this regard. They should be in a position to make independent and impartial decisions that are in the best interests of the children concerned and that promote and safeguard each child's welfare.

104. The role and specific responsibilities of the designated person or entity should include:

(a) Ensuring that the rights of the child are protected and, in particular, that the child has appropriate care, accommodation, health-care provision, developmental opportunities, psychosocial support, education and language support;

(b) Ensuring that the child has access to legal and other representation where necessary, consulting with the child so that the child's views are taken into account by decision-making authorities, and advising and keeping the child informed of his/her rights;

(c) Contributing to the identification of a stable solution in the best interests of the child;

(d) Providing a link between the child and various organizations that may provide services to the child;

(e) Assisting the child in family tracing;

(f) Ensuring that, if repatriation or family reunification is carried out, it is done in the best interests of the child;

(g) Helping the child to keep in touch with his/her family, when appropriate.

1. Agencies and facilities responsible for formal care

105. Legislation should stipulate that all agencies and facilities must be registered and authorized to operate by social welfare services or another competent authority, and that failure to comply with such legislation constitutes an offence punishable by law. Authorization should be granted and be regularly reviewed by the competent authorities on the basis of standard criteria covering, at a minimum, the agency's or facility's objectives, functioning, staff recruitment and qualifications, conditions of care and financial resources and management.

106. All agencies and facilities should have written policy and practice statements, consistent with the present Guidelines, setting out clearly their aims, policies, methods and the standards applied for the recruitment, monitoring, supervision and evaluation of qualified and suitable carers to ensure that those aims are met.

107. All agencies and facilities should develop a staff code of conduct, consistent with the present Guidelines, that defines the role of each professional and of the carers in particular and includes clear reporting procedures on allegations of misconduct by any team member.

108. The forms of financing care provision should never be such as to encourage a child's unnecessary placement or prolonged stay in care arrangements organized or provided by an agency or facility.

109. Comprehensive and up-to-date records should be maintained regarding the administration of alternative care services, including detailed files on all children in their care, staff employed and financial transactions.

110. The records on children in care should be complete, up to date, confidential and secure, and should include information on their admission and departure and the form, content and details of the care placement of each child, together with any appropriate identity documents and other personal information. Information on the child's family should be included in the child's file as well as in the reports based on regular evaluations. This record should follow the child throughout the alternative care period and be consulted by duly authorized professionals responsible for his/her current care.

111. The above-mentioned records could be made available to the child, as well as to the parents or guardians, within the limits of the child's right to privacy and confidentiality, as appropriate. Appropriate counselling should be provided before, during and after consultation of the record.

112. All alternative care services should have a clear policy on maintaining the confidentiality of information pertaining to each child, which all carers are aware of and adhere to.

113. As a matter of good practice, all agencies and facilities should systematically ensure that, prior to employment, carers and other staff in direct contact with children undergo an appropriate and comprehensive assessment of their suitability to work with children.

114. Conditions of work, including remuneration, for carers employed by agencies and facilities should be such as to maximize motivation, job satisfaction and continuity, and hence their disposition to fulfil their role in the most appropriate and effective manner.

115. Training should be provided to all carers on the rights of children without parental care and on the specific vulnerability of children, in particularly difficult

situations, such as emergency placements or placements outside their area of habitual residence. Cultural, social, gender and religious sensitization should also be assured. States should also provide adequate resources and channels for the recognition of these professionals in order to favour the implementation of these provisions.

116. Training in dealing appropriately with challenging behaviour, including conflict resolution techniques and means to prevent acts of harm or self-harm, should be provided to all care staff employed by agencies and facilities.

117. Agencies and facilities should ensure that, wherever appropriate, carers are prepared to respond to children with special needs, notably those living with HIV/AIDS or other chronic physical or mental illnesses, and children with physical or mental disabilities.

2. Foster care

118. The competent authority or agency should devise a system, and should train concerned staff accordingly, to assess and match the needs of the child with the abilities and resources of potential foster carers and to prepare all concerned for the placement.

119. A pool of accredited foster carers should be identified in each locality who can provide children with care and protection while maintaining ties to family, community and cultural group.

120. Special preparation, support and counselling services for foster carers should be developed and made available to carers at regular intervals, before, during and after the placement.

121. Carers should have, within fostering agencies and other systems involved with children without parental care, the opportunity to make their voice heard and to influence policy.

122. Encouragement should be given to the establishment of associations of foster carers that can provide important mutual support and contribute to practice and policy development.

C. Residential care

123. Facilities providing residential care should be small and be organized around the rights and needs of the child, in a setting as close as possible to a family or small group situation. Their objective should generally be to provide temporary care and to contribute actively to the child's family reintegration or, if this is not possible, to secure his/her stable care in an alternative family setting, including through adoption or kafala of Islamic law, where appropriate.

124. Measures should be taken so that, where necessary and appropriate, a child solely in need of protection and alternative care may be accommodated separately from children who are subject to the criminal justice system.

125. The competent national or local authority should establish rigorous screening procedures to ensure that only appropriate admissions to such facilities are made.

126. States should ensure that there are sufficient carers in residential care settings to allow individualized attention and to give the child, where appropriate, the opportunity to bond with a specific carer. Carers should also be deployed within the care setting in such a way as to implement effectively its aims and objectives and ensure child protection.

127. Laws, policies and regulations should prohibit the recruitment and solicitation of children for placement in residential care by agencies, facilities or individuals.

D. Inspection and monitoring

128. Agencies, facilities and professionals involved in care provision should be accountable to a specific public authority, which should ensure, inter alia, frequent inspections comprising both scheduled and unannounced visits, involving discussion with and observation of the staff and the children.

129. To the extent possible and appropriate, inspection functions should include a component of training and capacity-building for care providers.

130. States should be encouraged to ensure that an independent monitoring mechanism is in place, with due consideration for the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris

131. Principles). The monitoring mechanism should be easily accessible to children, parents and those responsible for children without parental care. The functions of the monitoring mechanism should include:

(a) Consulting in conditions of privacy with children in all forms of alternative care, visiting the care settings in which they live and undertaking investigations into any alleged situation of violation of children's rights in those settings, on complaint or on its own initiative;

(b) Recommending relevant policies to appropriate authorities with the aim of improving the treatment of children deprived of parental care and ensuring that it is in keeping with the preponderance of research findings on child protection, health, development and care;

(c) Submitting proposals and observations concerning draft legislation;

(d) Contributing independently to the reporting process under the Convention on the Rights of the Child,² including to periodic State party reports to the Committee on the Rights of the Child with regard to the implementation of the present Guidelines.

E. Support for aftercare

132. Agencies and facilities should have a clear policy and should carry out agreed procedures relating to the planned and unplanned conclusion of their work with children to ensure appropriate aftercare and/or follow-up. Throughout the period of care, they should systematically aim at preparing children to assume self-reliance and to integrate fully in the community, notably through the acquisition of social and life skills, which are fostered by participation in the life of the local community.

133. The process of transition from care to aftercare should take into consideration children's gender, age, maturity and particular circumstances and include counselling and support, notably to avoid exploitation. Children leaving care should be encouraged to take part in the planning of aftercare life. Children with special needs, such as disabilities, should benefit from an appropriate support system, ensuring, inter alia, avoidance of unnecessary institutionalization. Both the public and the private sectors should be encouraged, including through incentives, to employ children from different care services, particularly children with special needs.

134. Special efforts should be made to allocate to each child, whenever possible, a specialized person who can facilitate his/her independence when leaving care.

135. Aftercare should be prepared as early as possible in the placement and, in any case, well before the child leaves the care setting.

136. Ongoing educational and vocational training opportunities should be imparted as part of life skills education to young people leaving care in order to help them to become financially independent and generate their own income.

137. Access to social, legal and health services, together with appropriate financial support, should also be provided to young people leaving care and during aftercare.

VIII. CARE PROVISION FOR CHILDREN OUTSIDE THEIR COUNTRY OF HABITUAL RESIDENCE

A. Placement of a child for care abroad

138. The present Guidelines should apply to all public and private entities and all persons involved in arrangements for a child to be sent for care to a country other than his/her country of habitual residence, whether for medical treatment, temporary hosting, respite care or any other reason.

139. States concerned should ensure that a designated body has responsibility for determining specific standards to be met regarding, in particular, the criteria for selecting carers in the host country and the quality of care and follow-up, as well as for supervising and monitoring the operation of such schemes.

140. To ensure appropriate international cooperation and child protection in such situations, States are encouraged to ratify or accede to the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, of 19 October 1996.

B. Provision of care for a child already abroad

141. The present Guidelines, as well as other relevant international provisions, should apply to all public and private entities and all persons involved in arrangements for a child needing care while in a country other than his/her country of habitual residence, for whatever reason.

142. Unaccompanied or separated children already abroad should, in principle, enjoy the same level of protection and care as national children in the

country concerned.

143. In determining appropriate care provision, the diversity and disparity of unaccompanied or separated children (such as ethnic and migratory background or cultural and religious diversity) should be taken into consideration on a case-by-case basis.

144. Unaccompanied or separated children, including those who arrive irregularly in a country, should not, in principle, be deprived of their liberty solely for having breached any law governing access to and stay within the territory.

145. Child victims of trafficking should neither be detained in police custody nor subjected to penalties for their involvement under compulsion in unlawful activities.

146. As soon as an unaccompanied child is identified, States are strongly encouraged to appoint a guardian or, where necessary, representation by an organization responsible for his/her care and well-being to accompany the child throughout the status determination and decision-making process.

147. As soon as an unaccompanied or separated child is taken into care, all reasonable efforts should be made to trace his/her family and re-establish family ties, when this is in the best interests of the child and would not endanger those involved.

148. In order to assist in planning the future of an unaccompanied or separated child in a manner that best protects his/her rights, relevant State and social service authorities should make all reasonable efforts to procure documentation and information in order to conduct an assessment of the child's risk and social and family conditions in his/her country of habitual residence.

149. Unaccompanied or separated children must not be returned to their country of habitual residence:

(a) If, following the risk and security assessment, there are reasons to believe that the child's safety and security are in danger;

(b) Unless, prior to the return, a suitable caregiver, such as a parent, other relative, other adult caretaker, a Government agency or an authorized agency or facility in the country of origin, has agreed and is able to take responsibility for the child and provide him or her with appropriate care and protection;

(c) If, for other reasons, it is not in the best interests of the child, according to the assessment of the competent authorities.

150. With the above aims in mind, cooperation among States, regions, local authorities and civil society associations should be promoted, strengthened and enhanced.

151. The effective involvement of consular services or, failing that, legal representatives of the country of origin should be foreseen, when this is in the best interests of the child and would not endanger the child or his/her family.

152. Those responsible for the welfare of an unaccompanied or separated child should facilitate regular communication between the child and his/her family, except where this is against the child's wishes or is demonstrably not in his/her best interests.

153. Placement with a view to adoption or kafala of Islamic law should not be considered a suitable initial option for an unaccompanied or separated child. States are encouraged to consider this option only after efforts to determine the location of his/her parents, extended family or habitual carers have been exhausted.

IX. Care in emergency situations

A. Application of the Guidelines

154. The present Guidelines should continue to apply in situations of emergency arising from natural and man-made disasters, including international and non-international armed conflicts, as well as foreign occupation. Individuals and organizations wishing to work on behalf of children without parental care in emergency situations are strongly encouraged to operate in accordance with the Guidelines.

155. In such circumstances, the State or de facto authorities in the region concerned, the international community and all local, national, foreign and international agencies providing or intending to provide child-focused services should pay special attention:

(d) To ensure that all entities and persons involved in responding to unaccompanied or separated children are sufficiently experienced, trained, resourceful and equipped to do so in an appropriate manner;

(e) To develop, as necessary, temporary and long-term family-based care;

(f) To use residential care only as a temporary measure until family-based care can be developed;

(g) To prohibit the establishment of new residential facilities structured to provide simultaneous care to large groups of children on a permanent or long-term basis;

(h) To prevent the cross-border displacement of children, except under the circumstances described in paragraph 160 below;

(i) To make cooperation with family tracing and reintegration efforts mandatory.

Preventing separation

156. Organizations and authorities should make every effort to prevent the separation of children from their parents or primary caregivers, unless the best interests of the child so require, and ensure that their actions do not inadvertently encourage family separation by providing services and benefits to children alone rather than to families.

157. Separation initiated by the child's parents or other primary caregivers should be prevented by:

(a) Ensuring that all households have access to basic food and medical supplies and other services, including education;

(b) Limiting the development of residential care options and restricting their use to those situations where it is absolutely necessary.

B. Care arrangements

158. Communities should be assisted in playing an active role in monitoring and responding to care and protection issues facing children in their local context.

159. Care within a child's own community, including fostering, should be encouraged, as it provides continuity in socialization and development.

160. As unaccompanied or separated children may be at heightened risk of abuse and exploitation, monitoring and specific support to carers should be foreseen to ensure their protection.

161. Children in emergency situations should not be moved to a country other than that of their habitual residence for alternative care except temporarily for compelling health, medical or safety reasons. In that case, this should be as close as possible to their home, they should be accompanied by a parent or caregiver known to them, and a clear return plan should be established.

162. Should family reintegration prove impossible within an appropriate period or be deemed contrary to the best interests of the child, stable and definitive solutions, such as adoption or kafala of Islamic law, should be envisaged; failing this, other long-term options should be considered, such as foster care or appropriate residential care, including group homes and other supervised living arrangements.

C. Tracing and family reintegration

163. Identifying, registering and documenting unaccompanied or separated children are priorities in any emergency and should be carried out as quickly as possible.

164. Registration activities should be conducted by or under the direct supervision of State authorities and explicitly mandated entities with responsibility for and experience in this task.

165. The confidential nature of the information collected should be respected and systems put in place for safe forwarding and storage of information. Information should only be shared among duly mandated agencies for the purpose of tracing, family reintegration and care.

166. All those engaged in tracing family members or primary legal or customary caregivers should operate within a coordinated system, using standardized forms and mutually compatible procedures, wherever possible. They should ensure that the child and others concerned would not be endangered by their actions.

167. The validity of relationships and the confirmation of the willingness of the child and family members to be reunited must be verified for every child. No action should be taken that may hinder eventual family reintegration, such as adoption, change of name or movement to places far from the family's likely location, until all tracing efforts have been exhausted.

168. Appropriate records of any placement of a child should be made and kept in a safe and secure manner so that reunification can be facilitated in the future.



Vasile TIMOFTI,
Depute President
of Calarasi raion Council

Mobilization of the community and the entire family of the child

Child protection issues are becoming increasingly important. The number of children who are in difficulty, abandoned by their parents, and victims of various forms of abuse, is increasing. It is the duty of the entire society to involve in protecting the rights of children.

With this in mind, Calarasi raion Council targets all its structures in charge with the rights of the children, to involve in solving the problems faced by the young citizens of our country.

LOCAL COMMISSIONS FOR THE PROTECTION OF THE RIGHTS OF CHILDREN ARE IMPORTANT

We can say that the system of child and family care services has been invested in Calarasi raion. Thus, local gate-keeping commissions were created – that are officially called Commissions for the child's rights protection. Their members include community social carers, teaching staff, health care staff, police officers, and, which is very important, representatives of mayoralties. A commission for the protection of the child in difficulty works at raion level in Calarasi, examining scores of files of families in difficulty. Due to the specialists' prompt intervention, numerous cases of institutionalization of children in difficulty were prevented.

200 INSTITUTIONALIZED CHILDREN ARE TO COME BACK TO FAMILY

There are two residential facilities in Calarasi raion, with a total of about 200 children living there. Other 87 children whose parents live in Calarasi raion, are placed in residential facilities in neighbouring regions. It should be noted that residential institution are a heavy burden for the raion. About 25 thousand lei is allocated annually to support one child in a residential institution.

WE PLAN TO DEVELOP ALTERNATIVE CARE SERVICES FOR CHILDREN

Urmând strategia cu privire la dezinstituționalizare, suntem nevoiți să creăm noi servicii de alternativă. Astfel, se planifică deschiderea unor noi case de copii de tip familial, pe lângă cele câteva care există deja în localitățile raionului. Se pune accentul și pe dezvoltarea serviciului de

asistență parentală profesionistă. În prezent, se află pe rol 15 do-sare depuse de familiile care vor să presteze acest tip de serviciu nou pentru raionul nostru. Totodată, se caută în permanență posibilități pentru sprijinul familiilor cu grad înalt de risc de abandon. Intervenim în special în cazurile în care sărăcia ar putea fi cauza separării copilului de familie și acordăm suport părinților pentru ca să-și crească și să-și educe copiii acasă.

The raion Council, working in partnership with EveryChild Moldova to implement the residential system reform, aims to take over, in the future, all services of child protection and support.

PERSPECTIVES AND PLANS FOR THE YEAR 2011:

- Finish the evaluation and prepare the process of reintegration of children from Calarasi residential auxiliary school;
- Approve the regulation of the Family Reintegration and Support Service, develop the service;
- Extend foster care and family type home services.
- Prepare community mainstream schools for the inclusion of the children, launching the school inclusion process.
- Optimize the identification, registration, and choice of child-in-difficulty protection forms, as part of activities of the Commission for the Protection of the Child in Difficulty.
- Consolidate the community social assistance service and analyse the needs of the communities, to extend the network of community social services.
- Achieve the approval of the child participation Concept at the Raion Council, and start its implementation.
- Participate in the development of cross-sector collaboration mechanism at local level.
- Raise public opinion regarding deinstitutionalization and school inclusion of children.

“We intervene especially in cases when poverty could cause child separation from family, and we offer support to parents, helping them to raise and educate their children at home”.

Vasile TIMOFTI,
depute President of Calarasi raion

Policies and practices of protection of children left without parental care will be adjusted to the UN Guidelines of Alternative Care of Children – a document adopted by the United Nations General Assembly on the 20th anniversary of the UN Convention on the Rights of Children. The Republic of Moldova is one of the first countries from the region, that intends to adhere to the stipulations of this international document. The reform will be performed within the project “Ensuring the right of the child to a family, and his protection from violence, abuse, and neglect”.



The Republic of Moldova is a pioneer in the implementation of UN Guidelines for the alternative care of children



Daniela MĂMĂLIȚĂ,
Programs Director,
EveryChild Moldova

As **Daniela Mămăliță, Programs Director at EveryChild Moldova** says, “The UN GACC aims to improve the application of UN Convention for the Rights of Children and relevant stipulations of other international tools ensuring the protection and welfare of children without parental care or at risk of losing parental

care, such as fostering, family-type homes, or guardianship.

THE LEGISLATION IS TO BE REVISED AND ADAPTED TO THE REQUIREMENTS OF UN GACC

The work group of the Project, made of Central Public Authorities specialists, namely, representatives of the Ministry of Labour, Social Protection, and Family, the Ministry of Education, Ministry of Finance, Ministry of Health, Ministry of the Interior, Ministry of Justice, and representatives of the civil society, the academic environment, and experts in legislation, will revise the existing primary and secondary legislation in the Republic of Moldova and the developed practices, in order to adjust/modify them, in line with the requirements of the Guidelines. At the same time, the experts will develop an Actions Plan for the implementation of UN GACC in the Republic of Moldova.

REFORM'S CONTEXT

After Moldova adhered to the UN Convention on the Rights of Children, in 1993, the first steps in its implementation included adopting the Law Nr. 338XII on the Rights of Children, in 1994, and the Law of the youth, in 1995. In 1998 the National Council for the Protection of the Rights of the Child was created. Once the Convention was ratified, our country assumed the

duty to develop a service that would seek to meet the best needs of the child and respect children as rightful entities and not just like objects of concerns. The childcare system reform is running in this context, aiming, in particular, to develop mechanisms of delivering social care to children and families in difficulty. Thus, according to the recommendations of the UN, our coun-

try has to diversify and develop social services, make necessary changes for the institutions in charge with child protection, that is, working on and with policies and the legal framework, financial flow and budgeting, specialists, administrative structures, quality insuring systems – all this to reflect modern approaches to family-type childcare.

Children from institutions coming back home

Seven residential facilities in Calarasi, Ungheni, and Falesti raions are being assessed by the Project's team of leaders. The assessment focuses on the evaluation of the situation of institutionalized children and their families, quality of the services delivered to these children, the staff of the institutions, infrastructure, expenses covered by the government to maintain the institutions, etc.

The list of residential institutions under evaluation includes Socoli residential auxiliary school, Falesti Residential school, Sculeni (Ungheni) residential auxiliary school, Ungheni residential school for orphans and children left without parental care, and Ungheni health-resort residential institution for children who had contact with persons with tuberculosis. A residential auxiliary school for children with special educational needs will be evaluated in Calarasi, and a special school for children with hearing deficiencies in Hirbovat will be also evaluated.



Mariana Lupascu, project team leader: "The results of the evaluation will feed the transformation plan that will be worked out for each institution individually. These plans are important to make sure that all children from these institutions are included into the list of beneficiaries of the new services, while the infrastructure and the staff are optimized, so that they are not ignored in the process of new services development".

EVALUATION OF THE CHILDREN: identifying optimal solution for every single child

Currently, the mentioned residential institutions are fully engaged in the medico-psychological evaluation of the children, based on the evaluation forms approved by the Ministry of Education. The children's files are being considered in terms of all aspects: family situation, the reasons why the child got into the institution, relations of the child and relevant persons – parents, extended family, teachers, educators, etc. The results of the evaluation will allow identifying the best individual solutions for every child included into the deinstitutionalization process. Thus, some children will be able to go to their parents' home or to the extended family, while in cases where biological or extended family reintegration is not possible, the children will be provided various forms of alternative care: foster care, family-type homes, guardianship, etc.

Based on the results of the evaluation, individual plans for every child will be developed and implemented.

"Everybody knows that when placed into the auxiliary school, many children were given the diagnosis of mental delay, which was a mere excuse for the child's institutionalization. The evaluation will determine, how many children from auxiliary schools will preserve their diagnosis of mental delay, and in how many cases this diagnosis is withdrawn", says Mariana Lupascu.

EVALUATION OF THE STAFF: retraining of specialists to work in the services designed for children

The process of evaluation includes, as a separate chapter, the staff employed in the mentioned 7 residential institutions. Experts of the Project intend to identify the professional potential of each staff member, their qualification and training previously received.

This information will be extremely useful to determine the type of training the staff of the institutions will receive in the

future. The risk that once the residential facility is reorganized, a part of the staff loses their jobs, is minimum, because the staff of the institutions will attend retraining courses, so that they are motivated to continue working for the best interest of the child. The staff of auxiliary schools will be trained to integrate into mainstream education and social services.

EVALUATION OF IMMOVABLE PROPERTY: an important resource to be used for the benefit of the community

The buildings and premises of the residential facilities will undergo rigorous evaluation. The majority of the institutions from the three mentioned raions have enormous buildings that have much greater capacity than the number of children placed there in present.

After the children's deinstitutionalization, the buildings and assets of the auxiliary residential facilities will be used for other purposes. Some of them may be transformed into multi-functional centres, raion lyceums for gifted children, placement centres for children and families in difficult/critical situation, etc.

EVALUATION OF FAMILIES: by the end of the school year, tens of children will definitively come home

The ultimate goal of the residential system reform is to provide the children who have lived for years in institutions, an environment that is as close to family, as possible. Largely we plan to achieve this objective by the end of this school year. The evaluation of families and identification of problems they face, evaluation of the support these families received, will allow for a bigger number of children to come back to their families in a couple of months. This work was preceded by numerous visits to families performed by child-and-family-in-difficulty protection specialists, and by a number of activities aiming at restoring the relations that have been deteriorated while the child lived in the residence.

"A successful reintegration depends 80% on the readiness of the family to accept the child back", says Mariana Lupascu. This is why the multidisciplinary team permanently works with the cases of the children who will leave the institution. This team is made of the mayor, community social worker, teachers of mainstream schools, Project's experts. "We work with every member of the family, with the school headmaster, with depute headmasters in charge with education. During the reintegration process, every child will be helped by support teaching staff. The children who study in a special school have a reduced curriculum, and that is why they face enormous difficulties while coming back to the community school. They simply cannot have the same level of knowledge as the rest of the children in their class. That is why, it is very important that we give them a chance, that we support these children to integrate into the school team and into the community", added Mariana Lupascu.

The family support does not end when the child comes back home. All families undergo long-term monitoring after that. The specialists close the case only when they are convinced that the parents will not admit again their child's separation from the family.

About 1100 specialists from Calarasi, Falesti, and Ungheni raions will undergo capacity-building programs for the creation of an integrated social services system for children and families, focused on the prevention of the children’s separation from their families, and on the protection of the children left without parental care.

Training of the specialists guarantees the reform success

Decision-makers in the protection of the child and family in difficulty, specialists from raion social assistance and family protection departments, NGOs working in this area, mainstream community and residential schools staff will receive trainings, which will help them in the near future in solving problems faced by children, and in the prevention of the children’s separation from families.

“Training of local-level specialists in childcare and prevention of family separation, but also training of other professionals in social services delivery, is essential, especially if we take into account the fact that in reality, the level of professional training and attitudes towards residential care varies greatly in different areas”, says **Svetlana Rijicova, training consultant in the Project “Ensuring the right of the child to a family and his protection from violence, abuse, and neglect”.**



TRAININGS FOLLOW THE EVALUATION OF PROFESSIONAL TRAINING NEEDS

The trainings that are now in full campaign were preceded by an evaluation of the level of competences of the specialists involved. This evaluation included the assessment of skills gained within previous trainings, to determine the type of trainings that still need to be provided. It helped to identify the informational and professional gaps, feeding the training programs on various topics, adapted to job descriptions and categories of staff.

TRAINING TOPICS

Thus, the decision-makers and the specialists from social assistance and family protection departments, social carers, and NGOs, will be trained in case management, supervision, referral mechanisms, institutionalization prevention system, family support, reintegration, foster care services, post-reintegration monitoring, community mobilization, etc. In parallel with the existing services, this category of specialists will have to identify new possibilities to develop community and family-based social services that will meet the needs of all children.

Another group of staff who will receive training are those who work in specialized services – community centres staff, foster carers, specialists of other services funded from other sources.

TRAININGS FOR TEACHING STAFFS OF MAINSTREAM COMMUNITY SCHOOLS

The experts of the Project will also contribute to building the capacities of the teaching staffs of mainstream community schools. The teachers of the schools where children will be integrated from residences, will be trained in areas of inclusive education and will learn new methods and practices of working with children. In all community schools support teams for children will be created. The support teaching staff are key-persons in charge with inclusion, that is why, it is very important that they are well trained and know how to work with these children, how to facilitate the child’s school and social inclusion process”, considers Svetlana Rijicova.

SUPPORT FOR PROFESSIONAL REINTEGRATION OF RESIDENTIAL INSTITUTIONS STAFF

A special target of the training is the residential schools staff. The reform’s success depends largely on these specialists’ attitude. Thus, the staff of residential institutions will be trained in change management and types of social services for children and families. They will also receive support in professional integration after the reform of the institutions.



Advisory Boards of Children will work in pilot areas of the Project

MAKING SURE THAT EVERY CHILD'S VOICE IS HEARD

Children aged 12-17, from Falesti, Ungheni, and Calarasi regions, joined in Advisory Board's of Children (ABC), to participate in the process of consulting decisions and in monitoring and evaluation of local childcare policies in the communities they live. The ABCs work as partners of Social Assistance and Family Protection Departments of their regions.

Child participation is a new practice in the Republic of Moldova, and very little has been done here so far, to be able to register significant progress. We still believe that we, adults, know what exactly children need, and we are still convinced that we know better what children want in life. As a consequence, all decision-making is done without children ("What do children know?") Without considering their opinions, policies and programs directly affecting them are developed „in the child's best interest". Moreover, children are not involved in the implementation of these policies and programs, especially in their impact monitoring and evaluation. At the same time, child participation is a fundamental right, chartered in the UN Convention on the rights of children and in the national legislation.

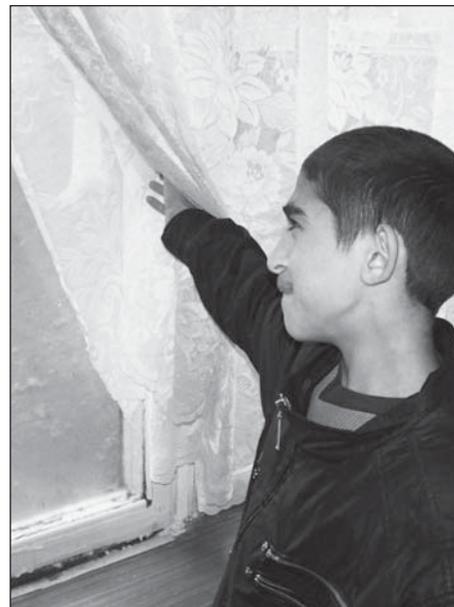
This state of affairs will be changed in the near future in Falesti, Ungheni, and Calarasi raions, as one of the **Project objectives is about the inclusion of child participation as a platform for consultation, monitoring, and evaluation of local childcare policies.**

Following a contest announced in local mass-media, groups of 15-20 children were selected and created in each

raion, who will form the Advisory Boards of Children.

"These Boards represent a form of association of children and young people, allowing them to express their opinions and implement their own projects that meet the specific needs and interests of their communities. The Boards will act as partners of the Social Assistance and Family Protection Departments, in the process of developing, implementing, evaluation, and monitoring local policies and programs for children and youth", said **Natalia Semeniuc, child participation consultant at EveryChild Moldova.**

Members of the ABC are children between 12 and 17 years of age, with or without experience of growing up in residential or other forms of care (foster care, family-type homes, guardianship), with parents working abroad, children with special needs, Roma children, but also children from mainstream community schools.



Children have the right to freely express their opinion about any problems directly concerning them – be it a problem that needs to be solved in the family, or in the community or school, but also an issue discussed at the national policies level.

Participation is the children's voluntary involvement in matters that concern them directly or indirectly, regardless of their socio-economical situation, their belonging to certain groups that are vulnerable or at risk.

Adults should take into account the children's opinions, considering their age and level of maturity. Thus, the children are ensured the right to actively participate in all social transformation, while their opinion is taken into account while making decisions that concern them.

WHAT ARE THE TASKS OF YOUNG ADVISORS?

Membrii Consiliului Consultativ al Copiilor vor participa cu regularitate la The members of the Advisory Board of Children will regularly participate in local meetings where decisions will be made regarding the future of the children. They will come up with recommendations and suggestions for the improvement of the child protection system.

Young advisors will participate in the evaluation of the needs of children in care or at risk of being separated from their families. They will also take part in the development and monitoring of local child's rights protection policies and programs. Besides, the ABC members will make sure that the voices of children left without parental care (those from residential institutions and other forms of care) are heard and taken into consideration while making decisions concerning them.

A PRIORITY OF THE REFORM: Retargeting financial resources to social services for children

Identifying mechanisms of retargeting funds from residential care to the new set of community and family-based services is one of the objectives of the Project “Ensuring the right of the child to a family and his protection from violence, abuse, and neglect”.

The starting point of the project is the existing situation, when the resources planned for social services for children are largely directed towards residential care. Thus, the state continues to spend huge amounts to support a system that is far from meeting physical, educational, emotional, and other needs of children left without parental care. This system is incapable of preparing the children for life, for their social integration and personal affirmation.

At the same time, the Government has expressed interest and willingness to develop alternative services that are much more cost-efficient: the alternative services involve lower costs per unit and can cover the needs of a greater number of children, including the families where these children receive care.

The Project experts intend to find optimal solution of retargeting funds from residential care towards the development of social services for children and their families in difficulty, towards inclusive education, as part of secondary education. The objectives of the transfer should become one of the priorities of the residential childcare system reform in the Republic of Moldova.

An innovative principle of financing called “money follow the child” will be applied in the case of state allowance offered to orphans and children left without parental care. Applying this principle will contribute to the financial support offered to families in difficulty, to foster carers, and other services for children.

The project includes the development, in all three pilot areas, of an integrated system of social services for the child and the family in difficulty, as well as the reorganization, with further closure, of seven residential facilities. At the same time, we plan to expand and develop the range of integrated social services coming to meet the needs of the children and families, including capacity building of the teaching staff of raion mainstream schools and lyceums.

Finances that were previously used to support residential institutions should be used to support the following services:

- ▣ **Family support for (reintegrated) children.** Each family into which the children were reintegrated, will receive monthly payment of about 600 lei, for a 6-7 months’ term – just enough to reduce the crisis situation of the child’s family;

- ▣ **Integration of deinstitutionalized children into mainstream schools, with the development of inclusive education.** The average monthly cost per raion of one child’s training in a mainstream school is about 440 lei, as the norms set by Methodological Budgeting Norms for the year 2010 plan 5246 lei per year;

- ▣ **Inclusion into mainstream schools.** The cost of this action is related to the institution of support teaching staff. Thus, it is proposed that new positions are created, while the cost per unit will amount to 2277 lei monthly, including all

social payments (social and health insurance covered by the employer);

- ▣ **Foster Care.** According to Government Decision No. 924 of 31 December 2009, “With regard to allocations for children placed in FC”, the amount of payments per one FC service beneficiary is 8780 (630 lei x 6 months + 5000 lei annual payment. Foster Carer’s salary will be about 2277 lei per month.



Ala SCALSCHI,
Public finance consultant

HOW WILL THE FINANCIAL SOURCES RETARGETED?

The method of retargeting financial resources from the residential system towards social services will be developed in two stages:

First, the costs will be evaluated, of services needed for the children who will be reintegrated into their families. Several types of services will be considered: health, educational, and social.

The experts of the Project already started the evaluation of the existing resources – the evaluation of residential institutions budgets, costs distributed among various categories of services, and the way these funds are used.

According to estimates, the cost of raising a child in a residential institution may amount in present to 40 000 lei. At the same time, direct costs per child in a residential institution are very modest, as the greatest part of a residential institution’s budget is allocated to cover the costs of maintaining buildings and salary payments.

Raising a child in a residential institution requires twice as much funds as the ones allocated to community schools. Along with the financial evaluation of residential institutions, the specialists of the Project will analyse costs implied by social services developed in the Project’s pilot sites, by each category.

Based on all evaluations, the experts of the Project will develop a set of legislative proposals regarding financial mechanisms that need to function in the child and family protection system.

Thus, the funds allocated by the Government to the residential system should be used to develop a system of services for the support of families and children, as well as family-based services for the children left without parental care, to gradually replace residential care.

According to estimates, the cost of raising a child in a residential institution may amount in present to 40 000 lei.
