

Fact Sheet N° 1

A global policy for children and the family

THE GENERAL FRAMEWORK

To provide in a coherent fashion adequate and global protection for children deprived of family care, or at risk of so being, requires the definition and application of **a global policy of care and protective custody for children that should also provide support for the family**. Such a policy could propose various measures, including programmes of social assistance for families in distress, family placements in emergencies, for short or long duration, family type institutions, domestic adoption or *kafala* in countries with Islamic law, and, if necessary, inter-country adoption. A global policy for children and the family should be firmly based upon the following priorities:

Priority for the family of origin

Priority should be given to raising the child in his/her own family, if it is in the child's best interests: to maintain him/her (prevention) or reinstate him/her in his family of origin or the extended family (UN Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally, art. 3). Governments and civil society should do everything possible to ensure that families have the chance and are motivated to take care of their child (CRC, art. 18 par. 2 and 3). This means formulating policies and programmes that translate, among other means, into: psychosocial support and/or economic assistance for mothers or families in difficult circumstances; reaching out to the extended family, particularly the grandparents, to enlist their help in avoiding abandonment; raising awareness of the importance of the father's role; training for parental duties; and strengthening the child's ties with his family; sensitizing them to the needs and rights of the child; educating them in conscious and responsible family planning;

promoting respect for the rights of women, equal pay, and support in the workplace.

Priority for family solutions

Family solutions (prevention of abandonment and retaining the child in his/her family, reintegration of the child in his/her family of origin, family placement, *kafala*, domestic and inter-country adoption) should be given preference over long term placement in an institution (See Preamble of the CRC). The family constitutes the best environment for bringing up the child. It is the responsibility of the competent authorities to see to it that children do not remain in institutions without an early review of their personal circumstances and without seeking adequate means of family protection for them (CRC, art. 25). However, the solution chosen should always be checked to ensure that it is the most appropriate for each child (CRC, art. 3).

Priority for permanent solutions

To grow up fully, the child needs stability in his/her ties to the key adults around him/her. A stable and permanent family life together is

in principle preferable to temporary forms of care either in institutions or in foster families. Temporary solutions must make it their primary goal to reintegrate the child in his/her family of origin and if not, to seek another permanent solution (adoption) for him/her

Priority for community and national solutions

To ensure them the continuity of the safe network of relationships that girls and boys have at their disposal, always on the understanding that it is not contrary to their best interests, they must stay in the usual environment, that is to say, their local community. National solutions (reintegration in the family, domestic adoption) should be preferred to international ones (inter-country adoption). Inter-country adoption is a measure that is subsidiary to domestic adoption (CRC, art.21-b).

Priority for consensual solutions

Solutions that are accepted and agreed to by the people affected (children, parents, other key relatives for the child) are usually sounder, more educative and more effective than those imposed. Accepted solutions entwine themselves emotionally in one's own personal history like a decision one has taken oneself, having participated in elaborating it, and for which one can feel more or less

responsible. However, when the interests of the child so require, it may be indispensable in overcoming the opposition of the persons concerned.

Priority for personalized solutions

It is important not to apply mechanically or rigidly the order of priority of these measures. Each child is different; his/her life story and his/her personal and family circumstances are particular. His/her protection must be conceived :

- a) In relation to his/her own characteristics and those of his family of origin. The measures should be based on a psycho-medical-social study of the child.
- b) Choosing the measure(s) that best respond(s) to the interests of this specific child (CRC, art. 3). In some cases, the measures, normally provisional, may turn out to be adapted to the long term. Furthermore, it is necessary to periodically review the temporary measures (CRC, art. 25).
- c) As a dynamic process in which the available protective measures should be considered complementary in their usage, making it possible to ensure their coordination and continuity, in the interests of the child and that of the family.

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For more information:

UNICEF/ISS, *To improve the Protection of Children deprived of Parental Care: the Need for International Rules*, August 2004.

http://www.iss-ssi.org/Resource_Centre/Tronc_DI/documents/MainworkingpaperESP.pdf

ISS, *A Global Policy for the Protection of Children Deprived of Parental Care*, Geneva, 2005, 11 pp.

http://www.iss-ssi.org/Resource_Centre/Tronc_DI/documents/CRCDiscussionDayAglobalPolicyISS05.pdf

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