

## Fact Sheet N° 13

### **A global policy for Children and the Family PROVISIONAL PROTECTIVE MEASURES: INSTITUTIONAL PLACEMENT, A PROVISIONAL MEASURE EXCEPT IN SPECIAL CASES**

Placement in an institution, public or private, just like a family placement, is not a "permanent plan", but it can form part of a life plan for a child. Neither an institutional placement nor a family placement is an end in itself. They are provisional measures that can be taken when a child is abandoned or is suffering from a state of neglect (mistreatment, lack of care; feeding, emotional and social shortcomings; situations of child abuse or exploitation; episodes of violence due to drugs or mental sickness in the child's living environment etc) and should be separated from the family of origin. They are transitions to a permanent family solution (reintegration in the family of origin or adoption).

#### **A provisional measure**

It is internationally recognised and reaffirmed in the International Conventions, that the family is the most suitable environment for bringing up a child. Placement in an institution is the least desirable protective measure, especially if it drags on. However, in many countries, it is noticeable that institutional placement continues today to represent the most frequently used protective measure for children.

Institutional placement should always be seen as temporary, as a transition that prepares the way for the child's return to a family (the family of origin, preferably, or if not, a substitute family). It should not be a transition to moving the child to another institution. Only in special justified cases in the best interests of the child (some types of specialised institutions may respond better to the interests of some children's with special needs or who, because of the traumas they have

experienced, are unable to integrate in a family framework) the institution should not be a long-term solution.

In many countries, a special effort should be made to improve the protection of children from a double perspective:

1. to guarantee that no child remains in an institution longer than necessary. Deinstitutionalization to the advantage of temporary family solutions and then permanent ones, should be an objective of the authorities responsible for the protection of the children.

2. to guarantee that life in an institution, when it is inevitable, is of a more family nature or is as personalised as possible, although the institution can never replace the family.

#### **The best interests of the child**

Whatever action is undertaken must be based on the best interests of the child above all else. It is, for example,

unacceptable to keep children in institutions merely to ensure employment for the staff. So that the staff do not bring the essential efforts to deinstitutionalize to a standstill, it is indispensable for the responsible authorities to plan the transfer of institution staff to reintegration programmes for children in a family environment and with family support and prevention of neglect.

It is also unacceptable to reject the benefits of a permanent family by means of adoption on the pretext of the "family style" nature of a particular institution. An institution, however good it may be, never provides the full-time (parents never take leave from their family commitments like the staff of an institution do from time to time) and temporary dedication (the parents' commitment doesn't end when the children come of age, as it does for the staff of the institution) that a family provides.

In all ways, whatever the age of the child, all the decisions, the plans and measures taken in this regard have to be communicated and explained to the child. It is necessary to allow him/her to express their experiences, their feelings and emotions in this respect. Otherwise, the child would persist in his/her lack of

understanding of what is happening to him/her, and in their anxiety about what is to come and what he is leaving behind. He will feel treated like an object and will be in no condition to react positively to the best life plans drawn up for him.

**Creating new institutions should be called into question** and only happen as a way of improving the living conditions of children who must be placed in them provisionally. It should be made essential to request the prior submission of a plan and its approval by the competent authority that ensures that it is in keeping with the best interests of children considered within the framework of the global policy for children and the family. Alternatively, an assessment of the current situation of institutions to receive children, whether public or private, should be carried out by the competent authorities with a view to passing judgment on whether or not their existence is justified in the best interests of children, and decisions deemed desirable be taken.

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#### **For more information:**

HERCZOG Mária "Routes and Reasons: Children Entering and Leaving Institutional Care in Six CEE/CIS Countries", UNICEF, 2000, 39pp.

TOBIS David "Moving from Residential Institutions to Community-Based Social Services in Central and Eastern Europe and the Former Soviet Union", The International Bank for Reconstruction and Development, The World Bank, 1818 H Street, N.W., Wash; 2000, 62pp.

CRC General Discussion Day on Children without parental care:  
<http://www.ohchr.org/english/bodies/crc/docs/discussion/recommendations2005.pdf>

**We are interested in your opinion!** To tell us your experiences, ask us your questions about the themes addressed in this file, or to send us your suggestions for changes, don't hesitate to write to us at [irc-cir@iss-ssi.org](mailto:irc-cir@iss-ssi.org). We also invite you to share this file with other interested persons in your country. Thanks in advance!

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