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EDITORIAL

Conference of Brasilia, 9-11 August 2006

A decisive step towards the adoption of the United Nations Guidelines for the Protection and Alternative Care of Children without Parental Care.

From 9 to 11 August 2006, and upon the initiative of the Presidency of the Brazilian Republic¹, about forty governmental delegates, which came from all regions of the world, met in Brasilia. The aim of the conference was to review the *Draft UN Guidelines for the Protection and Alternative Care of Children without Parental Care*.

As a reminder, this project is the result of a joint initiative between UNICEF and ISS, launched in early 2004 (see Editorial of Monthly Review 72-73). Thereafter, under the coordination of ISS, a working group within the NGO Group for the Convention on the Rights of the Child, drawing together several international NGOs involved in children's rights, elaborated a first draft of the Guidelines, which received the support of, and was validated by, the United Nations Committee on the Rights of the Child. On the occasion of its annual General Discussion Day in September 2005, the Committee recommended that this work be pursued in order to submit the draft for adoption by the United Nations General Assembly.

A preliminary text has therefore been drafted, on the basis of a large

international consultation process. The Conference of Brasilia was the first opportunity to submit this document for consideration by a group of governmental experts.

A text which must respond to the needs of every situation

As a priority, the Draft Guidelines aim at preserving the family structure (prevention of separation, reintegration of the separated child into his/her family) and, where this is not possible, at offering an appropriate form of alternative care to every child. With this in view, it provides that any measure must be based on a prior evaluation of the child's situation, subjected to planning and regularly reviewed. Each decision must be adopted on a case-by-case basis, by qualified individuals, in consultation with the child. Furthermore, the project thoroughly defines the minimum conditions which ought to be met by any form of alternative care. It also provides some mechanisms designed to support children and young adults who no longer benefit from this type of service.

The tools offered by the future Guidelines will be of use to various actors,

including political decision-makers, social services, as well as bodies and individuals directly responsible for children. They concern as much the public as the private sectors.

In relation to the implementation of these principles, it will be a matter of showing flexibility, as it will depend upon the economic, social and cultural conditions of each country and, according to the case, will be carried out progressively.

A fundamental step

Beyond the essential questions which were discussed during the Conference, this has undoubtedly marked a decisive step on the long road, which must lead to the adoption of the Guidelines. The delegates have acknowledged that this future text will respond to a real need and have, very clearly, expressed their willingness to carry this project through to completion. Although the Convention on the Rights of the Child and other relevant international instruments provide a general legal framework for the protection and care of the children concerned, numerous questions remain open and, quite obviously, require new developments. The debates which will surround this text over the next months will have to fill these gaps.

A process which must be supported on the long term

Even though the commitment expressed at the Conference of Brasilia is encouraging, the efforts provided at all levels since the beginning of the project must be pursued. It is now a matter of mobilising all the States, so that a larger

international debate may take place. Without strong political support, this text may never come into being...

A new version of the project, which will include the conclusions of the Conference of Brasilia, will be available before the end of the year. All governments will be requested to examine this new text in detail, and to share their comments with Brazil, which now leads on this project. It will then be a matter of achieving a satisfactory text for all, with a view to its final adoption at the United Nations General Assembly's session, which will be held at the end of 2007.

On the longer term, issues will be raised in relation to the implementation of the Guidelines and the strategies which will need to be developed with that aim in mind. It will be a question of integrating the new principles into the legislations and practices, so that the reality of every country may really be transformed.

The IRC Team

¹ In addition to the efforts provided by the Brazilian Presidency, this event has also been made possible thanks to the financial contributions of the Canadian International Development Agency (CIDA) and UNICEF.

The text of the Guidelines in its current version is available in English at the following address: <http://www.mj.gov.br/sedh/ct/spdca/cuidados%20parentais/Draft%20Guidelines%2030.06.06.doc>.

For further information on this process, see http://www.iss-ssi.org/Resource_Centre/Tronc_DI/tronc_di_pro.html; <http://www.ohchr.org/english/bodies/crc/docs/discussion/recommendations2005.pdf>.