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***We wish you all a very Happy Holidays
and hope that 2009 will enable us to further contribute
to the promotion and protection of the rights of the child deprived of a family!***

EDITORIAL

Is immediate de-institutionalization always in the best interest of the child?

No doubt de-institutionalization is one of the main challenges in the field of child protection today. This editorial canvasses Brazil's process of de-institutionalization based on the Masters Thesis by Roberta Salle Levy which amongst others shows that de-institutionalization is not always optimal especially where alternatives are inadequate.* 

De-institutionalization: even if it is one of the most complicated words to pronounce for non English, is present everywhere and every time when one speaks about alternative care measures. For the great majority of countries, it is now agreed that the systematic use of large institutions for children without parental care should be avoided. Alternative family measures have to be created and gatekeeping mechanisms (another great word) should be put in place. However, this evolution can not take place without considering the whole child protection system of a country, especially the existing alternatives that could supplement the closure of institutions. Brazil is a country illustrating this sharp debate, as it has a long history of institutionalization and has been in the process of de-institutionalization for a over decade.

A culture of institutionalization

In Brazil, the placement of children inside institutions started strongly in the 19th century and was heavily relied upon during the

dictatorship of Getúlio Vargas in 1937, when children and adolescents were considered as an object of national defence. The Code of Minors in 1979 also encouraged the use of institutions, authorizing the placement of children in educational, psychiatric or other environments, which was considered appropriate for their protection. The culture of placing children inside institutions is still prevalent as demonstrated by the current number of children in institutions. According to the survey by Instituto de Pesquisa Econômica Aplicada (IPEA) in 2004, there are approximately 19 370 of children living inside institutions, but it is estimated that this number is much higher in reality. Importantly 87% of children inside residential care have families and 57% of them maintain contact with the family of origin. Only 4.6% are orphans, 6.7% are abandoned and 10.7% are considered adoptable.

Despite the common practice of placing children inside institutions, as early as 1869 the National Children's Home Foundation in the United Kingdom started to implement residential care with small units based on a

family style system trying to offer a childcare system different from the habitual large institutions avoiding the negatives effects of institutionalization and providing an individualized service. Worldwide calls for de-institutionalization also surfaced in countries from the Central and Eastern Europe and the former Soviet Union after the end of the block. These global trends started to influence Brazil in the 1980's, when it started to implement initiatives to change the practice of placing children inside institutions.

Brazil's efforts to de-institutionalise are valiant yet premature

Since the adoption in 1990 of the Statute of Child and Adolescents (ECA), in collaboration with Antonio Gomes da Costa, a former member of the UN Committee on the Rights of the Child (UNCRC), de-institutionalization provisions started to be implemented ensuring Brazil's compliance with international standards and trends. In 2004 the UNCRC also recommended that Brazil develop programs to prevent the placement of children in institutions. As one of its responses, the 2006 National Plan for the promotion, protection and defence of the rights of children and adolescents to live in a family and community was introduced and put the issue of institutionalization again on the Brazilian political agenda. The will towards de-institutionalization has also recently been shown at the international level through the Draft UN Guidelines for the Appropriate Use and Conditions of Alternative Care for children project, where Brazil is the leader of the Group of friends, working to raise support for the guidelines and to encourage its adoption by the United Nations General Assembly. Unfortunately, despite the country's efforts to follow international trends a total de-institutionalisation of children appears to be premature due to the inappropriate alternative measures available.

Risks associated with the immediate closure of residential institutions are not adequately catered for

In countries with high numbers of children in institutions as Brazil, alternative childcare measures need to be developed to absorb this upcoming contingent of people. The risks are linked with the absence of a comprehensive national survey showing the current number of children inside residential

homes and therefore tailored responses to their needs not being able to be developed. Regarding foster families the country is still in an initial phase with important progress required such as the need to address disparities of number of foster families amongst states, lack of harmonised practices as well as no appropriate monitoring and training of foster parents. Concerning adoption, the profile of children that have been adopted in Brazil is less than one year, with white roots and without disabilities, contributing to the maintenance of children inside residential care because they are not fulfilling the profile searched by future adopters. Clearly better alternatives measures must be implemented before there is complete de-institutionalisation.

Pre-requisite steps necessary before de-institutionalization

There are pre-requisites necessary to allow the transformation of the system of institutionalization. The development of prevention services in order to support the biological family is one step to combat the main reason of placement: poverty. The recommended prevention services consist of material support to families, provision of day care centres, use of the extended family, raising awareness of the father's role and support in the workplace which are just some actions that should be undertaken. There should also be an acceleration of the judiciary procedures for the loss or suspension of parental rights allowing in this manner the adoption or the foster placement of children which can be facilitated by a quicker declaration of the status of the child inside residential care. Another recommendation is the development of programmes to prepare the young adult that is leaving care for an autonomous life. Until these basics are addressed, the total abolishment of residential care is not still recommended.

Is immediate de-institutionalization in the best interest of the child?

Institutional placement is not the ideal environment and the negatives effects caused to the development of the child cannot be denied. However immediate de-institutionalization cannot be considered in the best interest of the child when there is no appropriate protective measure able to grant the rights of these individuals and when the

majority of these children can not be reintegrated into their families or placed in other types of out-of home care facilities.

Therefore, it can be prudent to maintain some of the residential institutions ensuring the quality of the care services until adequate alternatives are available. Countries such as Brazil need time for a complete transformation and the effective adaptation of its policy on childhood.

The steps forward for de-institutionalization recommended to Brazil are also useful for other countries that have inherited a child welfare system based on children's institutions and that are lacking a strategy to

create sufficient and appropriate alternative measures.

*This editorial is based on the research developed by Roberta Salle Levy during her Master Advanced Studies in Child Rights at IUKB/University of Fribourg and developed with the support of the ISS/IRC titled "End of residential institutions in Brazil: an appropriate measure for the Protection of Children and Adolescents or just a response to an increasing call for de-institutionalization?"

The ISS/IRC team
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