**The International Alliance for Peace and Development**

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**Alternative Care in Conflict-Affected Areas**

At the outset, the International Alliance for Peace and Development (IAPD) wishes to thank the Committee on the Rights of the Child (CRC) for inviting states, alliances and civil society organizations to make contributions on the issue of children in alternative care, at a time when the International Alliance is stressing the importance of the alternative care system for children, particularly in humanitarian emergencies, in providing adequate care measures for unaccompanied and separated children, including refugee, migrant and homeless children, in the midst of armed disputes and conflicts. Nevertheless, the IAPD also stresses the need for keeping children with their families and under their care and that the separation of children from their families must be the last and inevitable resort for a child that serves his best interests.

The IAPD strongly believes that alternative care systems play a key role in protecting children deprived of family care from displacement and loss and finding the safe alternative and providing them with shelter, various services and educational attainment. However, such systems cannot substitute the role of the family in providing care for those children, instead, they are viewed as one of the inevitable options in the event of a loss of family care or a family breakup. There is an orientation supported by the Alliance that stresses the importance of resorting to non-institutional care, including family and relatives, instead of the institutional one given the fact that family care provides an adequate satisfaction of the child’s needs, making him/her a positive individual able to take responsibility and adapt with the social environment by promoting in them self-confidence and the social skills necessary for natural growth.

On the contrary, alternative care institutions are only residential institutions that weaken the ability of a child to cope with real-life situations. In such institutions, children become nervous, scared, less competitive and lack creativity, as manifested by shyness, hesitation, introversion, indifference, extreme caution or aggression and the resulting psychiatric disorder and social maladaptation. Nevertheless, alternative institutional care, especially in areas of international conflicts, remains an important option for providing care represented in shelter, food and clothing for homeless and refugee children deprived of family and social care.

**A view of the alternative-care system in conflict areas (Case study: The Arab Republic of Syria)**

About 415 million children, that is one-sixth of the world’s children, live in areas of conflicts and disputes, which leads to the subjection of those children to a range of grave violations of their basic rights, including the right to life, education, health and housing . In the midst of armed conflicts, children face forced deportation and displacement as well as migration to countries other than their countries of origin. This may often lead to the separation of these children from their families, making them in desperate need for a care system alternative to the care provided by families. This highlights the need to adopt alternative care systems for unaccompanied, separated, migrant, refugee and displaced children in conflict areas consistent with what was provided by Article 20 of Convention on the Rights of the Child (CRC), which obliged states to provide special protection to every child deprived of his/ her family environment to ensure that he/she receives an appropriate alternative family care or is provided with a foster home, taking into consideration the child’s cultural background when fulfilling such obligations.

In Syria, the decade-long Syrian conflict has led to the increase in numbers of homeless, abandoned and separated children, owing to displacement, migration, war and extramarital births. Given families’ debilitated living conditions due to destruction, deportation, murder and displacement in Syria, the legal inefficiency is clear with regard to securing the rights of unaccompanied children and those with unknown parentage as well as the lack of foster homes. Addressing the issue of unaccompanied children by the Syrian law was only limited to the 1970 Law of Children of Unknown Parentage, which was not subjected to any significant amendments since such date except only the issuance of some decrees that addressed the change of the word “abandoned child” to “ a child of unknown parentage”. In 2018, a new draft law on children of unknown parentage was introduced in the People's Assembly of Syria, however, this draft law was never passed, restricting, thereby, the issue of unaccompanied children to the 1970 Law related to children with unknown parentage.

Syria has not fulfilled its obligations under Article 20 of the Convention on the Rights of the Child (CRC). It did not provide a suitable number of foster homes for unaccompanied children, including those of unknown parentage. In this context, it should be pointed out that there is only one public foster home for unaccompanied children, including those of unknown parentage, in Syria located in the capital Damascus. Nevertheless, the National “Child Foster Care” Association in Aleppo was recently authorized by the Ministry of Social Affairs and Labor to establish a foster home with the same competencies enjoyed by public homes and shall be governed by the same laws under the supervision of the Ministry, while children found in the rest of governorates are being transferred to the foster home of the capital Damascus.

The Syrian law allows for the placement of children with alternative families. Families that wish to adopt a child from a foster care shall take the child under a contract called “Placement contract” based on specific and clear terms, the most important of which is that both parents should not be less than 30 years old and no more than 55 years old, in addition to having an appropriate financial position and having the ability to raise this child. The family shall also bring the child to the foster home every four months to check on him/her. However, owing to the war, there have been some irregularities, as foster families were allowed to take the child with them in case they travelled outside the country subject to the approval of the Minister of Social Affairs and Labor .

In a similar context, the deterioration of the alternative care systems in Syria is evident to a large extent, which do not meet the international standards set out in international frameworks and conventions on children’s rights.

Recommendations on the proper arrangements of alternative care for unaccompanied and separated children, including refugee children and children in humanitarian emergencies

**Upon the call of the Committee on the Rights of the Child (CRC) to experts and civil society organizations to participate in the general debate on the proper arrangements of alternative care for unaccompanied and separated children, including refugee and migrant children as well as children in humanitarian emergencies, such as the case in Syria, the IAPD presents its recommendations on the proper arrangements of alternative care for the children concerned as follows:**

• All the decisions related to alternative care should fully take into account the preference to keep the child as close as possible to his/her usual place of residence for the sake of facilitating communication with his/her family and the possibility of reintegrating the child into such family.

• All means to prevent the separation of children from their families should be provided, except in cases contrary to the best interest of the child. Priority must be given to family and family-like care alternatives as well as the need for the gradual closing of institutionalized alternatives, especially those containing large numbers of children.

• Alternative care provided for young children, particularly those under the age of three, should be limited to family-based arrangements. However, exceptions can be made to this rule for the sake of preventing the separation of siblings and also in cases where the child is put in alternative-care facilities for emergencies or for a predetermined and very limited duration.

• States should develop new alternatives in the context of general strategies in order to avoid institutionalized alternative care. Such strategies must be based on specific goals and objectives that lead to phasing out the reliance on alternative-care institutions and turning towards the measures of individual and small-group care.

• States should maximize the financial resources allocated to the promotion of alternative care measures for unaccompanied and separated children, including those in humanitarian emergencies and refugee children in their territories.

• States should ensure that all the entities and individuals involved in the provision of alternative care to children must be granted authorization by a competent authority. The states must also ensure the subjection of these entities to the regular supervision of such authority.

• States should ensure that every child placed in temporary alternative care has the right to regular and accurate review to assess the suitability of the care and treatment provided for him/her. Such review shall be conducted at least once every three months by properly qualified and authorized personnel with the full participation of the child or all persons involved in the child’s life.

• Governments and competent authorities should take into consideration the cultural and religious backgrounds of children when providing them with alternative care, including those related to the gender perspective.

• The authorities must promote alternatives to informal care for unaccompanied children and to encourage, within this framework, the informal care-providers to notify the authorities of their care arrangements as well as seeking to ensure the provision of those providers with all the available services and benefits which may help them fulfil their duties in order to care for and protect unaccompanied children.

• Legislations must provide for the need for registering all the entities and facilities responsible for providing formal care in social welfare services or other competent authorities. Such entities and facilities shall be authorized to act by these services or authorities, taking into account that the failure to comply with these legislations is an offence punishable by law.

• Refugee and migrant children who are already outside their countries of origin as well as unaccompanied and separated children should enjoy the same level of protection and care as child citizens of the country concerned.

• States must make all the efforts towards unaccompanied migrant and refugee children outside of their countries of residence to track down their families and re-establish family ties connecting them when this is in the best interest of the child and would not expose the parties involved to danger.

• In humanitarian emergencies, particularly armed conflicts, the state or de facto authorities should ensure that all persons and entities involved in responding to unaccompanied or separated children are experienced, trained and well-equipped to do so in a proper manner.

• In humanitarian emergencies, particularly armed conflicts, children should not be transferred to a country other than their country of habitual residence for the sake of alternative care, except only for a temporary duration or for compelling health, medical or security reasons.

• In humanitarian emergencies, the state or de facto authorities should, if they considered that a child reunion with his/her family is not possible or is contrary to the best interest of the child, offer permanent and final solutions in the interest of the child, including adoption, kafalah of Islamic law or the placement of the child in a proper institution that provides formal alternative care services such as collective housing and other supervised housing arrangements.