



## Written Submission to to the UN Convention on the Rights of the Child Day of General Discussion: "Children's Rights and Alternative Care"

Since 2014, the **Biennial Conference on Alternative Care for Children in Asia (BICON)** has been a major conference focused on the rights of children and young people without parental care (CWPC). Previously hosted by Udayan Care in India, the conferences are conceived as a regional advocacy platform to bring stakeholders together for sharing, learning and connecting. The BICON 2021 conference has been expanded to include the whole of Asia and will be an important event for stakeholders to work together to drive care reform in the region and to contribute to global conversations on this important topic. The BICON 2021 organising partners are: Better Care Network; Family for Every Child; Forget Me Not; Hope and Homes for Children; Lumos; Save the Children; SOS Children's Villages; Udayan Care; and most importantly, young people with lived care experience. This submission has been drafted by Family for Every Child; Forget Me Not; Hope and Homes for Children; Lumos; Save the Children, SOS Children's Villages and Udayan Care.

The Day of General Discussion (DGD) 2021 is an important opportunity for the world to take stock about the lives of children and young people in alternative care and those at risk of being separated from their families. To give a truly global picture, it is particularly important that the voices and specific experiences of Asia are included in this process. Although BICON 2021 has been rescheduled from May to December due to the pandemic, we collectively present our submission for the DGD to highlight the particular challenges in Asia at this time.

These issues and the outcomes from the DGD will be addressed at BICON where the focus will be on Asian approaches to: addressing unnecessary separation, including for children with disabilities and children on the move; strengthening the child welfare system and social welfare workforce development; supporting formal and informal kinship care, foster care and guardianship; and, developing policies and practice to support children and young people leaving care. BICON has created a platform for young people with care experiences to express their thoughts, opinions and recommendations on care reform. It will also focus on how COVID-19 has highlighted the weaknesses of the current care system and heightened the risk faced by vulnerable children, families and communities.

### Focus on impact of COVID -19

Globally, COVID-19 continues to have an impact on families, communities, children and young people - disrupting support networks, destroying livelihoods<sup>1</sup>, and placing a large burden on health and public health efforts to contain the virus. COVID-19 continues to pose specific risks and

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<sup>1</sup> The Wire, 1 December 2020, *Pandemic's Economic Effects Persist on Ground as Families Continue to Struggle for Jobs, Food*, <https://thewire.in/rights/covid-19-economy-jobs-food-sx'ecurity>

challenges for children related to appropriate care including: the need for alternative care when caregivers become ill or pass away; the increased vulnerability of children to violence and harm; the impact on functioning of the child protection system when schools close down<sup>2 3</sup>; the availability of placements including at borders when children are in transit; the increased risks in residential care settings; and, the strain on existing child protection, health and welfare services<sup>4</sup>, including their ability to access and support the children and families that need it most.

During this crisis, it is vital that child protection services are prioritised as an essential service and that social workers<sup>5</sup> are given appropriate training and protection. Efforts to strengthen the capacity of family-based care and social protection systems are critical to support families during such a difficult time.

Due to reports of a growing number of children who have lost parents to COVID-19 in Asia, desperate pleas to adopt orphaned children have circulated on social media, leaving them vulnerable to illegal adoption outside the scope of the child protection system as well as to exploitation including trafficking, child labour<sup>6</sup> and child marriage<sup>7 8 9</sup>. As observed after the tsunami in Aceh, international focus is often on saving “orphans” rather than supporting extended family members to care for their children<sup>10</sup>.

Most countries in Asia do not have systematic data management systems for children. In this situation, we have to rely on rapid assessments carried out by NGOs. Stories from the ground point to the gravity of situations such as the impact of COVID-19 on children and their rights<sup>11</sup>. For DGD, anecdotal reports can serve as indicators to assess the situation and make recommendations for action.

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<sup>2</sup> Vincet, M., Kitnasamy, P. (2020). It is time to change the narrative - Measuring the devastating impact of COVID-19 on the education of children in tea plantation communities in Sri Lanka. Amnesty International. <https://www.amnesty.org/en/latest/news/2020/06/sri-lanka-it-is-time-to-change-the-narrative/>

<sup>3</sup> Mint, 27 August 2020, 286 million schoolchildren in India affected by Covid-19: UNICEF <https://www.livemint.com/news/india/286-million-schoolchildren-in-india-affected-by-covid-19-unicef-11598539409530.html>

<sup>4</sup> Khan Chandan, M. (2020). Covid-19 Outbreak: Little souls left exposed Orphans, street children now even more vulnerable for lack of hygiene products, basic medical services. The Daily Star <https://www.thedailystar.net/frontpage/news/covid-19-outbreak-little-souls-left-exposed-1888006>

<sup>5</sup> Example of the role of social workers. Finding family: Devi's extraordinary journey home to be where she belongs (Hope and Homes for Children, 2020) <https://www.hopeandhomes.org/story/devi/>

<sup>6</sup> The Guardian, 13 October 2020, Covid-19 prompts 'enormous rise' in demand for cheap child labour in India <https://www.theguardian.com/world/2020/oct/13/covid-19-prompts-enormous-rise-in-demand-for-cheap-child-labour-in-india>

<sup>7</sup> United Nations Population Fund and United Nations Children's Fund, Child Marriage and Other Harmful Practices: A Desk Review of Evidence from South Asia, UNFPA, Bangkok, 2020 <https://www.unicef.org/rosa/reports/child-marriage-and-other-harmful-practices>

<sup>8</sup> The Guardian, 1 October 2020, Covid crisis could force extra 2.5m girls into child marriage – charity <https://www.theguardian.com/society/2020/oct/01/covid-crisis-could-force-extra-25m-girls-into-child-marriage-charity>

<sup>9</sup> Save the Children, Global Girlhood 2020: how Covid-19 is putting progress in peril <https://resourcecentre.savethechildren.net/library/global-girlhood-report-2020-how-covid-19-putting-progress-peril>

<sup>10</sup> Article from the BBC in 2005 to "save Tsunami orphans": [http://news.bbc.co.uk/1/hi/world/south\\_asia/4155399.stm](http://news.bbc.co.uk/1/hi/world/south_asia/4155399.stm)

<sup>11</sup> For example. 12 April 2020, Covid-19 lockdown: 12-year-old girl dies after walking 150 km in effort to get home in Chhattisgarh <https://scroll.in/latest/959800/covid-19-lockdown-12-year-old-girl-dies-after-walking-150-km-in-effort-to-get-home-in-chhattisgarh>

### Measures and responses that have strengthened family care and prevented separation in the context of the pandemic.

- **Access to emergency needs-based crisis support** and to technology enabling remote guidance and counselling. This access has allowed regular monitoring and follow up in emergency situations. Cash and voucher support to vulnerable families and help in completing the bureaucracy needed to access help has been valuable.<sup>1213</sup>
- **Access to reliable, timely information** in an appropriate medium and format<sup>14</sup> has reduced fear and empowered families. In many cases where children were living outside of the family home, the pandemic has prompted parents to initiate contact and to bring their children home.
- **Social media and radio** campaigns focused on COVID-19 messaging have raised awareness about the risks to children and violence prevention. Such campaigns reduce the spread of COVID-19 and help prevent family separation.<sup>15</sup>
- **Lockdowns and restrictions on movement**, have prevented the mass movement and institutionalisation of children which was seen following other disasters such as the 2015 Nepal earthquake.
- In India, many state governments have initiated **community mapping and assessment** to determine emerging child protection issues, related to the pandemic. Civil society and state governments coordinate response to ensure that families can access necessary services and schemes to help alleviate the health, social and economic impact of the pandemic.

### Measures and responses that have undermined the provision of quality alternative care in the context of the pandemic.

- **Lockdowns and restrictions on movement** have prevented ‘outsiders’ entering communities. This has reduced opportunities for family re-integrations and establishing alternative care placements and made it even harder for cross-border case management.
- **Loss of livelihoods and income** from daily wage earners, combined with additional family stresses as a result of the pandemic, have reduced opportunities for placement of children into kinship care.
- The so-called ‘**rapid reintegrations**’ from child care homes without proper assessment and follow-up support has resulted in children being placed at unnecessary risk. This rapid

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<sup>12</sup> Family Care First, Cambodia - USAID supported voucher and cash assistance - evidence points to reduced family separation. [https://resourcecentre.savethechildren.net/node/19169/pdf/FCF-REACT%20FSL%20Baseline-PDM%20Report\\_FINAL.pdf?\\_ga=2.227679709.1959963088.1622194867-1866846874.1544598896](https://resourcecentre.savethechildren.net/node/19169/pdf/FCF-REACT%20FSL%20Baseline-PDM%20Report_FINAL.pdf?_ga=2.227679709.1959963088.1622194867-1866846874.1544598896)

<sup>13</sup> Examples of family support services provided in response to COVID 19 are detailed in *Children, Isolation and Quarantine: Preventing Family Separation and Other Child Protection Considerations during the COVID-19 Pandemic* (UNICEF November 2020) [https://www.cpaor.net/Preventing\\_family\\_separation\\_COVID19](https://www.cpaor.net/Preventing_family_separation_COVID19)

<sup>14</sup> Save the Children provided information to caregivers, school aged children and teenagers on COVID-19 as well as where to access support. Example flyers include: <https://resourcecentre.savethechildren.net/search/site/parenting%20without%20violence%20flyers>

<sup>15</sup> Save the Children teamed up with the popular Nepali comedy show called “Panwankali” to address issues related to preventing violence against children during lockdown, addressing stigma and discrimination which can lead to abandonment and sharing information about COVID-19. The shows were circulated via community radio and social media. <https://www.youtube.com/watch?v=TxUb0R2-7Ks>

reintegration was an inappropriate response<sup>16</sup> without any systematic monitoring and plan for long-term follow up as children were returned without the necessary and vital oversight.<sup>17</sup>

- We are seeing an emerging trend of **orphanage trafficking** and children being advertised for adoption on social media.<sup>18</sup>

### Measures and responses that should have been applied to mitigate additional protection risks in the context of the pandemic resulting in increased separation from family care.

- **Existing laws should have been applied** to prevent unnecessary separation of children from families during the pandemic.
- **Stronger monitoring** of residential care settings and the movement of children from them would have ensured that any changes were approved by local authorities and appropriate follow up by caseworkers once reunification had been conducted.
- **Opportunities for permanent reunification** would reduce the number of children in institutional care.
- Local authorities and communities need to maintain **up-to-date records** to ensure emergency support reaches those most in need, preventing child separation and family breakdown.
- The circumstances of the pandemic should have been an impetus for governments to **strengthen child protection** systems and prioritise the availability of family-based care for children who lost their parents and primary caregivers.
- **Support to at-risk families** should be prioritised through access to additional funds for livelihoods support, parenting support, and access to helplines and hotlines.

## Our recommendations for the future

### 1. Prevent unnecessary separation

#### 1.1 Greater investment in families and communities

Governments must invest in and improve access to social protection schemes, community support for vulnerable families, and parenting programs for families and communities to mitigate the social, health and economic impacts of the pandemic, strengthen families and prevent institutionalisation. This would also build community resilience against future emergencies.

#### 1.2 Community support for children and caregivers with disabilities

Throughout Asia, children are separated from their family members due to a lack of community-based services coupled with the stigma and discrimination that disability still carries in many communities. Governments and civil society must work together to improve: early detection; access to community-based rehabilitation; family support; and campaigns to

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<sup>16</sup> Bhushal, K.P. (2020). Public notice to close child care homes, Nepal. Retrieved from <http://www.ncrc.gov.np/notice/public-notice-to-child-care-homes>

<sup>17</sup> Rapid reintegration and closures of children's homes due to COVID-19 in Nepal (Hope and Homes for Children, 2021) <https://www.hopeandhomes.org/rapid-reintegration/>

<sup>18</sup> Times of India (5 May 2021): *Social media posts calling for adoption of COVID orphans trigger alarm* <https://timesofindia.indiatimes.com/life-style/spotlight/social-media-posts-calling-for-adoption-of-covid-orphans-trigger-alarm/articleshow/82390768.cms>

shift social norms that enable care for children with disabilities in their families and communities.

### **1.3 Support for children and families during COVID-19**

Given the numbers of children that have lost caregivers during COVID-19, community health workers and the social welfare workforce must work with caregivers to identify who would care for their child if the primary caregiver became ill. Hospital staff must ask patients about who cares for a child. If a child needs to be temporarily separated from his/her caregivers, all efforts must be made to reunite the child as quickly as possible afterwards and have the child cared for by extended family members in the meantime with necessary financial, emotional and practical support provided.

## **2. Prioritise a strong social welfare workforce**

### **2.1 Recognise the importance of workforce**

Support the implementation of the ASEAN Declaration on Social Work<sup>19</sup> through investing in a well-resourced, trained and accredited social welfare workforce that can provide case management to at-risk children and families and connect them with the services and support they need. This includes areas where cross-border migration takes place.

### **2.2 Essential service**

In response to infectious disease outbreaks or other humanitarian disasters, the social welfare workforce must be considered as essential staff and provided with the appropriate equipment and training to conduct their work safely.

### **2.3 Supporting safe reintegration**

To support family reintegration case workers should be involved in decision-making at key times including: family assessment to take back the child; level of follow-up monitoring and support required; risk of the COVID-19 infection to child and caregiver; additional challenges faced as a result of COVID-19 including increased domestic and family violence; and, the risks of reintegration compared to risks of the continued separation of children. When reintegration is deemed to be in the best interests of the child, families should be prepared and provided with ongoing necessary financial, emotional and practical support and monitoring in person if possible and remotely if necessary. In addition Governments across Asia must coordinate to support safe cross-border reunification and reintegration where needed.

### **2.4 Trained to prioritise child and youth participation**

The social welfare workforce should prioritise the engagement of children and young people in decision-making about care placements and all aspects of the case management process. Children and young people should be involved in all decisions that affect their lives.

## **3. Support unaccompanied and separated children**

### **3.1 Global Compact for Migration**

Governments across Asia should prioritise the implementation of the Global Compact for Migration.

### **3.2 Access to services**

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<sup>19</sup> [https://asean.org/storage/2012/05/14-Ha-Noi-Declaration-on-Stengthenin-Social-Work\\_FINAL.pdf](https://asean.org/storage/2012/05/14-Ha-Noi-Declaration-on-Stengthenin-Social-Work_FINAL.pdf)

Asian countries hosted over 11 million migrating children in 2019.<sup>20</sup> Governments must work towards including migrant children and their families in social safety nets and removing barriers to accessing services specifically related to health care, education, child protection, and mental health and psychological support.

### **3.3 End the practice of detention of child migrants**

Governments must end the harmful practice of child and family detention. Appropriate reception and care solutions which protect family unity and provide family-based care for unaccompanied children should be developed as a priority.

## **4. Improve quality family-based alternative care options**

### **4.1 Prioritise family-based alternative care options**

Governments must prioritise family-based alternative care options before any residential care options are considered. Kinship care to be considered as the first option before any form of stranger care.

### **4.2 Support informal kinship carers**

Governments must ensure that informal kinship carers can access services and support locally. Community workers should be trained on how to support kinship carers and identify and refer any child protection concerns to the formal child protection system.

### **4.3 Support and training for foster carers**

Governments must support recruitment, training and support of foster carers across the region, including how best to support children with disabilities.

## **5. Transform child welfare systems**

### **5.1 Legislation**

Governments must prioritise family-based care. While many countries across Asia now have minimum standards for residential care, many still do not yet explicitly prioritise family-based care. Countries in Asia must have policies on alternative care. legislation and policies should be drafted and reviewed regularly by key stakeholders including children and young people themselves.

### **5.2 Redirecting funding**

It is imperative to better understand where funding is coming from to successfully target donors (government, faith-based organisations, volunteers) to redirect their funding towards initiatives that strengthen families and communities.

### **5.3 Moratorium on the creation of new child care institutions**

Governments must place a moratorium on the creation of new child care institutions.

### **5.4 Address orphanage trafficking**

The DGD should recognise and suggest measures to address the links between trafficking, volunteering, tourism and orphanages operated as businesses.<sup>21 22</sup>

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<sup>20</sup> Protecting Children on the Move, Asia. <https://resourcecentre.savethechildren.net/library/protecting-children-move-asia-child-rights-and-implementation-global-compact-migration?embed=1>

<sup>21</sup> CNN-News 18, *Covid-19 Pandemic Has Created a Second Crisis in India — the Rise of Child Trafficking*, 25 October 2020 <https://www.news18.com/news/india/covid-19-pandemic-has-created-a-second-crisis-in-india-the-rise-of-child-trafficking-3004136.html>

<sup>22</sup> India Today, 3 August 2020, *How coronavirus is triggering cases of child trafficking* <https://www.indiatoday.in/india/story/coronavirus-triggering-cases-child-trafficking-1707156-2020-08-03>

## 5.5 Support transition from care

Governments must support care leavers in their pathways to independence and include them in all policy and decision-making processes. Safe peer-led networks and platforms should be supported and resourced by governments.

## 6. Prioritise mental health and psychosocial support

### 6.1 Prioritise mental health services

Mental health and psychosocial support must be prioritised for workers, carers and children and young people, including culturally specific support for how to deal with grief and bereavement. Children and young people have been particularly hard hit by the pandemic and associated measures. This is particularly acute given pre-existing trauma and other related wellbeing issues. Sessions on self-care must be given to caregivers as they have to be at the frontline providing 24/7 services to children in difficult times.<sup>23</sup>

## 7. Improve data collection and monitoring

### 7.1 Stronger regulation and monitoring mechanisms

Stronger monitoring and regulating of institutions is needed to ensure children are not unnecessarily placed into or kept in institutions, and those currently institutionalised are supported to transition safely back into families with tailored reintegration plans including follow up.

### 7.2 Supporting cross-border coordination

Governments must coordinate their information systems and coordination mechanisms to support cross-border case management and family tracing and reunification.

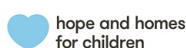
### 7.3 Maintaining real time data

Each country in Asia must maintain real time data of children returned to family, or leaving residential care or any alternative care system. Governments need to know numbers of care leavers in the districts/provinces in order to develop adequate budgets for service provision.

### 7.4 BICON and the DGD

Coming just three months after the DGD, BICON offers an important milestone for the global community to come together and reflect on the outcomes of the DGD and ensure that any progress made is consolidated and sustained at the Asian level.

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<sup>23</sup> Philippines - RAPHA a social worker organised helpline established by CPTCSA in 2020 to support families on crisis care. Issues raised during the pandemic included mental health issues, conflict resolution and parenting tips. <https://cptcsaph.org/programs/prevention-communities/>