

## **Child Rights Country Situation Analysis on the Out-of-Home Care Standards (Regulation and Practices) - for advocacy purposes -**

### **Context:**

Advocacy for better chances for children in out-of-home care means taking concrete action to change policies and practices which undermine the well-being and rights of the child. It means sensitizing and influencing those who are sharing the responsibility of ensuring children's rights: policy-makers, institutions, communities and parents. This action has to be sensitive to local, social, cultural and religious contexts.

Planning advocacy activities in the general framework of implementing the Q4C standards needs to be particularised to the concrete context of each country. The process must be based on appropriate country situation analysis. A thorough rights-based environmental and stakeholder analysis aims to identify the needs and to develop the basis for targeted national advocacy activities. These activities (using as a tool the Q4C standards) aim at improving the development chances of children and youth in out-of-home care through adequate implementation and monitoring of child care standards.

### **Aims:**

- Get a status-quo picture of the out-of-home care system with a focus on the dysfunctionalities in the system (e.g. missing regulations, lack of resource, limited knowledge or access, lack of co-operation or political will, deficiencies and failures of structures, mechanisms, services or bodies, predominant values, beliefs, attitudes or practises, power relations in the country)
- Develop targeted advocacy activities to tackle the respective dysfunctionalities identified

### **Who should be responsible?**

Based on input and guidance from the Q4C team (process, questions, overall aim), the analysis should be carried by the respective structures of the three organisations and their partners in the countries (Q4C national coordinator, national offices of IFCO, FICE, SOS) with involvement and use of synergies with like-minded partners and processes (e.g. child care networks, de-institutionalisation working groups etc...)

### **Proposed structure of the country situation analysis**

#### **Title page**

Name of the country, title, date, name of the authors

#### **Summary of main trends and findings**

Executive summary (3-4 pages)

#### **1. Introduction**

1.1. Description of the analysis team

1.2. Short description of the overall analysis process and methodologies applied

#### **2. General overall situation – basic country information**

- 2.1. Relevant social, cultural, economic and political
- 2.2. Key legislation related to child protection and care system
- 2.3. Short description of the de-institutionalisation processes (if existing)

### **3. Profile of children in out of-home-care system**

- 3.1. Which children are without parental care? (Profile and numbers of children segregated by age, gender, disability, HIV/AIDS status, ethnicity and geographical area)
- 3.2. Why are the children without adequate parental care?

### **4. Overview of child rights violations in out-home-care system**

- 4.1. What are the main violations of the children rights for children in out-of-home care (to be looked up in the national literature on the children's rights issues, GOs reports to UN Committee on CRC, alternative reports of NGOs, Recommendations of the UN Committee on CRC, UNICEF documents, reports produced by other NGOs, etc)
- 4.2. What are the immediate and root causes and consequences of the child rights violations?
- 4.3. Particular attention will be paid to the following articles in UNCRC:
  - Non-discrimination (Art. 2)
  - Parental guidance and the child's evolving capacities (Art. 5)
  - Survival and development (Art. 6)
  - Separation from parents (Art. 9)
  - Protection of a child without a family (Art. 20)
  - Adequate standard of living for healthy development (Art. 27)
  - Protection from all forms of violence, torture or degrading treatment (Art. 19 & 37)
  - Education on the basis of equality of opportunity (Art. 23, 28, 29)
  - Participation and social inclusion (Art. 12, 18, 23)
  - Civil rights – name, nationality and identity (Art. 7, 8)
- 4.4. What are children's views and experiences in relation to their situation, rights violations and solutions?

### **5. Standards for quality in the out-of-home care system in the country:**

- 5.1. Which sets of out-of-home care standards exist in the country? Who developed and promoted them?
- 5.2. What laws and policies guide the development, setting and monitoring of child care standards in the country and what do they say?
- 5.3. Who are the duty bearers in terms of respective political decision-making, enforcement implementation and monitoring of standards?
- 5.4. In case standards are not implemented and monitored, what capacity gaps between policy and practise exist on various levels hindering these duty bearers to perform their responsibilities, and for what reasons?
- 5.5. Are standards included in the training materials of the care givers?
- 5.6. Are there any particular initiatives to promote quality standards in out-of-home care?
- 5.7. Are there any other NGOs involved in promoting quality standards in out-of-home care?
- 5.8. Are children and care givers aware of existing quality standards in out-of-home care?

5.9. How do they overlap and interlink with the Quality4Children Standards? Do the Q4C standards bring new issues of importance?

## **6. Responsibilities of the duty bearers and their main strategies**

- 6.1. Who is responsible for ensuring the existence of standards for out-of-home care?
- 6.2. What constraints and obstacles are these duty bearers facing?
- 6.3. Is there any cooperation between GOs and NGOs/networks of NGOs in establishing, monitoring and implementing quality standards for Out-of-home care?

## **7. Concluding comments / recommendations**

- 7.1. What are the main steps one should follow in implementing quality standards for out-of-home care?
- 7.2. What are the strengths and weaknesses of the Q4C partners in supporting this implementation process?
- 7.3. Which are the main advocacy actions which should be developed? (Brief description including objectives, messages, partners, key activities)

**Note:** Child participation is a must for the child rights situation analysis. Children are capable of forming their own views and have a right to express these views freely in matters affecting their lives in accordance with their age and maturity. A child's view is an extremely important source of information about his/her hopes, anxieties, fears, attachments and commitments. Since this analysis is about matters that directly affect children's lives, their participation should be integral to the national child rights situation analysis.

### **Possible sources of information for analysis**

External documents can be scanned for information with regards to the children and youth in out-of-home care system. It is important that the data is being analysed and not just compiled.

Government: Legal and policy documents concerning children deprived of parental care and/or at risk of losing parental care, National Plan of Action for Children, any National Planning Document for Children, Annual Budget and Budget Projections, Periodical State Party Reports on UN CRC, Report to UNGASS, Documents reflecting change in children's issues, e.g. Constitutional Amendments;

Donor/Govt: Joint donor/government policy like Poverty Reduction Strategy Papers, UNICEF, UNAIDS, UNDP (especially refer to Human Development Index & Millennium development Goal reports), UNESCO, World Bank, etc.

Open Sources: CIA Fact book, Country reports from The Economist ([www.economist.com/countries](http://www.economist.com/countries))

NGO: Alternative reports on the UN CRC, Human Rights Watch, Amnesty International, Save the Children, other (I)NGOs - scan to ascertain the degree to which they reflect or consider children's rights.

Children: Information coming directly from children and young people in out-of-home care themselves about the violation or realisation of their rights.

### Some useful internet links:

- A useful portal for all kinds of information relevant to country situation analysis is [www.humanrightstools.org/countryanalysis.htm](http://www.humanrightstools.org/countryanalysis.htm)
- Relevant information concerning children without parental care can be found on the Global Better Care Network: [www.bettercarenetwork.org](http://www.bettercarenetwork.org)
- Relevant child rights information organised by topics and countries: Child Rights Information Network (CRIN): [www.crin.org](http://www.crin.org)
- For Periodical State Party Reports on UNCRC: [www.ohchr.org/english/bodies/crc/index.htm](http://www.ohchr.org/english/bodies/crc/index.htm)
- For the Alternative (Shadow) Reports to the Periodical State Party Reports on UNCRC: [www.crin.org/docs/resources/treaties/crc.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/crc.25/annex-vi-crin.asp)
- For representative data on population, health, HIV/AIDS, nutrition, etc.: Demographic and Health Surveys: [www.measuredhs.com/](http://www.measuredhs.com/)
- UNICEF Monitoring the Situation of Children and Women: [www.childinfo.org/](http://www.childinfo.org/)
- IMF/World Bank Poverty Reduction Strategy Papers by Country [www.imf.org/external/np/prsp/prsp.asp](http://www.imf.org/external/np/prsp/prsp.asp)
- UN Study on Violence governmental questionnaire responses 2005/2006 [www.ohchr.org/english/bodies/crc/study.htm](http://www.ohchr.org/english/bodies/crc/study.htm)
- Country reports / national progress reviews to the UN Special Session on Children 2002 [www.unicef.org/specialsession/how\\_country/index.html](http://www.unicef.org/specialsession/how_country/index.html)
- Children and residential care Conference country reports 2003 (University of Stockholm, ICSW, UNICEF): [www.children-strategies.org/country\\_reports.htm](http://www.children-strategies.org/country_reports.htm)
- Key economic, social and human development indicators from each country: CIA World Fact book, UNDP Human development reports: [www.cia.gov/library/publications/the-world-factbook/](http://www.cia.gov/library/publications/the-world-factbook/), <http://hdr.undp.org/>
- Reports on progress towards the MDG: [www.undp.org/mdg/undp-mdg-world.shtml](http://www.undp.org/mdg/undp-mdg-world.shtml)

### Further recommended literature on advocacy

- A new Weave of Power, People and Politics. The Action Guide for Advocacy and Citizen Participation

[http://intra.sos-kd.org/kdi/strategies/ipp/resources/Human\\_Rights\\_Advocacy\\_Guide/](http://intra.sos-kd.org/kdi/strategies/ipp/resources/Human_Rights_Advocacy_Guide/)

- Regional Capacity Building Workshop on Advocacy for Realising Children's Rights

[http://intra.sos-kd.org/kdi/strategies/ipp/resources/resources\\_advocacy/Regional-Capacity-Workshop-on-Advocacy.pdf](http://intra.sos-kd.org/kdi/strategies/ipp/resources/resources_advocacy/Regional-Capacity-Workshop-on-Advocacy.pdf)

- Advocacy Toolkit - A collection of tools to help plan, implement monitor and evaluate advocacy

[http://intra.sos-kd.org/kdi/strategies/ipp/resources/resources\\_advocacy/Advocacy-Toolkit.pdf](http://intra.sos-kd.org/kdi/strategies/ipp/resources/resources_advocacy/Advocacy-Toolkit.pdf)