

UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD

DAY OF GENERAL DISCUSSION ON  
CHILDREN WITHOUT PARENTAL CARE

**Introductory statement**

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Good Day. I've had the privilege to spend 12 years in care: residential care, foster care, and kinship care. In the past 9 years I've helped set up the Irish Association of young people in care and assisted other young people to set up youth in care networks through advice and information. In 2001 I was voted in as a director of an international Non Governmental Organisation, the International Foster Care Organisation. They consider young people from care to be equal members of their organisation and they are fully involved with the everyday running of the organisation. During my IFCO years I have met about 500 young people from care from all over the world, who have been lucky enough to be sent to conferences. I worry that these young people are not representative of the current demographics of the millions of children in the care system. I hope that I can express the emotion and vigour that all those children have about their passion to help change the care system for all those who are coming into care after them.

Today I wondered was I doing enough to make a difference in the lives of young people in care around the world. So I hope you will indulge me for a few minutes while I help you understand what young people want to change about the care system.

When you were leaving home to come here, remember what the last request of your child was. Was it something like...? "Daddy, can you bring me some Swiss chocolate?" What if you went home and had forgotten to buy the chocolate? You would have one angry child. Why is it so different for children in care? They have asked, but you haven't responded; they have pleaded, but you haven't listened. Despite Article 12 of the Convention on the Rights of the Child, Their voice is rarely heard.

State Parties fail children without parental care by the inappropriate application of outdated laws for children without parental care. The media fails them everyday by stereo casting children without parental care as 'delinquent' and saying 'it's their fault they're in care'. Society fails these children each day because of their minority status, and with this attitude it never seeks the true implementation of legislation to protect its most vulnerable children, nor does it seek international pressure to help them. There is too much of a current reliance on 'self-selection and goodwill' of NGO's to implement national and international legislation, to protect children without parental care.

In recent years, children in care have increasingly been asked to help prepare reports, assist in research, contribute to submissions by NGO's and States Parties, without any notable improvement in the standards of care provided and in several cases the standards have been lowered to make way for even more protection of the administrators of the 'care service'

Let me start you on your care journey. You are 10 years old living in a nice urban setting, with two parents, a brother, a sister and a dog called Lara. Your parents are physically abusing you and their marriage isn't too good. One day your teacher notices a bruise on your arm that looks sore and rings your parents. The story you told your teacher doesn't match the story your parents say, the teacher rings the social services and you are placed in emergency residential centre. It is nearly three weeks before you see your mother and then she tells you that you are going into care. Then some stranger picks you up and you go half way across the city to another old building. You're worried and scared; you have no idea why you are there, or even where you are.

Children without parental care need international standards from the only agency that can make standards bite, the United Nations, because children in care are not given a choice. This child has not been given any information on why he has gone into care. This child has not been given any choice as to whether he would prefer to live with a family, such as foster care, his own extended family - his uncle or grandmother - another family in his own community, or other care options available in his area. Research by Create (national youth in care network) in Australia and I.A.Y.P.I.C. in Ireland, shows that over half of children in care were "ignorant of the reasons they were in care, and knew little if anything about the decision making process that put them in care"

Let's go back to you as a child in care. You are in care for some months now and you begin to accept that you will not see your parents more than once a month because they live over 40 kilometres away from you. Where are your brother and sister? Will you ever see your friends from the street you lived on again? You will never go to the same school again. Your new school is in a different area, and the children soon know that you live in the children's home. The food is quite different to the food your family ate and you are only allowed watch certain television programmes. There are over 120 children living in the same home and it's very difficult to find someone to help you with your home work. You

notice that most of the children there are not the same as you, they are a different colour skin to you, and a lot of them are disabled kids. You don't really understand this either.

Children without parental care need international standards from the only agency that can make standards bite, the United Nations, because Children in care should never have to live in institutional care. Family based care should be the only option for babies and young children without parental care. Residential care which has only about 5 or 6 children and 4 trained staff members is a great alternative to institutional care. This is a great place to call home. Foster care too, takes many forms and is not the answer for all children. Some foster care is short-term with the objective of reuniting children with their own families, and some is quasi-adoptive. Kafala and in-country adoption are important alternatives for children with long-term care needs. However, "permanency" policies should not ignore the views of young people, some of whom do not wish to be adopted. Children from ethnic minorities are over represented in institutions; the same too for children with disabilities, States Parties need to provide more services to the families of these children to prevent separation.

Let's go back to you as a child from care. Some years have passed and you are now 13 years old. Your family situation is becoming more desperate and you feel no one is listening to you. A social worker comes one day and tells you that you are to live with a foster family. The details are quite unclear and you really don't understand what is happening. You leave the institution and go to this new family. You don't know these people either, but they seem nice, and want to help you. After three months you really aren't getting along with this foster family and are returned to the institution.

Children without parental care need international standards from the only agency that can make standards bite, The United Nations, because children in care need to have their voices heard in the decision making process. They need to feel loved and wanted. There is no permanency planning for this child. An effective use of a care plan would:

- Identify future needs of the child & provide for permanency planning
- Include, if possible, the current efforts to return the child to their natural family.
- Offer options for each child: adoption, alternate care placements, education, and religious choices.
- Offer support for parents in trouble.

So let's get back to you as a child from care. You're happy enough to live in this institution; it's easier than living in a family for you but not as nice as living with your parents. As the years go by nobody listens to you when you ask for help for your parents to make them better, so that you could go back and live with them. You often remember your brother and sister and wonder what ever happened to them, what type of care are they in? Did they find a nice foster family, were they split up too? You miss your dog Lara. You often request to keep a pet but are turned down because it breaks the local health and hygiene laws for public places. You are not allowed out after 7 pm, even though your friends are.

Children without parental care need international standards from the only agency that can make standards bite, The United Nations, because for children in care, the separation of siblings should never happen. Listening to the child could have resulted in his positive re-placement with his natural family. Dogmatic national laws should make way for cultural and social aspects including religion, and even pets. The current "over-protection" in residential centres leads to deprivation to the right to freedom.

Let's go back to you as the child from care, one last time. You're no longer a child, you are eighteen years old. You've done well at school, because of your own ability and have some interesting friends and a part time job. All you want to do is go to college and learn carpentry. The institution says you must leave now that you are eighteen. So you leave and find your own small apartment. After one week you realise you have no idea how to wash your clothes. It's late on Sunday evening and you think about ringing someone to talk to, but who do you ring? You have no real friends in the institution, you can't talk to the staff, they're all too busy. You don't have your parents phone numbers because the institution staff always dialled the number for you. You feel free of the institution but... Feel lost.

Children without parental care need international standards from the only agency that can make standards bite, the United Nations, because for children in care, leaving care is not like leaving home. Leaving care is like being pushed off a cliff, with only the cold embrace of the big bad world to

hold you in the evenings. Aftercare needs to provide a link to resources, training, and support for those young people beginning adult independent living. There is a tendency to have a low expectation of children in care by residential staff and teachers, which leads to poor results and is a further handicap for life.

Most countries have laws for children in care, guidelines, best practice guides etc. Only with the best standards can the most vulnerable children in society be properly protected by States Parties. *“If you are doing market research on a product you need to talk to the consumer not the producer!” Children in care are the consumers of your products.* Only through meaningful dialogue with the consumers of the current care system (the children), their care givers, natural parents and family, can the best standards be developed and thus implemented around the world. And the only agency that can make best standards ‘bite’ is the United Nations General Assembly.

I ask the UN General Assembly, on behalf of all the children in care without a voice; to adopt internationally recognized “best standards for children in without parental care”.

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