

A CALL TO ACTION TO LEAVE NO CHILD BEHIND

An open letter in support of a 2019 Rights of the Child resolution on children without parental care

We, the signatories of this open letter, call on Member States of the UN General Assembly to focus on the rights of children deprived of parental care, or who are at risk of being so, as the theme of the 2019 UNGA Third Committee resolution on the Rights of the Child.

Situation analysis

Millions of children deprived of parental care, or who are at risk of being so, are among the world's most vulnerable and "left-behind" groups of children. According to UNICEF, there are approximately 140 million children classified as orphans, 15.1 million of which have lost both parents. Another source estimates that 1 in 10 children are growing up without appropriate parental care. This figure includes those children who have lost, or are at risk of losing parental care, and live in extremely vulnerable circumstances where they are lacking adequate care and protection.

A wide range of complex factors trigger the sometimes preventable loss of parental care by a child, for instance, parental incapacity due to physical or mental illness, discrimination, substance abuse, poverty or parental death to mention a few. Where possible, efforts should primarily be directed to prevent the need for separation in the first place. Where this is not possible, i.e. not in the best interest of the child, article 20 of the UN Convention of the Rights of the Child (CRC) specifies that States should ensure alternative care to a child *"temporarily or permanently deprived of his or her family environment."*

Alternative care is any arrangement, formal or informal, temporary or permanent, for a child who is living away from his/her parents e.g. in kinship care, foster care, residential care etc. Without access to quality and appropriate alternative care, children deprived of parental care often face a downward spiral of economic, social and structural exclusion, and marginalization with long-term consequences for them and their communities. Children in institutions or on the street, separated from their parents due to poverty, conflict or disability have largely fallen off the statistical map and global development agenda. It is both important and urgent that concerted action is taken to address their often overlooked situation.

Since the CRC was adopted by the UN General Assembly (GA) on 20 November 1989, **no Rights of the Child resolution has specifically addressed the rights of children without parental care.** Therefore, there is a critical gap in addressing this issue in a comprehensive manner incorporating updated information. **2019 constitutes a particularly appropriate opportunity for the UN to address the issue of children without parental care, as it marks the 10th Anniversary of the [Guidelines for the Alternative Care for Children \(A/RES/64/142\)](#).** The Guidelines were welcomed by the GA in 2009 - making 2019 a key moment to take stock of progress, understand the challenges to implementation, and advance the rights of this often invisible group of children.

Rationale for resolution

A 2019 resolution on the rights of children without parental care is needed for the following reasons in particular:

1. Addressing the issue of children without parental care and those at risk of losing it, is necessary in order to achieve the Sustainable Development Goals (SDGs);
2. Children are separated and grow up without parental care in every country, making this a universal issue. However, approaches to protect them vary greatly, as does the quality of care they receive, making it

important to promote universal adherence to the policy orientations set out in the UN Guidelines for the Alternative Care of Children;

3. The costs and negative impact for children, families and societies are enormous if children enter alternative care unnecessarily, and are even greater if placed in care settings of poor quality, with evidence demonstrating long lasting repercussions for all;
4. There is an urgent need to address the lack of comprehensive, accurate and official data on children without parental care, or they will remain in the blind spot of policy and social programs;
5. Children without the primary protection of their parents are especially vulnerable to human rights violations and in higher need of protection by the State, both generally and in its capacity as their legal guardian. Research (UNICEF, 2014) has shown that children who are not living in parental care are more likely to have worse social and health outcomes;
6. The loss of parental care is often as a result of overlapping vulnerabilities, and a UN resolution can present solutions to this in an integrated, consistent and coherent way;
7. There is a need to take stock of the progress made by many State Parties to strengthen and reform their alternative care system and address the drivers of separation. As the Committee on the Rights of the Child (and other UN treaty bodies) systematically makes recommendations to States parties to implement the Guidelines, a UN resolution showcasing the positive progress, and going into more detail on how their implementation can be better achieved would help States parties comply with their obligations under the CRC and other treaty bodies;
8. Due to multiple world crises and emergency situations, including those that result in cross-border movement, the numbers of children without parental care are increasing in many countries, and this issue requires special attention. The situation of unaccompanied and separated minors can be addressed therein.

Recommendations

The Guidelines for the Alternative Care of Children provide authoritative guidance on the implementation of the provisions of the CRC for this particularly vulnerable group. A resolution by the General Assembly, on the 10th anniversary of the Guidelines, will ensure renewed commitment to taking forward the policy orientations they contain.

We recommend that this resolution stresses States' obligations to regulate and monitor the quality and appropriateness of alternative care systems with a child's best interests at the center, and encourage State Parties to recommit to providing and investing in a range of alternative care options that can suit the interest of each child.

We recommend an emphasis on the importance of systems that prevent unnecessary separation of children from their parents, and support capacity building and reunification.

We recommend a focus on strengthening data systems, gatekeeping, child safeguarding, improving the national care situation including by developing comprehensive national legislation and programs, and on properly preparing children for leaving care so they can be self-reliant after-care.

We, the signatories, remain committed to working with Member States to ensure this resolution becomes a reality, and that children without parental care are not left behind again.

Thank you for your kind consideration.

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